**20:06:06:06.  Deviations from prima facie acceptable credit insurance rates.** Deviations from prima facie acceptable credit insurance rates may be approved as follows:

(1)  Requests for rates higher than those established in this chapter for a debtor or a creditor or a class or classes of debtors or creditors may be approved on a satisfactory showing by the insurer that, because of the nature of the risk, the mortality or morbidity experience which may reasonably be anticipated will be significantly higher than the average anticipated experience upon which the applicable rate standard was based;

(2)  In judging requests for higher rates, the director of insurance will consider the following:

(a)  Available mortality and morbidity data pertaining to the debtors of a creditor or a class or classes of debtors of a creditor;

(b)  Previous experience, if any, for an actuarially credible period of the creditor's debtors, including the experience of any subsidiary or affiliate of the creditor;

(c)  Available age data; and

(d)  A reasonable rate of expense;

(3)  Age data and prior experience of the creditor's program shall always be submitted; and

(4)  Commissions or other payments or allowances to creditors, agents, or general agents shall not be considered a justification for higher rates.

**Source:** 4 SDR 6, effective August 9, 1977; 5 SDR 91, effective April 25, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

**General Authority:** SDCL 58-19-34.

**Law Implemented:** SDCL 58-19-26.