

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE**

PERSONAL AUTOMOBILE INSURANCE FORMS CHECKLIST

| Policy Provision | Reference | Comments | Applicable | Page No. |
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| Entire Contract in policy | AS 21.42.150 AS 28.20.440(f)(4) | The policy must contain the entire contract between the parties. The policy consists of the application, the policy, and all endorsements or riders. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Cancellation reasons | AS 21.36.210 | The policy may only be cancelled by the insurer for: <ul style="list-style-type: none"> • nonpayment of premium; • the suspension or revocation of the driver's license or motor vehicle registration during the policy period. Revocations under AS 21.96.027 do not apply. These reasons do not apply to the failure to renew a policy, except policies that have been in effect for less than 12 months, and to a new business policy that has been in effect for less than 60 days at the time the cancellation notice is mailed. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Cancellation notice for a personal insurance policy | AS 21.36.220(a) | If an insurer cancels, a written notice must be mailed to the named insured at least: <ul style="list-style-type: none"> • 10-day notice for suspension or revocation of driver's license or motor vehicle registration; • 20-day notice for nonpayment of premium. If the insured is 70 years old or older, the insurer must also notify the named insured's designee. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Proof of Notice | AS 21.36.260 | All notices must be mailed by first class mail to the last known address of the insured. A certificate of mailing must be obtained from the U.S. Postal Service or, the notice may be transmitted electronically if the insurer can obtain an electronic confirmation of receipt. Alternate methods of delivery may be used in addition to mailing or acceptable electronic transmittal, but cannot be used to replace the statutory requirement. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Unearned Premium refund insurer cancel | AS 21.36.220(c) | The unearned premium must be refunded before effective date of cancellation except for the reasons stated in AS 21.36.220(c)(1) . Then the refund must be made within 45 days after the notice of cancellation. Nonpayment of premium is insurer cancellation. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Unearned Premium refund insured cancel | AS 21.36.255 | The insurer must return any unearned premium within 45 days of receipt of a request for cancellation or the effective date of cancellation, whichever is later. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |

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| Cancellation fee | AS 21.36.255(a) | If the insured cancels a policy, the insurer may charge a cancellation fee of not more than 7.5% of the unearned premium. A cancellation fee may not be charged unless the fee is clearly stated in the policy. A statement that the cancellation fee will not exceed 7.5% does not satisfy this requirement. The exact amount of the fee must be stated. A form that describes the cancellation fee only as the standard short rate will be disapproved. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Renewal notice with altered terms | AS 21.36.235 | Notice must be given if the renewal premium is increased by more than 10% or if there is a material restriction or reduction in coverage at least 20 days before the expiration of a personal insurance policy. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Non-Renewal | AS 21.36.240 | A nonrenewal notice must be sent at least 20 days before expiration of a personal insurance policy. An insurer may fail to renew a personal policy only on the policy's annual anniversary. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Minimum Earned Premium | AS 21.36.255(a)(2) | Minimum earned premiums must be stated in the policy. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Appraisal | AS 21.96.035 | The time frames and appraisal process must be consistent with the statute. Each party must bear expenses and fees, not including counsel and adjusters' fees, as determined by the umpire. Neither the rights of the insured nor the insurer are restricted. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Arbitration | AS 09.43.300 – .595 AS 21.96.020(f)(1) AS 21.42.130 | Contracts entered into after January 1, 2005 must comply with the Revised Uniform Arbitration Act, including an Alaskan venue. Expenses and fees must be paid as determined by the arbitrator. Please circle the answer: Are both parties required to agree to use arbitration? Yes No Are the rules under which arbitration will occur identified in the form? Yes No | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Arbitration Fees | AS 09.43.480(d) | Arbitrator's expenses and fees, along with other expenses, shall be paid as provided in the award. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |

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| Other Insurance | AS 21.42.130 AS 28.20.445 AS 28.22.221 | <p>Making a primary policy excess over any other applicable insurance is misleading and grounds for disapproval under AS 21.42.130. There must be a method of sharing the loss with other policies.</p> <p>See statute for priority of payment under Uninsured/Underinsured Motorists coverage.</p> | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Concealment, Fraud, or Misrepresentation | AS 21.42.110 | <p>All statements and descriptions in an application shall be considered to be representations and not warranties.</p> <p>A policy may be cancelled upon discovery of fraud or material misrepresentation; or may be rescinded upon discovery of fraud or material misrepresentation made in the application for insurance.</p> <p>Cancellation or rescission may not be possible for Auto Liability policies after injury or damage has occurred.</p> | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Cancellation after and Accident | AS 28.20.440(f)(1) | <p>Cancellation or rescission may not be possible after injury or damage has occurred.</p> | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Alaska Rule of Civil Procedure 82 | 3 AAC 26.500 – .550 Order 96-03 Bulletin 96-04 Supreme Court Case No. SP-5715 | <p>A policy that limits coverage for attorney fees taxable against an insured under Alaska Rule of Civil Procedure 82 must satisfy the minimum standards of 3 AAC 26.500 – 26.550. Bulletin 96-04 provides sample notices.</p> <p><i>Therchik v. Grant Aviation, Inc.</i> (7/25/2003 SP-5715) – Alaska Supreme Court ruled that Civil Rule 82 notices must be "close to identical" to notices in Bulletin 96-04. The notices provided with Bulletin 96-04 must be used. Replacement notices may be submitted for review, but you will be required to demonstrate that the sample notices do not meet the needs of your company.</p> | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Lawsuits Against Insurer | AS 09.10.053 Supreme Court Case No. 1780 <i>Kaiser v. Umialik</i> No. SP-5877 <i>Brannon v. Continental Co.</i> No. SP-6016 | <p>A person has three years to bring an action upon a contract. In <i>Fireman's Fund Ins. Co v. Sand Lake Lounge, Inc.</i> (09/24/1973), the Alaska Supreme Court ruled that such a time limitation begins to run only after there has been a breach of contract such as a denial of a claim or failure to defend. A form that states the time limitation begins from the date of the occurrence or time of loss will be disapproved.</p> | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |

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| Concurrent Causation | AS 21.36.096 | Insurers may not deny a claim if a risk, hazard, or contingency insured against is the dominant cause of a loss and the denial occurs because an excluded risk, hazard, or contingency is also in a chain of causes but operates on a secondary basis. Language such as “indirectly”, “in any way involving”, “in any way related to”, “in whole or in part”, or “regardless of any other cause which may have contributed concurrently or in any sequence with” appearing in exclusions generally violates this statute. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Fungus, Mildew, and Mold exclusions | AS 21.36.096 Bulletin 04-07 | Coverage for fungus, mildew, or mold may not be excluded when it results from a covered cause of loss. See Bulletin 04-07 for additional requirements. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Family Personal Injury Exclusions | Bulletin 99-07 | Not providing liability coverage to any family member for bodily injury to any family member is a violation of AS 28.20.440(b) , AS 28.22.101 , and AS 21.96.020 . | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Named Driver Exclusions | AS 28.20.440(l) Bulletin 98-10 | Insurers must honor the request of the named insured to exclude an operator who is a resident of the household or relative. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Intentional Acts Exclusion | AS 21.36.430 | Coverage may not be refused, cancelled, denied, or premium increased based only on the fact that a person was a victim of domestic violence. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Nuclear, Biological, and Chemical Hazards Exclusions and Terrorism Exclusions | AS 21.42.130 | The division is not allowing these exclusions for personal lines. These exclusions are considered deceptive to the risk purported to be assumed under the policy. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Proof of Insurance | AS 28.22.019 Bulletin 02-15 | All insureds must be provided with adequate proof of insurance as defined in AS 28.22.019 . | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Short-term policy | AS 21.96.020(g) Bulletin 02-12 | Insurers must offer a short-term policy for a term of no more than seven days. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Notice of Limited Motor Vehicle Insurance | AS 21.36.465 Bulletin 89-04 | Policies that provide only physical damage coverage and do not provide liability coverage as required by AS 28.22.101(d) must contain this statement in bold type: This policy provides insurance only against damage to the motor vehicle. This policy does not insure against bodily injury, death, or property damage liability and does not satisfy the mandatory motor vehicle liability insurance requirements of AS 28.22.011. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |

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| Required Provisions | AS 21.96.020 AS 28.20.440 AS 28.22.101 | In addition to the minimum liability coverage, a motor vehicle policy must: <ul style="list-style-type: none"> • list all covered vehicles – owner policy; • include Uninsured/Underinsured Motorist coverage at limits no less than the minimum liability coverage, unless the insured has waived coverage as provided in AS 28.20.445(e)(3) or AS 28.22.201(a)(3); • provide liability coverage for use of nonowned vehicles – operator policy; • must state the name and address of the named insured, the coverages, the premium charges, the policy period, and limits of liability; • must contain an agreement that coverage is subject to the provisions of AS 28.20.010 – AS 28.20.640. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Minimum Liability Coverages | AS 21.96.020 AS 28.22.101 | An automobile liability policy must provide the following limits of liability coverage: \$50,000 per person for bodily injury, \$100,000 per accident for bodily injury, \$25,000 for property damage. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Rental Vehicles | AS 21.96.020(f)(2)-(3) Bulletin 89-04 | Liability coverage at limits no less than 50/100/25 must be extended to vehicles rented in the United States and Canada for a personal insured under the policy. Physical damage coverage for a rental vehicle must be provided if the policy includes physical damage coverage. If the policy does not include physical damage coverage, the insurer must offer physical damage coverage for rental vehicles. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Prior Insurance | Order 93-05 | Failure to maintain continuous insurance coverage, when this failure does not result in violation of AS 28.22 , may not be used as a rating factor. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Credit information use | AS 21.36.460(f) AS 21.36.460(a) Bulletin 03-07 Bulletin 03-11 | Reconsideration certification Disclosure on application: Use of the following language will constitute compliance with the notice provision of this statute: In connection with this application for insurance, we will review your credit report or obtain or use a credit-based insurance score based on the information contained in your credit report. We may use this information to decide whether to insure you or how much to charge. If a third-party is used to calculate the insurance score, the notice must also include language similar to the following: We may use a third-party in connection with the development of your insurance score. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |

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| Claim Payment | 3 AAC 26.070(a)(2) | Undisputed portions of a first party claim must be paid within 30 working days. | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Claim Settlement | 3 AAC 26.080 3 AAC 26.080(a)(1)(A) Bulletin 10-04 | <p>Total loss claims for motor vehicles may be settled by providing a comparable and available replacement vehicle or by making a cash settlement based on the actual cost to purchase a replacement vehicle. The actual cost to purchase a replacement vehicle is determined by:</p> <ul style="list-style-type: none"> • the cost of a comparable motor vehicle in the local market area to the claimant; • the average of two or more cost quotations for a comparable vehicle from two or more qualified dealers in the local market area; or • a basis that is allowable under the coverage, which may deviate from the two above listed reasons, if supported by documentation regarding the condition of the motor vehicle. <p>Any deduction from the cost of a comparable motor vehicle, including deduction for salvage, must be fair and appropriate and fully explained to the claimant.</p> <p>The offer of a replacement vehicle must include all taxes, license fees, destination or delivery charges, and other fees incidental to transfer of ownership of the motor vehicle.</p> | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |
| UM/UIM Third Party Damage Recovery | Bulletin 99-01 | Policy provisions allowing insurers to retain amounts received from third parties before full recovery by the insured are misleading and in violation of AS 21.42.130 . | Yes <input type="checkbox"/> N/A <input type="checkbox"/> | |

Name (print): _____

Date: _____

Signature: _____