



FORMS AND RATES BULLETIN NO. 38

TO: ALL INSURANCE CARRIERS DOING BUSINESS IN DELAWARE

**RE: FILING FEE REQUIREMENTS UNDER HB 242 AND
COMMUNICATION VIA THE SYSTEM FOR ELECTRONIC RATE AND
FORM FILING (SERFF)**

DATED: July 2, 2019

REVISED: August 12, 2019

October 23, 2025

The original purpose of Bulletin No. 38 was to reduce unnecessary filings and filing fees by reminding carriers that only those fees specifically outlined in 18 *Del. C.* Ch. 7 are required. The August 12, 2019 version of the Bulletin notified insurance carriers of House Bill No. 242 ([HB 242](#)), which established a \$2,000 cap on form filing fees. The latest revision updates the Department's method of communicating with carriers regarding insufficient filing fees.

\$2,000 Filing Fee Cap - Effective July 1, 2019: HB 242 provides that “no insurer shall be required to pay a form filing fee pursuant to 18 *Del. C.* § 701(34) that exceeds \$2,000 per filing. For form filings that are made on a group-wide basis, the \$2,000 filing cap shall be applied to each insurer within the filing” (emphasis added).

Informational Filings – No Fee Required: A fee should not be submitted with an informational filing. Examples of filings that fall into this category include:

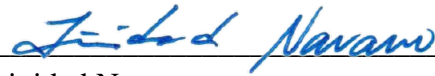
- Property and Casualty - Filings that inform the Department of a delay or non-adoption of a rating organization's filing, or a delay in the adoption of a rate by a carrier; and
- Life and Health – Statements of variability, Medicare supplement refund calculation reports, long-term care rescissions, and changes to company logos.

Withdrawal of Filing – Fee Refunds: If a carrier requests to withdraw a filing and that request is made prior to the Department taking any administrative action, the filing may be withdrawn and the fee refunded. A refund must be requested via SERFF by the carrier within seven calendar days of the requested withdrawal. If the carrier requests that the filing be withdrawn after the Department has undertaken any action on the filing, a refund will not be processed.

Insufficient Filing Fee Submitted – 7 Days to Correct: When a company's filing fee is insufficient, the Department will advise the company of the deficiency through the SERFF platform and provide the company with seven calendar days to correct the deficiency, but will not complete its review of the filing. If the company fails to correct the deficiency within the seven calendar days, the filing will be rejected, and no refund will be provided.

Carriers are strongly encouraged to email Rate@delaware.gov **BEFORE** submitting a filing if they have questions regarding whether a fee is required or need to confirm the correct fee amount.

This Bulletin shall be effective immediately and shall remain in effect unless withdrawn or superseded by subsequent law, regulation or bulletin.



Trinidad Navarro

Delaware Insurance Commissioner

NOTE: This Bulletin is intended solely for informational purposes. It is not intended to set forth legal rights, duties, or privileges, nor is it intended to provide legal advice. Readers should consult applicable statutes and rules and contact the Delaware Department of Insurance if additional information is needed.