

# Summary of State Laws Related to Auto Insurance

	Rate Filing Laws for (Prior Approval, Use & File, File & Use, No File, Flex Rating)	Form Filing Laws (Prior Approval, Use & File, File & Use, No File)	Fault System (Tort, No-Fault, Add-on)	Tort Threshold (C = Choice, V = Verbal)	Compulsory Liability	Compulsory PIP	Compulsory UM (* = Insured can reject in writing)	Minimum Liability Limits	No Pay - No Play Laws	Negligence Systems
ST										
AK	F&U/Flex	PA/F&U	T	N/A	Y	N	Y	50/100/25	Y	Comparative
AL	PA	PA	T	N/A	Y	N	N	25/50/25	N	Contributory
AR	F&U	PA	AO	\$5,000	Y	Y	*	25/50/25	N	Mod. 50%
AZ	U&F	PA	T	N/A	Y	N	N	15/30/10	N	Comparative
CA	PA	PA	T	N/A	Y	N	N	15/30/5	Y	Comparative
CO	F&U	NF	T	N/A	Y	N	N	25/50/15	N	Mod. 50%
CT	PA, F&U, Flex	F&U	T	N/A	Y	N	N	20/40/10	N	Mod. 51%
DC	F&U	PA	NF optional	C or V	Y	N	Y	25/50/10	N	Contributory
DE	F&U	U&F	AO	N/A	Y	Y	N	15/30/10	N	Mod. 51%
FL	PA/U&F	PA	NF	V	Y	Y	*	10/20/10	N	Comparative
GA	PA	PA	T	N/A	Y	N	N	25/50/25	N	Mod. 50%
HI	PA	PA	NF	\$5,000	Y	Y	N	20/40/10	N	Mod. 51%
IA	U&F	PA	T	N/A	N	N	*	20/40/15	Y	Mod. 51%
ID	U&F	U&F	T	N/A	N	N	N	25/50/15	N	Mod. 50%
IL	U&F	U&F	T	N/A	Y	N	Y	20/40/15	N	Mod. 51%
IN	F&U	F&U	T	N/A	Y	N	*	25/50/10	N	Mod. 51%
KS	Flex	F&U	NF	\$2,000	Y	Y	Y	25/50/10	Y	Mod. 50%
KY	Flex	PA	NF optional	\$1,000 or V	Y	N	N	25/50/10	N	Comparative
LA	Modified PA	PA	T	N/A	Y	N	*	15/30/25	Y	Comparative
MA	F&U	PA	NF	\$2,000	Y	Y	Y	20/40/5	N	Mod. 51%
MD	F&U	PA	AO	N/A	Y	Y	Y	30/60/15	N	Contributory
ME	F&U	F&U	T	N/A	Y	N	Y	50/100/25	N	Mod. 50%
MI	F&U	PA	NF	V	Y	Y	N	20/40/10	Y	Mod. 51%
MN	F&U	PA	NF	\$4,000 or V	Y	Y	Y	30/60/10	N	Mod. 51%
MO	U&F	U&F	T	N/A	Y	N	Y	25/50/10	N	Comparative
MS	PA	PA	T	N/A	Y	N	*	25/50/25	N	Comparative
MT	F&U	PA	T	N/A	Y	N	N	25/50/10	N	Mod. 51%
NC	PA	PA	T	N/A	Y	N	Y	30/60/25	N	Contributory
ND	PA	PA	NF	\$2,500 or V	Y	Y	Y	25/50/25	Y	Mod. 50%
NE	F&U	F&U	T	N/A	Y	N	Y	25/50/25	N	Mod. 50%
NH	F&U	PA	T	N/A	N	N	Y	25/50/25	N	Mod. 51%

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ST	PA	PA	NF optional	C or V	Y	Y	Y	15/30/5	Y	Mod. 51%	
NJ	PA	PA	NF optional	C or V	Y	Y	Y	15/30/5	Y	Mod. 51%	
NM	F&U	PA	T	N/A	Y	N	N	25/50/10	N	Comparative	
NV	PA	PA	T	N/A	Y	N	*	15/30/10	N	Mod. 51%	
NY	Flex	PA	NF	V	Y	Y	Y	25/50/10	N	Comparative	
OH	F&U	F&U	T	N/A	Y	N	N	25/50/25	N	Mod. 51%	
OK	U&F	PA,U&F	T	N/A	Y	N	*	25/50/25	Y	Mod. 50%	
OR	F&U	PA	T	N/A	Y	Y	Y	25/50/20	Y	Mod. 51%	
PA	PA	PA	NF optional	C	Y	N	N	15/30/5	N	Mod. 51%	
PR	PA	PA	T		Y			4 PD			
RI	Modified F&U/Flex	PA	T	N/A	Y	N	*	25/50/25	N	Comparative	
SC	Flex	PA	T	N/A	Y	N	Y	25/50/25	N	Mod. 51%	
SD	F&U	PA	AO	N/A	Y	N	Y	25/50/25	N	Comparative	
TN	PA/Flex	PA	T	N/A	N	N	*	25/50/15	N	Mod. 50%	
TX	F&U	PA	NF optional	N/A	Y	Y	*	30/60/25	N	Mod. 51%	
UT	U&F	F&U	NF	\$3,000	Y	Y	*	25/65/15	N	Mod. 50%	
VA	F&U	PA	T	N/A	N	N	Y	25/50/20	N	Contributory	
VI	No File	PA	T		Y	Y	Y	10/20/10			
VT	U&F	PA	T	N/A	Y	N	Y	25/50/10	N	Mod. 51%	
WA	PA	PA	AO	N/A	Y	Y	N	25/50/10	N	Comparative	
WI	U&F	F&U	AO	N/A	Y	N	Y	25/50/10	N	Mod. 51%	
WV	PA	PA	T	N/A	Y	N	Y	20/40/10	N	Mod. 50%	
WY	No File	PA	T	N/A	Y	N	N	25/50/20	N	Mod. 51%	
<b>LEGEND</b>	Contributory = Pure Contributory Negligence										
	Comparative = Pure Comparative Negligence										
	Mod. 50% = Modified Comparative Negligence -- 50% Rule										
	Mod. 51% = Modified Comparative Negligence -- 51% Rule										

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ST	RATE FILING	FORM FILING	NO FAULT OR VARIATION	TORT THRESHOLD	COMPULSORY LIABILITY	COMPULSORY PIP	COMPULSORY UNINSURED MOTORISTS	MINIMUM LIABILITY LIMITS	NO PAY NO PLAY	NEGLIGENCE
AK	§21.39.210, 21.39.220	§§21.42.120, 21.42.123, AS 21.41.125	N/A	N/A	§ 28.22.011	N/A	AS 28.20.440(b)(3), AS 28.22.101(e), AS 21.96.020(c)	§ 28.22.101(d)	§09.65.320	§09.17.060;09.17.080
AL	Ins. Reg. 123	§27-14-8	N/A	N/A	§ 32-7A-4	N/A	N/A	§ 32-7-6(c)(4)	N/A	Alabama Power Co. v. Schotz, 215 So.2d 447 (Ala. 1968).
AR	§23-67-211	§23-79-109	§ 23-89-202 to 23-89-216	§ 23-89-207	§ 27-22-104	§ 23-89-202 to 23-89-216	Ark. Code Ann. 23-89-403	§ 27-22-104	N/A	§16-64-122.
AZ	§20-385	§20-398	N/A	N/A	§ 28-4135	N/A	N/A	§ 28-4009(2)	N/A	§12-2505
CA	Ins s 1861.05; 1851	§1861.01c	N/A	N/A	Vehicle Code § 16020	N/A	N/A	Vehicle Code § 16451	Ins § 11580.2	Liv v. Yellow Cab, 119 Cal. Rptr. 858 (1975).
CO	§10-4-401; 10-4-403(5); Ins. Reg. 5-1-10; 5-1-11	N/A	N/A	N/A	§ 10-4-619	N/A	N/A	§ 10-4-620	N/A	§13-21-111
CT	§38a-688, 368-389	§38a-676c	N/A	N/A	§ 14-112, 38a-371	N/A	§38a-334, 368-371	§ 14-112, 38a-371	N/A	§52-572o
DC	§31-2704	§31-2502.27	§ 31-2404	§ 31-2404	§ 31-2403	N/A	§ 31-2406	§ 31-2406	N/A	Wingfield v. People's Drug Store, 379 A.2d 685 (D.C. 1994).

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<b>DE</b>	18 §§ 2502 to 2506	18 § 2712	Tit. 21 § 2118	N/A	Tit. 21 § 2118	Tit. 21 § 2118	N/A	Tit. 21 § 2118	N/A	10 § 8132
<b>FL</b>	§627.0651	§627.410	§ 627.736	§ 627.737	§ 324.022	§ 627.736	N/A	§ 324.022	N/A	§768.81
<b>GA</b>	§33-9-21	§33-24-9	N/A	N/A	§ 33-34-4	N/A	§ 33-7-11	§ 33-34-4	N/A	§51-11-7
<b>HI</b>	§431:14-104	Haw. Rev. Stat. §§ 431:10C-201 to 216	§431:10C-306	§431:10C-306	§431:10C-104; §431:10C-301	§431:10C-104; §431:10C-301; §431:10C-304; §431:10C-306	N/A	431:10C-301	N/A	§663-31
<b>IA</b>	§§515F.20 to 515F.25	§ 515.102	N/A	N/A	§ 321.20B	N/A	§516A.1	§ 321A.1; 321A.21	§613.2	§668.3
<b>ID</b>	Bulletin 91-1	§41-1812	N/A	N/A	§ 49-1229	N/A	N/A	§ 49-117	N/A	§6-801
<b>IL</b>	Reg. tit. 50 §§ 754.10 to 754.40	Ch. 215 § 5/143	N/A	N/A	625 ILCS 5/7-601	N/A	215 ILCS 5/143a	625 ILCS 5/7-203	N/A	735 ILCS 5/2-1116
<b>IN</b>	§27-1-22-4	§27-1-22-4	N/A	N/A	§ 9-18-2-11; § 27-1-13-7	N/A	§ 27-7-5-2	§ 9-25-4-5	N/A	§34-51-2-6
<b>KS</b>	§40-955	§40-216	§ 40-3103, et. al.	§ 40-3117	§ 40-3104	§ 40-3107	§ 40-3107, 40-284	§ 40-3107	§40-3130	§60-258a
<b>KY</b>	§304.13-051, §304.13-021	§304.14-120	§ 304.39-030; 304.39-040; 304.39-060	§ 304.39-060	§ 304.39-110	N/A	N/A	§ 304.39-110	N/A	§411.182
<b>LA</b>	§22:1451	R.S. 22:861	N/A	N/A	§ 32:861	N/A	§22.1295	§ 32:900	§32:866	C.C. Art. 2323

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MA	175E §§ 5 to 7	175 § 2B	90 § 1A	231 § 6D	90 § 1A	90 § 34M	175 MGLA 113L	90 § 34A	N/A	§231:85
MD	Ins. § 11-306 through 11-319	Ins. §11-206	§ 19-505 through 19-508	N/A	Trans. § 17-103	Trans. § 17-103 and Ins. § 19-505 and 19-506	Insurance §19-509 through 19-511	15 Trans, § 17-103	N/A	Board of County Comm'r of Garrett County v Bell Atlantic, 695 A.2d 171 (Md. 1997).
ME	24-A s 2302; 2304 A	24-A § 2412	N/A	N/A	tit. 29-A § 1601	N/A	24 AMRSA 2902	tit. 29-A § 1605	N/A	14 § 156
MI	§500.2108	§500.2236	§500.3101, et. seq.	§500.3135	§ 257.520	§500.3101, et. seq.	N/A	§ 257.520	§257.1105	§600.2959
MN	§60A.315	§70A.06	§ 65B.48	§ 65B.51	§ 65B.48	§ 65B.41-71	§65B.48	§ 65B.44	N/A	§604.01
MO	§379.321	§375.92	N/A	N/A	§ 303.025	N/A	§379.203	§ 303.190	N/A	Gustafson v. Benda, 661 S.W.2d 11 (Mo. 1983).
MS	§83-2-7	§83-2-7	N/A	N/A	§ 63-15-4	N/A	§83-11-101	§ 63-15-4	N/A	§11-7-15
MT	§33-16-203	§33-1-501; 33-4-509	N/A	N/A	§ 61-6-301	N/A	N/A	§ 61-6-103	N/A	§27-1-702
NC	§58-36-70	§58-36-55; §58-38-30	N/A	N/A	§§ 20-309; 20-314	N/A	§20-279.21	§ 20-279.1	N/A	§99B-4
ND	§26.1-25-04	§26.1-30-19 to 2020	§26.1-41-02	§26.1-41-01	§§ 26.1-40-15.2; 26.1-41-01; 39-08-20; 39-16.1-01	§26.1-41-02	§26.1-40-15.2	§ 26.1-40-01, 39-16.1-02	N/A	§32-03.2-02.1

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NE	§§44-7501 to 44-7535	Neb. Rev. Stat. § 44-7501, et seq.	N/A	N/A	§ 60-3,167	N/A	§44-6408	Neb. Rev. Stat. § 60-310	N/A	§25-21,18
NH	§412:16	§412:5 I	N/A	N/A	§ 264:2	N/A	§264:15	§ 264:20	N/A	§507:7
NJ	§17:29A-46.6; Reg. 11:3-16.6 to 11:3-16.16; Reg. 11:3-16B.1 to 11:3-16B.6	§17:29A A-6	§§ 17.28-1.1; 39:6A-8; 39:6A-8.1	§ 39:6A-8	§ 39:6A-14	§ 39:6A-4	§39:6A-14	§ 39:6A-3.1 to 39:6A-4; § § 17:28-1.1	§39:6A-4.5	§2A:15-5.1
NM	§§59A-17-9; 59A-17-13	§59A-18-12	N/A	N/A	§§ 66-5-205; 66-5-205.1	N/A	N/A	§ 66-5-208	N/A	Scott v. Rizzo, 634 P.2d 1234 (N.M. 1981).
NV	§§ 686B.070 to 686B.110	NRS 686B.070 ; NRS 686B.030	N/A	N/A	§ 485.185	N/A	NRS 687B.145	§ 485.185	N/A	§41-141.
NY	Ins. Law § 2305	Ins. Law § 2307	§§ 5102; 5103	§ 5102(d); §5104	Veh. & Traf. Law, Sections 311 and 312	§§ 5102; 5103	Insurance 3420	§§ 345; 3420	N/A	Ins. Law § 1411
OH	§3937.03	§3937.03	N/A	N/A	§§ 4509.44; 4509.45; 4509.46	N/A	N/A	§ 4509.51	N/A	Ohio Rev. Code Ann. § 2315.32 - 2315.36.

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<b>ST OK</b>	titl. 36 § 987	36 § 3610	N/A	N/A	tit. 47 § 7-601	N/A	36 Okla. St. Ann. 3636	tit. 47 § 7-324	47 § 7-116	23 § 13
<b>OR</b>	§737.205	§742.003	N/A	N/A	§ 806.010 § 806.080	§ 806.010	§278.215	§ 806.070	§31.715	§31.600
<b>PA</b>	75 P.S. §§ 2003 to 2009	40 PS 477b	Tit. 75 § 1705	Tit. 75 § 1705	Tit. 75 § 1786	N/A	N/A	Tit. 75 § 1702	N/A	§42-7102
<b>PR</b>	tit. 26 §1205	tit. 26 §1111			tit. 26 § 8053			tit. 26 §8052(k)		
<b>RI</b>	§§27-44-6; 27-6-8 to 27-6-11; 27-9-7 to 27-9-10	§27-9-6.1	N/A	N/A	§ 31-31-7	N/A	§27-7-2.1	§§ 31-32-24; 31-47-2	N/A	§9-20-4
<b>SC</b>	§§38-73-340; 38-73-915; 38-73-960; 38-73-520	§38-73-1060	N/A	N/A	§ 38-77-140	N/A	§38-77-150	§ 38-77-140	N/A	Nelson v. Concrete Supply, 399 S.E.2d 783 (S.C. 1991).
<b>SD</b>	§§58-24-1 to 58-24-67	§58-11-12; 58-11-16; 58-11-17	§58-23-8	N/A	§ 32-35-113	N/A	§58-11-9	§ 32-35-70	N/A	§20-9-2
<b>TN</b>	§56-5-305	§56-5-305	N/A	N/A	§ 55-12-102	N/A	§56-7-1201	§ 55-12-102	N/A	McIntyre v. Balentine, 833 S.W.2d 52 (Tenn. 1992).

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<b>TX</b>	Texas Insurance Code, §§2251.001 and 2251.101	Texas Insurance Code, Chapter 2301	Texas Insurance Code, §1952.151	N/A	Texas Transportation Code, §601.051	Texas Insurance Code, Chapter 1952, Subchapter D	Texas Insurance Code, Chapter 1952, Subchapter C	Texas Transportation Code, §601.072	N/A	Texas Civil Practice and Remedies Code, §§33.001-33.017
<b>UT</b>	§31A-19a-201-§31A-19a-207	§31A-21-201	§ 31A-22-302 to 307	§ 31A-22-309	§ 41-12A-301	§31A-22-307 - 309	§31A-22-305	§ 31A-22-304	N/A	78B-5-817; 78B-5-818
<b>VA</b>	§§ 38.2-1904, 38.2-1906, 38.2-2003, 38.2-2005, 38.2-2006	§§ 38.2-2218 through 38.2-2223, 38.2-317	N/A	N/A	N/A	N/A	§ 38.2-2206	46.2-472	N/A	Common law of Virginia
<b>VI</b>		22 V.I.C. 810			Tit. 20 § 701			Tit. 20 § 703		
<b>VT</b>	tit. 8 § 4688	T. 8 § 3541	N/A	N/A	Tit. 23 § 800	N/A	23 V.S.A. 941	Tit. 23 § 800	N/A	T. 12 § 1036
<b>WA</b>	§48.19.060	§48.18.100	§ 48.22.085	N/A	§ 46.30.020	§ 48.22.095	N/A	§ 46.29.090	N/A	§4.22.005-015
<b>WI</b>	§625.13	§631.20	§632.32	N/A	§§ 344.01; 344.29	N/A	§632.32	§§ 344.01; 344.33	N/A	§895.045



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<b>WV</b>	§33-20-4; W. Va. Code R. § 114-75-3	§33-6-8	N/A	N/A	§§ 17D-2A-3; 17D-4-2	N/A	§33-6-31	§ 17D-4-2	N/A	Bradley v. Appalachian Power Co., 256 S.E.2d 879 (W. Va. 1979).
<b>WY</b>	§26-14-107	§26-15-110	N/A	N/A	§ 31-4-103	N/A	N/A	§ 31-9-405	N/A	§1-1-109

## Additional Comments Provided by the States

### Rate Filing Laws

**Georgia** In 2008, the legislature changed the rate filing law, OCGA 33-9-21 to provide that rate filings for minimum required liability limits be filed on a prior approval basis. All other liability limits and other coverages are filed on a file and use basis and can be implemented when received by the Department.

**Rhode Island** Modified File and Use as state can extend deemer dates for reviews. State allows flex rating if +/- 5%.

### Fault System

**Kentucky** KY has No Fault for BI only, not for PD. While each individual can reject the limitations on their tort rights, unless they have properly done so, they are deemed to have accepted the limitations.

### Compulsory PIP

**Kentucky** PIP is a compulsory coverage, it must be provided on every policy even if all insureds have rejected. There must be coverage for guest passengers and pedestrians struck by the insured vehicle.

### Compulsory UM

**Georgia** In 2008, the legislature amended the UM law, OCGA 33-7-11 to provide two forms of UM coverage. Unless rejected by the insured, the default coverage provides the UM Limits added to the liability limits of the "at fault" party. The optional selection provides for the UM Limits reduced by the liability limits of the "at fault" party.

**Kentucky** writing.

**Nevada** An insurer transacting motor vehicle insurance in NV must offer, on a form approved by the Commissioner, UM/UIM coverage to the insured in an amount equal to the limits of coverage selected by the insured for bodily injury liability under the policy. The insured can reject that coverage, but a written signature of the insured must be obtained if the insured selects less coverage than is required to be offered or if the coverage is rejected.

**Virginia** Limits of at least \$25,000/\$50,000/\$20,000 required on motor vehicle liability policies.