

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-1906 of the Code of Virginia, relating to insurance rates; limitation*
3 *for renewal policies.*

4 [H 2357]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 38.2-1906 of the Code of Virginia is amended and reenacted as follows:**8 **§ 38.2-1906. Filing and use of rates.**

9 A. Each authorized insurer subject to the provisions of this chapter shall file with the Commission all
10 rates and supplementary rate information and all changes and amendments to the rates and
11 supplementary rate information made by it for use in the Commonwealth on or before the date they
12 become effective.

13 In cases where the Commission has made a determination pursuant to § 38.2-1912 that competition is
14 not an effective regulator of rates for a line or subclassification of insurance, such rates, supplementary
15 rate information, changes and amendments to rates and supplementary rate information for that line or
16 subclassification shall be filed in accordance with and shall be subject to the provisions of § 38.2-1912.

17 B. Each rate service organization licensed under § 38.2-1914 that has been designated by an insurer
18 for the filing of prospective loss costs or supplementary rate information under § 38.2-1908 shall file
19 with the Commission all prospective loss costs or supplementary rate information and all changes and
20 amendments to the prospective loss costs or supplementary rate information made by it for use in the
21 Commonwealth on or before the date they become effective. Prospective loss costs and supplementary
22 rate information for insurance defined in § 38.2-119 must comply with the provisions of § 38.2-1912.1
23 prior to being used by an insurer in a filing establishing or changing its rate.

24 C. Prospective loss costs filings and supplementary rate information filed by rate service
25 organizations shall not contain final rates, minimum premiums, or minimum premium rules.

26 D. No insurer shall make or issue an insurance contract or policy of a class to which this chapter
27 applies, except in accordance with the rate and supplementary rate information filings that are in effect
28 for the insurer.

29 E. For insurance as defined in § 38.2-119 any authorized insurer that does not rely on prospective
30 loss costs or supplementary rate information filed by a rate service organization shall comply with the
31 filing provisions of § 38.2-1912 as if competition was not an effective regulator of rates.

32 F. Except with respect to workers' compensation and employers' liability insurance as defined in
33 § 38.2-119, and notwithstanding the provisions of subdivision A 3 of § 38.2-1904, nothing shall prohibit
34 an insurer from filing with the Commission any rate or supplementary rate information that allows the
35 insurer to limit for its renewal policies any rate increase that would otherwise be applicable to such
36 policies. Such limitation shall apply for the period of time specified in the insurer's filing. Nothing shall
37 prohibit such limitation from applying to policies (i) acquired by an insurer from another insurer
38 pursuant to a written agreement of acquisition, merger, or sale that transfers all or part of the other
39 insurer's book of business or (ii) transferred by an agent from one insurer to another insurer pursuant
40 to an agent book of transfer.

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