

Review Requirements Checklist Workers' Compensation, Line 16

Insurer's Name(s): _____

NAIC #(s): _____

REVIEW REQUIREMENTS	REFERENCE (See www.azleg.gov for copy of applicable statute.)	COMMENTS	REFERENCE Form/Page/Para*
I. FORMS			
Applications			
Referenced In the Policy	A.R.S. §§ 20-357(E); 20-1102		
Statements As Representations, Not Warranties	A.R.S. § 20-1109		
Fraud Must Be Material	A.R.S. § 20-463(A)	Statements in the application that would preclude recovery for fraudulent activity must restrict nonrecovery for fraud based on material facts.	
Blank Forms			
Blank Forms	Unpublished Requirement	The ADOI will not approve blank forms. The forms should be completed in "John Doe" fashion to illustrate the type of language that will be placed on the form.	
Cancellation & Nonrenewal			
Premium Return	A.R.S. § 20-1113(C)		
Cancellation	A.R.S. § 23-961(E)		
Nonrenewal or Cancellation Notice	A.R.S. § 23-961(F)		
Filing Standards			
File and Use	A.R.S. §§ 20-357(C) and (E).		
General Provisions			
Charter; Bylaws	A.R.S. § 20-1114		
Contents Of The Policy (Names)	A.R.S. § 20-1113(B)(1)		
Contents Of The Policy (Insurer)	A.R.S. § 20-1113(B)(2)		
Contents Of The Policy (Subject)	A.R.S. § 20-1113(B)(3)		
Contents Of The Policy (Risks)	A.R.S. § 20-1113(B)(4)		
Contents Of The Policy (Time)	A.R.S. § 20-1113(B)(5)		
Contents Of The Policy (Premium)	A.R.S. § 20-1113(B)(6)		
Contents Of The Policy (Conditions)	A.R.S. § 20-1113(B)(7)		
Assignment	A.R.S. § 20-1122	A policy may be assignable or not assignable, as provided by its terms. Personal injury rights are not assignable. <i>Allstate Ins. Co. v. Druke</i> , 118 Ariz. 301, 576 P2d 489.	
Execution	A.R.S. § 20-1116		
Required Provisions	A.R.S. § 23-963		

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Illegal Provisions			
Annulment	A.R.S. § 20-1123		
Group Policy	No enabling law for property and casualty group insurance as exists for other types of insurance in Title 20. Unpublished Requirement.	There is no provision under Arizona insurance law to issue a group property and casualty policy.	
Non-Licensed Entities	287(A)		
Titles Or Headings	A.R.S. § 20-1111(A)(3)		
Void Policy Restrictions	A.R.S. § 20-1115		
Invalidation Of The Policy	A.R.S. § 20-229(C)		
Standards (Forms)			
Cannot Be Ambiguous, Misleading Or Deceptive	A.R.S. §§ 20-357(C) and (E); 20-107(A), and 20-1111(A)(2)	The Department may rely on current Arizona case law when determining whether a clause is ambiguous, misleading or deceptive.	
Deductible Provision			
Deductible Endorsement	A.R.S. §§ 20-357(C) and (E); 23-963.01	If an insurer elects to offer deductible coverage to an employer, the insurer must attach a benefits deductible endorsement to the policy. The deductible endorsement must be filed with the Department to the same extent as any other form.	
Transmittal Form			
Filing Transmittal Form	Unpublished Requirement	Paper filings must include a completed Property & Casualty Transmittal Document. The form may be found at the Department's website: http://www.azinsurance.gov . As different laws apply, forms and rates must be filed separately.	
II. RATES			
Filing Requirements			
File and Use	A.R.S. § 20-357		
Rating Organization Membership Required; Rating Organization Makes State-Wide Rate Filings	A.R.S. §§ 20-363(D), 20-344, 20-371	Every insurer writing workers' compensation insurance in Arizona, including the Arizona State Compensation Fund, shall be a member of one workers' compensation rating organization. Annually, the rating organization files the basic state-wide rates to be used by all insurers with the Director. Unless disapproved by the Director, the rates become effective October 1. All insurers must adhere to the rating organization's rates, except that they may file a deviation in accordance with A.R.S. § 20-359.	
Deviations From Base State-Wide Rates	A.R.S. § 20-359		
Deductible Plans	A.R.S. § 23-963.01	A premium reductions for deductibles shall be determined before application of any experience modification, premium surcharge or premium discount. Therefore, manual premiums must be used within a deductible rating formula. Any applicable experience modification, schedule rating modification, premium discount and expense constant is applied after the deductible premium is determined.	
Supporting Data	A.R.S. § 20-357(A)		
Setting Rates			
Rating standards	A.R.S. § 20-356		
Consideration	A.R.S. § 20-356(2)		

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Rating Plan Requirements			
Uniform Plans	A.R.S. § 20-344		
Dividend Plans	A.R.S. § 20-356(5)	Dividend plans are not considered rating plans and, therefore, do not have to be filed. However, in the payment of such dividends there shall be no unfair discrimination between policyholders.	
Classification	A.R.S. § 20-356(4)		
Consent To Rate Filings			
Consent To Rate Filings	A.R.S. § 20-357(D)		

CERTIFICATION

I, _____ hereby certify that to the best of my knowledge and belief that each form or rate filing involved in this filing: 1) Conforms to all applicable Arizona Revised Statutes, Arizona Administrative Rules and Regulations, and case law and to the orders and circular letters of the Director; 2) Contains no provision(s) previously disapproved or required to be corrected and/or revised by the Arizona Department of Insurance; and 3) Does not exceed this insurer's powers, the authority granted by its state of domicile, and its Arizona certificate of authority.

Signature of Officer: _____

Date: _____