



Ohio Revised Code

Section 3935.04 Filing of rates and schedules with superintendent - procedure.

Effective: October 24, 2024

Legislation: Senate Bill 175

As used in sections 3935.01 to 3935.17 of the Revised Code, "filing" or "filings" means the whole or any part thereof.

(A)(1) Every insurer shall file with the superintendent of insurance, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every form of a policy, endorsement, rider, manual, minimum class rate, rating schedule, or rating plan, and every other rating rule, and every modification of any of them, which it proposes to use. Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports the filing, and the superintendent does not have sufficient information to determine whether the filing meets the requirements of sections 3935.01 to 3935.17 of the Revised Code, the superintendent shall require the insurer to furnish the information upon which it supports the filing, and in such event the waiting period shall commence as of the date the information is furnished. The information furnished in support of a filing may include the experience or judgment of the insurer or rating bureau making the filing, its interpretation of any statistical data it relies upon, the experience of other insurers or rating bureaus, or any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective. Trade secrets contained in any filing or in any supporting information shall not be open to public inspection, are not a public record under section 149.43 of the Revised Code, and the release of such trade secrets is prohibited. Specific inland marine rates on risks specially rated, made by a rating bureau, shall be filed with the superintendent.

(2) As used in division (A)(1) of this section, "trade secret" has the same meaning as in section 1333.61 of the Revised Code.

(B) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating bureau which makes such filings, and by authorizing the superintendent to accept such filings on its behalf, but sections 3935.01 to 3935.17 of the Revised



Code do not require any insurer to become a member of, or a subscriber to, any rating bureau.

(C) The superintendent shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of sections 3935.01 to 3935.17 of the Revised Code.

(D) Subject to the exception specified in division (E) of this section, each filing shall be on file for a waiting period of thirty days before it becomes effective. Upon written application by such insurer or rating bureau, the superintendent may authorize a filing which the superintendent has reviewed to become effective before the expiration of the waiting period. A filing complies with sections 3935.01 to 3935.17 of the Revised Code unless it is disapproved by the superintendent within the waiting period.

(E) Specific inland marine rates on risks specially rated by a rating bureau become effective when filed and comply with sections 3935.01 to 3935.17 of the Revised Code until the superintendent reviews the filing and so long thereafter as the filing remains in effect.

(F) Notwithstanding Chapter 119. of the Revised Code, the superintendent may, by written order, without notice or hearing, suspend or modify the requirements of a filing as to any kind of insurance, subdivision or combination thereof, or classes of risks, the rates for which cannot practicably be filed before they are used. Such orders shall be made known to insurers and rating bureaus affected thereby. The superintendent may make such examinations as the superintendent deems advisable to ascertain whether any rates affected by such order meet the standards set forth in division (B) of section 3935.03 of the Revised Code.

(G) Upon the written application of the insured, stating the insured's reasons therefor, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(H) A commercial insurance policy form or endorsement that is unique in character and designed for a particular risk is exempt from filing, except that the superintendent may, by regulation or order, prescribe specific restrictions relating to the exemption.

(I) An insurer shall retain any insurance policy form, endorsement, or rate that is exempt from filing



under division (F), (G), or (H) of this section and all supporting documentation, for not less than three years after the effective date of the exempt policy form, endorsement, or rate. Upon request of the superintendent during that period, the insurer shall make such policy form, endorsement, or rate, and the supporting documentation available for inspection by the superintendent.

(J) No insurer shall make or issue a contract or policy except in accordance with the filings which are in effect for the insurer as provided in sections 3935.01 to 3935.17 of the Revised Code or in accordance with division (F), (G), or (H) of this section. This division does not apply to contracts or policies for inland marine risks as to which filings are not required.