

## **Title 210 - NEBRASKA DEPARTMENT OF INSURANCE**

### **Chapter 21 - UNFAIR TRADE PRACTICE COMPLAINT REGISTER**

001. Authority. This Regulation is promulgated pursuant to the authority granted by ~~Neb.Rev.Stat. §44-1525 Section 4(10) and Section (12) of LB349, Eight Third Legislature, First Session, 1973, and §44-101.01 R.S. Supp. 1972.~~

002. Purpose. ~~Section 4 (10) of LB349, Eighty Third Legislature, First session, 1973~~ Neb.Rev.Stat. §44-1525(10) makes it an unfair trade practice for a person subject to the Act to fail to maintain a record of complaints as specified in such section. The purpose of this Regulation is to prescribe the minimum information required to be maintained in such a record of complaints in order to comply with the statute and to set forth a format for such record which may be used by any person subject to this Regulation.

003. Content of complaint record. Attachment A of this Regulation sets forth the minimum information required to be contained in a person's complaint record in order for it to comply with the statute. Refinements and additions to the information specified therein may, of course, be maintained in such complaint record. Attachment B of this Regulation contains an explanation of the various headings, codes and other notations contained in Attachment A. The codes are used in order to simplify both the identification of the action underlying the complaint and the keeping of the records.

004. Format of complaint record. Attachment A is the suggested format for the complaint record required to be maintained by the statute and this Regulation. Refinements, deviations from or additions to this suggested format are permitted so long as the minimum information contemplated by such format can be obtained for Insurance Department review within a reasonable time following a request thereof by an authorized representative of the Department.

005. Maintenance of the record. The complaint record shall be kept on a calendar year basis and the number of complaints by line of insurance, function, reason, disposition, and state of origin shall be compiled not less frequently than annually.

The complaint record required by this Regulation shall be maintained on and after the date 60 days after the effective date of this Regulation.

006. Definitions. As used herein:

006.01 "Person" shall have the meaning set forth in ~~Section 2 (1) of LB349, Eighty Third Legislature, First Session, 1973~~ Neb.Rev.Stat. §44-1523(5);

006.02 "Complaint" shall mean a written communication primarily expressing a grievance;

006.03 "Insurance Department Complaint" shall mean a written communication regarding a complaint transmitted by the Insurance Department.

007. Effective date. This Regulation is effective on November 1, 1973.

ATTACHMENT A  
COMPLAINT RECORD

Column A	Column B	Column C	Column D	Column E	Column F
Company Identification (Agent's Number) (Staff Adjuster's Number) (Independent Adjuster)	Function Code	Reason Code	Line Type	Company Disposition After Complaint Receipt	Date Received

ATTACHMENT B  
EXPLANATION OF COMPLAINT RECORD

Column

A. Company Identification Number. As noted, this refers to the identification number of the complaint and shall also include the license number or other means of identifying any licensee of the Insurance Department (such as agent, adjuster or independent adjuster) that may have been involved in the complaint.

B. Function Code. Complaints are to be classified by function(s) of the company

involved. Separate classifications are to be maintained for underwriting, marketing or sales, claims, policyholder service and miscellaneous.

Reason Code. Complaints are also to be classified by the nature of the complaint. The following is the classification required for each function specified above:

(1) Underwriting

(a) Company underwriting

(b) individual's application underwriting (this refers to any complaint where misrepresentations or declarations in an application for insurance resulted in company action involved in the complaint)

(c) Cancellation

(d) Rescission

(e) Non-renewal

(f) Premiums and rating

(g) Delays

(h) Refusal to insure

(i) Miscellaneous (not covered by above)

(2) Marketing and Sales

(a) General advertising

(b) Mass marketing advertising - (advertising which is essentially directed to reach more people than in a one-to-one relationship)

(c) Agent handling

(d) Replacement

(e) Dividend illustration

(f) Delays

(g) Alleged misleading statement or misrepresentation

(h) Miscellaneous (not covered by above)

(3) Claims

(a) Claims procedure

(b) Delays

(c) Unsatisfactory settlements

(d) Natural disaster adjusting (hurricane or flood situations or other situations which produce a large number of claims)

(e) Unsatisfactory settlement offer

(f) Denial of claim

(g) Miscellaneous (not covered by above)

(4) Policyholder service

(a) Failure to respond

(b) Delays

(c) Miscellaneous (not covered by above)

(5) Miscellaneous

C. Line Type. Complaints are to be classified according to the line of insurance involved, as follows:

(1) Automobile

(2) Fire

(3) Homeowners - Farmowners

(4) Crop

(5) Inland Marine

(6) Individual Life

(7) Group Life

- (8) Annuities
- (9) Individual Health - Accident & Sickness
- (10) Group Health - Accident and Sickness
- (11) Workmen's Compensation
- (12) Liability Insurance other than Automobile
- (13) Mobile Homeowners
- (14) Miscellaneous (not covered by above)

D. Company Disposition After Receipt. The complaint record shall note the disposition of the complaint. The following examples illustrate the type of information called for, but are not intended to be required language nor to exhaust the possibilities: corrective action was taken; no action was deemed necessary; or a satisfactory explanation was given to the complainant. If the company wishes it may use a code for entries in this column.

E. Date Received. This refers to the date the complaint was received.

F. Date Closed. This refers to the date on which the complaint was disposed of whether by one action or a series of actions as may be present in connection with some complaints.

G. Insurance Department Complaint. If the origin of the complaint was from an insurance department, it should be so identified.

H. State of Origin. The complaint record should note the state from which the complaint originated. Ordinarily this will be the state of residence of the complainant.