Chapter 284-20C WAC

RULES FOR FILING MOTOR VEHICLE SERVICE CONTRACTS

WAC 284-20C-005 Definitions that apply to this chapter. (1) "Complete filing" means a package of information containing motor vehicle service contracts, supporting information, documents and exhibits. (2) "Contract" means a service contract covering motor vehicles, as described in chapter 48.110 RCW. Under this definition: (a) "Motor vehicle" means the same as in RCW 48.110.020(11), and only includes vehicles that are self-propelled by a motor; and (b) "Service contract" means the same as in RCW 48.110.020(16). (3) "Date filed" means the date a complete motor vehicle service contract filing has been received and accepted by the commissioner. (4) "Filer" means a person, organization or other entity that files motor vehicle service contracts with the commissioner. (5) "Objection letter" means correspondence sent by the commissioner to the filer that: (a) Requests clarification, documentation or other information; (b) Explains errors or omissions in the filing; or (c) Disapproves a motor vehicle service contract under RCW 48.110.073. (6) "Service contract provider" or "provider" means the same as in RCW 48.110.020(18). [Statutory Authority: RCW 48.02.060, 48.110.150, 08-21-091 (Matter No. 2007-11), § 284-20C-005, filed 10/15/08, effective 2/1/09.]

WAC 284-20C-010 Purpose of this chapter. (1) The purpose of this chapter is to adopt processes and procedures for providers and filers to use when they submit motor vehicle service contracts to the commissioner under RCW 48.110.073.

(10/15/08)
WAC 284-20C-040 Rules for rejected filings made under RCW 48.110.073(3). (1) RCW 48.110.073(3) says contracts must be filed with the commissioner within sixty days after the provider first issues the contract to a consumer. If the commissioner rejects a filing under WAC 284-20C-030, the provider has not filed contracts with the commissioner.

(2) If the commissioner rejects a filing submitted under RCW 48.110.073(3) the:
   (a) Filer must promptly send a new filing to the commissioner within the original sixty-day use and file period in RCW 48.110.073(3); or
   (b) Provider must stop issuing motor vehicle service contracts sent with the rejected filing.

WAC 284-20C-050 Filing authorization rules. (1) A provider may authorize a third-party filer to file contracts on its behalf. Under this section, a "third-party filer" means:
   (a) An administrator as defined in RCW 48.110.020(1);
   (b) An insurer; or
   (c) A person or entity in the business of providing regulatory compliance services to providers.

(2) If a provider delegates filing authority to a third-party filer, each filing must include a letter signed by an employee of the provider authorizing the third-party filer to make filings on behalf of the provider. This subsection does not apply to a third-party filer that is an affiliate or wholly owned subsidiary of the provider.

(3) The provider may not delegate responsibility for the content of a filing to a third-party filer. The commissioner considers errors and omissions made by the third-party filer to be errors and omissions of the provider.

(4) If a third-party filer has a pattern of making filings that do not comply with this chapter, the commissioner may reject a delegation of filing authority from the provider.

WAC 284-20C-060 Rules for revised or replaced motor vehicle service contracts. If a provider files a revised or replaced contract, the filer must provide the supporting documentation described below:

(1) If a contract is revised due to an objection(s) from the commissioner, the filer must provide a detailed explanation of all material changes to the disapproved contract.

(2) If a previously approved contract is replaced with a new version, the filer must submit an exhibit that marks and identifies each change or revision to the replaced contract using one of these methods:
   (a) A draft contract that strikes through deletions and underlines additions or changes in the contract;
   (b) A draft contract that includes comments in the margins explaining the changes in the contract; or
   (c) A side-by-side comparison of current and proposed contract language.
(a) File the translated version of the contract with the commissioner.

(b) Include written disclosure statements on the translated contract that the provider is issuing the translated contract on an informational basis and the English version is controlling for the purposes of application and interpretation. The disclosure statements must be in English and the language of the translated contract and printed in bold face type of at least twelve-point font.

(c) Submit written certification by an officer employed by the provider that the provider will issue the English version of the contract with the translated contract.

2. When filing a translated policy form, the filer must:
   (a) Identify the approved English version of the contract by providing, as applicable, the:
       (i) Company tracking number under which the contract was filed;
       (ii) Contract number, edition date or edition identifier; and
       (iii) Effective date of the filing.
   (b) Submit written certification by a professional translator certified by the American Translators Association or a comparable organization that the:
       (i) Translator has translated the English version of the contract; and
       (ii) Translation is accurate.

3. The commissioner will file but not review or approve translated motor vehicle service contracts.

[Statutory Authority: RCW 48.02.060, 48.110.150. 08-21-091 (Matter No. 2007-11), § 284-20C-110, filed 10/15/08, effective 2/1/09.]