

# Certificates of Insurance

State-by-State Laws and Regulations Informational Guide



*August 2014*

## CERTIFICATES OF INSURANCE STATE-BY-STATE REFERENCE CHART \*

| STATE <sup>†</sup> | CERTIFICATES OF INSURANCE REGULATORY INFORMATION AND LINKS   |
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| Alabama            | Alabama does not have a certificates statute. <a href="#">Alabama Insurance Department Regulation 482-1-062 (2004)</a> prohibits insurers and agents from issuing binders, certificates, indemnity agreements or any other type of instrument “which either affirmatively or negatively amends, extends or alters the coverage provided by its approved policy forms and endorsements without the written approval of the Commissioner of Insurance.” More information is available on the Department website: <a href="http://www.aldoi.gov/">http://www.aldoi.gov/</a>   |
| Arizona            | On Jan. 11, 2011, the Arizona Department of Insurance issued a Regulatory Bulletin on certificates of insurance. The Bulletin states that “A.R.S. §20-443(A)(1) prohibits a person from misrepresenting the terms of any policy issued, or to be issued, or misrepresenting the benefits to be received.” More information, including the Jan. 11 Bulletin, is available on the Department website: <a href="http://www.azinsurance.gov/">http://www.azinsurance.gov/</a>  |
| Arkansas           | On Dec. 7, 2010, the Arkansas Insurance Department issued Regulatory Bulletin <a href="#">No. 7-2010</a> . The Bulletin states a certificate of Insurance or Evidence of Insurance form that does more than simply provide a synopsis of the underlying insurance policy may violate Arkansas law. The Bulletin also states that if a policyholder or other person knowingly and intentionally encourages a producer to provide that policyholder a form that misrepresents the benefits, advantages, conditions or terms of his or her insurance, that person may be committing fraud. More information, including the Dec. 7 Bulletin, is available on the Department website: <a href="http://www.insurance.arkansas.gov/">http://www.insurance.arkansas.gov/</a> |
| California         | <a href="#">California Insurance Code Chapter 4, Article 1, Section 384</a> , requires that a certificate of insurance or verification of insurance provided as evidence of insurance in lieu of an actual copy of the insurance policy should contain a statement that the certificate is not an insurance policy and does not amend, extend or alter the coverage afforded by the referenced policy. The section does not apply to surplus lines broker certificates, as defined by the California Insurance Code. More information is available on the Department website: <a href="http://www.insurance.ca.gov/">http://www.insurance.ca.gov/</a>  |
| Colorado           | On Dec. 1, 2007, the Colorado Division of Insurance issued Bulletin <a href="#">No. B 5-21</a> in response to evidence that there is pressure on insurance producers to issue non-standardized certificates of insurance. The Bulletin states that, “Distribution of a certificate of insurance that has been modified, without authorization or the use of a non-standard certificate of insurance not authorized by the insurer, would at the least be misleading and could be in violation of Colorado Insurance Laws.” More information is available on the Division website: <a href="http://www.dora.colorado.gov/insurance">www.dora.colorado.gov/insurance</a>   |

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| Connecticut | On June 3, 2014, Connecticut Governor Dan Malloy signed Public Act <a href="#">No. 14-47</a> , which becomes effective Oct. 1, 2014. PIA of Connecticut actively supported enactment. The law prohibits any person from preparing, issuing or requesting the issue of a certificate of insurance that contains false or misleading information. On Nov. 9, 2010, the Connecticut Department of Insurance issued Bulletin <a href="#">S-14</a> regarding certificates of insurance. More information is available on the Department website: <a href="http://www.ct.gov/cid/">http://www.ct.gov/cid/</a> |
| Delaware    | On May 7, 2014, Delaware Governor Jack Markell signed <a href="#">House Bill 104</a> , which adds a new chapter, Chapter 45, to Title 18 of the Delaware code. The Delaware certificates law is substantially similar to the NCOIL model law that PIA supports. More information is available on the Department website: <a href="http://www.delawareinsurance.gov/">http://www.delawareinsurance.gov/</a>  |
| Florida     | On Feb. 21, 2003, the Florida Office of Insurance Regulation issued Information Memorandum <a href="#">OIR-03-003M</a> . The memorandum states, “Distribution of a certificate of insurance which has been modified without authorization and which purports to alter the provisions of the underlying policy, misrepresents the conditions or terms of the insurance policy in violation of Section 626.9541(1)(a)1, Florida Statutes. . .” More information is available on the Office website: <a href="http://www.floir.com/">http://www.floir.com/</a>   |
| Georgia     | The Georgia certificates of insurance law, found at GA. Code <a href="#">§ 33-24-19.1</a> (2011), is substantially similar to the NCOIL model law, which PIA supports. In 2013, the Office of Insurance issued regulations to support the 2011 law, which can be found <a href="#">here</a> . The Georgia Office of Insurance has a special page dedicated specially to the enforcement of state law and regulation regarding certificates of insurance : <a href="http://www.oci.ga.gov/Agents/CertificatesOfInsurance.aspx">http://www.oci.ga.gov/Agents/CertificatesOfInsurance.aspx</a>             |
| Hawaii      | Hawaii does not have a specific certificates statute. On January 28, 2009, the Hawaii Insurance Commissioner issued Memorandum <a href="#">2009-3A</a> addressing certificates of insurance. More information is available on the Hawaii Department of Commerce and Consumer Affairs website: <a href="http://cca.hawaii.gov/ins/">http://cca.hawaii.gov/ins/</a>   |
| Idaho       | In 2012, <a href="#">§ 41-1850</a> was added to the Idaho Code. The law prohibits any person from preparing, issuing or requesting the issue of a certificate of insurance that contains false or misleading information and enables the Department of Insurance to enforce the law. A bulletin issued on June 22, 2012, outlining the certificates law can be found <a href="#">here</a> . More information is available on the Department website: <a href="http://www.doi.idaho.gov/">http://www.doi.idaho.gov/</a>  |
| Illinois    | Illinois passed certificates legislation in 2014, with broad support from the state insurance industry and the Illinois Insurance Department. <a href="#">215 ILCS 5/155.45</a> is based on the NCOIL model law, which is supported by PIA. More information is available of the Department website: <a href="http://insurance.illinois.gov/">http://insurance.illinois.gov/</a>  |

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| Indiana       | Passed in 2013, Indiana Public Law No. 70-2013 adds <a href="#">Section 1.IC 27-1-42</a> to the Indiana Code, which governs the misuse of certificates of insurance. More information, including bulletins issued by the Indiana Department of Insurance relating to certificates of insurance prior to 2013, is available on the website: <a href="http://www.in.gov/idoi/">http://www.in.gov/idoi/</a>   |
| Iowa          | On July 13, 2010, the Iowa Insurance Division issued <a href="#">Regulatory Bulletin 10-04</a> , stating that pursuant to Iowa Code 515.102(2009) certificates of insurance must be approved by the Division and must have a statement noting that the form is for informational purposes only and does not amend, extend or alter the underlying insurance policy. The Division adopted <a href="#">Rule 191-20</a> on May 30, 2012, pursuant to Bulletin. More information can be found on the Division website: <a href="http://www.iid.state.ia.us/">http://www.iid.state.ia.us/</a> |
| Kansas        | <a href="#">KSA 40-955(b)(2007)</a> mandates that certificates of insurance must contain language noting that the certificate does not amend, extend or alter the coverage afforded by the policy. In 2010, the Kansas Insurance Department issued Regulatory Bulletin <a href="#">2010-2</a> , which clarified some aspects of KSA 40-955(b). More information can be found on the Department website: <a href="http://www.ksinsurance.org">http://www.ksinsurance.org</a>  |
| Kentucky      | On Sep. 2, 2014, the Kentucky Department of Insurance issued Advisory Opinion <a href="#">2004-03</a> , and on April 21, 2011, the Department issued Advisory Opinion <a href="#">2011-02</a> . Both opinions were issued in response to questions from producers about the altering of forms and seek to clarify Kentucky law, noting that certificates must be filed with the department and may not be altered after filing. More information can be found on the Department website: <a href="http://insurance.ky.gov/">http://insurance.ky.gov/</a>                                 |
| Louisiana     | Louisiana has one of the most comprehensive certificates of insurance laws. La. Rev. Stat. <a href="#">§ 22:881.1</a> (2009) requires filing of nonstandard certificates of insurance and regulates their proper use, subject to penalties. <a href="#">Regulation 99</a> was added to the Louisiana Administrative Code in 2011 to implement the state's certificates law. More information can be found on the Department website: <a href="http://www.lidi.louisiana.gov/">http://www.lidi.louisiana.gov/</a>   |
| Maryland      | In 2012, Maryland passed House Bill 463, amending <a href="#">Chapter 480</a> of the Maryland insurance laws to address certificates of insurance regulations. More information is available on the Maryland Insurance Administration website: <a href="http://www.mdinsurance.state.md.us/sa/jsp/Mia.jsp">http://www.mdinsurance.state.md.us/sa/jsp/Mia.jsp</a>   |
| Massachusetts | Massachusetts does not have a specific certificates law. On April 4, 2011, the Department of Insurance issued Regulatory Bulletin <a href="#">2011-07</a> stating that altering certificates of insurance may violate filing requirements and unfair business practice laws. More information is available on the Department website: <a href="http://www.mass.gov/ocabr/insurance/">http://www.mass.gov/ocabr/insurance/</a>  |

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| Michigan      | On July 2, 2014, <a href="#">Public Act 271</a> became effective, adding Chapter 22A to the Michigan insurance laws. The new law prohibits the preparation, issuance or requesting of a certificate of insurance that contains false or misleading information, among other points. More information is available on the Michigan Department of Insurance and Financial Services website: <a href="http://www.michigan.gov/difs">http://www.michigan.gov/difs</a>  |
| Minnesota     | In 2009, Minnesota amended their certificates of insurance law, <a href="#">Chapter 60A, Section 39</a> , to clearly stipulate the inability of agents to alter insurance certificates. A previous bulletin, issued by the Department of Commerce in 2008, regarding certificates can be found <a href="#">here</a> . More information is available on the Department website: <a href="http://mn.gov/commerce/insurance/">http://mn.gov/commerce/insurance/</a>   |
| Mississippi   | Mississippi Department of Insurance Regulation <a href="#">2009-1</a> regulates the extension or restriction of property casualty insurance commercial lines coverage by the use of certificates of insurance. More information is available on the Department website: <a href="https://www.mid.ms.gov/">https://www.mid.ms.gov/</a>  |
| Missouri      | In July 2011, Missouri added <a href="#">Section 379.108</a> to the Missouri statutes to regulate the use and issuance of certificates of insurance. More information is available on the Department of Insurance website: <a href="http://insurance.mo.gov/">http://insurance.mo.gov/</a>   |
| Montana       | In 2013, Montana passed a certificates of insurance law, MCA <a href="#">§ 33-2-1401 et seq.</a> , based on the NCOIL model law. PIA actively supported passage of this law in Montana. More information is available on the Montana Department of Securities and Insurance website: <a href="http://www.csi.mt.gov/">http://www.csi.mt.gov/</a>   |
| Nebraska      | On June 20, 2008, the Nebraska Department of Insurance issued Bulletin <a href="#">CB-118</a> , later amended on Dec. 7, 2010. The amended bulletin makes clear that any attempt by a certificate holder to do more than offer a synopsis of the policy violates the law. More information is available on the Department website: <a href="http://www.doi.nebraska.gov/">http://www.doi.nebraska.gov/</a>   |
| Nevada        | In 2011, Nevada passed legislation that states that a certificate of insurance issued regarding a contract or policy of property or casualty insurance, other than a group master policy, does not constitute any part of the contract or policy and does not amend any terms of coverage <a href="#">NRS § 687B.460</a> . The Nevada Division of Insurance also issued <a href="#">Bulletin 11-014</a> . More information is available on the Division website: <a href="http://doi.nv.gov/">http://doi.nv.gov/</a> |
| New Hampshire | In 2011, New Hampshire passed a certificates of insurance law, N.H. Rev. Stat. <a href="#">§ 412:6B</a> . In January 2012, when the law became effective, the New Hampshire Department of Insurance issued a <a href="#">notice</a> summarizing the law. More information is available on the Department website: <a href="http://www.nh.gov/insurance/">http://www.nh.gov/insurance/</a>  |

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| New Jersey     | Most recently in 2011, the New Jersey Department of Banking and Insurance Legislation and Regulation issued <a href="#">Bulletin 11-04</a> . The Bulletin serves to remind producers and issuers that certificates should only be used to provide evidence of insurance in lieu of a copy of the actual policy and cannot be used to amend, expand or alter its terms. N.J.S.A. 17:22A-40a(5) prohibits intentional misrepresentation of the terms of an actual insurance contract, policy or application of insurance. More information can be found on the Department website: <a href="http://www.state.nj.us/dobi/index.html">http://www.state.nj.us/dobi/index.html</a> |
| New Mexico     | On Jan. 14, 2011, the New Mexico Superintendent of Insurance issued <a href="#">Bulletin 2011-001</a> , which states that insurers, agencies and producers are in violation of New Mexico Code 59A-16-4 when they issue a certificate that obscures or misrepresents the insurance coverage or terms. The Bulletin also provides guidelines for issuing certificates. More information can be found on the Division website: <a href="http://www.osi.state.nm.us/index.html">http://www.osi.state.nm.us/index.html</a>   |
| New York       | The state of New York has issued multiple directives on certificates. The most recent is an opinion of the Office of General Counsel of New York State, which concluded that, “A licensed insurance agent or broker may not complete a certificate of insurance that effectively amends, expands or otherwise alters the terms of the applicable insurance policy,” <a href="#">OGC Op. No. 11-01-08</a> . Additional information can be found on the Department of Financial Services website: <a href="http://www.dfs.ny.gov/insurance/dfs_insurance.htm">http://www.dfs.ny.gov/insurance/dfs_insurance.htm</a>  |
| North Carolina | On Feb. 1, 2010, North Carolina Department of Insurance issued <a href="#">Bulletin 10-B-01</a> , which advises insurers about use of the ACORD 25 form and states that the Department “has a long standing policy that insurance agents may not alter Certificates of Insurance” based on N.C. Stat <a href="#">§ 58-3-150(a)</a> . More information is available on the Department website: <a href="http://www.ncdoi.com/">http://www.ncdoi.com/</a>  |
| North Dakota   | In 2011, North Dakota added <a href="#">Chapter 26.1-39.1</a> to the state insurance code. The provision outlines the proper scope and use of certificates of insurance and served, in part, as the basis for the NCOIL model law. More information, including a 2010 Bulletin on certificates, can be found on the Department website: <a href="http://www.nd.gov/ndins/">http://www.nd.gov/ndins/</a>  |
| Ohio           | On March 12, 2009, the Ohio Department of Insurance issued <a href="#">Bulletin 2009-08</a> regarding certificates of insurance. The Bulletin provides guidelines for the issuance of certificates. More information is available on the Department website: <a href="http://www.insurance.ohio.gov/">http://www.insurance.ohio.gov/</a>   |
| Oklahoma       | On March 13, 2008, the Oklahoma Insurance Department released Bulletin No. <a href="#">PC 2008-01</a> , which was revised on October 12, 2010. The bulletin includes FAQs for Oklahoma insurance producers. More information is available on the Department website: <a href="http://www.ok.gov/oid/">http://www.ok.gov/oid/</a>   |

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| Oregon       | Oregon does not have a certificates of insurance statute, however, an insurance producer that issues a certificate that does not represent the policy contract may violate <a href="#">O.R.S. § 744.074(1)(e)</a> . More information is available on the Oregon Department of Insurance 'Modifying certificates of insurance' key topics page: <a href="http://www.oregon.gov/DCBS/insurance/agents/keytopics/Pages/modifyingcertificates.aspx">http://www.oregon.gov/DCBS/insurance/agents/keytopics/Pages/modifyingcertificates.aspx</a>                |
| Pennsylvania | On Feb. 14, 2009, the Pennsylvania Insurance Department issued a notice to property and casualty companies and producers issuing certificates in the state. <a href="#">Notice No. 2009-02</a> states that certificates may “simply summarize the coverages provided by the policy.” Additional information can be found on the Department website: <a href="http://www.insurance.pa.gov/">http://www.insurance.pa.gov/</a>   |
| Rhode Island | In 2013, Rhode island amended state insurance law regarding certificates of Insurance. <a href="#">Title 27 Chapter 78</a> of the Rhode Island statues is based on the NCOIL Model Act, which PIA supports. More information is available on the Insurance Division website: <a href="http://www.dbr.state.ri.us/divisions/insurance/">http://www.dbr.state.ri.us/divisions/insurance/</a>  |
| South Dakota | The South Dakota Division of Insurance has issued at least four regulatory bulletins outlining how certificates of insurance are regulated in the state. All of the bulletins can be found on the Division website: <a href="http://dlr.sd.gov/insurance/laws.aspx">http://dlr.sd.gov/insurance/laws.aspx</a>   |
| Tennessee    | On March 21, 2012, The Tennessee Department of Commerce and Insurance issued a <a href="#">bulletin</a> on the proper use of certificates of insurance and state unfair trade practices law. More information is available on the Department website: <a href="http://www.state.tn.us/commerce/">http://www.state.tn.us/commerce/</a>   |
| Texas        | In 2011, Texas enacted Tex. Ins. Code §§ <a href="#">1811.001 to 1811.204</a> to regulate certificates. Pursuant to the law, the Texas Department of Insurance issued administrative regulations, Tex. Admin. Code §§ <a href="#">5.9370-5.9376</a> . The Insurance Department also maintains a resources page for certificates issues: <a href="http://www.tdi.texas.gov/certificates/">http://www.tdi.texas.gov/certificates/</a>   |
| Utah         | In 2011, Utah enacted <a href="#">The Property and Casualty Certificates of Insurance Act</a> . Following passage of the law, the Utah Insurance Department issued <a href="#">Bulletin 2012-7</a> . More information is available on the Department website: <a href="https://insurance.utah.gov/">https://insurance.utah.gov/</a>   |
| Virginia     | In 2012, Virginia enacted V.A. Code <a href="#">§ 38.2-518</a> , which provides guidance on the proper use for and purpose of certificates of insurance. More information is available on the Virginia Bureau of Insurance website: <a href="https://www.scc.virginia.gov/boi/">https://www.scc.virginia.gov/boi/</a>   |
| Washington   | Section <a href="#">284-30-355</a> of the Washington Administrative Code regulates certificates of insurance and states that, “No person may issue, demand, or require, either in addition to or in lieu of a certificate, a document that contains any false or misleading information or that purports to alter, amend, or extend the coverage provided by the insurance policy.” More information can be found on the Washington Office of Insurance the Commissioner website: <a href="http://www.insurance.wa.gov/">http://www.insurance.wa.gov/</a> |

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| West Virginia | In February 1969, West Virginia issued an informational letter on certificates of insurance. The letter stated that certificates should have a statement noting that the certificate does not amend, alter or extend the coverage in the underlying policy. More information can be found on the Insurance Commissioner's website: <a href="http://www.wvinsurance.gov/">http://www.wvinsurance.gov/</a>   |
| Wisconsin     | The Wisconsin Office of the Commissioner of Insurance issued a bulletin on certificates on <a href="#">August 27, 2012</a> . The bulletin provides guidance to insurance companies and producers on the appropriate use of certificates. More information, including additional bulletins, can be found on the Office website: <a href="http://oci.wi.gov/">http://oci.wi.gov/</a>   |
| Wyoming       | In March 2014, the Wyoming legislature passed <a href="#">SF0107</a> . The new law took effect on July 1, 2014. The law clarifies the appropriate use of certificates of insurance and requires language to be present on certificates indicating that a certificate does not alter, amend or extend coverage in the underlying policy or confer rights onto the holder. More information is available on the Wyoming Department of Insurance website: <a href="http://doi.wyo.gov/">http://doi.wyo.gov/</a> |

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† If a state does not appear on the chart no information was readily available at the time of writing.