

Statutory and Regulatory Provisions Governing Fidelity and Surety Filing Requirements

This overview was prepared by non-lawyer staff of The Surety & Fidelity Association of America from material furnished by states and other public sources. It is believed to be accurate, but it is not a substitute for legal advice or opinions by members of the bar of the specific states. The information in this chart was last reviewed through July 2018.

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Jur.	Rate Filing Status	Citation	Form Filing Status	Citation
AL	File and Use for filings that result in less than a 10% rate change. Prior Approval for filings that result in a rate change greater than 10%.	Insurance Regulation Chapter 482-1-123-.01 et seq.	File and Use for filings that result in less than a 10% rate change. Prior Approval for filings that result in a rate change greater than 10%. Surety bond forms are exempt from filing requirements. (§27-14-8)	Insurance Regulation Chapter 482-1-123-.01 et seq.
AK	Prior Approval – 15-day deemer. Filing must be made at least 15 days before the effective date.	AS 21.39.040 and 21.39.041	Prior Approval – 30-day deemer; or File and Use, if a certificate of compliance is submitted with the filing. All filings must be made at least 30 days before the effective date. Surety bond forms are exempt from filing requirements. (§21.42.120)	AS 21.42.120, AS 21.42.123 and AS 21.42.125
AZ	Use and File – within 30 days after the effective date	Ariz. Rev. Stat. Ann. §20-385	Prior Approval – 30-day deemer. Surety and fidelity bond forms are exempt from filing requirements. (§20-398(A))	Ariz. Rev. Stat. Ann. §20-398
AR	File and Use. Filing must be made at least 20 days before the effective date. However, Ark. Stat. Ann. § 23-67-206 exempts commercial lines, including fidelity and surety, from rate filing requirements.	Ark. Stat. Ann. §23-67-211 Ark. Stat. Ann. § 23-67-206	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date. Surety bond forms are exempt from filing requirements. (§23-79-109)	Ark. Stat. Ann. §23-79-109
CA	Prior Approval - Surety and Fidelity are designated as Specialty Insurance and are exempt from the restrictive sections for credibility, loss development, expenses and the other mandatory standards. As Specialty lines, surety and fidelity rates are to be filed using the most actuarially sound standards.	California Ins. Code §§ 1861.01 & 1861.05, CCR Title 10 Subchapter 4.8 § 2642.7	Prior Approval	California Ins. Code §§ 1861.01 & 1861.05, CCR Title 10 Subchapter 4.8 § 2642.7
CO	File and Use – on or before the effective date.	C.R.S. §10-4-401	C.R.S. §§10-4-419 provides the requirements for filing claims-made liability and private passenger automobile forms and C.R.S. §10-4-111 provides the requirements for filing Summary Disclosures for Dwelling Fire, Homeowners and Private Passenger Auto. No other property and casualty forms, including fidelity and surety, are required to be filed.	No filing requirement for fidelity and surety forms.
CT	File and Use – on or before the effective date.	Connecticut General Statutes §38a-676(a); CT ADC § 38a-676-2	File and Use – prior to the issuance of the form. Surety and fidelity bond forms are exempt from filing requirements. Advisory organizations are required to file forms on behalf of their members. (§38a-676(c))	Connecticut General Statutes §38a-676(c); CT ADC § 38a-676-3
DE	File and Use	Delaware Code §18-2504	File and Use. Filing must be made at least 30 days before the effective date. Surety bond forms are exempt from filing requirements. (§18-2712)	Delaware Code §18-2712

DC	File and Use	D.C. Code §31-2703, 31-2704	Prior Approval – 60-day deemer.	D.C. Code §31-2502.27
FL	Commercial insurance rates, including surety, fidelity, burglary and theft are exempt from filing requirements. The Department must be notified of rate changes within 30 days of the effective date. Advisory organizations are required to file loss costs on behalf of their members.	Florida Statutes §627.062 (3)(d)1. b	Insurers are exempt from filing property and casualty forms, except workers' compensation and personal lines forms, are exempt from the approval process in §627.410. Insurers still must file an informational filing for commercial lines forms, which must contain a notarized certification from the company president, chief executive officer, general counsel, or an employee of the insurer responsible for the filing on behalf of the insurer. The mandatory language for the certification is contained in the law. Failing to include this certification will result in the filing being reviewed under the existing prior approval procedures. (§627.410(4)) Filings not subject to the above-described exemption are subject to prior approval with a 30-day deemer. Filings must be made at least 30 days before the effective date. Surety bond forms are exempt from filing requirements. The exemption for “surety bonds” does not include “surety insurance,” which includes fidelity and F.I. Bonds (§627.410)	Florida Statutes §627.410 and § 627.4102
GA	File and Use – 45 days before the effective date	Georgia Code §33-9-21(d)	Prior Approval – 90-day deemer. Filing must be made at least 90 days before the effective date. Surety bond forms are exempt from filing requirements. (§33-24-9(a))	Georgia Code §33-24-9
HI	Prior Approval – 30-day deemer	Hawaii Revised Statutes §§431:14-104	Prior Approval	Hawaii Revised Statutes §§431: 14-104 & 14-105
ID	Use and File – within 30 days after effective date	Bulletin 91-1	File and Use – submitted with a certification by an officer of the insurer that the form complies with Idaho law. Surety bond forms are exempt from filing requirements. (§41-1812(1))	Idaho Statutes §41-1812
IL	Rating law expired 1971.		File and Use. Surety and fidelity bond forms are exempt from filing requirements. The exemption does not apply to forms for burglary and theft. (215 ILCS 5/143 (3))	215 ILCS 5/143
IN	Use and File – File within 30 days use begins for commercial property and casualty insurance. Filings in this case are to be made on an informational basis only. OR File & Use after 20 days*	Indiana Code §§27-1-22-4 and 27-1-22-7	Use and File – File within 30 days use begins for commercial property and casualty insurance. Filings are to be made on an informational basis only.	Indiana Code §27-1-22-4
IA	Prior Approval – 30-day deemer	Iowa Code §515F.5	Prior Approval	Iowa Code §515.102

KS	File and Use. However, surety and fidelity rates are exempt from rate filing requirements. (§ 40-955(i))	Kansas Code §40-955	File and Use: Contracts of insurance or indemnity. The Commissioner has 30 days in which to disapprove of a filing.	Kansas Code §40-216
KY	Use and File – within 15 days of use. Surety and fidelity rates and/or loss costs are not required.	Kentucky Revised Statutes §304.13-051	Prior Approval – 60-day deemer. Filing must be made at least 60 days before the effective date. Surety bond forms are exempt from filing requirements. (§304.14-120(1))	Kentucky Revised Statutes §304.14-120
LA	Prior Approval – 45-day deemer. Filing must be made at least 45 days before effective date.	Louisiana Revised Statutes §22:1464	Prior Approval – 45-day deemer. Filing must be made at least 45 days before the effective date. Surety and fidelity bond forms are exempt from filing requirements; however informational filings are requested by the Department. The exemption does not apply to burglary and theft. (§22:861(1))	Louisiana Revised Statutes §22:861
ME	File and use. Filing must be made at least 30 days before the effective date.	Maine Revised Statutes Title 24-A §2304A, Bulletin 176	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date. Surety bond forms are exempt from filing requirements. (Title 24-A §2412 1(B))	Maine Revised Statutes Title 24-A §2412, Bulletin 176
MD	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date.	Maryland Insurance Article §11-206	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date.	Maryland Insurance Article §11-206
MA	File and Use – 15-day waiting period. Surety bonds are exempt from the rate and rule filing requirements.	Massachusetts General Laws Annotated Chapter 175A §6 and Massachusetts Bulletin SRB 90-05.	File and Use – 30-day waiting period. Surety bond forms are exempt from form filing requirements. (MGLA 175 §107)	MGLA 175 §191; Bulletin 2008-08
MI	File and Use – 15-day deemer.	Michigan Compiled Laws §§ 500.2406 & 500.2408	Prior Approval – 30-day deemer. Surety bonds are exempt.	M.C.L.A. 500.2236(8)(c)
MN	File and Use – Filing must be made on or before the effective date.	Minnesota Statutes §70A.06	Prior Approval – 60-day deemer	Minnesota Statutes §70A.06, Subd. 2
MS	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date.	Mississippi Code §83-2-7	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date.	Mississippi Code §83-2-7
MO	Use and File – within 10 days of the effective date. Except in certain cases, rates for commercial property and casualty insurance, including surety and fidelity, are exempt from the filing requirements.	Missouri Revised Statutes §379.321 20 CSR 500-4.100	Use and file – within 10 days of the effective date. Policies issued to large commercial policyholders are exempt from the filing requirements under certain conditions.	Missouri Revised Statutes §379.321 20 CSR 500-4.100
MT	File and Use	Montana Code Annotated §33-16-203	Prior Approval – Filing must be made at least 60 days before effective date. Surety bond forms are exempt from filing requirements.	Montana Code Annotated §33-1-501

NE	File and Use. Surety bond forms are exempt from rate filing requirements. Advisory organizations are required to file loss costs on behalf of their members.	N.R.S. §§44-7505 & 44-7508; Bulletin CB-50 (part 7b)	File and Use, except for certain lines of business or if the insurer has a demonstrated history of violations, in which case prior approval is required. Surety bond forms are exempt from form filing requirements. Advisory organizations are required to file forms on behalf of their members.	Neb. Rev. Stat. §§44-7505, 44-7508.02 & 44-7513; Bulletin CB-50 (6d))
NV	Prior Approval. Surety and fidelity are exempt.	Nevada Revised Statutes §§686B.030, 686B.070 and 686B.110	Prior Approval. Surety and fidelity are exempt.	Nevada Revised Statutes 686B.030, 686B.070
NH	Use and File. For commercial risk policies in a competitive market rates and supplementary information must be filed at least 30 days prior to the effective date. The Commissioner may authorize an earlier effective date. Surety bonds are exempt from the filing requirements.	New Hampshire Revised Statutes Annotated §412:16	Prior Approval – 30-day deemer period subject to extension. Filings must be made at least 30 days before the effective date. Certain types of commercial insurance, including fidelity forms, are not subject to the 30-day waiting period and only need to be filed for informational and auditing purposes (except when the Commissioner has determined the market to be non-competitive). Surety bonds are exempt from the filing requirements.	New Hampshire Revised Statutes Annotated §§ 412:5
NJ	Use and File – within 30 days after effective date. Surety and fidelity rates are exempt from rate filing requirements. The exemption does not include rules and loss costs for burglary and theft. (§17:29AA-3(k))	New Jersey Statutes Title 17 §29AA-5	File and Use – 30-day deemer. Filing must be made at least 30 days before the effective date. Surety and fidelity bonds are exempt from form filing requirements. The exemption does not include forms for burglary and theft. (§17:29AA-3(k))	New Jersey Statutes Title 17 §29AA-6
NM	Prior Approval – Rates for competitive market need not be filed, however. Surety and fidelity rates are included as “no file” commercial lines. Advisory organizations are required to file loss costs on behalf of their members. (Bulletin 2007-006)	New Mexico Statutes §§59A-17-9 and 59A-17-13; Bulletin 2007-006	File and Use for commercial lines of business. Prior Approval only is required for non-competitive markets. Advisory organizations are required to file forms on behalf of their members.	New Mexico Statutes §§59A-18-12 and 59A-18-14; Bulletin 2007-006
NY	File and Use.	New York State Consolidated Laws Chapter 28, Article 23, §2305; Compilation of Codes, Rules and Regulations of the State of New York, Title 11, §§ 161.0 and 161.3	Prior Approval – 30-day deemer period. Surety bond forms are exempt from prior approval requirements. (11 NYCRR 66.1)	New York State Consolidated Laws Chapter 28, Article 23, §2305
NC	File and Use – Filing must be made at least 60 days before the effective date.	North Carolina Insurance Law §§58-40-30 and 58-41-50	Prior Approval – 90-day deemer	North Carolina Insurance Law §58-41-50

ND	Prior Approval – 60-day deemer for non-competitive markets, new companies and initial program rate filings. Use and File for competitive commercial markets - file within 30 days of the effective date.	North Dakota Century Code §26.1-25-04; Bulletin 2007-2	Prior Approval – 60-day deemer	North Dakota Century Code §§26.1-30-19 and 26.1-30-20
OH	File and Use	Ohio Revised Code §3937.03	File and Use	Ohio Revised Code §3937.03
OK	Use and File in competitive markets – file within 30 days of the effective date. File and Use for non-competitive markets – file at least 30 days prior to the effective date. The lines of surety and fidelity are exempt from rate and form filing requirements. (§36-997)	Oklahoma Statutes §36-987	Prior Approval – 60-day deemer. Filing must be made at least 60 days before the effective date. Surety bond forms are exempt from form filing requirements. (§36-3610)	Oklahoma Statutes, Title 36 Ch.1, Article 36 §3610
OR	File and Use OR Prior Approval (if rate change is 15% or greater). Filing must be made at least 30 days before the effective date. Surety insurance is exempt.	Oregon Revised Statutes §737.205 and SB 985 (2017)	Prior Approval. Surety insurance is exempt.	Oregon Revised Statutes §742.003 and SB 985 (2017)
PA	Large commercial risks (a risk of a commercial entity whose aggregate annual P&C premiums exceed \$25,000 or which has at least 25 full-time employees at the time the policy is written or renewed, and for which the entity uses an employee acting as an insurance manager, buyer, retained qualified insurance consultant or risk manager) are exempt from rate and form filing requirements. Small commercial risks must file an initial base rate for prior approval by the Department. Once the base rate is established, any filings which result will revise the base rate by 10% or more must be made for the prior approval of the Department. If the change to the base rate is less than 10%, the Department requires that filings be made 45 days before they are to be effective. Individual filings shall not be required for a specific individual policy if the rate does not deviate from the base rate by more than 25%. Rates that deviate from the base rate by more than 25% may be used immediately and shall be filed with the Department within 30 days of the effective date.	40 Pennsylvania Statutes § 710-5	Same as rate filing requirements. However, surety and fidelity forms are exempt from filing requirements. (Bulletin 1995-09)	40 Pennsylvania Statutes § 710-5
RI	File and Use. Filing must be made at least 30 days before the effective date. Surety, fidelity, crime, burglary and theft rates are exempt from filing requirements.	Rhode Island Statutes §27-44-6; §27-65-1(a)(4)	Prior Approval – 30-day deemer. Surety, fidelity, crime, burglary and theft forms are exempt from filing requirements.	Rhode Island Statutes §§27-9-6.1, 27-9-10; §27-65-1(a)(4)

SC	Prior Approval – 60-day deemer. Filing must be made at least 60 days before the effective date. Commercial lines of insurance issued to commercial insureds, including fidelity, are exempt from filing requirements. Advisory organizations are required to file loss costs on behalf of their members. (R. 69-64) (Updated: 11/20/2012)	South Carolina Code §§38-73-340, 38-73-520, 38-73-960 & 38-73-970	Prior Approval – 30-day deemer. Surety and fidelity bonds are exempt from form filing requirements. (§38-61-20(A)(3)) Advisory organizations are required to file these forms on behalf of their members. (R. 69-64) (Updated: 11/20/2012)	South Carolina Code §38-61-20
SD	File and Use	South Dakota Statutes §§58-24-10 and 58-24-10.2	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date. Surety bond forms are exempt from filing requirements. (§58-11-13)	South Dakota Statutes §§58-11-12 and 58-11-17
TN	Use and File – within 15 days after effective date	Tennessee Code §56-5-106	Use and File – within 15 days after effective date	Tennessee Code §56-5-106
TX	File and Use, except if the Insurance Commissioner determines prior approval is necessary based on emergency conditions, or the insurer’s financial conditions.	Texas Insurance Code §§2251.101 & 2251.151	Prior Approval – 60-day deemer	Texas Insurance Code §2301.006
UT	Use and File – within 30 days after effective date.	Utah Code §31A-19a-203	File and Use. Surety and fidelity bond forms, exclusive of bail bond forms, are exempt from filing requirements. (Rule R590-120)	Utah Code §31A-21-201
VT	Use and File – within 15 days after effective date.	Vermont Statutes Title 8 §4688	Prior Approval – 30-day deemer. Filing must be made at least 30 days before the effective date. Surety bond forms are exempt from filing requirements. The exemption for “surety bonds” does not include surety insurance which includes fidelity and F.I. Bonds. The exemption also does not apply to or to indemnity and collateral agreements required by an insurer or its agent in connection with bail bonds. (Title 8 §3541)	Vermont Statutes Title 8 §3541; Regulation I-2010-03
VA	File and Use. Filings may be used on or after the effective date requested by the filer, or the date received by the Bureau, whichever is later. Surety insurance is exempt under Administrative Order No. 11761.	Code of Virginia §38.2-1906 and Administrative Order No. 11761.	Prior Approval – 30-day deemer. Filing must be made at least 30 days before effective date. Surety bond forms are exempt from filing requirements. (§38.2-317)	Code of Virginia §38.2-317

WA	Prior Approval – 30-day deemer for Fidelity and Surety. Filing must be made at least 30 days before the effective date. However, for commercial property casualty rates (burglary/theft), insurers may opt to operate under a modified use and file system. Under this system, which was offered to bring products into the market place more quickly, rates are required to be filed 30 days after the effective date. The Department may still review and disapprove the filing in 30 days. If not disapproved within the 30-day period, the rates are deemed approved. Alternatively, insurers may elect to file under the Prior Approval system. If this is the case, it should be indicated in the filing’s cover letter.	RCW §§ 48.19.040 and 48.19.060 and <i>Technical Assistance Advisory T 97-3</i>)	The same provisions regarding commercial property casualty rates govern forms. Surety and fidelity bond forms are exempt from filing requirements. (RCW §48.18.100 and <i>State of Washington Property/Casualty Insurance Form Filing Procedures</i>)	RCW §§ 48.18.100 and 48.18.103 and <i>Technical Assistance Advisory T 97-3</i>
WV	File and Use – 30-day waiting period. Surety and fidelity are exempt from the rate and rule filing requirements.	West Virginia Code §33-20-4	Prior Approval – 60-day deemer. Filing must be made at least 60 days before the effective date. Commercial property and casualty forms are permitted to operate on a file and use basis, subject to a 30-day review period. Surety bond forms are exempt from filing requirements. (§33-6-8)	West Virginia Code §33-6-8
WI	Use and File – within 30 days after effective date	Wisconsin Statutes §625.13	Prior Approval – 30-day deemer.	Wisconsin Statutes §631.20
WY	Exempt – a competitive market is deemed to exist. However, insurers must maintain adequate records from which the Commissioner may determine compliance.	Wyoming Statutes §26-14-107	Prior Approval – 45-day deemer. Filing must be made at least 45 days before the effective date. Surety bond forms are exempt from filing requirements. (§26-15-110)	Wyoming Statutes §26-15-110
PR	Prior Approval – 30-day deemer. Rates for surety and fidelity bonds are subject to a File and Use system. However, Ruling Letter 2011-129-AP suspended the filing requirements for commercial rates indefinitely. Rule filings still are required. (2/11/2013)	26 LRPA §§1205 through 1207; Ruling Letter 2011-129-AP	Prior Approval – 60-day deemer. Filing must be made 60 days prior to the effective date. Surety bonds forms generally are exempt by law, but Rule XXIV-A requires performance, payment or labor and material, and bail bond forms to be filed.	26 LRPA §§1111 and Rule XXIV-A of the Regulations of the Insurance Code of Puerto Rico

*Applicable when a filing or deviation involving a rate adjustment depends upon a change in the relationship between the proposed rates and the anticipated production expense portion thereof from the relationship anticipated under any rates previously filed and currently in effect for the company or rating organization involved.