

## Review Requirements Checklist Workers' Compensation, Line 16

Insurer's Name(s): \_\_\_\_\_

NAIC #(s): \_\_\_\_\_

REVIEW REQUIREMENTS	REFERENCE (See <a href="http://www.azleg.gov">www.azleg.gov</a> for applicable statute.)	COMMENTS	REFERENCE Form/Page/Para*
<b>I. FORMS</b>			
<b>Applications</b>			
Referenced In the Policy	ARS §§ 20-357(E); 20-1102		
Statements As Representations, Not Warranties	ARS § 20-1109		
Fraud Must Be Material	ARS § 20-463(A)	Statements in the application that would preclude recovery for fraudulent activity must restrict nonrecovery for fraud based on material facts.	
<b>Blank Forms</b>			
Blank Forms	Unpublished Requirement	The ADOI will not approve blank forms.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.	
<b>Cancellation &amp; Nonrenewal</b>			
Premium Return	ARS § 20-1113(C)		
Cancellation	ARS § 23-961(H)		
Nonrenewal or Cancellation Notice	ARS § 23-961(I)		
<b>Filing Standards</b>			
File and Use	ARS §§ 20-357(C) and (E).		
<b>General Provisions</b>			
Charter; Bylaws	ARS § 20-1114		
Contents Of The Policy (Names)	ARS § 20-1113(B)(1)		
Contents Of The Policy (Insurer)	ARS § 20-1113(B)(2)		
Contents Of The Policy (Subject)	ARS § 20-1113(B)(3)		
Contents Of The Policy (Risks)	ARS § 20-1113(B)(4)		
Contents Of The Policy (Time)	ARS § 20-1113(B)(5)		
Contents Of The Policy (Premium)	ARS § 20-1113(B)(6)		
Contents Of The Policy (Conditions)	ARS § 20-1113(B)(7)		
Assignment	ARS § 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	ARS § 20-1116		
Required Provisions	ARS § 23-963		

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<b>Illegal Provisions</b>			
Annulment	ARS § 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 Unpublished Requirement.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	ARS §§ 20-1111(A)(1), 20-287(A)		
Titles Or Headings	ARS § 20-1111(A)(3)		
Void Policy Restrictions	ARS § 20-1115		
Invalidation Of The Policy	ARS § 20-229(C)		
<b>Standards (Forms)</b>			
Cannot Be Ambiguous, Misleading, Or Deceptive	ARS §§ 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.	
<b>Deductible Provision</b>			
Deductible Endorsement	ARS §§ 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 endorsement shall specify whether loss adjustment expenses are to be treated as advancements within the deductible to be reimbured by the employer. The deductible endorsement must be filed with the Department to the same extent as any other form.	
<b>Transmittal Form</b>			
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: <a href="http://www.azinsuranc.gov">http://www.azinsuranc.gov</a> . As different laws apply, forms and rates must be filed separately.	
<b>II. RATES</b>			
<b>Filing Requirements</b>			
File and Use	ARS § 20-357		
Rating Organization Membership Required; Rating Organization Makes State-Wide Rate Filings	ARS §§ 20-363(D), 20-344, 20-371	Every insurer writing workers' compensation insurance in Arizona 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 January 1. All insurers must adhere to the rating organization's rates, except that they may file a deviation in accordance with ARS § 20-359.	
Deviations From Base State-Wide Rates	ARS § 20-359		
Deductible Plans	ARS § 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	ARS § 20-357(A)		
<b>Setting Rates</b>			
Rating standards	ARS § 20-356		
Consideration	ARS § 20-356(2)		

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<b>Rating Plan Requirements</b>			
Uniform Plans	ARS § 20-344		
Dividend Plans	ARS § 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	ARS § 20-356(4)		
<b>Consent To Rate Filings</b>			
Consent To Rate Filings	ARS § 20-357(D)		
<p align="center"><b>CERTIFICATION</b></p> <p>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.</p> <p>Signature of Officer: _____</p> <p>Date: _____</p>			