

Chapter 284-20C WAC
RULES FOR FILING MOTOR VEHICLE SERVICE CONTRACTS

Last Update: 12/2/20

WAC

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WAC 284-20C-005 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter:

(1) "Complete filing" means a package of information containing motor vehicle service contracts, supporting information, documents and exhibits.

(2) "Contract" means a service contract covering motor vehicles, as described in chapter 48.110 RCW. Under this definition:

(a) "Motor vehicle" means the same as in RCW 48.110.020(7), and only includes vehicles that are self-propelled by a motor; and

(b) "Service contract" means the same as in RCW 48.110.020(18).

(3) "Date filed" means the date a complete motor vehicle service contract filing has been received and accepted by the commissioner.

(4) "Filer" means a person, organization or other entity that files motor vehicle service contracts with the commissioner.

(5) "Objection letter" means correspondence sent by the commissioner to the filer that:

(a) Requests clarification, documentation or other information;

(b) Explains errors or omissions in the filing; or

(c) Disapproves a motor vehicle service contract under RCW 48.110.073.

(6) "SERFF" means the System for Electronic Rate and Form Filing. SERFF is a proprietary National Association of Insurance Commissioners (NAIC) computer-based application that allows filers to create and submit rate, rule and form filings electronically to the commissioner.

(7) "Service contract provider" or "provider" means the same as in RCW 48.110.020(20).

(8) "Type of insurance" means a specific type of insurance listed in the *Uniform Property and Casualty Product Coding Matrix* published by the NAIC and available at www.naic.org.

[Statutory Authority: RCW 48.02.060 and 48.110.150. WSR 20-24-123, § 284-20C-005, filed 12/2/20, effective 1/2/21. Statutory Authority: RCW 48.02.060, 48.18.545, 48.19.035, 48.110.150, 48.18.100, and 48.19.040. WSR 13-12-038 (Matter No. R 2013-06), § 284-20C-005, filed 5/30/13, effective 7/1/13. Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-005, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-010 Purpose of this chapter. (1) The purpose of this chapter is to adopt processes and procedures for providers and

filers to use when they submit motor vehicle service contracts to the commissioner under RCW 48.110.073.

(2) This chapter is effective on February 1, 2009. All motor vehicle service contract filings received on or after February 1, 2009, must comply with this chapter.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-010, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-015 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing standards and provide timely instructions to filers, the commissioner must incorporate documents posted on the SERFF website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

(1) The *SERFF Industry Manual* available within the SERFF application; and

(2) The *Washington State Motor Vehicle Service Contract Filing Instructions* posted on the commissioner's website, www.insurance.wa.gov.

[Statutory Authority: RCW 48.02.060, 48.18.545, 48.19.035, 48.110.150, 48.18.100, and 48.19.040. WSR 13-12-038 (Matter No. R 2013-06), § 284-20C-015, filed 5/30/13, effective 7/1/13.]

WAC 284-20C-020 General motor vehicle service contract filing rules. Filers and providers must submit complete filings that comply with these rules:

(1) Filings must comply with the filing instructions and procedures in the *SERFF Industry Manual* available within the SERFF application and *Washington State Motor Vehicle Service Contract Filing Instructions*.

(2) Filers must submit every service contract to the commissioner electronically using SERFF.

(a) Every service contract filed in SERFF must be attached to the form schedule.

(b) All written correspondence related to a service contract filing must be sent in SERFF.

(3) Filers must not combine "prior approval" and "use and file" contracts in one filing. Filers must file these types of contracts separately:

(a) Contracts filed under RCW 48.110.073(2); or

(b) Contracts filed under RCW 48.110.073(3).

(4) All filed contracts must be legible for both the commissioner's review and retention as a public record. Filers must submit new and replaced contracts to the commissioner for review in final printed form displayed in ten-point or larger type.

(5) Each contract must have a unique identifying number and a way to distinguish it from other editions of the same contract.

(6) Filers must submit a completed compliance checklist with each new motor vehicle service contract as supporting documentation. If the filing includes more than one new contract, the filer may:

(a) Complete a separate checklist for each motor vehicle service contract; or

(b) Complete one checklist and submit an explanatory memorandum that lists any material differences between the filed contracts.

[Statutory Authority: RCW 48.02.060, 48.18.545, 48.19.035, 48.110.150, 48.18.100, and 48.19.040. WSR 13-12-038 (Matter No. R 2013-06), § 284-20C-020, filed 5/30/13, effective 7/1/13. Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-020, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-030 The commissioner may reject motor vehicle service contract filings. (1) The commissioner may reject and close any filing that does not comply with WAC 284-20C-020. If the commissioner rejects a filing, the provider has not filed the service contract(s) with the commissioner.

(2) If the commissioner rejects a filing and the filer resubmits it as a new filing, the date filed will be the date the commissioner receives and accepts the new filing.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-030, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-040 Rules for rejected filings made under RCW 48.110.073(3). (1) RCW 48.110.073(3) says contracts must be filed with the commissioner within sixty days after the provider first issues the contract to a consumer. If the commissioner rejects a filing under WAC 284-20C-030, the provider has not filed contracts with the commissioner.

(2) If the commissioner rejects a filing submitted under RCW 48.110.073(3) the:

(a) Filer must promptly send a new filing to the commissioner within the original sixty-day use and file period in RCW 48.110.073(3); or

(b) Provider must stop issuing motor vehicle service contracts sent with the rejected filing.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-040, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-050 Filing authorization rules. (1) A provider may authorize a third-party filer to file contracts on its behalf. Under this section, a "third-party filer" means:

(a) An administrator as defined in RCW 48.110.020(1);

(b) An insurer; or

(c) A person or entity in the business of providing regulatory compliance services to providers.

(2) If a provider delegates filing authority to a third-party filer, each filing must include a letter signed by an employee of the provider authorizing the third-party filer to make filings on behalf of the provider. This subsection does not apply to a third-party filer that is an affiliate or wholly owned subsidiary of the provider.

(3) The provider may not delegate responsibility for the content of a filing to a third-party filer. The commissioner considers errors and omissions made by the third-party filer to be errors and omissions of the provider.

(4) If a third-party filer has a pattern of making filings that do not comply with this chapter, the commissioner may reject a delegation of filing authority from the provider.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-050, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-060 Rules for revised or replaced motor vehicle service contracts. If a provider files a revised or replaced contract, the filer must provide the supporting documentation described below:

(1) If a contract is revised due to an objection(s) from the commissioner, the filer must provide a detailed explanation of all material changes to the disapproved contract.

(2) If a previously approved contract is replaced with a new version, the filer must submit an exhibit that marks and identifies each change or revision to the replaced contract using one of these methods:

(a) A draft contract that strikes through deletions and underlines additions or changes in the contract;

(b) A draft contract that includes comments in the margins explaining the changes in the contract; or

(c) A side-by-side comparison of current and proposed contract language.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-060, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-070 Effective date rules. (1) Filers must include a common effective date for all contracts submitted in a filing.

(2) The proposed effective date must be a specific date.

(a) Vague statements, such as one that says the provider will implement a filing thirty days after the commissioner's approval is not specific, and does not comply with this rule.

(b) If a provider is filing a new program or optional coverage form, the filer may request an effective date concurrent with the commissioner's approval.

(3) The proposed effective date must be consistent with the law. Contracts filed under RCW 48.110.073(3) must propose an effective date no more than sixty days before the date filed.

(4) If the provider revises the effective date, the commissioner must receive the request before the original effective date of the filing.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-070, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-080 Reference copies of amendatory forms. If a provider will use a previously approved Washington amendatory form with a new contract, the filer must:

(1) Provide a copy of the amendatory form as supporting documentation; or

(2) Provide the company tracking number from the contract filing under which the endorsement was filed and approved; and

(3) Explain how the provider will use the amendatory form with the new contract.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-080, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-090 Rules for responding to an objection letter. An objection letter may ask the filer to revise noncompliant contracts or provide clarification or additional information about the contract. If the commissioner finds that a contract contains provisions that are contrary to RCW 48.110.073, the objection letter will state the reason(s) for disapproval, including relevant case law, statutes and administrative rules. Filers must:

(1) Provide a complete response to an objection letter. A complete response includes:

(a) A separate response to each objection; and
(b) A description of changes proposed to noncompliant contracts, and, if applicable, a replacement contract or amendatory form.

(2) Respond to the commissioner in a timely manner.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-090, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-110 Rules for motor vehicle service contracts translated from English to another language. Providers may issue motor vehicle service contracts written in languages other than English.

(1) If a provider translates a contract from English to another language, the provider must:

(a) File the translated version of the contract with the commissioner.

(b) Include written disclosure statements on the translated contract that the provider is issuing the translated contract on an informational basis and the English version is controlling for the purposes of application and interpretation. The disclosure statements must be in English and the language of the translated contract and printed in bold face type of at least twelve-point font.

(c) Submit written certification by an officer employed by the provider that the provider will issue the English version of the contract with the translated contract.

(2) When filing a translated policy form, the filer must:

(a) Identify the approved English version of the contract by providing, as applicable, the:

(i) Company tracking number under which the contract was filed;
(ii) Contract number, edition date or edition identifier; and
(iii) Effective date of the filing.

(b) Submit written certification by a professional translator certified by the American Translators Association or a comparable organization that the:

(i) Translator has translated the English version of the contract; and

(ii) Translation is accurate.

(3) The commissioner will file but not review or approve translated motor vehicle service contracts.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-20C-110, filed 10/15/08, effective 2/1/09.]