

## Chapter 21A—Conducting the Property and Casualty Travel Insurance Examination

### IMPORTANT NOTE:

The standards set forth in this chapter are based on established procedures and/or NAIC models, not on the laws and regulations of any specific jurisdiction. This handbook is a guide to assist examiners in the examination process. Since it is based on NAIC models, use of the handbook should be adapted to reflect each state's own laws and regulations with appropriate consideration for any bulletins, audit procedures, examination scope and the priorities of examination. Further important information on this and how to use this handbook is included in Chapter 1—Introduction.

This chapter provides a format for conducting travel insurance company examinations. Procedures for conducting property/casualty insurance company examinations and other types of specialized examinations—such as third-party administrators and surplus lines brokers—may be found in separate chapters.

The examination of travel insurance operations may involve any review of one or a combination of the following business areas:

- A. Operations/Management
- B. Complaint Handling
- C. Marketing and Sales
- D. Producer Licensing
- E. Policyholder Service
- F. Underwriting and Rating
- G. Claims

When conducting an examination that reviews these areas, there are essential tests that should be completed. The tests are applied to determine if the company is meeting standards. Some standards may not be applicable to all jurisdictions. The standards may suggest other areas of review that may be appropriate on an individual state basis.

**A. Operations/Management**

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

**1. Tests and Standards**

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**STANDARDS  
OPERATIONS/MANAGEMENT**

**Standard** *[None noted for this category]*

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed

\_\_\_\_\_  
\_\_\_\_\_

**NAIC Model References**

*Travel Insurance Model Act (#632)*  
*Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

**DRAFT**

**B. Complaint Handling**

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

**1. Tests and Standards**

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**STANDARDS  
COMPLAINT HANDLING**

**Standard** *[None noted for this category]*

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

\_\_\_\_\_ Applicable complaint register(s)

Others Reviewed

\_\_\_\_\_  
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**NAIC Model References**

*Travel Insurance Model Act (#632)*

*Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

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## **C. Marketing and Sales**

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

### **1. Tests and Standards**

The marketing and sales review includes, but is not limited to, the following standards addressing various aspects of the marketing and sales function. The sequence of the standards listed here does not indicate priority of the standard.

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**STANDARDS  
MARKETING AND SALES**

~~Standard 1 All advertising and sales materials comply with applicable statutes, rules and regulations. Ensure the advertising and/or sales materials being utilized by the Limited Lines Travel Insurance Producer and travel insurer (i) provide the information required by Section 4(C) of the model law (or state equivalent)(for state equivalent), (ii) are consistent with the travel protection plan being offered, (iii) are not deceptive or misleading, and (iv) otherwise comply with state law.~~

**Citation:** Model #632, Section 4 – Licensing and Registration, Subsection C:  
Any Travel Retailer offering or disseminating Travel Insurance shall make available to prospective purchasers, brochures or other written materials that have been approved by the travel insurer. Such materials shall include information which, at a minimum: (1) Provides the identity and contact information of the insurer and the Limited Lines Travel Insurance Producer; (2) Explains that the purchase of Travel Insurance is not required in order to purchase any other product or service from the Travel Retailer; and (3) Explains that an unlicensed Travel Retailer is permitted to provide only general information about the insurance offered by the Travel Retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the Travel Retailer or to evaluate the adequacy of the customer’s existing insurance coverage.

**Citation:** Model #632 – Section 7 – Sales Practices, Subsection C (1)  
All documents provided to consumers prior to the purchase of travel insurance, including but not limited to sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy itself, including but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

- \_\_\_ Applicable statutes, rules and regulations
- \_\_\_ The travel insurer’s approved brochures or other written materials used in offering or disseminating travel insurance to prospective purchasers.
- \_\_\_ Policy forms and fulfillment materials are accurately represented in advertising and sales materials
- \_\_\_ Producer’s own advertising and sales materials, including travel retailers under the direction of a Limited Lines Travel Insurance Producer

**NAIC Model Reference**

*Travel Insurance Model Act* (#632)  
*Unfair Trade Practices Act* (#880)

**Review Procedures and Criteria**

Examiners should request and review specimen or actual copies of all of the brochures or other written materials that are made available to prospective purchasers from the travel insurer or Limited Lines Travel Insurance Producer. If the examiner is unable to obtain the requested information from the travel insurer or the Limited Lines Travel Insurance Producer, the examiner may request the information directly from the Travel Retailer.

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~~Ensure the Limited Lines Travel Insurance Producer, travel insurer, and travel retailer maintains, at its home or principal office, a complete file containing a specimen copy of every printed, published or prepared advertisement of its travel insurance programs and published or prepared advertisements of its individual, blanket and group travel insurance policies. *Drafting Note: The words "travel retailer" are bolded to emphasize that travel retailers are included in this review area. The Working Group will likely want to consider how deeply to delve into the travel retailers' business operations.*~~

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Review ~~advertising specimen or actual copies of all of the brochures or other written materials in conjunction with the appropriate policy form, forms, endorsements, policies, rate filings, and certificates of insurance.~~

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Materials should not:

- Misrepresent policy benefits, advantages or conditions by failing to disclose limitations, exclusions or reductions, or use terms or expressions that are misleading or ambiguous;
- Make false, deceptive or misleading statements or representations with respect to any person, company or organization in the conduct of ~~insurance business~~ **travel insurer or Limited Lines Travel Insurance Producer**;

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Materials should:

- Clearly disclose name and address of insurer;
- If using a trade name, disclose the name of the insurer, an insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol or other device or reference, if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the insurer, or create the impression that a company other than the insurer would have any responsibility for the financial obligation under the policy;
- ~~Prominently~~ **Clearly** describe the type of policy being advertised;
- Indicate that the ~~product~~ **travel protection plan** being marketed is insurance;
- Comply with applicable statutes, rules and regulations;
- ~~Identify the policy form that is being advertised, where appropriate;~~

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Determine if the ~~company~~ **travel insurer** approves producer sales materials and advertising.

Review the company and producer's websites with the following questions in mind:

- ~~Does the website disclose who is selling and advertising/servicing for the website?~~
- ~~Does the website disclose what is being sold or advertised?~~
- ~~If required by statutes, rules or regulations, does the website reveal the physical location of the company/entity?~~
- ~~Does the website reveal the jurisdictions where the advertised product is (or is not) approved, or use some other mechanism (including, but not limited to, identifying persons by geographic location) to accomplish an appropriate result?~~

For the review of Internet advertisement:

- ~~Run an inquiry with the company's name;~~
- ~~Review the company's home page;~~
- ~~Reserve the ability to request more information about a particular product and verify the information provided is accurate; and~~
- ~~Review the company's procedures related to producers' advertising on the Internet and ensure the company requires prior approval of the producer pages, if the company name is used.~~

**STANDARDS  
MARKETING AND SALES**

~~Standard 2 The disclosures regarding combinations of travel insurance and non-insurance travel assistance services are compliant with applicable statutes, rules, and regulations combinations of travel insurance, non-insurance travel assistance services, and cancellation fee waivers are compliant with applicable statutes, rules, and regulations.~~

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**Citation:** Model #632, Section 6 Travel Protection Plans:  
Travel Protection Plans may be offered for one price for the combined features that the Travel Protection Plan offers in this state if:

The Travel Protection Plan clearly discloses to the consumer, at or prior to the time of purchase, that it includes Travel Insurance, Travel Assistance Services, and Cancellation Fee Waivers, as applicable, and provides information and an opportunity, at or prior to the time of purchase, for the consumer to obtain additional information regarding the features and pricing of each; and

The Fulfillment Materials: (1) Describe and delineate the Travel Insurance, Travel Assistance Services, and Cancellation Fee Waivers in the Travel Protection Plan, and (2) Include the Travel Insurance disclosures and the contact information for persons providing Travel Assistance Services and Cancellation Fee Waivers, as applicable.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

- \_\_\_ Applicable statutes, rules and regulations
- \_\_\_ Policy forms and fulfillment materials are accurately represented in advertising and sales materials
- \_\_\_ Producers' own advertising and sales materials and travel retailers acting under the direction of a Limited Lines Travel Insurance Producer

**NAIC Model References**

- Travel Insurance Model Act (#632)*
- Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

~~Examiners should request seek the information from the travel insurer or Limited Lines Travel Insurance Producer that is sufficient to determine compliance with this standard. If the examiner is unable to obtain the information from the travel insurer or the Limited Lines Travel Insurance Producer, the examiner may request the information directly from the travel retailer.~~

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**STANDARDS  
MARKETING AND SALES**

**Standard 3 The Limited Lines Travel Insurance Producer has established and maintains a register of each travel retailer that offers travel insurance on the producer's behalf.**

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection B (2):

(2) At the time of licensure, the Limited Lines Travel Insurance Producer shall establish and maintain a register, on a form prescribed by the Commissioner, of each Travel Retailer that offers Travel Insurance on the Limited Lines Travel Insurance Producer's behalf. The register shall be maintained and updated by the Limited Lines Travel Insurance Producer and shall include the name, address, and contact information of the Travel Retailer and an officer or person who directs or controls the Travel Retailer's operations, and the Travel Retailer's Federal Tax Identification Number. The Limited Lines Travel Insurance Producer shall submit such register to the state insurance department upon reasonable request. ~~The Limited Lines Travel Insurance Producer shall also certify that the Travel Retailer registered complies with 18 USC §1033. The grounds for the suspension, revocation and the penalties applicable to resident insurance producers under [insert applicable reference to insurance code], shall be applicable to the Limited Lines Travel Insurance Producers and Travel Retailers. [Stricken language is not relevant to this standard.]~~

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility. If the insurer's designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this act.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed \_\_\_\_\_

**NAIC Model References**

*Travel Insurance Model Act (#632)  
State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**Review Procedures and Criteria**

**STANDARDS  
MARKETING AND SALES**

**Standard 4** The Limited Lines Travel Insurance Producer has documentation sufficient to demonstrate compliance that the travel retailers (acting under the Limited Lines Travel Insurance Producer's license) comply with 18 USC §1033.

**Citation:** Model 632 – Section 4 – Licensing and Registration, Subsection B (2):

~~(2) At the time of licensure, the Limited Lines Travel Insurance Producer shall establish and maintain a register, on a form prescribed by the Commissioner, of each Travel Retailer that offers Travel Insurance on the Limited Lines Travel Insurance Producer's behalf. The register shall be maintained and updated by the Limited Lines Travel Insurance Producer and shall include the name, address, and contact information of the Travel Retailer and an officer or person who directs or controls the Travel Retailer's operations, and the Travel Retailer's Federal Tax Identification Number. The Limited Lines Travel Insurance Producer shall submit such register to the state insurance department upon reasonable request. The Limited Lines Travel Insurance Producer shall also certify that the Travel Retailer registered complies with 18 USC §1033. The grounds for the suspension, revocation and the penalties applicable to resident insurance producers under [insert applicable reference to insurance code], shall be applicable to the Limited Lines Travel Insurance Producer and Travel Retailers. [Stricken language is not relevant to this standard.]~~

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility: As the insurer's designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this act.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed

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**NAIC Model References**

*Travel Insurance Model Act (#632)  
State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**Review Procedures and Criteria**

STANDARDS  
MARKETING AND SALES

**Standard 5** ~~Determine that consumers were~~ **are provided with information and an opportunity to learn more about the pre-existing condition exclusions (i) at any time prior to the purchase and (ii) in the fulfillment materials.**

**Citation:** Model #632, Section 7 – Sales Practices, Subsection C (2): For Travel Insurance policies or certificates that contain pre-existing condition exclusions, information and an opportunity to learn more about the pre-existing condition exclusions shall be provided any time prior to the time of purchase, and in the coverage’s Fulfillment Materials.

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**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

- \_\_\_\_\_ Applicable statutes, rules and regulations
- \_\_\_\_\_ Policy form, fulfillment materials, advertising/sales materials, and disclosures
- Others Reviewed

**NAIC Model References**

*Travel Insurance Model Act (#632)*

**Review Procedures and Criteria**

Determine that information about pre-existing condition exclusions is provided prior to the time of purchase, **including whether the purchaser of travel insurance (i) has the ability to waive the pre-existing condition exclusion, (ii) under what circumstances it can be waived, and (iii) the purchaser of travel insurance has been advised that the coverage for pre-existing conditions can be purchased, if applicable.**

Determine that the fulfillment materials provide information about pre-existing condition exclusions

Determine that the policies or certificates and fulfillment materials clearly define pre-existing conditions as intended in the exclusion.

~~Determine whether the~~

~~Determine the completeness of the pre-existing condition exclusion and definition in the contract.~~

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**STANDARDS  
MARKETING AND SALES**

**Standard 6** ~~Determine that~~ Descriptions of the following are provided to the purchasers of travel insurance: (i) material or actual terms of the insurance coverage, (ii) process for filing a claim, (iii) review or cancellation process for the Travel Insurance policy and (iv) the identity and contact information of the travel insurer and Limited Lines Travel Insurance Producer.

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**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection B (1) (a) through (d):  
The Limited Lines Travel Insurance Producer or Travel Retailer provides to purchasers of Travel Insurance:

- (a) A description of the material terms or the actual material terms of the insurance coverage;
- (b) A description of the process for filing a claim;
- (c) A description of the review or cancellation process for the Travel Insurance policy; and
- (d) The identity and contact information of the insurer and Limited Lines Travel Insurance Producer.

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility: As the insurer's designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this Act.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed

**NAIC Model References**

*Travel Insurance Model Act (#632)*  
*Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

Examiners should seek request the information from the travel insurer or Limited Lines Travel Insurance Producer that is sufficient to determine compliance with this standard. If the examiner is unable to obtain the information from the travel insurer or the Limited Lines Travel Insurance Producer, the examiner may request the information directly from the travel retailer.

STANDARDS  
MARKETING AND SALES

~~Standard 7 The Limited Lines Travel Insurance Producer has a program and procedures in place to instruct or train each employee and authorized representative of any travel retailer whose duties include offering and disseminating travel insurance under the Limited Lines Travel Insurance Producer's license. The Limited Lines Travel Insurance Producer has an adequate training program in place, containing instructions on the types of insurance offered, ethical sales practices, and required consumer disclosures, that is required of each employee and authorized representative of the Travel Retailer whose duties shall include offering and disseminating travel insurance.~~

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**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection B (6) The Limited Lines Travel Insurance Producer requires each employee and authorized representative of the Travel Retailer whose duties including offering and disseminating Travel Insurance to receive a program of instruction or training, which is subject, at the discretion of the Commissioner, to review and approval. The training materials shall, at a minimum, contain adequate instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility. As the insurer's designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this Act.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

- \_\_\_ Applicable statutes, rules and regulations
- \_\_\_ Limited Lines Travel Insurance Producer's policies and procedures, including the standards for product training
- \_\_\_ Limited Lines Travel Insurance Producer's instruction/training files travel retailer employees and authorized representatives offering or disseminating travel insurance
- \_\_\_ Limited Lines Travel Insurance Producer's training materials for travel retailer employees and authorized representatives offering or disseminating travel insurance

**NAIC Model References**

*Travel Insurance Model Act (#632)  
State Licensing Handbook – Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**Review Procedures and Criteria**

Review policies and procedures to ensure that the Limited Lines Travel Insurance Producer has adequate procedures in place to provide instruction and training, including product-specific training that is appropriate to ~~for the specific product(s) being sold for each insurer or, types of insurance being offered.~~ Review the Limited Lines Travel Insurance Producer's procedures used to inform travel retailers of the regulated entity's standards for travel insurance product training and of applicable state statutes, rules or regulations regarding the solicitation and sale of travel insurance products.

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Determine that the Limited Lines Insurance Travel Insurance Producer has adequate procedures in place to verify that the employees and authorized representatives of a travel retailer have completed necessary training, as required by applicable state statutes, rules and regulations, before allowing the employees and authorized representatives to sell travel insurance for that insurer.

**Contact other regulators that may have conducted a recent review of the training standards.**

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**Determine if the insurer product-specific training materials are appropriate and accurately reflect the coverage provided by the travel insurance product.**

**Review regulated entity's records to determine if, when and how product-specific training occurred prior to the employees or authorized representatives of a travel retailer recommend a travel insurance product.**

~~Review complaint logs, any applicable complaint files and any investigation files for allegations of unsuitable, improper or misleading sales by the travel retailer's employees or authorized representatives. [Drafting note: Should the examination extend into this level of review of the travel retailer's operations?]~~

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STANDARDS  
MARKETING AND SALES

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~~Standard 8 The Limited Lines Insurance Producer has product-specific training standards and materials designed to provide travel retailers with adequate knowledge of the travel insurance products recommended prior to travel retailers offering or disseminating the sale of travel insurance products.~~

~~Citation: Model #632—Section 4—Licensing and Registration, Subsection B (6):~~

~~The Limited Lines Travel Insurance Producer requires each employee and authorized representative of the Travel Retailer whose duties including offering and disseminating Travel Insurance to receive a program of instruction or training, which is subject, at the discretion of the Commissioner, to review and approval. The training materials shall, at a minimum, contain adequate instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.~~

~~Citation: Model #632—Section 4—Licensing and Registration, Subsection F Responsibility: As the insurer's designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this act.~~

~~Apply to: — All property and casualty travel insurance products~~

~~Priority: — Essential~~

~~Documents to be Reviewed~~

~~— Applicable statutes, rules and regulations~~

~~— Agency correspondence file/Agency bulletin~~

~~— Agency procedural manual~~

~~— Producer training materials~~

~~NAIC Model References~~

~~Travel Insurance Model Act (#632)~~

~~State Licensing Handbook—Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)~~

~~Review Procedures and Criteria~~

~~Contact other regulators that may have conducted a recent review of the training standards.~~

~~Determine if the insurer product-specific training materials are appropriate and accurately reflect the coverage provided by the travel insurance product.~~

~~Review regulated entity's records to determine if, when and how product-specific training occurred prior to the employees or authorized representatives of a travel retailer recommend a travel insurance product.~~

STANDARDS  
MARKETING AND SALES

~~Standard 9. The travel insurer has procedures in place to require its producers to comply with applicable travel retailer training requirements.~~

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~~Citation: Model #632, Section 4—Licensing and Registration, Subsection B (6):  
(6) The Limited Lines Travel Insurance Producer requires each employee and authorized representative of the Travel Retailer whose duties include offering and disseminating Travel Insurance to receive a program of instruction or training, which is subject, at the discretion of the Commissioner, to review and approval. The training materials shall, at a minimum, contain adequate instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.~~

~~Citation: Model #632—Section 4—Licensing and Registration, Subsection C—Responsibility:  
As the insurer's designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this act.~~

Apply to:  All property and casualty travel insurance products

Priority:  Essential

**Documents to be Reviewed**

Applicable statutes, rules and regulations

Agency correspondence file/Agency bulletins

Agency procedural manual

Producer training materials

Others Reviewed

**NAIC Model Reference(s)**

*Travel Insurance Model Act (HTA);  
State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**Review Procedures and Criteria**

**STANDARDS  
MARKETING AND SALES**

**Standard 10 The Limited Lines Travel Insurance Producer has designated a “Designated Responsible Producer.”**

**Citation:** Model #632, Section 4 – Licensing and Registration, Subsection B (3):  
(3) The Limited Lines Travel Insurance Producer has designated one of its employees who is a licensed individual producer as the person (a “Designated Responsible Producer” or “DRP”) responsible for the compliance with the Travel Insurance laws and regulations applicable to the Limited Lines Travel Insurance Producer and its registrants.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed

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**NAIC Model References**

*Travel Insurance Model Act (#632)  
State Licensing Handbook; Uniform Licensing Standard A (Limited Lines Travel Insurance Standard)*

**Review Procedures and Criteria**

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**STANDARD  
MARKETING AND SALES**

**Standard 11 Sales practices do not include “negative option or opt out.”**

**Citation:** Model #632, Section 7 – Sales Practices, Subsection D:

D. Opt out. No person offering, soliciting, or negotiating Travel Insurance or Travel Protection Plans on an individual or group basis may do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form, when the consumer purchases a trip.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_ Applicable statutes, rules and regulations

\_\_\_ Sales and marketing

Others Reviewed

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**NAIC Model References**

*Travel Insurance Model Act (#632)*  
*Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

**Review a sample of marketing materials and policies to confirm that customers were not offered or sold a policy through negative option or opt out.**

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**STANDARDS  
MARKETING AND SALES**

**Standard 12 Blanket coverage is not marketed or described as “free” coverage.**

**Citation:** Model #632, Section 7 – Sales Practices, Subsection E:  
E. It shall be an unfair trade practice to market Blanket Travel Insurance coverage as free.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed

**NAIC Model References**

*Travel Insurance Model Act (#632)*

**Review Procedures and Criteria**

Review the use of the words/phrases “free,” “no cost,” “without cost,” “no additional cost,” “at no extra cost” or words/phrases of similar import. Such words/phrases should not be used with respect to any benefit or service being made available with a policy, unless true.

~~If there is no charge to the insured, then the identity of the payor must be prominently disclosed. An advertisement may specify the charge for a benefit or a service or may state that a charge is included in the premium or use other appropriate language.~~

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**STANDARD  
MARKETING AND SALES**

**Standard 13** If the aggregator's website provides a short summary of the coverage, determine that the consumer has access to the full provisions of the policy by electronic means.

**Citation:** Model #632, Section 7 – Sales Practices, Subsection C (5):

(5) Where Travel Insurance is marketed directly to a consumer through an insurer's website or by others through an Aggregator Site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed

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**NAIC Model References**

*Travel Insurance Model Act (#632)*

**Review Procedures and Criteria**

**DRAFT**

**D. Producer Licensing**

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

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**STANDARD  
PRODUCER LICENSING**

~~Standard 1 Determine that the activities of a travel retailer, acting within the Limited Lines Travel Insurance Producer's license, comply with applicable state statutes, rules and regulations pertaining to the oversight of property and casualty travel insurance (the travel insurer or Limited Lines Travel Insurance Producer has provided the information required in Section 4(B)(1) [or state equivalent] to the purchasers of travel insurance.~~

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**Citation:** Model #632, Section 4 – Licensing and Registration, Subsection B:  
B. A Travel Retailer may offer and disseminate Travel Insurance under a Limited Lines Travel Insurance Producer business entity license only if the following conditions are met:  
(1) The Limited Lines Travel Insurance Producer or Travel Retailer provides to purchasers of Travel Insurance:  
(a) A description of the material terms or the actual material terms of the insurance coverage; (b) A description of the process for filing a claim; (c) A description of the review or cancellation process for the Travel Insurance policy; and (d) The identity and contact information of the insurer and Limited Lines Travel Insurance Producer.

**Apply to:** All property and casualty travel insurance products  
**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations  
Others Reviewed

**NAIC Model References**

*Travel Insurance Model Act (#632)*  
*Unfair Trade Practices Act (#880)*  
*State Licensing Handbook, Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**Review Procedures and Criteria**

Determine if the requested coverage is issued.

**Examiners should request proof from the travel insurer or Limited Lines Travel Insurance Producer sufficient to demonstrate that the actual information was provided. If the examiner is unable to obtain proof from the travel insurer or the Limited Lines Travel Insurance Producer, the examiner may request the information directly from the travel retailer.**

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**E. Policyholder Service**

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

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STANDARD  
POLICYHOLDER SERVICE

~~Standard 1 Determine that the fulfillment materials were provided to the policyholder or certificate holder as required and that the travel insurer disclosed to the policyholder or certificate holder in the policy documents whether the travel insurance was primary or secondary to other coverage. The content and delivery of fulfillment materials and the policy documentation comply with applicable state statutes, rules and regulations pertaining to the oversight of property and casualty travel insurance.~~

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Citation: Model #632, Section 7 – Sales Practices, Subsection C Marketing (3):  
(3) The Fulfillment Materials and the information described in Section 4B(1)(a)(d) shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a Travel Protection Plan. Unless the insured has either started a covered trip or filed a claim under the Travel Insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the Travel Protection Plan price from the date of purchase of a Travel Protection Plan until at least (a) Fifteen (15) days following the date of delivery of the Travel Protection Plan's Fulfillment Materials by postal mail; or (b) Ten (10) days following the date of delivery of the Travel Protection Plan's Fulfillment Materials by means other than postal mail. For the purposes of this section, delivery means handing Fulfillment Materials to the policyholder or certificate holder or sending Fulfillment Materials by postal mail or electronic means to the policyholder or certificate holder. *[Stricken language is not relevant to this standard.]*

~~Citation: Model #632, Section 7 – Sales Practices, Subsection C Marketing (4):  
(4) The company shall disclose in the policy documentation whether the Travel Insurance is primary or secondary to other coverage.~~

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Apply to: All property and casualty travel insurance products

Priority: Essential

Documents to be Reviewed

\_\_\_ Applicable statutes, rules and regulations

\_\_\_ All applications

Others Reviewed

NAIC Model References

Travel Insurance Model Act (#632)  
Unfair Trade Practices Act (#880)

Review Procedures and Criteria

~~Examiners should request documentation from the travel insurer or Limited Lines Travel Insurance Producer that is sufficient to demonstrate that the fulfillment documents were provided to the purchaser/purchasers of if travel insurance, and that the documents that they state/disclose whether the coverage provided is primary or secondary to other coverage~~

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**STANDARD  
POLICYHOLDER SERVICE**

**Standard 2** ~~The policy documents disclosed whether the travel insurance was primary or secondary to other coverage. The content and delivery of fulfillment materials and the policy documentation comply with applicable state statutes, rules and regulations pertaining to the oversight of property and casualty travel insurance.~~

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~~Citation: Model #632, Section 7 – Sales Practices, Subsection C Marketing (3):~~

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~~(3) The Fulfillment Materials and the information described in Section 4B(1)(c)(d) shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a Travel Protection Plan. Unless the insured has either started a covered trip or filed a claim under the Travel Insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the Travel Protection Plan price from the date of purchase of a Travel Protection Plan until at least (a) Fifteen (15) days following the date of delivery of the Travel Protection Plan's Fulfillment Materials by postal mail; or (b) ten (10) days following the date of delivery of the Travel Protection Plan's Fulfillment Materials by means other than postal mail. For the purposes of this section, delivery means handing Fulfillment Materials to the policyholder or certificate holder or sending Fulfillment Materials by postal mail or electronic means to the policyholder or certificate holder. [Stricken language is not relevant to this standard.]~~

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~~Citation: Model #632, Section 7 – Sales Practices, Subsection C Marketing (4):~~

~~(4) The company shall disclose in the policy documentation whether the Travel Insurance is primary or secondary to other coverage.~~

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

Applicable statutes, rules and regulations

All applications

Others Reviewed

**NAIC Model References**

Travel Insurance Model Act (#632)

Unfair Trade Practices Act (#880)

**Review Procedures and Criteria**

**Examiners should request documentation from the travel insurer or Limited Lines Travel Insurance Producer that is sufficient to demonstrate that the policy documents state whether the coverage provided is primary or secondary to other coverage.**

**F. Underwriting and Rating**

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

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**STANDARD  
UNDERWRITING AND RATING**

**Standard 1** Minimum data collection standards to ensure proper allocation for payment of premium tax have been established.

**Citation:** Model #632, Section 5 Premium Tax

A. A travel insurer shall pay premium tax, as provided in [insert reference to the state's existing premium tax provision] on Travel Insurance premiums paid by any of the following:

- (1) An individual primary policyholder who is a resident of this state;
- (2) A primary certificate-holder who is a resident of this state who elects coverage under a Group Travel Insurance policy; or
- (3) A Blanket Travel Insurance policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased Blanket Travel Insurance in this state for eligible blanket group members, subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

B. A travel insurer shall:

- (1) Document the state of residence or principal place of business of the policyholder or certificateholder, as required in Section 5A; and,
- (2) Report as premium only the amount allocable to Travel Insurance and not any amounts received for Travel Assistance Services or Cancellation Fee Waivers.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_ Applicable statutes, rules and regulations

\_\_\_ All applications

**Others Reviewed**

**NAIC Model References**

*Travel Insurance Model Act (#632)*

**Review Procedures and Criteria**

**STANDARD**

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**UNDERWRITING AND RATING** *[Drafting Note: May be unnecessary]*

**Standard 2** ~~The insurer's travel insurance products are classified as inland marine insurance.~~

**Citation:** Model #632, Section 9 Policy:  
A. ~~Notwithstanding any other provision of the [insurance code], Travel Insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance, provided, however, that travel insurance that provides coverage for sickness, accident, disability or death occurring during travel, either exclusively, or in conjunction with related coverages of emergency evacuation or repatriation of remains, may be filed under either an accident and health line of insurance or an inland marine line of insurance.~~

**Apply to:**  All property and casualty travel insurance products

**Priority:**  Essential

**Documents to be Reviewed**

Applicable statutes, rules and regulations

All applications

**Others Reviewed**

**NAIC Model References**

*Travel Insurance Model Act (#632)*

**Review Procedures and Criteria**

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**G. Claims**

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

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STANDARD  
CLAIMS

~~Standard 1 Confirm that the policies issued contain benefits for which a claim and claim payment could have been made in order to ensure compliance with the provisions of Section 7(B) of the travel insurance model act (#632) for state equivalent, which states that "illusory" travel insurance is an unfair trade practice. Verify through the claims records that there is no evidence of "illusory coverage."~~

**Citation:** Model #632, Section 7 – Sales Practices, Subsection B:  
B. Illusory Travel Insurance. Offering or selling a Travel Insurance policy that could never result in payment of any claims for any insured under the policy is an unfair trade practice under [insert reference to NAIC model Unfair Trade Practices Act (#880)].

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

- \_\_\_ Applicable statutes, rules and regulations
- \_\_\_ Review policy forms and endorsements
- \_\_\_ Claim files
- \_\_\_ Claim complaint records
- \_\_\_ Claim procedure/underwriting manuals

**NAIC Model References**

*Travel Insurance Model Act (#62)*  
*Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

~~To determine compliance with this requirement, examiners will (i) review a sample set of policies to confirm that benefits are being offered under the policies issued and a payment for a claim could have been made; (ii) review a sample of denied claims to confirm that the denials were appropriate based on the policy language.~~

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**POLICY IN FORCE STANDARDIZED DATA REQUEST**  
**Property & Casualty Line of Business**  
**Workers Compensation**

Contents: This file should be downloaded from company system(s) and contain one record for each workers compensation policy issued in [applicable state] which was in force at any time during the examination period.

For any fields where there are multiple entries, please repeat field as necessary.

Uses: Data will be used to determine if the company follows appropriate procedures with respect to the issuance and/or termination of workers compensation policies in [applicable state] within the scope of the examination.

Field Name	Start	Length	Type	Decimals	Description
CoCode	1	5	A		NAIC company code
PolPre	6	3	A		Policy prefix <b>Repeat field as necessary for each additional covered class (Blank if NONE)</b>
PolNo	9	20	A		Policy number
PolSuf	29	3	A		Policy suffix <b>Repeat field as necessary for each additional covered class (Blank if NONE)</b>
PolStTyp	32	3	A		Policy status type for the record (i.e., new or renewal) <b>Please provide a list to explain any codes used</b>
PolTyp	35	25	A		Type of policy (i.e., large deductible, small deductible, retrospective, guaranteed cost/first dollar, etc.) <b>Please provide a list to explain any codes used</b>
PolForm	60	10	A		Policy form number as filed with the insurance department
EndrNum	70	10	A		Form number of endorsement(s) added to policy <b>Repeat field as necessary</b>
Endr	80	20	A		Name of endorsement(s) Repeat field as necessary
FormNum	100	10	A		Policy coverage form number Repeat field as necessary
Form	120	20	A		Policy coverage form name Repeat field as necessary
PremEndr	130	10	N	2	Total endorsement premium
PrCode	140	6	A		Company internal producer, CSR, or business entity producer identification code <b>Please provide a list to explain any codes used</b>
NPN	146	6	A		National producer number
InsName	152	15	A		Insured/employer name
InsFEIN	167	9	A		Insured/employer Federal Employer Identification Number
InsAddr	176	25	A		Insured street address
InsCity	201	20	A		Insured city
IssSt	221	2	A		State abbreviation where policy was issued
InsZip	223	5	A		Insured ZIP code

Field Name	Start	Length	Type	Decimals	Description
ExpSt	228	2	A		Exposure state <b>Repeat field as necessary for each additional exposure state</b>
AppRecDt	230	10	D		Date application received [MM/DD/YYYY]
AppProDt	240	10	D		Date application processed [MM/DD/YYYY]
InceptDt	250	10	D		Inception date of the policy [MM/DD/YYYY]
EffDt	270	10	D		Policy effective date [MM/DD/YYYY]
AnnvDt	280	10	D		Anniversary rating date of policy [MM/DD/YYYY]
ExpDt	290	10	D		Policy expiration date [MM/DD/YYYY]
GovClsCd	305	15	A		Governing WC class code
InClsCd	320	15	A		Initial class code for 1 <sup>st</sup> covered class <b>Repeat field as necessary for each additional covered class</b>
InCIDes	335	15	A		Initial classification description for 1 <sup>st</sup> covered class <b>Repeat field as necessary for each additional covered class</b>
InLC	350	15	N	4	Initial loss cost for 1 <sup>st</sup> covered class <b>Repeat field as necessary for each additional covered class</b>
InPayrl	365	15	N	2	Initial remuneration payroll for 1 <sup>st</sup> covered class <b>Repeat field as necessary for each additional covered class</b>
LCM	380	15	N	4	Loss cost multiplier
PolIss	381	1	A		Policy issued as gross (G) or net (N) plan
LossRep	382	1	A		Losses reported on gross (G) or net (N) basis
EaAccLmt	392	10	N	2	Employers liability limit for bodily injury by accident – each accident
EaEmpLmt	402	10	N	2	Employers liability limit for bodily injury by accident – each employee
PolLmt	412	10	N	2	Limit for bodily injury by disease – policy
DedAmt	422	10	N	2	Deductible limit amount chosen by policyholder if applicable
SrAdm	432	10	N	2	Administrative surcharge factor
SrAdmAmt	442	10	N	2	Initial administrative surcharge premium
SrSIF	452	10	N	2	Second injury fund surcharge rate
SrSIFAmt	462	10	N	2	Initial amount of second injury fund surcharge
FAuDt	472	10	D		Date first audit completed [MM/DD/YYYY]
LAuDt	482	10	D		Date last audit completed [MM/DD/YYYY]
AuBilDt	492	10	D		Audit billing statement date [MM/DD/YYYY]
AuClsCd	502	10	A		Audit class code for 1 <sup>st</sup> covered class <b>Repeat field as necessary for each additional covered class</b>
AuCode	512	10	A		Class code changed at audit – Added (A), Removed (R), No change (NC)
AuLC	522	10	N	4	Audit loss cost for 1 <sup>st</sup> covered class <b>Repeat field as necessary for each additional covered class</b>
AuPay	532	10	N	2	Audit remuneration payroll for 1 <sup>st</sup> covered class <b>Repeat field as necessary for each additional covered class</b>

Field Name	Start	Length	Type	Decimals	Description
AuAdm	542	10	N	2	Final administrative surcharge amount due to audit
AuSIF	552	10	N	2	Final second injury fund amount due to audit
AuDel	562	10	A		Reason for exceeding the required deadline to complete the audit <b>Please provide a list of codes and their descriptions</b>
AuTyp	572	10	A		Type of audit (i.e., physical, mail, phone, etc.) <b>Please provide a list of codes and their descriptions</b>
FPrmAmt	582	10	N	2	Final premium for [examination state] after audit, prior to second injury fund and administrative surcharges
PremMo	592	10	N	2	Policy premium, including second injury fund and administrative surcharges, for [examination state] only
Par	593	1	A		Is the policy participating in a dividend plan? (Y/N)
DPlanCd	603	10	A		Dividend plan code <b>If codes are used, provide a list of dividend plan codes and their descriptions</b>
DivAmt	613	10	N	2	Dividend amount paid
CanReqDt	623	10	D		Date cancellation requested, if applicable [MM/DD/YYYY]
CanTerRs	687	64	A		Reason for cancellation/termination of coverage (i.e., lapse, insured request, company cancellation) <b>If codes are used, please provide a list of codes and their descriptions</b>
CanTer	688	1	A		Who cancelled the coverage <b>C=Consumer or I=Insurer</b>
CanTerDt	698	10	D		Date policy cancelled/terminated [MM/DD/YYYY]
CanTerDt	708	10	D		Date the cancellation/termination notice was mailed [MM/DD/YYYY]
PremRef	719	11	N	2	Amount of premium refunded to the insured
RfndDt	729	10	D		Date premium refund mailed [MM/DD/YYYY]
RefMthd	754	25	A		Refund method (i.e., 90%, pro rata, etc) <b>If codes are used, please provide a list of codes and their descriptions</b>
IndLgDed	755	1	A		Is the individual risk large deductible account on file with the department? (Y/N)
DedLDP	756	1	A		Is the large deductible rating plan (including rates) on file with the department? (Y/N)
DtIndFil	766	10	D		Date individual risk large deductible account was filed [MM/DD/YYYY]
DtLDPFil	777	10	D		Date large deductible rating plan was filed [MM/DD/YYYY]
SERFFNo	791	14	A		SERFF tracking number for large deductible rating plan (or filing number if not filed in SERFF)
SERFFNum2	805	14	A		SERFF tracking number for individual large deductible account (or filing number if not filed in SERFF)

Field Name	Start	Length	Type	Decimals	Description
PremM	815	10	N	2	Manual premium = [(payroll/100) * rate]
SpDs	825	10	N	2	Supplementary disease factor
SpDsPrm	835	10	N	2	Supplementary disease premium = [(subject payroll/100) * disease rate]
USLH	845	10	N	2	US Longshore and Harbor Workers (USL&H) exposure non-F class codes factor
USLHPrm	855	10	N	2	USL&H exposure non-F class codes premium = [(subject payroll/100) * (rate*USL&H factor)]
TManPrm	865	10	N	2	Total manual premium including supplementary disease and USL&H exposures
WSub	875	10	N	2	Waiver of subrogation factor = [% applied to portion of total manual premium where waiver is applicable]
WSubPrm	885	10	N	2	Waiver of subrogation premium
ELILF	895	10	N	2	Employers liability increased limits factor = [% applied to total manual premium]
ELILCh	905	10	N	2	Employers liability increased limits charge
ELAdmF	915	10	N	2	Employers liability increased limits factor (Admiralty, FELA) = [Factor applied to the portion of the manual premium where Admiralty/FELA coverage is applicable]
ELAdmCh	925	10	N	2	Employers liability increased limits (Admiralty, FELA) charge
ELVCmpCh	935	10	N	2	Employers liability (liability/voluntary compensation flat charge = [Coverage in monopolistic state funds])
SmDedCr	945	10	N	2	Small deductible credit = [% applied to total manual premium]
SmDedPrm	955	10	N	2	Small deductible credit amount of premium
LgDedCr	965	10	N	2	Large deductible credit = [% applied to total manual premium]
LgDedPrm	975	10	N	2	Large deductible credit amount of premium
TSubjPrm	985	10	N	2	Total subject premium
ExMod	995	10	N	2	Experience modification factor
ExModPrm	1005	10	N	2	Experience modification premium amount (debit/credit)
TModPrm	1015	10	N	2	Total modified premium
CCPAP	1025	10	N	2	Contracting class premium adjustment program factor = [1-CCPAP credit %]
CCPAPPrm	1035	10	N	2	Contracting class premium adjustment program premium
SRtFact	1045	10	N	2	Schedule rating factor = (1 - SR credit %) or (1 + SR debit %)
SRtPrm	1055	10	N	2	Schedule rating premium (debit/credit)
SpDsExp	1065	10	N	2	Supplemental disease exposure charge (asbestos, NOC)
AERadExp	1075	10	N	2	Atomic energy radiation exposure charge – NOC
CatLoad	1085	10	N	2	Charge for non-ratable catastrophe loading
AirSrch	1095	10	N	2	Aircraft seat surcharge
MPrmSt	1105	10	N	2	Balance to minimum premium (State Act) = [Balance to minimum premium at standard limits]
MPrmAdmF	1115	10	N	2	Balance to minimum premium (Admiralty, FELA)
TStdPrm	1125	10	N	2	Total standard premium for [examination state]

Field Name	Start	Length	Type	Decimals	Description
StdPrmR	1135	10	N	2	Standard premium for the entire policy (risk), including other states
PrmDisc	1145	10	N	2	Premium discount factor = % applied to standard premium]
PrmDisAm	1155	10	N	2	Premium discount amounts
CMineChg	1165	10	N	2	Coal mine disease charge = [underground, surface, surface auger]
ExpCons	1175	10	N	2	Expense constant charge
TerFact	1185	10	N	2	Terrorism premium factor
TerPrm	1195	10	N	2	Terrorism premium amount = [(Payroll/100) * [___ terrorism value]
RtDev	1205	10	N	2	Additional deviation factor (outside class code exposure or schedule rating plan)
RtDevTyp	1215	10	A		Type or name of deviation description (outside class code exposure or schedule rating plan)
EstAnPrm	1225	10	N	2	Estimated annual premium as per the NCCI algorithm
EndRec	1226	1	A		End of record marker. Please place an asterisk in this field to indicate the end of the record. This must be in the same character position for every record in this table.

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