



COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation
DIVISION OF INSURANCE

One South Station • Boston, MA 02110-2208
(617) 521-7794 • FAX (617) 521-7475
TTY/TDD (617) 521-7490
<http://www.mass.gov/doi>

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

BETH LINDSTROM
DIRECTOR, CONSUMER AFFAIRS
AND BUSINESS REGULATION

JULIANNE M. BOWLER
COMMISSIONER OF INSURANCE

TO: Insurers Offering Property and Casualty Policies in Massachusetts

FROM: Kevin Patrick Beagan, Deputy Commissioner, and Director of the State Rating Bureau

DATE: January 18, 2006

RE: Guidance When Filing Policy Forms with the Massachusetts Division of Insurance to Demonstrate Compliance with M.G.L. Chapter 175, §§18 and 192

The purpose of this notice is to provide all property and/or casualty insurance carriers with guidance when filing policy forms in Massachusetts about what to file to demonstrate compliance with M.G.L. c. 175, §§18 and 192.

In accordance with the provisions common to foreign and domestic companies as found in M.G.L. c.175, §18: Conduct of Business; Publication of Financial Condition, paragraph one:

“Every company shall conduct its business in the commonwealth in its corporate name and all policies and contracts, other than contracts of corporate suretyship, issued by it shall, except as provided in sections one hundred and two A, one hundred and two C, one hundred and ten C, one hundred and eleven A, one hundred and seventeen A and one hundred and seventeen B of this chapter and in section fifty-six of chapter one hundred and fifty-two, and except as otherwise provided herein, be headed or entitled only by such name. Two or more insurers under a common management who represent themselves to be or are customarily known as an insurance company group or similar insurance trade designation may, with the approval of the commissioner, head or entitle policies or contracts with the name of the group or similar trade designation or with the names of the individual members of the group; provided, that the company assuming the insurance is specifically identified.”

Additionally, compliance with M.G.L. c.175, §18 is also applicable to endorsement, rider, and amendment forms that are issued at renewal, in accordance with M.G.L. c.175, §192:

“All provisions of law relative to the filing of policy forms with, and the approval of such forms by, the commissioner shall also apply to all forms of riders, endorsements and

Property and Casualty Insurance Companies
Re: M.G.L. Chapter 175, §§18 and 192
January 13, 2006

applications designed to be attached to such policy forms and when so attached to constitute a part of the contract; provided, that riders or endorsements used at the request of individual policyholders in connection with policies of life or endowment insurance relative to the distribution of benefits payable under their policies or to the reservation of rights or benefits thereunder, and riders or endorsements used under the ninth clause of section ninety-nine in connection with policies of fire insurance issued under section one hundred and two A, may be used, so far as consistent with law, without such approval. All such provisions of law shall also apply to all forms of riders or endorsements, designed to be attached to motor vehicle liability policies as defined in section thirty-four A of chapter ninety, providing for additional coverage permitted by section one hundred and eleven C.

The Division recognizes that some carriers adhere to a general practice of issuing policy jackets or declaration pages with all contracts, endorsements and amendments. If jackets or declaration pages are being consistently used as the first page of a contract, endorsement or amendment, carriers can demonstrate compliance with sections 18 and 192 by heading or entitling such forms with the corporate name of the company assuming the insurance and submitting them to the Division to be placed on file. Brackets can be used if accompanied by a statement of variability that lists all company names that may appear. **A marketing or group name alone is not sufficient to demonstrate compliance.**

Once a form is placed on file, all subsequent policy forms filed that will be issued with jackets or declaration pages previously placed on file should indicate such in section 21 of the Uniform Transmittal Document submitted with the filing. The Uniform Transmittal Document can be accessed on the NAIC website at: http://www.naic.org/industry_rates_forms_trans_docs.htm

Alternatively, those carriers that do not use jackets or declaration pages, or who elect not to place them on file at the Division, should head or entitle all contract, endorsement and amendment forms with the corporate name of the company assuming the insurance. **A marketing or group name alone is not sufficient to demonstrate compliance.**

Carriers who have authorized a rating organization such as ISO or AAIS to file on their behalf are to ensure that one of the methods prescribed above is applied when using forms.

The Division expects that all forms being used by carriers are in compliance with this notice and with M.G.L. c. 175, §§18 and §192 and that carriers will make any necessary changes to any forms that are currently in use to bring them into compliance. Any forms not in compliance with the provisions of M.G.L. c. 175, §§18 and §192 may result in market conduct action.

Please refer all inquiries regarding this notice to Lorraine E. Young, Director Policy Form Review at (617) 521-7343 or via email at lorraine.e.young@state.ma.us.