

## Chapter 284-24B WAC

### RULES THAT REQUIRE PROPERTY AND CASUALTY INSURERS TO REPORT STATISTICAL DATA

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#### WAC

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#### **WAC 284-24B-010 Definitions that apply to this chapter. (1)**

"**Insurer**" means an authorized insurer that has premium, loss or loss adjustment expense data in Washington state for one or more of these lines of insurance:

- (a) Property, as defined in RCW 48.11.040;
- (b) Marine and transportation, as defined in RCW 48.11.050, if not exempt from statistical reporting under RCW 48.19.010 (1)(e);
- (c) Vehicle, as defined in RCW 48.11.060;
- (d) General casualty, as defined in RCW 48.11.070; and
- (e) Surety, as defined in RCW 48.11.080.

(2) "**NAIC Statistical Handbook**" is a publication of the National Association of Insurance Commissioners (NAIC) that explains insurance statistical data and provides reporting requirements and report formats for data that statistical agents must submit to the commissioner.

(3) "**Statistical agent**" means an entity that the commissioner has designated under RCW 48.19.370(4) to collect insurance statistical data from insurers and report these data to the commissioner on behalf of those insurers.

(4) "**Statistical plan**" means a system for collecting information from insurers.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-010, filed 6/15/06, effective 7/16/06.]

#### **WAC 284-24B-020 Purpose. (1)** The purpose of this chapter is to:

- (a) Incorporate the provisions of the *NAIC Statistical Handbook* into this chapter;
- (b) Prescribe the manner of reporting statistical data and the types of statistical data insurers must submit to statistical agents under RCW 48.19.370; and
- (c) Establish a procedure for the commissioner to designate statistical agents under RCW 48.19.370.

(2) This chapter does not limit the powers granted to the commissioner by any law of this state.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-020, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-030 The commissioner adopts certain statistical plans.** (1) By reference, the commissioner incorporates all provisions of the *NAIC Statistical Handbook* into this rule, except:

(a) Medical Professional Liability Reports: Statistical Plan Reporting Requirements; and

(b) Medical Professional Liability Reports: Model Medical Professional Liability Statistical Plan.

(2) The commissioner will issue technical assistance advisories to notify insurers and statistical agents of the effective date of any future revisions to the *NAIC Statistical Handbook*.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-030, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-040 Insurers must report statistical experience.**

(1) Under RCW 48.19.370(4), the commissioner may designate certain rating organizations or other entities as statistical agents to gather, compile, and report insurance statistical data.

(2) RCW 48.19.370 says each insurer must report loss and expense experience to the commissioner. As a condition of transacting the business of insurance under RCW 48.05.040, each insurer must:

(a) Report its insurance statistical data to a statistical agent designated by the commissioner in accordance with the statistical plans filed with the commissioner by the statistical agent under WAC 284-24B-060;

(b) Comply with the reporting requirements and data quality procedures in the *NAIC Statistical Handbook*; and

(c) Adopt edit and audit procedures to screen and check data for reasonableness and accuracy.

(3) So the commissioner may assure compliance with this chapter, each insurer filing rates under chapter 48.19 RCW must include the name of its statistical agent for that line of insurance.

(4) If the commissioner determines that loss and expense data do not need to be collected for a particular line of insurance, the commissioner may waive the requirements of subsections (2) and (3) of this section.

[Statutory Authority: RCW 48.02.060 and 48.19.370. WSR 11-12-066 (Matter No. R 2011-05), § 284-24B-040, filed 5/31/11, effective 7/1/11; WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-040, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-050 Process for an entity to be designated a statistical agent.** The commissioner may designate an entity as a statistical agent if the entity makes a written request to the commissioner that:

(1) Identifies the line(s) of business for which the entity will collect and report statistical experience;

(2) States the entity's qualifications to act as a statistical agent; and

(3) Agrees to:

(a) Comply with the reporting requirements and data quality procedures in the *NAIC Statistical Handbook*, and all rules, technical advisories and directives issued by the commissioner;

(b) Report statistical data to the commissioner in a timely manner; and

(c) Submit to an examination in accordance with procedures described in RCW 48.03.010.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-050, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-060 Statistical agents must file their statistical plans with the commissioner.** Entities that are designated as statistical agents under WAC 284-24B-050 must promptly file with the commissioner:

(1) Their statistical plans, including standard report formats; and

(2) All changes in their statistical plans or reporting formats.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-060, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-070 Statistical agents must comply with the NAIC Statistical Handbook.** Statistical agents must collect statistical data in a form and detail as required by the *NAIC Statistical Handbook* and any additional detail required by rules adopted by the commissioner.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-070, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-080 Multiple statistical agents for the same line of insurance.** If the commissioner designates more than one statistical agent to collect statistical data for a particular line of insurance, those statistical agents must arrange to file reports that combine all data collected by the statistical agents for that line(s) of insurance. The statistical agents may arrange among themselves for the equitable sharing of the costs to produce combined reports.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-080, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-090 Access to data.** The commissioner shall have access to all statistical data that statistical agents collect to comply with this chapter. If requested by the commissioner, statistical agents must promptly provide a copy of any report produced from data that the statistical agent is required to collect under this chapter.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-090, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-100 Disclosure of data.** (1) Aggregate data reported to the commissioner by statistical agents are available for public inspection.

(2) If data submitted to the commissioner by a statistical agent appear likely to identify individual insurers, claimants or insureds, or the statistical agent or an insurer asserts that data are exempt from public disclosure under RCW 48.02.120(3), such data may not be publicly disclosed until the commissioner:

(a) Notifies the statistical agent and any insurer that has asserted the data to be exempt from public disclosure of the disclosure request;

(b) Provides a thirty-day period from the date of notice for any insurer that reported data to the statistical agent to assert that its data are trade secrets or are otherwise protected from disclosure; and

(c) Provides aggrieved insurers with the opportunity to request a hearing under RCW 48.04.010 and chapter 34.05 RCW.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-100, filed 6/15/06, effective 7/16/06.]

**WAC 284-24B-110 Effective date.** Insurers must affiliate with a designated statistical agent by January 1, 2007, and report data in accordance with the requirements included in the *NAIC Statistical Handbook* and the designated statistical agent's filed statistical plan.

[Statutory Authority: RCW 48.02.060, 48.19.370. WSR 06-13-035 (Matter No. R 2005-02), § 284-24B-110, filed 6/15/06, effective 7/16/06.]