

**IMPORTANT MATERIAL  
TO BE IMPLEMENTED**

June 30, 2018

CIRCULAR LETTER TO ALL MEMBER COMPANIES FOR

**RE: NON-FLEET PRIVATE PASSENGER RECOUPMENTS**

- (1) **NON-FLEET PRIVATE PASSENGER RECOUPMENTS**
- (2) Closing
- (3) Amended Report Format

On October 1, 2018 a new combined recoupment surcharge will apply to non-fleet private passenger automobile business only.

**For programming and monthly reporting purposes, the Clean Risk and Loss recoupment factors are to be combined into a single factor and applied to non-fleet private passenger policies.**

**NON-FLEET PRIVATE PASSENGER RECOUPMENT FACTORS**

<u>Line code</u>	<u>Recoupment Type</u>	<u>Applicable to policies effective</u>	<u>Policy type</u>	<u>Surcharge (before agent comp)</u>
n/a	Clean Risk	10/1/18-03/31/19	All PPNF	<b>6.82%*</b>
n/a	Loss	10/1/18-03/31/19	All PPNF	<b>3.06%*</b>
<b>CL05</b>	<b>Combined recoupment</b>	<b>10/1/18-03/31/19</b>	<b>All PPNF</b>	<b>9.88%</b>

\* These figures are provided for informational purposes only, and should not be used for programming or reporting.

**Please note:**

- These October 1, 2018 “clean risk” and loss recoupment surcharges will run concurrently.
- The implementation date for these surcharges will be October 1, 2018 and the implementation period is for six months.
- All recoupment surcharges for this period should be reported under the single line code **CL05**.
- For your convenience, included as Exhibit 2 is an excerpt from the NCRF Standard Practice Manual to provide guidance on the definition and calculation of these surcharges. Please note that the excerpt outlines procedures for recoupments on **both non-fleet private passenger business and commercial auto business**.

## **NON-FLEET PRIVATE PASSENGER AUTOMOBILE BUSINESS**

### **“Clean Risk” Recoupment**

For non-fleet private passenger automobile business, the “clean risk” recoupment surcharge of **6.82% (before inclusion of agent compensation)** will be applicable in accordance with law to policies issued to become effective during the **six months beginning October 1, 2018**. This surcharge is to offset a portion of the premium income lost by the Facility because “clean risks” in the Facility can only be charged the same rates as “clean risks” that are not reinsured in the Facility.

The “clean risk” recoupment surcharge is applicable to the liability, medical payments, uninsured motorists and underinsured motorists coverage premiums for all non-fleet private passenger vehicles, including motorcycles, insured on personal automobile policies and not on commercial automobile policies.

### **Loss Recoupment**

For non-fleet private passenger automobile business, the loss recoupment surcharge of **3.06% (before inclusion of agent compensation)** will be applicable in accordance with law to policies issued to become effective during the **six months beginning October 1, 2018**. This surcharge is to recoup losses sustained by the Facility with respect to non-fleet private passenger motor vehicle business.

In the same manner as the “clean risk” recoupment surcharge, the loss recoupment surcharge factor is applicable to the liability, medical payments, uninsured motorists and underinsured motorists coverage premiums for all non-fleet private passenger vehicles, including motorcycles, insured on personal automobile policies and not on commercial automobile policies.

### **COMBINED Recoupment**

Both the “clean risk” and loss recoupment surcharges are subject to the payment of agent compensation. The applicable rules and procedures and other requirements relating to recoupment are on Section 4, pages 13-1 through 13-4 of the NCRF Standard Practice Manual, which we request that you review and carefully observe, especially in regard to surcharge adjustments for voluntary policies written at deviated rates. A portion of this material is attached as **Exhibit 2**.

This combined recoupment surcharge applied to premiums should be the published combined percentage adjusted to include the agent compensation or commission paid on non-fleet private passenger business other than commercial business ceded by your company to the Facility. Surcharges must be **rounded** to the nearest hundredth of a percentage point in order to assure that proper agent compensation will be provided. For example, where a carrier pays (or would pay) a 10% commission on non-fleet private passenger motor vehicle business ceded to the Facility, the combined recoupment surcharge would be **10.98% (.0988 ÷ .90 = .1098)**. Samples are provided on Exhibits **2 & 3**.

## **CLOSINGS AND REPORTING REVISIONS**

There will be no additional lines closed at this time. **For open and closed recoupment lines (Refer to Exhibit 1).** Your company's Monthly Recoupment Report must be modified to reflect only active line codes with activity effective with the **July 2018 accounting report submission (due by August 27, 2018)** to the NCRF. The recoupment surcharges are to be reported in the Monthly Recoupment Report (submitted monthly) and the Recoupment Detail Report (submitted upon request by the NCRF) and identified as follows by line code – see Exhibit 1. These reports are to be submitted in an electronic file submitted via FTP (file transfer protocol). It is understood that there will not necessarily be activity for the older line codes due to the age of the policy effective dates.

Any recoupment activity for policies effective prior to April 01, 2014 may **be included with the oldest open line, CR12.**

## **AMENDED REPORT FORMAT**

Specifications for the Recoupment Detail Report are provided in the Standard Practice Manual, Section 4 Exhibits D-1 and D-2 and in the FTP Instruction Guide available on the NCRF website. These files may only be submitted via FTP.

**Please see to it that the above is brought to the attention of all interested personnel in your company responsible for programming, policy issuance or completing and submitting the monthly accounting reports.**

Questions regarding this circular should be directed to Bill Benton at 919-645-3187 or e-mail at: [web@ncrb.org](mailto:web@ncrb.org).

Sincerely,

Terry F. Collins

Chief Operating Officer

North Carolina Reinsurance Facility

RF-18-7

Attachments

**RECOUPMENT FACTORS**

Following are the factors for the Facility's recoupment surcharges for the periods indicated.

<b>Line code</b>	<b>Recoupment Type</b>	<b>Applicable to Policies Effective</b>	<b>Which Policies</b>	<b>Surcharge (before agent compensation)</b>
<b>CL05</b>	<b>NEW COMBINED RECOUPMENT</b>	<b>10/1/2018 - 3/31/2019</b>	<b>All PPNF</b>	<b>9.88%*</b>
<b>Prior Recoupments still open for reporting</b>				
CL04	Combined Recoupment	4/1/18 – 9/30/18	All PPNF	11.92%
CL03	Combined Recoupment	10/1/2017 - 3/31/2018	All PPNF	10.31%
CL02	Combined Recoupment	4/1/2017 - 9/30/2017	All PPNF	9.94%
CL01	Combined Recoupment	10/1/2016 - 3/31/2017	All PPNF	8.26%
CR14	Clean Risk	10/1/2015 - 9/30/2016	All PPNF	4.06%
CR13	Clean Risk	10/1/2014 - 9/30/2015	All PPNF	4.86%
CR12	Clean Risk	4/1/2014 - 9/30/2014	All PPNF	4.67%
<b>Prior Recoupments CLOSED for reporting</b>				
CR11	Clean Risk	10/1/2013 - 3/31/2014	All PPNF	2.25%
CR10	Clean Risk	4/1/2013 - 9/30/2013	All PPNF	2.25%
CR09 (revised)	Clean Risk	10/1/12 - 3/31/13	All PPNF	3.87%
CR08	Clean Risk	10/1/11 - 9/30/12	All PPNF	3.87%
CR07	Clean Risk	10/01/10 - 9/30/11	All PPNF	4.33%
CR06	Clean Risk	11/01/09 - 9/30/10	All PPNF	6.41%
CR05	Clean Risk	10/01/08 - 10/31/09	All PPNF	4.24%
CR04	Clean Risk	10/01/07 - 9/30/08	All PPNF	2.48%
CR03	Clean Risk	10/01/06 - 9/30/07	All PPNF	8.82%
CR02	Clean Risk	10/01/05 - 9/30/06	All PPNF	9.71%
CR01	Clean Risk	4/1/05 - 9/30/05	All PPNF	6.43%
PP01	Loss	4/1/05 - 3/31/06	All PPNF	4.17%

**CL05: \* 6.82% + 3.06% = 9.88%**

North Carolina Reinsurance Facility Standard Practice Manual  
Section 4, Chapter 13, Item C. Surcharges:

“The following are the guidelines applicable to the billing, collection, and recording of recoupment surcharges:

1. Surcharges apply on policies written to become effective during the time period announced by the Facility circulars. As to policies issued for a period of more than one year, the surcharge in effect at each anniversary of the policy effective date shall apply for the term, not to exceed one year, beginning on that date.
2. By statute, the surcharges are not considered or treated as written premiums but on policies and billing statements the surcharges shall be combined with and displayed as a part of the applicable premium charges.
  - a. For non-fleet private passenger auto:
    - Under a single-vehicle policy the total amount of the applicable recoupment surcharges is to be divided equally and combined with the bodily injury and property damage liability premiums only.
    - Under a multi-vehicle policy the total amount of the applicable recoupment surcharges is to be divided equally among all vehicles and the amount assigned to each vehicle is to be divided equally and combined with the bodily injury and property damage liability premiums only for each vehicle.
    - A member company may choose to apply the surcharge at a vehicle level or at the policy level. The company must be consistent in its application of this decision.
3. Since surcharges are not considered or treated as premiums
  - there are no escrow considerations;
  - there are no premium tax considerations;
  - there are no ceding or claim expense allowances on the surcharge amounts.
4. Surcharges are applicable only to liability coverages including bodily injury liability, property damage liability, medical payments, uninsured motorists, and underinsured motorists coverage premiums.
5. Recoupment surcharges for:
  - Non-fleet private passenger auto are to be applied to all vehicles insured on non-fleet private passenger auto policies.
  - Other than non-fleet private passenger auto (commercial auto) are to be applied to all vehicles insured on commercial auto policies regardless of vehicle type.

6. With respect to the charging and billing of the surcharge amount:
  - a. For non-fleet private passenger auto, the exact surcharge amount must be charged and billed in dollars and cents. Rounding is not permitted.
  - b. For other than non-fleet private passenger auto (commercial auto), the exact surcharge amount may be charged and billed in dollars and cents **OR** the surcharge amount may be rounded to the nearest dollar. The Facility recognizes that, if rounding to the nearest dollar is utilized, the whole dollar surcharge amount may be a slightly different percentage of the liability premium than the specific surcharge percentage.
7. Detail records of surcharges are maintained at the company level. When required under Chapter 3, Paragraph J., member companies must submit a detail transaction listing to support surcharges reported to the Facility.
8. Policies may be canceled for non-payment of surcharge.
9. If a surcharged policy is canceled, there is an appropriate (pro rata, short rate or total) refund of the surcharges to the insured. Similarly, the surcharge(s) is adjusted in relation to additional or return premiums on transactions occurring after policy issuance.
10. On non-fleet private passenger car business to which any deviation from Personal Auto Manual rates applies, the surcharge percentages otherwise applicable shall be adjusted so that the deviating company recovers the same dollar amount as would have been recovered had the surcharge percentages established by the Board of Governors been applied to the premium at the manual rates. This is only applicable to non-fleet private passenger auto recoupment.
11. The applicable general statutes require the Board of Governors to adopt and implement a plan for compensation of agents when recoupment surcharges are imposed. The guidelines for such compensation as adopted and implemented by the Board of Governors are as follows:
  - a. Compensation shall be paid by members of the North Carolina Reinsurance Facility to agents for the services performed by such agents in relation to the collection of recoupment surcharges applicable to policies subject to such recoupment surcharges.
  - b. The compensation amount required to be paid to agents by each member of the North Carolina Reinsurance Facility shall be equal to an amount determined by multiplying (i) the percentage rate of agent compensation by (ii) the amount of the recoupment surcharge including the agent compensation.
  - c. The percentage rate of agent compensation that is to be included in the recoupment surcharge and applied to policies as described above is
    - 10% for non-fleet private passenger auto
    - 10% for other than non-fleet private passenger auto (commercial auto)

The recoupment surcharge amount added to each policy premium subject thereto shall include the amount necessary for the member company to recover the compensation required to be paid to the agent (as described above) in addition to

the amount determined by applying to such premium the percentage determined by the Board of Governors.

**For example, if the determined recoupment surcharge is 11.7%:**

Recoupment surcharge percentage: **11.7% OR .117**

Agent commission: **10% OR .10**

Recoupment surcharge percentage, including agent commission,  
to be applied to liability premium: **.117 / (1-.10) = .130 OR 13.0%**

The amount of the recoupment surcharge shall be determined by multiplying the recoupment surcharge percentage (after inclusion of the 10% agent commission) by the policy premium subject thereto. Following the example above where the recoupment surcharge percentage including agent commission is 13.0%:

**An example of calculating the recoupment surcharge amount including agent commission if policy premium = \$180.**

Recoupment surcharge percentage: **13.0%**

Policy premium: **\$180**

Recoupment surcharge amount: **13.0% X \$180 = \$23.40**

- d. For each recoupment the surcharge percentage applied to each policy premium subject thereto shall be the same regardless of whether the policy is ceded to the Facility or voluntarily retained by the member company. If for any reason a member company should elect to pay on recoupment amounts a higher percentage rate of agent compensation than the 10% set forth above, the recoupment amounts included in the policy premium and reported monthly to the Facility as recoupments written must be the same as would be reported if the percentage rate of compensation was 10%.

For example, if the recoupment surcharge amount determined in accordance with the 10% rate set forth above is \$23.40, and the company elects for any reason to pay the agent compensation or commission on the recoupment at the rate of 15%, then the amount included in the policy premium would nonetheless be \$23.40 and the amount reported to the Facility as recoupment written net of agent compensation or commission must be  $.90 \times \$23.40$  or \$21.06, not  $.85 \times \$23.40$  or \$19.89.

**PRIVATE PASSENGER SURCHARGE CALCULATION**

The combined recoupment surcharge is to be **calculated on premium amounts at full manual rates, i.e. prior to the application of any deviations, and apply to other than commercial policies ceded to the Facility as well as to other than commercial policies retained voluntarily by member companies.**

For example, consider a policy for a single-vehicle risk as shown below with total liability, medical payments, uninsured motorists and underinsured motorists coverage premiums of \$400.00 subject to the combined recoupment surcharges. This policy would have total surcharges of \$43.92 (\$400 x .1098).

Coverage	Manual PREMIUMS	Amounts to be Charged after inclusion of Recoupment Surcharges
Bodily Injury	\$180.00	\$201.96 <sup>a</sup>
Property Damage	172.00	193.96 <sup>b</sup>
Medical Payments	27.00	27.00
Uninsured/Underinsured Motorists	21.00	21.00
Total	\$400.00	\$443.92

	Total Liability Premium X Surcharge	Surcharge divided by 2 (BI,PD)
Combined recoupment surcharge 10.98%	\$43.92	\$21.96

- a: \$180.00+21.96
- b: \$172.00+21.96

As another example, consider a policy for a two-vehicle risk as shown below with total liability, medical payments, uninsured motorists and underinsured motorists coverage premiums of \$1004.00 subject to the combined recoupment surcharges. This policy would have total surcharges of \$110.24 (\$1004.00 x .1098).

Coverage	Manual Premiums		Amounts to be charged after inclusion of Recoupment surcharges	
	Vehicle 1	Vehicle 2	Vehicle 1	Vehicle 2
Bodily Injury	\$320.00	\$125.00	\$347.56 <sup>a</sup>	\$152.56 <sup>c</sup>
Property Damage	310.00	123.00	337.56 <sup>b</sup>	150.56 <sup>d</sup>
Medical Payments	60.00	19.00	60.00	19.00
Uninsured/Underinsured Motorists	47.00	Included	47.00	Included
Total	\$737.00	\$267.00	\$792.12	\$322.12

	Total Liability Premium X Surcharge	Surcharge divided by 4 (2-BI,2-PD)
Combined recoupment surcharge 10.98%	\$110.24	\$27.56

- a: \$320.00+27.56
- b: \$310.00+27.56
- c: \$125.00+27.56
- d: \$123.00+27.56

**Note:** Both examples assume a 10% agent commission.