



December 22, 2004

**CIRCULAR LETTER TO ALL MEMBER COMPANIES**

**IMPORTANT MATERIAL  
TO BE IMPLEMENTED**

Re: (1) Recoupments  
(2) Closing  
(3) Amended Report Forms

On November 5, 2004 in Circular RF- 04-15, companies were advised that “with respect to the Facility’s recoupment surcharges on Non-Fleet Private Passenger automobile business only:

- 1) The current ‘Clean risk’ recoupment will be revised and implemented **April 1, 2005** for new and renewal policies effective on or after **April 1, 2005 through March 31, 2006**; and
- 2) A Loss recoupment will be implemented **April 1, 2005** for new and renewal policies effective on or after **April 1, 2005 through March 31, 2006.**”

**RECOUPMENT FACTORS**

During a meeting held December 20, 2004, the Board of Governors of this Facility determined the following factors concerning the Facility's recoupment surcharges for the year beginning April 1, 2005.

<u>Line code</u>	<u>Recoupment Type</u>	<u>Applicable to Policies effective</u>	<u>Which policies</u>	<u>Surcharge (before agent comp)</u>
CR01	Clean Risk	4/1/05-3/31/06	All PPNF*	6.43%
PP01	Loss	4/1/05-3/31/06	All PPNF*	4.17%

**Please note:**

- These April 1, 2005 clean risk and loss recoupment surcharges will run concurrently.
- The implementation date for these surcharges will be **April 1, 2005**.
- The “clean risk” recoupment surcharge applicable to policies effective on or after July 1, 2004 as advised in Circular RF-04-4 dated April 8, 2004 will now only be applicable to policies becoming effective on or before **March 31, 2005**.

\* **For policies becoming effective on or after July 1, 2005, these “clean risk” and loss recoupments should be applied to private passenger non-fleet vehicles insured on personal automobile policies and not on commercial automobile policies in accordance with the procedures outlined in Circular RF-04-19.**

## NON-FLEET PRIVATE PASSENGER AUTOMOBILE BUSINESS

### “Clean Risk” Recoupment

For non-fleet private passenger automobile business, the Board of Governors voted that a “clean risk” recoupment surcharge of **6.43% (before inclusion of agent compensation)** would be applicable in accordance with law to policies issued to become effective during the twelve months beginning **April 1, 2005**. This surcharge is to offset a portion of the premium income lost by the Facility because “clean risk” in the Facility can only be charged the same rates as clean risks who 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, under policies ceded to the Facility as well as to policies retained voluntarily by member companies.

The “clean risk” recoupment surcharge is subject to the payment of agent compensation. The applicable rules and procedures in that regard and other requirements relating to recoupment are set forth on Pages 4-13-1 through 4-13-4 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 appears in a later section of this letter. The recoupment surcharge applied to premiums should be the indicated percentage adopted by the Board of Governors adjusted to include agent compensation or commission. 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 “clean risk” recoupment surcharge would be **7.14%** ( $.0643 \div .90 = .0714$ ).

### Loss Recoupment

For non-fleet private passenger automobile business, the Board of Governors voted that a loss recoupment surcharge of **4.17% (before inclusion of agent compensation)** would be applicable in accordance with law to policies issued to become effective during the twelve months beginning **April 1, 2005**. This surcharge is to recoup losses sustained by the Facility with respect to nonfleet private passenger motor vehicle business. In the same manner as the “clean risk” recoupment surcharge, the loss 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, under policies ceded to the Facility as well as to policies retained voluntarily by member companies.

The loss recoupment surcharge is also subject to the payment of agent compensation and 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 loss recoupment surcharge would be **4.63%** ( $.0417 \div .90 = .0463$ ).

## SURCHARGE CALCULATION

Both the “clean risk” recoupment and loss recoupment surcharges are to be **calculated on premium amounts at full manual rates, i.e. prior to the application of any deviations, and apply to policies ceded to the Facility as well as to 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 \$377.00 subject to the “clean risk” and loss recoupment surcharges. This policy would have total surcharges of \$44.38 (\$26.92+17.46).

Coverage	Premiums	Amounts to be Displayed on Policy Declarations or Billing Notice
Bodily Injury	\$159.00	\$181.19 <sup>a</sup>
Property Damage	170.00	192.19 <sup>b</sup>
Medical Payments	22.00	22.00
Uninsured/Underinsured Motorists	26.00	26.00
Total	\$377.00	\$421.38

	Total Liability Premium X Surcharge	Surcharge divided by 2 (BI,PD)
Clean Risk recoupment surcharge 7.14%	\$26.92	\$13.46
Loss Recoupment surcharge 4.63%	\$17.46	\$ 8.73

a: \$159.00+13.46+8.73

b: \$170.00+13.46+8.73

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 \$1,009.00 subject to the “clean risk” and loss recoupment surcharges. This policy would have total surcharges of \$118.76 (\$72.04+\$46.72).

Coverage	Premiums		Amounts to be Displayed on Policy Declarations or Billing Notice	
	Vehicle 1	Vehicle 2	Vehicle 1	Vehicle 2
Bodily Injury	\$312.00	\$118.00	\$341.69 <sup>a</sup>	\$147.69 <sup>c</sup>
Property Damage	324.00	128.00	353.69 <sup>b</sup>	157.69 <sup>d</sup>
Medical Payments	44.00	19.00	44.00	19.00
Uninsured/Underinsured Motorists	64.00	Included	64.00	Included
Total	\$744.00	\$265.00	\$803.38	\$324.38

	Total Liability Premium X Surcharge	Surcharge divided by 4 (2-BI,2-PD)
“Clean Risk” recoupment surcharge 7.14%	\$72.04	\$18.01
Loss recoupment surcharge 4.63%	\$46.72	\$11.68

a: \$312.00+18.01+11.68

b: \$324.00+18.01+11.68

c: \$118.00+18.01+11.68

d: \$128.00+18.01+11.68

Note: Both examples assume a 10% agent commission.

For your convenience, the following is an excerpt from the NCRF Standard Practice Manual to provide guidance on the definition and calculation of these surcharges. Please note that the following excerpt outlines procedures for recoupments on **all types of policies; the recoupments currently authorized apply only to non-fleet private passenger business.**

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. 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 so that:
  - a. Under a single-vehicle policy the total amount of the applicable recoupment surcharges be divided equally and combined with the bodily injury and property damage liability premiums only.
  - b. Under a multi-vehicle policy the total amount of the applicable recoupment surcharges be divided equally among all vehicles and that the amount assigned to each vehicle be divided equally and combined with the bodily injury and property damage liability premiums only for each vehicle.
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. Exact surcharge amount (dollars and cents) must be charged and billed. Rounding is not permitted.
6. 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.
7. Policies may be canceled for non-payment of surcharge.
8. 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.

[Item #9 does not apply to the current authorized recoupment surcharges.]

9. As to policies which are eligible for rating under the Safe Driver Insurance Plan and are written to become effective on or after October 1, 1981, recoupment surcharges may in some cases apply for only a portion of the policy term. Refer to G.S. 58-37-40(f) and the Safe Driver Insurance Plan to determine when recoupment surcharges must be added or deleted during the policy term.
10. On non-fleet private passenger car business to which any deviation from standard 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 standard rates.
11. The Plan of Operation requires payment of compensation to agents in relation to recoupment surcharges. The guidelines are as follows:
  - a. Compensation shall be paid by members of the North Carolina Reinsurance Facility to agents for services performed by such agents in relation to the collection of recoupment surcharges applicable to policies written to become effective on or after October 1, 1981.
  - b. Such compensation amount shall be equal to an amount determined by multiplying (i) the percentage rate of compensation paid to agents by each member of the North Carolina Reinsurance Facility on business ceded to the Facility by (ii) the amount of the recoupment surcharge including the agent compensation. The minimum compensation to be paid to agents on business ceded to the North Carolina Reinsurance Facility, as provided in G.S. 58-37-30(a), is 5% of the policy premium for long haul trucking applicants and public passenger carrying vehicles other than school buses and 10% of the policy premium for other risks.
  - c. The recoupment surcharge amount added to each policy premium subject thereto shall include the amount necessary for the member company to recover the compensation paid to the agent in addition to the amount determined by applying to such premium the percentage determined by the Board of Governors. For example, if (i) the percentage adopted by the Board of Governors is 11.7%, (ii) the policy covers a non-fleet private passenger automobile, and (iii) the company's compensation or commission rate for such business ceded to the Facility is 10%, then the recoupment surcharge percentage applied to the policy premium subject thereto is  $.117 / .90 = .130$  or 13.0%. If the policy covers a taxicab and the company's compensation or commission rate on such business ceded to the Facility is 5%, the recoupment surcharge is  $.117 / .95 = .123$  or 12.3%.

The amount of the recoupment surcharge shall be determined by multiplying the recoupment surcharge percentage by the policy premium subject thereto. For example, if the policy premium is \$180 and the recoupment surcharge percentage is 13.0% the amount of the recoupment surcharge is  $\$180 \times .130 = \$23.40$ .

- 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 voluntary business a higher percentage agent compensation or commission on recoupment amounts than it pays on business ceded to the Facility, the amount reported monthly to the Facility as recoupments written must be the same as would be reported if the compensation or commission were the same as on business ceded to the Facility.

For example, if (i) the policy covers a non-fleet private passenger automobile not ceded to the Facility (ii) the member company pays agent compensation or commission of 10% on such business ceded to the Facility, (iii) the recoupment surcharge amount determined in accordance with the above is \$23.40, and (iv) the company elects for any reason to pay the agent compensation or commission at the rate of 15%, then 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.”

The loss recoupment surcharge is to be calculated in the exact same manner and is applicable for the same coverages as for the “clean risk” recoupment surcharge; however it will need to be reported to the Facility separately in the Monthly Recoupment Report submitted to AIPSO. Please refer to the previous section for examples of the surcharge calculations.

### **CLOSINGS AND REPORTING REVISIONS**

No recoupments will be closed at this time. Effective with the January 2005 accounting report (due at AIPSO by March 15, 2005), the recoupment surcharges are to be reported in the Monthly Recoupment Report submitted to AIPSO and the Surcharge Detail Report and identified as follows:

<u>Line code</u>	<u>Recoupment Type</u>	<u>Applicable to Policies effective</u>	<u>Which policies</u>	<u>Surcharge (before agent comp)</u>
3a15	Clean Risk	7/1/03-6/30/04	All PPNF	5.05%
3a16	Clean Risk	7/1/04-3/31/05 †	All PPNF	5.35%
CR01	Clean Risk	4/1/05-3/31/06	All PPNF*	6.43%
PP01	Loss	4/1/05-3/31/06	All PPNF*	4.17%

\* **For policies becoming effective on or after July 1, 2005, these “clean risk” and loss recoupments should be applied to private passenger non-fleet vehicles insured on personal automobile policies and not on commercial automobile policies in accordance with the procedures outlined in Circular RF-04-19.**

† This recoupment period has been changed as previously described.

**Your company’s Monthly Recoupment Report must be modified to reflect all four of these active line codes effective with the January 2005 accounting report submission to AIPSO.**

## AMENDED REPORT FORM

Enclosed is a revised Surcharge Detail Report form that must be used by member companies for any Surcharge Detail Reports in Paper or Microfiche format requested by the Facility for the month of January 2005 and for any subsequent months **until June 2005 when the Facility will discontinue accepting Paper and Microfiche formats.** Companies are encouraged to use Diskette or CD ROM in anticipation of this format becoming mandatory effective July 2005. Specifications for the Surcharge Detail Report in CD ROM or Floppy Disk format are provided in Exhibits E(2) and E(3) of Section 4 of the NCRF Standard Practice Manual.

Notice that as to the closed "clean risk" surcharges for non-fleet private passenger business, developments subsequent to those reported in the February 2004 accounting report cycle are to be included in reports for subsequent accounting report cycles. Developments on the closed "clean risk" surcharges are to be included with the corresponding "clean risk" surcharges applicable to policies written to become effective during the twelve months beginning July 1, 2003 (the oldest open line).

**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 Amy Tart at 919-783-9790 or [amt@ncrb.org](mailto:amt@ncrb.org).

Sincerely,

Edith T. Davis

Director, Reinsurance Facility

RF-04-20

NORTH CAROLINA REINSURANCE FACILITY  
SURCHARGE DETAIL REPORT - PAPER OR MICROFICHE

Date \_\_\_\_\_  
 Page \_\_\_\_\_

Company or Group \_\_\_\_\_ Code No. \_\_\_\_\_  
 Month of \_\_\_\_\_ 20 \_\_\_\_\_

Line Code

**3.a.(15)** Clean Risks Recoupment Surcharges Written on PPNF Policies Effective 7/1/03-6/30/04 (5.05% $\phi$ )#

<u>Policy Number**</u>	<u>Eff Date</u>	<u>Surcharge Written <math>\phi</math></u>	<u>Optional Company Use</u>
xxxxxxxxxxxxx	mm/yy	xxxxxx.xx	xx
	Total	xxxxxx.xx*	

Line Code

**3.a.(16)** Clean Risks Recoupment Surcharges Written on PPNF Policies Effective 7/1/04-3/31/05 (5.35% $\phi$ )

<u>Policy Number**</u>	<u>Eff Date</u>	<u>Surcharge Written <math>\phi</math></u>	<u>Optional Company Use</u>
xxxxxxxxxxxxx	mm/yy	xxxxxx.xx	xx
	Total	xxxxxx.xx*	

Line Code

**CR01** Clean Risks Recoupment Surcharges Written on PPNF Policies Effective 4/1/05-3/31/06 (6.43% $\phi$ )

<u>Policy Number**</u>	<u>Eff Date</u>	<u>Surcharge Written <math>\phi</math></u>	<u>Optional Company Use</u>
xxxxxxxxxxxxx	mm/yy	xxxxxx.xx	xx
	Total	xxxxxx.xx*	

Line Code

**PP01** Loss Recoupment Surcharges Written on PPNF Policies Effective 4/1/05-3/31/06 (4.17%  $\phi$ )

<u>Policy Number**</u>	<u>Eff Date</u>	<u>Surcharge Written <math>\phi</math></u>	<u>Optional Company Use</u>
xxxxxxxxxxxxx	mm/yy	xxxxxx.xx	xx
	Total	xxxxxx.xx*	

- $\phi$  Excluding agent compensation or commission.
- \* Must equal total reported in corresponding line of Monthly Recoupment Report.
- # Include all runoff activity this month for closed clean risks recoupments.
- \*\* Policy number format must match cession notice policy number format.

Certified By \_\_\_\_\_ Title \_\_\_\_\_ Date Submitted \_\_\_\_\_



**NCRF RECOUPMENTS AND ALLOCATIONS**

<u>Type</u>	<u>Line Code</u>	<u>Applicable to Policies Effective</u>	<u>Which Policies?</u>	<u>% Surcharge</u>
φ Clean Risk Recoupment	---	3/1/80- 2/28/81	All Subj. to SDIP	1.1%
φ Clean Risk Recoupment	---	3/1/81- 9/30/81	All Subj. to SDIP	1.4%
φ Clean Risk Recoupment	---	10/1/81- 3/31/82	All Pointed SDIP	1.8%*
φ Clean Risk Recoupment	---	4/1/82- 3/31/83	All Pointed SDIP	4.0%*
φ Clean Risk Recoupment	---	4/1/83- 3/31/84	All Pointed SDIP	4.2%*
φ Clean Risk Recoupment	---	4/1/84- 3/31/85	All Pointed SDIP	4.3%*
φ Clean Risk Recoupment	---	4/1/85- 3/31/86	All Pointed SDIP	5.7%*
φ Clean Risk Recoupment	--	4/1/86- 3/31/87	All Pointed SDIP	8.1%*
φ Clean Risk Recoupment	---	4/1/87- 3/31/88	All Pointed SDIP	8.8%*
φ Clean Risk Recoupment	---	4/1/88- 6/30/88	All Pointed SDIP	10.8%*
φ Clean Risk Allocation	---	7/1/88- 6/30/89	All PPNF	0.6%*
φ Clean Risk Recoupment	---	7/1/88- 6/30/89	All Pointed SDIP	8.6%*
φ Clean Risk Allocation	---	7/1/89- 6/30/90	All PPNF	2.8%*
φ Clean Risk Recoupment	---	7/1/89- 6/30/90	As Per SDIP	14.6%*
φ Clean Risk Allocation	---	7/1/90- 6/30/91	All PPNF	3.65%*
φ Clean Risk Recoupment	---	7/1/90- 6/30/91	As Per SDIP	12.60%*
φ Clean Risk Allocation	---	7/1/91- 6/30/92	All PPNF	3.85%*
φ Clean Risk Recoupment	---	7/1/91- 6/30/92	As Per SDIP	8.60%*
φ Clean Risk Allocation	---	7/1/92- 6/30/93	All PPNF	6.79%*
φ Clean Risk Recoupment	---	7/1/92- 6/30/93	As Per SDIP	10.23%*
φ Clean Risk Allocation	---	7/1/93- 6/30/94	All PPNF	5.68%*
φ Clean Risk Recoupment	---	7/1/93- 6/30/94	As Per SDIP	5.00%*
φ Clean Risk Allocation	---	7/1/95- 6/30/96	All PPNF	2.98%*
φ Clean Risk Allocation	---	7/1/96- 6/30/97	All PPNF	3.71%*
φ Clean Risk Allocation	---	7/1/97- 6/30/98	All PPNF	4.11%*
φ Clean Risk Allocation	---	7/1/98- 6/30/99	All PPNF	3.63%*
φ Clean Risk Allocation	---	7/1/99- 6/30/00	All PPNF	1.07%*
φ Clean Risk Recoupment	---	7/1/00- 6/30/01	ALL PPNF	5.15%*
φ Clean Risk Recoupment	---	7/1/01- 6/30/02	ALL PPNF	7.22%*
† Clean Risk Recoupment	---	7/1/02- 6/30/03	ALL PPNF	6.79%*
Clean Risk Recoupment	3A15	7/1/03- 6/30/04	ALL PPNF	5.05%*
Clean Risk Recoupment	3A16	7/1/04- 3/31/05	ALL PPNF	5.35%*
Clean Risk Recoupment	CR01	4/1/05- 3/31/06	ALL PPNF	6.43%*

φ These surcharges closed in prior years.

\* Excluding agent compensation or commission.

† This surcharge closed 2/29/04.

Rev. December 2004

**NCRF RECOUPMENTS AND ALLOCATIONS**

Type	Line Code	Applicable to Policies Effective	Which Policies?	% Surcharge
φ Prior Loss-Direct	---	3/1/80- 2/28/81	All Facility #	18.6%
φ Prior Loss-Direct	---	3/1/81- 9/30/81	All Facility #	16.4%
φ Prior Loss-Assmt.	---	10/1/81- 2/28/82	All Pointed SDIP	13.3%*
φ Qtrly. Assessment	---	4/1/80- 6/30/80	All	5.3%
φ Qtrly. Assessment	---	7/1/80- 9/30/80	All	5.3%
φ Qtrly. Assessment	---	10/1/80-12/31/80	All	4.9%
φ Qtrly. Assessment	---	1/1/81- 3/31/81	All	8.3%
φ Qtrly. Assessment	---	4/1/81- 6/30/81	All	5.7%
φ Qtrly. Assessment	---	7/1/81- 9/30/81	All	0.4%
φ Qtrly. Assessment	---	10/1/81-12/31/81	All Pointed SDIP	9.7%*
φ Qtrly. Assessment	---	1/1/82- 3/31/82	All Pointed SDIP	9.7%*
φ Qtrly. Assessment	---	4/1/82- 3/31/83	All Pointed SDIP	5.5%*
φ Loss Assessment	---	4/1/83- 3/31/84	All Pointed SDIP	12.6%*
φ Loss Assessment	---	4/1/84- 3/31/85	All Pointed SDIP	20.2%*
φ Loss Assessment	---	4/1/85- 3/31/86	All Pointed SDIP	18.6%*
φ Loss Assessment	---	4/1/85- 3/31/86	All Except PPNF	2.8%*
φ Loss Assessment	---	4/1/86- 3/31/87	All Pointed SDIP	26.9%*
φ Loss Assessment	---	4/1/86- 3/31/87	All Except PPNF	5.6%*
φ Loss Assessment	---	4/1/87- 3/31/88	All Pointed SDIP	31.4%*
φ Loss Assessment	---	4/1/87- 3/31/88	All Except PPNF	1.8%*
φ Loss Assessment	---	4/1/88- 6/30/88	All Pointed SDIP	35.6%*
φ Loss Assessment	---	4/1/88- 6/30/88	All Except PPNF	1.3%*
φ Loss Allocation	---	7/1/88- 6/30/89	All PPNF	1.9%*
φ Loss Assessment	---	7/1/88- 6/30/89	All Pointed SDIP	25.5%*
φ Loss Assessment	---	7/1/88- 6/30/89	All Except PPNF	1.5%*
φ Loss Allocation	---	7/1/89- 6/30/90	All PPNF	1.8%*
φ Loss Assessment	---	7/1/89- 6/30/90	As Per SDIP	9.4%*
φ Loss Allocation	---	7/1/90- 6/30/91	All PPNF	0.19%*
φ Loss Assessment	---	7/1/90- 6/30/91	As Per SDIP	0.67%*
φ Loss Recoupment	PP01	4/1/05 – 3/31/06	All PPNF	4.17%*

φ These surcharges closed in prior years.  
 # Except certain policies produced by designated agents.  
 \* Excluding agent compensation or commission.