



Rules of
**Department of Commerce and
Insurance**

**Division 500—Property and Casualty
Chapter 9—Underwriting Rules**

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 500—Property and Casualty
Chapter 9—Underwriting Rules**

20 CSR 500-9.100 Required Filing of Underwriting Rules

PURPOSE: This rule states that any rule used by an insurer for underwriting purposes must be filed with the Department of Commerce and Insurance. This rule aids in the interpretation of sections 379.321 and 379.475, RSMo.

(1) An underwriting rule as that term is used in section 379.321, RSMo is any “underwriting guideline” as described in this regulation.

(2)(A) Each insurer subject to this regulation shall file with the department only those underwriting guidelines which contain the general corporate policy to use any of the following as a factor in determining whether to make a risk ineligible or limit the amount of coverage: the prospective insured’s place of residence, gender, marital status, race, color, national origin, ancestry, creed, age, occupation, mental or physical impairment, or credit history; whether the prospective insured has had previous coverage cancelled or non-renewed by another insurer; whether the prospective insured had any prior coverage; minimum value of residential property; age of residential property. No insurer is required to file any underwriting guideline which does not contain a reference to the list in this section. No insurer is required to file any actuarial information or other internally generated information to support or explain the use of such underwriting guidelines. Written correspondence pertaining to individual applicants or policyholders is not considered an underwriting guideline.

(B) Such underwriting guidelines and any modifications thereof shall be filed with the Department of Commerce and Insurance within ten (10) business days after such guideline or modification thereof is effective. The filing shall state the first date in which the underwriting guideline or modification thereof was implemented. 20 CSR 500-8.100 applies in regards to filing fees.

(3) This regulation is applicable only to the following types of insurance coverages:

- (A) Homeowners;
- (B) Dwelling owners;
- (C) Renters or tenants;
- (D) Mobile home owners; and
- (E) Farmowners.

(4) The underwriting guidelines and modifi-

cations thereof filed pursuant to this regulation shall be deemed records which are open to the inspection of the public in accordance with sections 374.070 and 610.011, RSMo. Any insurance company claiming that such underwriting guidelines are trade secrets or proprietary information shall comply with the procedures as set forth in 20 CSR 10-2.400(3)(L).

(5) Any insurer which withholds information or files false or misleading information regarding its underwriting guidelines, or any insurer which fails to file or fails to timely file its underwriting guidelines, shall be subject to those penalties provided in sections 379.361 and 379.485, RSMo, in addition to other penalties provided by law.

(6) In addition to the requirements contained in this rule, all insurers subject to the requirements of section 379.321, RSMo should continue to file rule and rate manuals with the department.

AUTHORITY: section 374.045, RSMo Supp. 1993 and 379.321, RSMo 1986. Original rule filed July 29, 1993, effective April 9, 1994. Emergency amendment filed Feb. 2, 1994, effective April 11, 1994, expired Aug. 8, 1994. Amended: Filed Feb. 2, 1994, effective July 30, 1994. Non-substantive change filed Sept. 11, 2019, published Oct. 31, 2019.*

**Original authority: 374.045, RSMo 1967, amended 1993 and 379.321, RSMo 1972.*