

g. documentation setting forth in detail the calculation of the premium using the manual rates;

h. documentation setting forth in detail the calculation of the premium using the consent to rate process;

i. the written explanation that was provided by the insurer to the insured setting forth in detail the reason(s) why the insured did not qualify for the insurer's manual rates and was subjected to the consent to rate process; and

j. a copy of any other documentation that the insurer provided to the insured.

B. The commissioner may request additional information and/or documentation as he deems necessary. In accordance with R.S. 22:1451.C(2), the commissioner shall make the final determination as to what constitutes a complete application under Regulation 111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1464, R.S. 22:1473, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:2213 (December 2018).

§15915. Severability

A. If any section or provision of Regulation 111 or the application to any person or circumstance is held to be invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 111 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of Regulation 111 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1464, R.S. 22:1473, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:2213 (December 2018).

§15917. Effective Date

A. Regulation 111 shall become effective on January 1, 2019.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1464, R.S. 22:1473, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:2214 (December 2018).

Chapter 161. Regulation 112— Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions

§16101. NAIC Handbooks, Guidelines, Forms, and Instructions Incorporated by Reference

A. The purpose of this regulation is to identify and to incorporate by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National

Association of Insurance Commissioners (NAIC) and referenced in the *Louisiana Insurance Code*.

B. The following NAIC handbooks, guidelines, forms, and instructions are hereby adopted and incorporated by reference:

1. The Financial Condition Examiner's Handbook, 2023 edition.

2. The Annual and Quarterly Statement Instructions, Property and Casualty, 2023 edition.

3. The Annual and Quarterly Statement Instructions, Life, Accident, and Health, 2023 edition.

4. The Annual and Quarterly Statement Instructions, Health, 2023 edition.

5. The Annual and Quarterly Statement Instructions, Title, 2023 edition.

6. The Annual and Quarterly Statement Instructions, Fraternal, 2023 edition.

7. The Annual and Quarterly Statement Blanks, Property and Casualty, 2023 edition.

8. The Annual and Quarterly Statement Blanks, Life, Accident, and Health, 2023 edition.

9. The Annual and Quarterly Statement Blanks, Health, 2023 edition.

10. The Annual and Quarterly Statement Blanks, Title, 2023 edition.

11. The Annual and Quarterly Statement Blanks, Fraternal, 2023 edition.

12. The Accounting Practices and Procedures Manual, 2023 edition.

13. The Financial Analysis Handbook, 2023 edition.

14. The Own Risk and Solvency Assessment Guidance Manual, 2023 edition.

15. The Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2023 edition.

16. The Risk-Based Capital Forecasting and Instructions, 2023 edition.

17. The Market Regulation Handbook, 2023 edition.

C. The commissioner of insurance shall utilize the handbooks, guidelines, forms, and instructions incorporated by reference as necessary for the administration of the provisions of the *Louisiana Insurance Code*, so long as the provisions of those publications are consistent with the *Louisiana Insurance Code*.

D. A copy of these handbooks, guidelines, forms, and instructions may be obtained from:

1. the National Association of Insurance Commissioners, at <http://www.naic.org>;

2. the Louisiana Department of Insurance, Poydras Building, 1702 N. Third Street, Baton Rouge, LA 70802; or

3. the Louisiana Office of the State Register, 1201 N. Third Street, Baton Rouge, LA 70802.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019), amended LR 46:993 (July 2020), LR 47:1328 (September 2021), amended LR 48:2299 (September 2022), amended LR 49:1410 (August 2023), LR 51:73 (January 2025).

§16103. Effective Date

A. Regulation 112 shall become effective upon final promulgation in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019).

§16105. Severability

A. If any Section or provision of Regulation 112 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 112 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and, for these purposes, the Sections and provisions of Regulation 112 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019).

Chapter 163. Regulation Number 113— Registration of Catastrophe Claims Adjusters

§16301. Purpose

A. The purpose of this regulation is:

1. To establish the procedure to register claims adjusters in the event of a catastrophe or an emergency pursuant to R.S. 22:1667 and 22:1678.

2. To set forth the time periods for expiration or extension of catastrophe or emergency adjuster registration and to set forth penalties pursuant to R.S. 22:1672.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).

§16303. Applicability and Scope

A. Regulation 113 shall apply to all adjusters employed or retained by an insurer and brought into the state for the purpose of investigating or making adjustment of losses resulting from a catastrophe or an emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).

§16305. Authority

A. Regulation 113 is promulgated by the commissioner pursuant to the authority granted under the Louisiana Insurance Code, R.S. 22:11, 22:821, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).

§16307. Definitions

A. For the purposes of Regulation 113 the following terms are defined as follows:

Adjuster—an individual who investigates or adjusts losses on behalf of an insurer as an independent contractor or as an employee of:

- a. an adjustment bureau;
- b. an association;
- c. a property and casualty producer;
- d. an independent contractor;
- e. an insurer; or
- f. a managing general agent.

Catastrophe Adjuster—those adjusters employed or retained by an insurer and brought into this state for the purpose of investigating or making adjustments of losses resulting from a catastrophe or an emergency.

Catastrophe/Emergency—a significant event declared by the governor or determined by the commissioner that causes widespread property damage or loss.

Commissioner—the Commissioner of Insurance of the State of Louisiana.

Insurer—any type of insurer, whether authorized or unauthorized, conducting business in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667, and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).