

Nebraska Department of Insurance

COMMERCIAL AUTO

Filing and Policy Requirements	Statutory and Regulatory Reference	Requirement Description
General Filing Requirements		
SERFF Filing Required	Guidance Document IGD – C9	As of May 1, 2010, all filings submitted to Nebraska are required to be submitted electronically, using the NAIC System for Electronic Rate and Form Filing. Contact Person: Connie Van Slyke, 402-471-4647
Retaliatory Fees	NE Statute 44-150	Nebraska is a retaliatory state and all fees, premium taxes, deposits, and other charges will be charged at the rate in Nebraska law or the rate charged by the domiciliary state, whichever is higher.
Unfair Trade Practices Act	NE Statute 44-1521 to 44-1535	Purpose is to regulate unfair trade practices in the business of insurance, in accordance with the intent of the Congress of the United States as expressed in Public law 79-15, by defining, or providing for the determination of, all acts and practices in this state which constitute unfair trade practices and by prohibiting the acts and practices so defined or determined.
Form Filing Requirements		
Forms	NE Statute 44-7508.01	File & Use – Filings must contain an effective date. The effective date can be the same as the day the Department receives the filing – not sooner.
Filings Standards	Guidance Document IGD – C9 NE Statute 44-7501 to 44-7535	Nebraska Filing Bulletin – When revising currently approved forms, a comparison of the existing form should be included with all changes clearly identified (red-lined copies). An insurer does not need to file forms and endorsements that an advisory organization has filed on its behalf. Submit forms lists whenever forms are changed, added, or removed. See Nebraska Rate and Form Act
Applications	NE Statute 44-7508.01	Must be filed if coverage is bound.
Arbitration	NE Statute 25-2602.01 NE Statute 44-508	Uniform Arbitration Auto Liability - Bankruptcy
Nebraska Property & Liability Insurance Guaranty Association Act	NE Statute 44-2401 – 44-2418	Provides a method for the payment of certain claims against insolvent insurance companies, as defined in sections 44-2401 to 44-2418 to avoid unnecessary delay in payment of such claims, to avoid financial loss to claimants or to policyholders, to assist in the detection and prevention of insurer insolvencies, and to provide an association of insurers against which the cost of such protection may be assessed in an equitable manner.
Cancellation & Non-Renewal	NE Statute 44-523	Thirty-day notice is required for cancellation or nonrenewal. Ten-day notice is required for nonpayment of premium.

Filing and Policy Requirements	Statutory and Regulatory Reference	Requirement Description
Form Filing Requirements (cont.)		
Fraud & Misrepresentation	NE Statute 44-358	Policies; misrepresentations; warranties; conditions; effect
Loss Settlement	Title 210, Chapter 45 NE Statute 44-1536 – 44-1544 Title 210, Chapter 60	After Market Parts Unfair Property & Casualty Settlement Practices Rule
Rate Filing Requirements		
Rates	NE Statute 44-7506	File & Use – Filings must contain an effective date. The effective date can be the same as the day the Department receives the filing – not sooner.
Pricing	NE Statute 44-354 NE Statute 44-7509	Policies; special fees are prohibited. Rating Flexibility – Insurers may increase or decrease premiums on an individual risk basis up to 40%.
Exempt Commercial Policyholders	Title 210, Chapter 73 NE Statute 44-7515	Review the requirements to see if a risk qualifies as an Exempt Commercial Policyholder.
Additional Criteria Required	NE Statute 44-7508	Include any necessary information (i.e., loss development, trend, market analyses, etc.) necessary to explain and justify the changes made. Clearly show the requested change versus the indicated change and provide an adequate explanation when the request differs significantly from the indicated.
Additional Filing References		
Limits of Liability	NE Statute 60-534	Minimum Limits of Liability
Uninsured/Underinsured Limits of Liability	NE Statute 60-6408	Required Uninsured/Underinsured Limits of Liability
Financial Responsibility	NE Statute 60-501.	Motor Vehicle Safety Responsibility Act
Underwriting Decisions	Guidance Document IGD – C2	Underwriting refusals based solely on previous nonrenewal, rejection, or cancellation of property and casualty business – the Department’s position is that additional information seeking the reasons for past nonrenewals, rejections or cancellations should be solicited.
Special Costs	Guidance Document IGD -C4	Payment of special costs on property losses (sales tax, etc.)