ORDER CONTINUING THE SUSPENSION OF THE FILING REQUIREMENTS
FOR RATES AND SUPPLEMENTARY RATE INFORMATION USED FOR
WRITING EXCESS PERSONAL AND COMMERCIAL LIABILITY INSURANCE,
INCLUDING EXCESS AUTOMOBILE LIABILITY INSURANCE, AND EXCESS
LIABILITY CONTRACTS CLASSIFIED AS MISCELLANEOUS CASUALTY
INSURANCE, AND AMENDING EXEMPTION ELIGIBILITY REQUIREMENTS,
PURSUANT TO THE PROVISIONS OF § 38.2-1903 OF THE CODE OF
VIRGINIA.

Pursuant to the provisions of § 38.2-1903 of the Code of Virginia, it appears to the
Commissioner of Insurance that the suspension of the filing requirements for writing excess
personal and commercial liability insurance, including excess automobile liability and excess
liability contracts classified as miscellaneous casualty insurance, as provided by Administrative
Order 10208 entered on January 22, 1993, is appropriate and should be continued, and that the
eligibility requirements for the exemption should be amended;

IT IS, THEREFORE, ORDERED THAT:

1) The requirement to file rates and/or supplementary rate information for writing
excess personal and commercial liability insurance, including excess automobile
liability insurance, and excess liability contracts classified as miscellaneous casualty
insurance, as provided in Chapter 19 of Title 38.2 of the Code of Virginia, is hereby
suspended by the entry of this Order when such insurance meets the following
requirements.

a) For commercial risks, the excess insurance must be written to apply above
underlying insurance with at least the following limits:
   
i) Underlying automobile bodily injury liability insurance limits for owned autos
of at least $100,000 each person and $300,000 each occurrence, and
automobile property damage liability limits of at least $50,000, or a combined
single limit for automobile bodily injury and property damage liability of at
least $300,000 each occurrence;
   
ii) Underlying general liability insurance limits of at least $300,000 each
occurrence for bodily injury and property damage liability combined for
premises/operations and products/completed operations exposures; and
   
iii) Underlying professional liability limits, if applicable, of at least $300,000 each
incident.

b) For excess workers’ compensation insurance, a self-insured retention of at least
$150,000 each claim is required.

c) For personal risks, the excess insurance must be written to apply above
underlying insurance with at least the following limits:
i) Underlying automobile bodily injury liability insurance limits of at least $100,000 each person and $300,000 each occurrence, property damage liability limits of at least $50,000, or combined single limits of bodily injury and property damage liability of at least $300,000 each occurrence; and

ii) Underlying personal liability insurance limits as respects exposures related to residence premises (including farm property) and to owned watercraft of at least $100,000 each occurrence.

2) For the purposes of this Order, personal liability insurance includes insurance covering business pursuits exposures for which underlying insurance is provided by a homeowners, farmowners, or comprehensive personal liability policy;

3) The rates affected by this Order and hereafter used by insurers shall not be excessive, inadequate, or unfairly discriminatory;

4) The Commissioner hereby reserves the right, either upon his own motion or upon complaint, to make such examination or investigation with respect thereto as he may deem advisable or necessary in order to determine whether any rates affected by this suspension of filing requirements may be, or may become, excessive, inadequate, or unfairly discriminatory; and

5) Administrative Order 10208, dated January 22, 1993, is replaced by entry of this Order.

AN ATTESTED COPY hereof shall be sent to all licensed property and casualty insurers and rate service organizations authorized to transact business in the Commonwealth, and to Mary M. Bannister, Deputy Commissioner of Insurance.