

insurer may, within 10 calendar days from the commissioner's disapproval, exercise one of the following options.

1. The insurer may cancel the policy and shall provide the insured with not less than 60 days' written notice of the insurer's intent to cancel the policy.

2. The insurer may enter into a new policy with the insured and submit a new, subsequent consent to rate application. However, if a new, subsequent consent to rate application is submitted, the insurer will be required to utilize the approved manual rate provided in such new, subsequent consent to rate application and will not be able to implement the requested excess rate until such new, subsequent consent to rate application is approved by the commissioner.

3. An insurer may appeal the disapproval of a consent to rate application as set forth in R.S. 22:1451.C(1).

C. After a consent to rate application has been disapproved, if the commissioner approves a new, subsequent consent to rate application, the excess rate so approved shall be implemented on a prospective basis from the date of approval for the duration of the policy term.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:1464, R.S. 22:1473, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICALNOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:2213 (December 2018).

§15913. Documentation Required from the Insurer

A. An insurer seeking the approval of the commissioner pursuant to a consent to rate application for any property and casualty insurance coverage shall file with the commissioner a written application packet, which shall contain the following documentation.

1. The consent to rate application shall set forth the full name of the insurer, the full name and title of the person filing such application on behalf of the insurer, the physical and mailing addresses of the insurer, email address, telephone number, and facsimile number of the insurer.

2. If the consent to rate application is submitted in paper form, a stamped, self-addressed return envelope.

3. An original of the consent to rate application signed by both the insurer and the insured, which must set forth the following information:

- a. name of the insurer;
- b. name of the insured;
- c. the line of business;
- d. if applicable, the sub-line or program under which the policy is being written;
- e. the policy number;
- f. the policy effective dates (the first and last dates on which the policy is effective);

g. documentation setting forth in detail the calculation of the premium using the manual rates;

h. documentation setting forth in detail the calculation of the premium using the consent to rate process;

i. the written explanation that was provided by the insurer to the insured setting forth in detail the reason(s) why the insured did not qualify for the insurer's manual rates and was subjected to the consent to rate process; and

j. a copy of any other documentation that the insurer provided to the insured.

B. The commissioner may request additional information and/or documentation as he deems necessary. In accordance with R.S. 22:1451.C(2), the commissioner shall make the final determination as to what constitutes a complete application under Regulation 111.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:1464, R.S. 22:1473, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICALNOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:2213 (December 2018).

§15915. Severability

A. If any section or provision of Regulation 111 or the application to any person or circumstance is held to be invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 111 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of Regulation 111 and the application to any persons or circumstances are severable.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:1464, R.S. 22:1473, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICALNOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:2213 (December 2018).

§15917. Effective Date

A. Regulation 111 shall become effective on January 1, 2019.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:1464, R.S. 22:1473, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICALNOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:2214 (December 2018).

Chapter 161. Regulation 112— Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions

§16101. NAIC Handbooks, Guidelines, Forms, and Instructions Incorporated by Reference

A. The purpose of this regulation is to identify and to incorporate by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National

Association of Insurance Commissioners (NAIC) and referenced in the *Louisiana Insurance Code*.

B. The following NAIC handbooks, guidelines, forms, and instructions are hereby adopted and incorporated by reference:

1. The Financial Condition Examiner's Handbook, 2021 edition.
2. The Annual and Quarterly Statement Instructions, Property and Casualty, 2021 edition.
3. The Annual and Quarterly Statement Instructions, Life, Accident, and Health, 2021 edition.
4. The Annual and Quarterly Statement Instructions, Health, 2021 edition.
5. The Annual and Quarterly Statement Instructions, Title, 2021 edition.
6. The Annual and Quarterly Statement Instructions, Fraternal, 2021 edition.
7. The Annual and Quarterly Statement Blanks, Property and Casualty, 2021 edition.
8. The Annual and Quarterly Statement Blanks, Life, Accident, and Health, 2021 edition.
9. The Annual and Quarterly Statement Blanks, Health, 2021 edition.
10. The Annual and Quarterly Statement Blanks, Title, 2021 edition.
11. The Annual and Quarterly Statement Blanks, Fraternal, 2021 edition.
12. The Accounting Practices and Procedures Manual, 2021 edition.
13. The Financial Analysis Handbook, 2021 edition.
14. The Own Risk and Solvency Assessment Guidance Manual, 2021 edition.
15. The Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2021 edition.
16. The Risk-Based Capital Forecasting and Instructions, 2021 edition.
17. The Market Regulation Handbook, 2021 edition.

C. The commissioner of insurance shall utilize the handbooks, guidelines, forms, and instructions incorporated by reference as necessary for the administration of the provisions of the *Louisiana Insurance Code*, so long as the provisions of those publications are consistent with the *Louisiana Insurance Code*.

D. A copy of these handbooks, guidelines, forms, and instructions may be obtained from:

1. the National Association of Insurance Commissioners, at <http://www.naic.org>;

2. the Louisiana Department of Insurance, Poydras Building, 1702 N. Third Street, Baton Rouge, LA 70802; or

3. the Louisiana Office of the State Register, 1201 N. Third Street, Baton Rouge, LA 70802.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICALNOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019), amended LR 46:993 (July 2020), LR 47:1328 (September 2021), amended LR 48:2299 (September 2022).

§16103. Effective Date

A. Regulation 112 shall become effective upon final promulgation in the *Louisiana Register*.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICALNOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019).

§16105. Severability

A. If any Section or provision of Regulation 112 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 112 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and, for these purposes, the Sections and provisions of Regulation 112 and the application to any persons or circumstances are severable.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICALNOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019).

Chapter 163. Regulation Number 113—Registration of Catastrophe Claims Adjusters

§16301. Purpose

A. The purpose of this regulation is:

1. To establish the procedure to register claims adjusters in the event of a catastrophe or an emergency pursuant to R.S. 22:1667 and 22:1678.

2. To set forth the time periods for expiration or extension of catastrophe or emergency adjuster registration and to set forth penalties pursuant to R.S. 22:1672.

AUTHORITYNOTE: Promulgated in accordance with R.S. 22:11, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICALNOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).