

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2076**

Livingston Substitute Floor
Amendment

-
- Makes a clarifying change.
 - Includes the Commerce Committee amendment.

Amendment explanation prepared by Paul Benny

Phone Number 3848

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1/28/2025

LIVINGSTON SUBSTITUTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2076

I move the following SUBSTITUTE amendment to the COMMERCE Committee Amendment to HOUSE BILL 2076 (Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 20, chapter 2, Arizona Revised Statutes, is
3 amended by adding article 5.1, to read:

4 ARTICLE 5.1. LIFE INSURANCE ILLUSTRATIONS

5 20-431. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ACTUARIAL STANDARDS BOARD" MEANS THE BOARD THAT IS ESTABLISHED
8 BY THE AMERICAN ACADEMY OF ACTUARIES TO DEVELOP AND ADOPT STANDARDS OF
9 ACTUARIAL PRACTICE.

10 2. "BASIC ILLUSTRATION" MEANS A LEDGER OR PROPOSAL THAT IS USED IN
11 THE SALE OF A LIFE INSURANCE POLICY AND THAT SHOWS BOTH GUARANTEED AND
12 NONGUARANTEED ELEMENTS.

13 3. "CONTRACT PREMIUM":

14 (a) MEANS THE GROSS PREMIUM THAT IS REQUIRED TO BE PAID UNDER A
15 FIXED PREMIUM POLICY.

16 (b) INCLUDES THE PREMIUM FOR A RIDER FOR WHICH BENEFITS ARE SHOWN
17 IN AN ILLUSTRATION.

18 4. "CURRENTLY PAYABLE SCALE" MEANS A SCALE OF NONGUARANTEED
19 ELEMENTS IN EFFECT FOR A POLICY FORM AS OF THE PREPARATION DATE OF THE
20 ILLUSTRATION OR DECLARED TO BECOME EFFECTIVE WITHIN THE NEXT NINETY-FIVE
21 DAYS.

22 5. "DISCIPLINED CURRENT SCALE":

23 (a) MEANS A SCALE OF NONGUARANTEED ELEMENTS THAT CONSTITUTES A
24 LIMIT ON ILLUSTRATIONS CURRENTLY BEING ILLUSTRATED BY AN INSURER AND THAT
25 IS REASONABLY BASED ON RECENT, ACTUAL HISTORICAL EXPERIENCE AS CERTIFIED
26 ANNUALLY BY AN ILLUSTRATION ACTUARY DESIGNATED BY THE INSURER.

1 (b) INCLUDES RELIANCE ON FURTHER GUIDANCE IN DETERMINING THE
2 DISCIPLINED CURRENT SCALE AS CONTAINED IN STANDARDS BY THE ACTUARIAL
3 STANDARDS BOARD IF THE STANDARDS COMPLY WITH ALL OF THE FOLLOWING:

4 (i) ARE CONSISTENT WITH THIS ARTICLE.

5 (ii) LIMIT A DISCIPLINED CURRENT SCALE TO REFLECT ONLY ACTIONS THAT
6 HAVE ALREADY BEEN TAKEN OR EVENTS THAT HAVE ALREADY OCCURRED.

7 (iii) DO NOT ALLOW A DISCIPLINED CURRENT SCALE TO INCLUDE ANY
8 PROJECTED TRENDS OF IMPROVEMENTS IN EXPERIENCE OR ANY ASSUMED IMPROVEMENTS
9 IN EXPERIENCE BEYOND THE ILLUSTRATION DATE.

10 (iv) DO NOT ALLOW ASSUMED EXPENSES TO BE LESS THAN THE MINIMUM
11 ASSUMED EXPENSES.

12 6. "GENERIC NAME" MEANS A SHORT TITLE DESCRIPTIVE OF THE POLICY
13 BEING ILLUSTRATED SUCH AS "WHOLE LIFE", "TERM LIFE" OR "FLEXIBLE PREMIUM
14 ADJUSTABLE LIFE".

15 7. "GUARANTEED ELEMENTS" MEANS THE PREMIUMS, [BENEFITS,] VALUES,
16 CREDITS OR CHARGES UNDER A POLICY OF LIFE INSURANCE THAT ARE GUARANTEED
17 AND THAT ARE DETERMINED WHEN THE POLICY IS ISSUED.

18 8. "ILLUSTRATED SCALE" MEANS A SCALE OF NONGUARANTEED ELEMENTS
19 CURRENTLY BEING ILLUSTRATED THAT IS NOT MORE FAVORABLE TO THE POLICYOWNER
20 THAN THE LESSER OF EITHER OF THE FOLLOWING:

21 (a) THE DISCIPLINED CURRENT SCALE.

22 (b) THE CURRENTLY PAYABLE SCALE.

23 9. "ILLUSTRATION" MEANS A PRESENTATION OR DEPICTION THAT INCLUDES
24 NONGUARANTEED ELEMENTS OF A LIFE INSURANCE POLICY OVER A PERIOD OF YEARS
25 AND THAT IS A BASIC ILLUSTRATION, SUPPLEMENTAL ILLUSTRATION OR IN-FORCE
26 ILLUSTRATION.

27 10. "ILLUSTRATION ACTUARY" MEANS AN ACTUARY WHO MEETS THE
28 REQUIREMENTS PRESCRIBED IN SECTION 20-431.08 AND WHO CERTIFIES THE
29 ILLUSTRATIONS BASED ON THE STANDARD OF PRACTICE ADOPTED BY THE ACTUARIAL
30 STANDARDS BOARD.

31 11. "IN-FORCE ILLUSTRATION" MEANS AN ILLUSTRATION THAT IS FURNISHED
32 AT ANY TIME AFTER THE LIFE INSURANCE POLICY THAT IT DEPICTS HAS BEEN IN
33 FORCE FOR ONE YEAR OR MORE.

34 12. "LAPSE-SUPPORTED ILLUSTRATION" MEANS AN ILLUSTRATION OF A
35 POLICY FORM THAT FAILS TO MEET THE DEFINITION OF SELF-SUPPORTING
36 ILLUSTRATION UNDER A MODIFIED PERSISTENCY RATE ASSUMPTION THAT USES
37 PERSISTENCY RATES UNDERLYING THE DISCIPLINED CURRENT SCALE FOR THE FIRST
38 FIVE YEARS AND ONE HUNDRED PERCENT POLICY PERSISTENCY THEREAFTER.

39 13. "MINIMUM-ASSUMED EXPENSES" MEANS THE MINIMUM EXPENSES THAT MAY
40 BE USED IN CALCULATING THE DISCIPLINED CURRENT SCALE FOR A POLICY [TERM]
41 AND FOR WHICH THE INSURER MAY ANNUALLY DESIGNATE ONE OF THE FOLLOWING
42 METHODS TO DETERMINE ASSUMED EXPENSES FOR ALL POLICY FORMS:

43 (a) FULLY ALLOCATED EXPENSES, WHICH MUST BE USED IF A GENERALLY
44 RECOGNIZED EXPENSE TABLE IS NOT APPROVED.

45 (b) MARGINAL EXPENSES, WHICH MAY BE USED ONLY IF THE MARGINAL
46 EXPENSES ARE GREATER THAN A GENERALLY RECOGNIZED EXPENSE TABLE.

47 (c) A GENERALLY RECOGNIZED EXPENSE TABLE BASED ON FULLY ALLOCATED

1 EXPENSES THAT REPRESENTS A SIGNIFICANT PORTION OF INSURANCE COMPANIES AND
2 THAT IS APPROVED BY THE [~~NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS~~]
3 [~~DIRECTOR~~].

4 14. "NONGUARANTEED ELEMENTS" MEANS THE PREMIUMS, BENEFITS, VALUES,
5 CREDITS OR CHARGES UNDER A POLICY OF LIFE INSURANCE THAT ARE NOT
6 GUARANTEED OR NOT DETERMINED AT ISSUE.

7 15. "NONTERM GROUP LIFE" MEANS A GROUP POLICY OR INDIVIDUAL
8 POLICIES OF LIFE INSURANCE THAT ARE ISSUED TO MEMBERS OF AN EMPLOYER GROUP
9 OR OTHER ALLOWED GROUP TO WHICH ALL OF THE FOLLOWING APPLY:

10 (a) THE EMPLOYER OR OTHER GROUP REPRESENTATIVE SELECTS EVERY PLAN
11 OF COVERAGE.

12 (b) SOME PORTION OF THE PREMIUM IS PAID BY THE GROUP OR THROUGH
13 PAYROLL DEDUCTION.

14 (c) GROUP UNDERWRITING OR SIMPLIFIED UNDERWRITING IS USED.

15 16. "POLICYOWNER" MEANS THE OWNER WHO IS NAMED IN THE POLICY OR THE
16 CERTIFICATE HOLDER IN THE CASE OF A GROUP POLICY.

17 17. "POLICYOWNER VALUE" INCLUDES THE CASH SURRENDER VALUES AND
18 OTHER ILLUSTRATED BENEFIT AMOUNTS THAT ARE AVAILABLE AT THE POLICYOWNER'S
19 ELECTION.

20 18. "PREMIUM OUTLAY" MEANS THE AMOUNT OF PREMIUM THAT IS ASSUMED TO
21 BE PAID BY THE POLICYOWNER OR OTHER PREMIUM PAYOR OUT OF POCKET.

22 19. "SELF-SUPPORTING ILLUSTRATION" MEANS AN ILLUSTRATION OF A
23 POLICY FORM FOR WHICH IT CAN BE DEMONSTRATED THAT WHEN USING EXPERIENCE
24 ASSUMPTIONS UNDERLYING THE DISCIPLINED CURRENT SCALE FOR ALL ILLUSTRATED
25 POINTS IN TIME ON OR AFTER THE FIFTEENTH POLICY ANNIVERSARY OR THE
26 TWENTIETH POLICY ANNIVERSARY FOR SECOND-OR-LATER-TO-DIE POLICIES, OR ON
27 POLICY EXPIRATION IF SOONER, THE ACCUMULATED VALUE OF ALL POLICY CASH
28 FLOWS EQUALS OR EXCEEDS THE TOTAL POLICYOWNER VALUE AVAILABLE.

29 20. "SUPPLEMENTAL ILLUSTRATION" MEANS AN ILLUSTRATION THAT IS
30 FURNISHED IN ADDITION TO A BASIC ILLUSTRATION AND THAT MAY BE PRESENTED IN
31 A DIFFERENT FORMAT FROM THE BASIC ILLUSTRATION BUT THAT MAY DEPICT ONLY A
32 SCALE OF NONGUARANTEED ELEMENTS AS PROVIDED IN THE BASIC ILLUSTRATION.

33 20-431.01. Applicability

34 THIS ARTICLE APPLIES TO ALL GROUP AND INDIVIDUAL LIFE INSURANCE
35 POLICIES AND CERTIFICATES EXCEPT:

36 1. VARIABLE LIFE INSURANCE.

37 2. INDIVIDUAL AND GROUP ANNUITY CONTRACTS.

38 3. CREDIT LIFE INSURANCE.

39 4. LIFE INSURANCE POLICIES WITH NO ILLUSTRATED DEATH BENEFITS ON
40 ANY INDIVIDUAL EXCEEDING \$10,000.

41 20-431.02. Group and individual life insurance policy forms;
42 identification for illustrated

43 A. EACH INSURER THAT MARKETS POLICIES SHALL NOTIFY THE DIRECTOR
44 WHETHER A POLICY FORM WILL BE MARKETING WITH OR WITHOUT AN ILLUSTRATION.
45 FOR ALL POLICY FORMS THAT ARE ACTIVELY MARKETING ON JANUARY 1, 2026, THE
46 INSURER SHALL IDENTIFY THOSE POLICY FORMS AND WHETHER AN ILLUSTRATION WILL
47 BE USED. FOR ALL POLICY FORMS THAT ARE FILED AFTER JANUARY 1, 2026, THE

1 INSURER SHALL MAKE THIS IDENTIFICATION AT THE TIME OF FILING. AN INSURER
2 MAY CHANGE AN IDENTIFICATION BY PROVIDING NOTICE TO THE DIRECTOR.

3 B. IF THE INSURER IDENTIFIES A POLICY FORM AS ONE TO BE MARKETING
4 WITHOUT AN ILLUSTRATION, ANY USE OF AN ILLUSTRATION FOR ANY POLICY USING
5 THAT FORM BEFORE THE FIRST POLICY ANNIVERSARY IS PROHIBITED.

6 C. IF THE INSURER IDENTIFIES A POLICY FORM AS ONE TO BE MARKETING
7 WITH AN ILLUSTRATION, A BASIC ILLUSTRATION SHALL BE PREPARED AND DELIVERED
8 IN ACCORDANCE WITH THIS ARTICLE, EXCEPT THAT A BASIC ILLUSTRATION DOES NOT
9 NEED TO BE PROVIDED TO INDIVIDUAL MEMBERS OF A GROUP OR TO INDIVIDUALS WHO
10 ARE INSURED UNDER MULTIPLE LIVES COVERAGE THAT IS ISSUED TO A SINGLE
11 APPLICANT UNLESS THE COVERAGE IS MARKETING TO THESE INDIVIDUALS. FOR A
12 GROUP LIFE INSURANCE POLICY OR A POLICY ISSUED TO A SINGLE APPLICANT ON
13 MULTIPLE LIVES, THE INSURER MAY FURNISH EITHER AN INDIVIDUAL OR COMPOSITE
14 ILLUSTRATION REPRESENTING COVERAGE ON THE LIVES OF MEMBERS OF THE GROUP OR
15 THE MULTIPLE LIVES COVERED.

16 D. THE INSURER SHALL INCLUDE A QUOTE WITH THE ENROLLMENT MATERIALS
17 THAT ARE PROVIDED TO POTENTIAL ENROLLEES OF NONTERM GROUP LIFE INSURANCE
18 POLICIES THAT ARE SUBJECT TO THIS ARTICLE. THE QUOTE SHALL SHOW POTENTIAL
19 POLICY VALUES FOR SAMPLE AGES AND POLICY YEARS ON A GUARANTEED AND
20 NONGUARANTEED BASIS APPROPRIATE TO THE GROUP AND THE COVERAGE. THIS QUOTE
21 IS NOT CONSIDERED AN ILLUSTRATION FOR THE PURPOSES OF THIS ARTICLE, BUT
22 ALL INFORMATION PROVIDED SHALL BE CONSISTENT WITH THE ILLUSTRATED SCALE.
23 THE INSURER SHALL PROVIDE A BASIC ILLUSTRATION AT THE DELIVERY OF THE
24 CERTIFICATE TO ENROLLEES FOR NONTERM GROUP LIFE INSURANCE WHO HAVE
25 ENROLLED IN MORE THAN THE MINIMUM PREMIUM NECESSARY TO PROVIDE PURE DEATH
26 BENEFIT PROTECTION AND SHALL MAKE THE BASIC ILLUSTRATION AVAILABLE TO ANY
27 NONTERM GROUP LIFE ENROLLEE ON REQUEST.

28 20-431.03. Life insurance policy illustrations; requirements;
29 prohibitions

30 A. AN ILLUSTRATION THAT IS USED IN THE SALE OF A LIFE INSURANCE
31 POLICY SHALL BE CLEARLY LABELED LIFE INSURANCE ILLUSTRATION AND SHALL
32 CONTAIN ALL OF THE FOLLOWING:

33 1. THE NAME OF THE INSURER THAT ISSUED THE POLICY.

34 2. THE NAME AND BUSINESS ADDRESS OF THE PRODUCER OR THE INSURER'S
35 AUTHORIZED REPRESENTATIVE, IF ANY.

36 3. THE NAME, AGE AND SEX OF THE PROPOSED INSURED, UNLESS A
37 COMPOSITE ILLUSTRATION IS ALLOWED UNDER THIS ARTICLE.

38 4. THE UNDERWRITING OR RATING CLASSIFICATION ON WHICH THE
39 ILLUSTRATION IS BASED.

40 5. THE GENERIC NAME OF THE POLICY, THE COMPANY PRODUCT NAME, IF
41 DIFFERENT FROM THE GENERIC NAME OF THE POLICY, AND THE FORM NUMBER.

42 6. THE INITIAL DEATH BENEFIT.

43 7. DIVIDEND OPTION ELECTION OR APPLICATION OF NONGUARANTEED
44 ELEMENTS, IF APPLICABLE.

45 B. WHEN USING AN ILLUSTRATION IN THE SALE OF A LIFE INSURANCE
46 POLICY, AN INSURER OR ITS PRODUCERS OR OTHER AUTHORIZED REPRESENTATIVES
47 MAY NOT:

- 1 1. REPRESENT THE POLICY AS ANYTHING OTHER THAN A LIFE INSURANCE
- 2 POLICY.
- 3 2. USE OR DESCRIBE NONGUARANTEED ELEMENTS IN A MANNER THAT IS
- 4 MISLEADING OR THAT HAS THE CAPACITY OR TENDENCY TO MISLEAD.
- 5 3. STATE OR IMPLY THAT THE PAYMENT OR AMOUNT OF NONGUARANTEED
- 6 ELEMENTS IS GUARANTEED.
- 7 4. USE AN ILLUSTRATION THAT DOES NOT COMPLY WITH THIS ARTICLE.
- 8 5. USE AN ILLUSTRATION THAT DEPICTS POLICY PERFORMANCE THAT IS MORE
- 9 FAVORABLE TO THE POLICYOWNER THAN THAT PRODUCED BY THE ILLUSTRATED SCALE.
- 10 6. PROVIDE AN APPLICANT WITH AN INCOMPLETE ILLUSTRATION.
- 11 7. REPRESENT IN ANY WAY THAT PREMIUM PAYMENTS WILL NOT BE REQUIRED
- 12 FOR EACH YEAR OF THE POLICY IN ORDER TO MAINTAIN THE ILLUSTRATED DEATH
- 13 BENEFITS, UNLESS THAT IS THE FACT.
- 14 8. USE THE TERM VANISH OR VANISHING PREMIUM OR A SIMILAR TERM THAT
- 15 IMPLIES THE POLICY BECOMES PAID UP TO DESCRIBE A PLAN FOR USING
- 16 NONGUARANTEED ELEMENTS TO PAY A PORTION OF FUTURE PREMIUMS.
- 17 9. EXCEPT FOR POLICIES THAT CAN NEVER DEVELOP NONFORFEITURE VALUES,
- 18 USE A LAPSE-SUPPORTED ILLUSTRATION.
- 19 10. USE AN ILLUSTRATION THAT IS NOT A SELF-SUPPORTING ILLUSTRATION.
- 20 C. IF AN INTEREST RATE THAT IS USED TO DETERMINE THE ILLUSTRATED
- 21 NONGUARANTEED ELEMENTS IS SHOWN, THE INTEREST RATE MAY NOT BE GREATER THAN
- 22 THE EARNED INTEREST RATE UNDERLYING THE DISCIPLINED CURRENT SCALE.
- 23 20-431.04. Basic illustrations; format; narrative summary;
- 24 numeric summary; tabular detail; requirements
- 25 A. THE FORMAT OF A BASIC ILLUSTRATION SHALL CONFORM WITH THE
- 26 FOLLOWING REQUIREMENTS:
- 27 1. THE BASIC ILLUSTRATION SHALL BE LABELED WITH THE DATE ON WHICH
- 28 THE ILLUSTRATION WAS PREPARED.
- 29 2. EACH PAGE, INCLUDING ANY EXPLANATORY NOTES OR PAGES, SHALL BE
- 30 NUMBERED. THE PAGE NUMBERS MUST SHOW THE RELATIONSHIP TO THE TOTAL NUMBER
- 31 OF PAGES IN THE ILLUSTRATION.
- 32 3. THE ASSUMED DATES OF PAYMENT RECEIPT AND BENEFIT PAYOUT WITHIN A
- 33 POLICY YEAR SHALL BE CLEARLY IDENTIFIED.
- 34 4. IF THE AGE OF THE PROPOSED INSURED IS SHOWN AS A COMPONENT OF
- 35 THE TABULAR DETAIL, THE PROPOSED INSURED'S AGE MUST BE SHOWN AS THE AGE
- 36 PLUS THE NUMBER OF YEARS THE POLICY IS ASSUMED TO HAVE BEEN IN FORCE.
- 37 5. THE ASSUMED PAYMENTS ON WHICH THE ILLUSTRATED BENEFITS AND
- 38 VALUES ARE BASED SHALL BE IDENTIFIED AS PREMIUM OUTLAY OR CONTRACT
- 39 PREMIUM, AS APPLICABLE. FOR POLICIES THAT DO NOT REQUIRE A SPECIFIC
- 40 CONTRACT PREMIUM, THE ILLUSTRATED PAYMENTS SHALL BE IDENTIFIED AS PREMIUM
- 41 OUTLAY.
- 42 6. GUARANTEED DEATH BENEFITS AND VALUES AVAILABLE ON SURRENDER, IF
- 43 ANY, FOR THE ILLUSTRATED PREMIUM OUTLAY OR CONTRACT PREMIUM SHALL BE SHOWN
- 44 AND CLEARLY LABELED GUARANTEED.
- 45 7. IF THE ILLUSTRATION SHOWS ANY NONGUARANTEED ELEMENTS, THOSE
- 46 ELEMENTS CANNOT BE BASED ON A SCALE MORE FAVORABLE TO THE POLICYOWNER THAN

1 THE INSURER'S ILLUSTRATED SCALE AT ANY DURATION. THESE ELEMENTS SHALL BE
2 CLEARLY LABELED NONGUARANTEED.

3 8. THE GUARANTEED ELEMENTS, IF ANY, SHALL BE SHOWN BEFORE ANY
4 NONGUARANTEED ELEMENTS AND SHALL BE SPECIFICALLY REFERRED TO ON ANY PAGE
5 OF AN ILLUSTRATION THAT SHOWS OR DESCRIBES THE NONGUARANTEED ELEMENTS
6 ONLY.

7 9. THE ACCOUNT OR ACCUMULATION VALUE OF A POLICY, IF SHOWN, SHALL
8 BE IDENTIFIED BY THE NAME THIS VALUE IS GIVEN IN THE POLICY BEING
9 ILLUSTRATED AND SHALL BE SHOWN IN CLOSE PROXIMITY TO THE CORRESPONDING
10 VALUE THAT IS AVAILABLE ON SURRENDER.

11 10. THE VALUE THAT IS AVAILABLE ON SURRENDER SHALL BE IDENTIFIED BY
12 THE NAME THIS VALUE IS GIVEN IN THE POLICY BEING ILLUSTRATED AND SHALL BE
13 THE AMOUNT THAT IS AVAILABLE TO THE POLICYOWNER IN A LUMP SUM AFTER
14 DEDUCTING SURRENDER CHARGES, POLICY LOANS AND POLICY LOAN INTEREST, AS
15 APPLICABLE.

16 11. ILLUSTRATIONS MAY SHOW POLICY BENEFITS AND VALUES IN GRAPHIC OR
17 CHART FORM IN ADDITION TO TABULAR FORM.

18 12. ANY ILLUSTRATION OF NONGUARANTEED ELEMENTS SHALL BE ACCOMPANIED
19 BY A STATEMENT INDICATING ALL OF THE FOLLOWING:

20 (a) THE BENEFITS AND VALUES ARE NOT GUARANTEED.

21 (b) THE ASSUMPTIONS ON WHICH THE NONGUARANTEED ELEMENTS ARE BASED
22 ARE SUBJECT TO CHANGE BY THE INSURER.

23 (c) THE ACTUAL RESULTS MAY BE MORE OR LESS FAVORABLE.

24 13. IF THE ILLUSTRATION SHOWS THAT THE PREMIUM PAYOR MAY HAVE THE
25 OPTION TO ALLOW POLICY CHARGES TO BE PAID USING NONGUARANTEED VALUES, THE
26 ILLUSTRATION MUST CLEARLY DISCLOSE THAT A CHARGE CONTINUES TO BE REQUIRED
27 AND THAT, DEPENDING ON ACTUAL RESULTS, THE PREMIUM PAYOR MAY NEED TO
28 CONTINUE OR RESUME PREMIUM OUTLAYS. A SIMILAR DISCLOSURE SHALL BE MADE
29 FOR PREMIUM OUTLAY OF LESSER AMOUNTS OR SHORTER DURATIONS THAN THE
30 CONTRACT PREMIUM. IF A CONTRACT PREMIUM IS DUE, THE PREMIUM OUTLAY
31 DISPLAY MAY NOT BE LEFT BLANK OR SHOW A ZERO UNLESS THE PREMIUM OUTLAY
32 DISPLAY IS ACCOMPANIED BY AN ASTERISK OR SIMILAR MARK TO DRAW ATTENTION TO
33 THE FACT THAT THE POLICY IS NOT PAID UP.

34 14. IF THE APPLICANT PLANS TO USE DIVIDENDS OR POLICY VALUES,
35 GUARANTEED OR NONGUARANTEED, TO PAY ALL OR A PORTION OF THE CONTRACT
36 PREMIUM OR POLICY CHARGES OR FOR ANY OTHER PURPOSE, THE ILLUSTRATION MAY
37 REFLECT THOSE PLANS AND THE IMPACT ON FUTURE POLICY BENEFITS AND VALUES.

38 B. A BASIC ILLUSTRATION SHALL CONTAIN A NARRATIVE SUMMARY THAT
39 INCLUDES THE FOLLOWING:

40 1. A BRIEF DESCRIPTION OF THE POLICY BEING ILLUSTRATED THAT
41 INCLUDES A STATEMENT THAT THE POLICY IS A LIFE INSURANCE POLICY.

42 2. A BRIEF DESCRIPTION OF THE PREMIUM OUTLAY OR CONTRACT PREMIUM,
43 AS APPLICABLE, FOR THE POLICY. FOR A POLICY THAT DOES NOT REQUIRE PAYMENT
44 OF A SPECIFIC CONTRACT PREMIUM, THE ILLUSTRATION SHALL SHOW THE PREMIUM
45 OUTLAY THAT MUST BE PAID TO GUARANTEE COVERAGE FOR THE TERM OF THE
46 CONTRACT, SUBJECT TO MAXIMUM PREMIUMS ALLOWABLE TO QUALIFY AS A LIFE

1 INSURANCE POLICY UNDER THE APPLICABLE PROVISIONS OF THE INTERNAL REVENUE
2 CODE.

3 3. A BRIEF DESCRIPTION OF EACH POLICY FEATURE, RIDER OR OPTION,
4 GUARANTEED OR NONGUARANTEED, THAT IS SHOWN IN THE BASIC ILLUSTRATION AND
5 THE IMPACT THEY MAY HAVE ON THE BENEFITS AND VALUES OF THE POLICY.

6 4. AN IDENTIFICATION AND BRIEF DEFINITION OF COLUMN HEADINGS AND
7 KEY TERMS THAT ARE USED IN THE ILLUSTRATION.

8 5. A STATEMENT THAT CONTAINS IN SUBSTANCE THE FOLLOWING: "THIS
9 ILLUSTRATION ASSUMES THAT THE CURRENTLY ILLUSTRATED NONGUARANTEED ELEMENTS
10 WILL CONTINUE UNCHANGED FOR ALL YEARS SHOWN, WHICH IS LIKELY NOT TO OCCUR.
11 THE ACTUAL RESULTS MAY BE MORE OR LESS FAVORABLE THAN THE ONES SHOWN IN
12 THIS ILLUSTRATION".

13 C. FOLLOWING THE NARRATIVE SUMMARY, A BASIC ILLUSTRATION SHALL
14 INCLUDE A NUMERIC SUMMARY OF THE DEATH BENEFITS AND VALUES AND THE PREMIUM
15 OUTLAY AND CONTRACT PREMIUM, AS APPLICABLE. FOR A POLICY THAT PROVIDES
16 FOR A CONTRACT PREMIUM, THE GUARANTEED DEATH BENEFITS AND VALUES SHALL BE
17 BASED ON THE CONTRACT PREMIUM. THIS SUMMARY SHALL BE SHOWN FOR AT LEAST
18 POLICY YEARS FIVE, TEN AND TWENTY AND AT AGE SEVENTY, IF APPLICABLE, ON
19 THE THREE BASES LISTED IN SUBSECTION D OF THIS SECTION. FOR MULTIPLE LIFE
20 POLICIES, THE NUMERIC SUMMARY SHALL SHOW POLICY YEARS FIVE, TEN, TWENTY
21 AND THIRTY.

22 D. FOR THE PURPOSES OF THE NUMERIC SUMMARY UNDER SUBSECTION C OF
23 THIS SECTION, ALL OF THE FOLLOWING APPLY:

24 1. THE THREE BASES INCLUDE:

25 (a) POLICY GUARANTEES.

26 (b) INSURER'S ILLUSTRATED SCALE.

27 (c) INSURER'S ILLUSTRATED SCALE USED BUT WITH THE NONGUARANTEED
28 ELEMENTS REDUCED AS FOLLOWS:

29 (i) DIVIDENDS AT FIFTY PERCENT OF THE DIVIDENDS THAT ARE CONTAINED
30 IN THE ILLUSTRATED SCALE USED.

31 (ii) NONGUARANTEED CREDITED INTEREST AT RATES THAT ARE THE AVERAGE
32 OF THE GUARANTEED RATES AND THE RATES THAT ARE CONTAINED IN THE
33 ILLUSTRATED SCALE USED.

34 (iii) ALL NONGUARANTEED CHARGES, INCLUDING TERM INSURANCE CHARGES,
35 MORTALITY AND EXPENSE CHARGES, AT RATES THAT ARE THE AVERAGE OF THE
36 GUARANTEED RATES AND THE RATES CONTAINED IN THE ILLUSTRATED SCALE USED.

37 2. IF COVERAGE CEASES BEFORE THE POLICY MATURES OR WHEN THE
38 POLICYOWNER REACHES ONE HUNDRED YEARS OF AGE, THE YEAR IN WHICH COVERAGE
39 CEASES SHALL BE IDENTIFIED FOR EACH OF THE THREE BASES LISTED IN PARAGRAPH
40 1 OF THIS SUBSECTION.

41 E. STATEMENTS THAT ARE SUBSTANTIALLY SIMILAR TO THE FOLLOWING SHALL
42 BE INCLUDED ON THE SAME PAGE AS THE NUMERIC SUMMARY AND SHALL BE SIGNED BY
43 THE APPLICANT OR, IF AN ILLUSTRATION IS PROVIDED AT THE TIME OF DELIVERY,
44 BY THE POLICY HOLDER:

45 1. A STATEMENT TO BE SIGNED AND DATED BY THE APPLICANT OR
46 POLICYOWNER THAT STATES: "I HAVE RECEIVED A COPY OF THIS ILLUSTRATION AND
47 UNDERSTAND THAT ANY NONGUARANTEED ELEMENTS ILLUSTRATED ARE SUBJECT TO

1 CHANGE AND COULD BE EITHER HIGHER OR LOWER. THE AGENT HAS TOLD ME THEY
2 ARE NOT GUARANTEED".

3 2. A STATEMENT TO BE SIGNED AND DATED BY THE INSURANCE PRODUCER OR
4 OTHER AUTHORIZED REPRESENTATIVE OF THE INSURER THAT STATES: "I CERTIFY
5 THAT THIS ILLUSTRATION HAS BEEN PRESENTED TO THE APPLICANT AND THAT I HAVE
6 EXPLAINED THAT ANY NONGUARANTEED ELEMENTS ILLUSTRATED ARE SUBJECT TO
7 CHANGE. I HAVE MADE NO STATEMENTS THAT ARE INCONSISTENT WITH THE
8 ILLUSTRATION".

9 F. ALL OF THE FOLLOWING TABULAR DETAILS APPLY TO A BASIC
10 ILLUSTRATION:

11 1. THE BASIC ILLUSTRATION SHALL INCLUDE ALL OF THE FOLLOWING FOR AT
12 LEAST EACH POLICY YEAR FROM YEAR ONE TO TEN AND FOR EVERY FIFTH POLICY
13 YEAR THEREAFTER UNTIL THE INSURED REACHES ONE HUNDRED YEARS OF AGE, POLICY
14 MATURITY OR FINAL EXPIRATION [AND], EXCEPT FOR TERM INSURANCE BEYOND THE
15 TWENTIETH YEAR, FOR ANY YEAR IN WHICH THE PREMIUM OUTLAY AND CONTRACT
16 PREMIUM, IF APPLICABLE, IS SUBJECT TO CHANGE:

17 (a) THE PREMIUM OUTLAY AND MODE THE APPLICANT PLANS TO PAY AND THE
18 CONTRACT PREMIUM, AS APPLICABLE.

19 (b) THE CORRESPONDING GUARANTEED DEATH BENEFIT, AS PROVIDED IN THE
20 POLICY.

21 (c) THE CORRESPONDING GUARANTEED VALUE THAT IS AVAILABLE ON
22 SURRENDER, AS PROVIDED IN THE POLICY.

23 2. FOR A POLICY THAT PROVIDES FOR A CONTRACT PREMIUM, THE
24 GUARANTEED DEATH BENEFIT AND VALUE THAT IS AVAILABLE ON SURRENDER SHALL
25 CORRESPOND TO THE CONTRACT PREMIUM.

26 3. NONGUARANTEED ELEMENTS MAY BE SHOWN IF THE NONGUARANTEED
27 ELEMENTS ARE DESCRIBED IN THE CONTRACT. AN ILLUSTRATION FOR A POLICY FOR
28 WHICH THE INSURER INTENDS TO CREDIT TERMINAL DIVIDENDS, THE NONGUARANTEED
29 ELEMENTS MAY BE SHOWN IF THE INSURER'S CURRENT PRACTICE IS TO PAY TERMINAL
30 DIVIDENDS. IF ANY NONGUARANTEED ELEMENTS ARE SHOWN, THE NONGUARANTEED
31 ELEMENTS MUST BE SHOWN AT THE SAME DURATIONS AS THE CORRESPONDING
32 GUARANTEED ELEMENTS, IF ANY. IF A GUARANTEED BENEFIT OR VALUE IS NOT
33 AVAILABLE AT ANY DURATION FOR WHICH A NONGUARANTEED BENEFIT OR VALUE IS
34 SHOWN, A ZERO SHALL BE DISPLAYED IN THE GUARANTEED COLUMN.

35 20-431.05. Supplemental illustrations; requirements

36 A. A SUPPLEMENTAL ILLUSTRATION MAY BE PROVIDED IF:

37 1. THE SUPPLEMENTAL ILLUSTRATION IS APPENDED TO, ACCOMPANIED BY OR
38 PRECEDED BY A BASIC ILLUSTRATION THAT COMPLIES WITH THIS ARTICLE.

39 2. THE NONGUARANTEED ELEMENTS SHOWN ARE NOT MORE FAVORABLE TO THE
40 POLICYOWNER THAN THE CORRESPONDING ELEMENTS BASED ON THE SCALE THAT IS
41 USED IN THE BASIC ILLUSTRATION.

42 3. THE SUPPLEMENTAL ILLUSTRATION CONTAINS THE SAME STATEMENT
43 REQUIRED OF A BASIC ILLUSTRATION THAT NONGUARANTEED ELEMENTS ARE NOT
44 GUARANTEED.

45 4. FOR A POLICY THAT HAS A CONTRACT PREMIUM, THE CONTRACT PREMIUM
46 UNDERLYING THE SUPPLEMENTAL ILLUSTRATION IS EQUAL TO THE CONTRACT PREMIUM
47 SHOWN IN THE BASIC ILLUSTRATION. FOR POLICIES THAT DO NOT REQUIRE A

1 CONTRACT PREMIUM, THE PREMIUM OUTLAY UNDERLYING THE SUPPLEMENTAL
2 ILLUSTRATION MUST BE EQUAL TO THE PREMIUM OUTLAY SHOWN IN THE BASIC
3 ILLUSTRATION.

4 B. THE SUPPLEMENTAL ILLUSTRATION SHALL INCLUDE A NOTICE REFERRING
5 TO THE BASIC ILLUSTRATION FOR GUARANTEED ELEMENTS AND OTHER IMPORTANT
6 INFORMATION.

7 20-431.06. Delivery of illustrations: record retention:
8 requirements

9 A. IF A BASIC ILLUSTRATION IS USED BY AN INSURANCE PRODUCER OR
10 OTHER AUTHORIZED REPRESENTATIVE OF THE INSURER IN THE SALE OF A LIFE
11 INSURANCE POLICY AND THE POLICY IS APPLIED FOR AS ILLUSTRATED, A COPY OF
12 THAT ILLUSTRATION, SIGNED IN ACCORDANCE WITH THIS ARTICLE, SHALL BE
13 SUBMITTED TO THE INSURER AT THE TIME OF POLICY APPLICATION. A COPY SHALL
14 ALSO BE PROVIDED TO THE APPLICANT.

15 B. IF THE POLICY IS ISSUED OTHER THAN AS APPLIED FOR, A REVISED
16 BASIC ILLUSTRATION THAT CONFORMS TO THE POLICY AS ISSUED SHALL BE SENT
17 WITH THE POLICY. THE REVISED ILLUSTRATION SHALL CONFORM TO THE
18 REQUIREMENTS OF THIS ARTICLE, SHALL BE LABELED REVISED ILLUSTRATION AND
19 SHALL BE SIGNED AND DATED BY THE APPLICANT OR POLICYOWNER AND PRODUCER OR
20 OTHER AUTHORIZED REPRESENTATIVE OF THE INSURER NOT LATER THAN THE TIME THE
21 POLICY IS DELIVERED. A COPY SHALL BE PROVIDED TO THE INSURER AND THE
22 POLICYOWNER.

23 C. IF AN ILLUSTRATION IS NOT USED BY AN INSURANCE PRODUCER OR OTHER
24 AUTHORIZED REPRESENTATIVE IN THE SALE OF A LIFE INSURANCE POLICY OR IF THE
25 POLICY IS APPLIED FOR OTHER THAN AS ILLUSTRATED, THE PRODUCER OR
26 AUTHORIZED REPRESENTATIVE SHALL CERTIFY TO THAT EFFECT IN WRITING ON A
27 FORM PROVIDED BY THE INSURER. ON THE SAME FORM, THE APPLICANT SHALL
28 ACKNOWLEDGE THAT AN ILLUSTRATION CONFORMING TO THE POLICY APPLIED FOR WAS
29 NOT PROVIDED AND SHALL FURTHER ACKNOWLEDGE AN UNDERSTANDING THAT AN
30 ILLUSTRATION CONFORMING TO THE POLICY AS ISSUED WILL BE PROVIDED NOT LATER
31 THAN AT THE TIME OF POLICY DELIVERY. THE APPLICANT SHALL SUBMIT THIS FORM
32 TO THE INSURER AT THE TIME OF POLICY APPLICATION.

33 D. IF THE POLICY IS ISSUED, A BASIC ILLUSTRATION THAT CONFORMS TO
34 THE POLICY AS ISSUED SHALL BE SENT WITH THE POLICY AND SIGNED IN
35 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION NOT LATER THAN THE TIME
36 THE POLICY IS DELIVERED. A COPY SHALL BE PROVIDED TO THE INSURER AND THE
37 POLICYOWNER.

38 E. IF THE INSURER MAILES THE BASIC ILLUSTRATION OR REVISED
39 ILLUSTRATION TO THE APPLICANT OR POLICYOWNER, THE BASIC ILLUSTRATION OR
40 REVISED ILLUSTRATION SHALL INCLUDE INSTRUCTIONS FOR THE APPLICANT OR
41 POLICYOWNER TO SIGN THE DUPLICATE COPY OF THE NUMERIC SUMMARY PAGE OF THE
42 ILLUSTRATION FOR THE POLICY ISSUED AND RETURN THE SIGNED COPY TO THE
43 INSURER. THE INSURER'S OBLIGATION UNDER THIS SUBSECTION IS SATISFIED IF
44 THE INSURER CAN DEMONSTRATE THAT IT HAS MADE A DILIGENT EFFORT TO SECURE A
45 SIGNED COPY OF THE NUMERIC SUMMARY PAGE. THE INSURER'S REQUIREMENT TO
46 MAKE A DILIGENT EFFORT IS SATISFIED IF THE INSURER INCLUDES IN THE MAILING
47 A SELF-ADDRESSED, POSTAGE PREPAID ENVELOPE WITH INSTRUCTIONS FOR RETURNING

1 THE SIGNED NUMERIC SUMMARY PAGE. IF THE APPLICANT OR POLICYOWNER CONSENTS
2 TO TRANSACT INSURANCE ELECTRONICALLY, THE INSURER MAY SEND A COPY WITH
3 INSTRUCTIONS FOR SIGNING AND RETURNING THE SIGNED COPY ELECTRONICALLY.

4 F. THE INSURER SHALL RETAIN A COPY OF THE BASIC ILLUSTRATION AND A
5 REVISED BASIC ILLUSTRATION, IF ANY, SIGNED AS APPLICABLE, ALONG WITH ANY
6 CERTIFICATION THAT EITHER NO ILLUSTRATION WAS USED OR THAT THE POLICY WAS
7 APPLIED FOR OTHER THAN AS ILLUSTRATED UNTIL THREE YEARS AFTER THE POLICY
8 IS NO LONGER IN FORCE. THE INSURER DOES NOT NEED TO RETAIN A COPY IF A
9 POLICY IS NOT ISSUED.

10 20-431.07. Annual report; notice to policyowners

11 A. IF A POLICY IS DESIGNATED AS ONE THAT WILL USE ILLUSTRATIONS,
12 THE INSURER SHALL PROVIDE EACH POLICYOWNER WITH AN ANNUAL REPORT ON THE
13 STATUS OF THE POLICY AS FOLLOWS:

14 1. FOR UNIVERSAL LIFE POLICIES, THE ANNUAL REPORT SHALL INCLUDE:

15 (a) THE BEGINNING DATE AND END DATE OF THE CURRENT REPORT PERIOD.

16 (b) THE POLICY VALUE AT THE END OF THE PREVIOUS REPORT PERIOD AND
17 AT THE END OF THE CURRENT REPORT PERIOD.

18 (c) THE TOTAL AMOUNTS THAT HAVE BEEN CREDITED OR DEBITED TO THE
19 POLICY VALUE DURING THE CURRENT REPORT PERIOD, IDENTIFYING EACH BY TYPE
20 AND INCLUDING INTEREST, MORTALITY, EXPENSE AND RIDERS.

21 (d) THE CURRENT DEATH BENEFIT AT THE END OF THE CURRENT REPORT
22 PERIOD ON EACH LIFE COVERED BY THE POLICY.

23 (e) THE NET CASH SURRENDER VALUE OF THE POLICY AS OF THE END OF THE
24 CURRENT REPORT PERIOD.

25 (f) THE AMOUNT OF OUTSTANDING LOANS, IF ANY, AS OF THE END OF THE
26 CURRENT REPORT PERIOD.

27 (g) FOR FIXED PREMIUM POLICIES, A NOTICE ~~[THAT]~~ [WHETHER] THE
28 POLICY'S NET CASH SURRENDER VALUE IS SUCH THAT IT WOULD NOT MAINTAIN
29 INSURANCE IN FORCE UNTIL THE END OF THE NEXT REPORTING PERIOD, ASSUMING
30 GUARANTEED INTEREST, MORTALITY AND EXPENSE LOADS AND CONTINUED SCHEDULED
31 PREMIUM PAYMENTS.

32 (h) FOR FLEXIBLE PREMIUM POLICIES, A NOTICE ~~[THAT]~~ [WHETHER] THE
33 POLICY'S NET CASH SURRENDER VALUE WILL NOT MAINTAIN INSURANCE IN FORCE
34 UNTIL THE END OF THE NEXT REPORTING PERIOD UNLESS FURTHER PREMIUM PAYMENTS
35 ARE MADE, ASSUMING GUARANTEED INTEREST, MORTALITY AND EXPENSE LOADS.

36 2. FOR ALL OTHER POLICIES, WHERE APPLICABLE, THE ANNUAL REPORT
37 SHALL INCLUDE THE FOLLOWING:

38 (a) CURRENT DEATH BENEFIT.

39 (b) ANNUAL CONTRACT PREMIUM.

40 (c) CURRENT CASH SURRENDER VALUE.

41 (d) CURRENT DIVIDEND.

42 (e) APPLICATION OF CURRENT DIVIDEND.

43 (f) AMOUNT OF OUTSTANDING LOAN.

1 B. INSURERS WRITING LIFE INSURANCE [~~POLICES~~] [POLICIES] THAT DO NOT
2 BUILD NONFORFEITURE VALUES SHALL BE REQUIRED TO PROVIDE AN ANNUAL REPORT
3 WITH RESPECT TO SUCH POLICIES ONLY FOR THOSE YEARS WHEN THE INSURER HAS
4 MADE A CHANGE TO NONGUARANTEED POLICY ELEMENTS.

5 C. IF THE ANNUAL REPORT DOES NOT INCLUDE AN IN-FORCE ILLUSTRATION,
6 THE ANNUAL REPORT SHALL CONTAIN THE FOLLOWING PROMINENTLY DISPLAYED
7 NOTICE: "IMPORTANT POLICYOWNER NOTICE: YOU SHOULD CONSIDER REQUESTING MORE
8 DETAILED INFORMATION ABOUT YOUR POLICY TO UNDERSTAND HOW IT MAY PERFORM IN
9 THE FUTURE. YOU SHOULD NOT CONSIDER REPLACEMENT OF YOUR POLICY OR MAKE
10 CHANGES IN YOUR COVERAGE WITHOUT REQUESTING A CURRENT ILLUSTRATION. YOU
11 MAY ANNUALLY REQUEST, WITHOUT CHARGE, AN ILLUSTRATION BY CALLING
12 (INSURER'S TELEPHONE NUMBER), WRITING TO (INSURER'S NAME) AT (INSURER'S
13 ADDRESS OR EMAIL ADDRESS) OR CONTACTING YOUR AGENT. IF YOU DO NOT RECEIVE
14 A CURRENT ILLUSTRATION OF YOUR POLICY WITHIN THIRTY DAYS FROM THE DATE OF
15 YOUR REQUEST, YOU SHOULD CONTACT YOUR STATE INSURANCE DEPARTMENT." THE
16 INSURER MAY VARY THE SEQUENTIAL ORDER OF THE METHODS FOR OBTAINING AN
17 IN-FORCE ILLUSTRATION.

18 D. ON REQUEST OF A POLICYOWNER, THE INSURER SHALL FURNISH AN
19 IN-FORCE ILLUSTRATION OF CURRENT AND FUTURE BENEFITS AND VALUES BASED ON
20 THE INSURER'S PRESENT ILLUSTRATED SCALE. THIS ILLUSTRATION SHALL COMPLY
21 WITH SECTION 20-431.03, SUBSECTIONS A AND B [~~AND SECTION 20-431.04,~~
22 ~~SUBSECTIONS A AND F~~]. A SIGNATURE OR OTHER ACKNOWLEDGEMENT OF RECEIPT OF
23 THIS ILLUSTRATION IS NOT REQUIRED.

24 E. IF THE INSURER MAKES AN ADVERSE CHANGE IN NONGUARANTEED ELEMENTS
25 THAT COULD AFFECT THE POLICY [~~SINCE THE LAST ANNUAL REPORT~~], THE ANNUAL
26 REPORT SHALL CONTAIN A NOTICE OF THAT FACT AND SHALL PROMINENTLY DISPLAY
27 THE NATURE OF THE CHANGE.

28 20-431.08. Illustration actuaries; annual certifications

29 A. THE BOARD OF DIRECTORS OF EACH INSURER SHALL APPOINT ONE OR MORE
30 ILLUSTRATION ACTUARIES.

31 B. THE ILLUSTRATION ACTUARY SHALL CERTIFY THAT THE DISCIPLINED
32 CURRENT SCALE THAT IS USED IN ILLUSTRATIONS CONFORMS WITH THE ACTUARIAL
33 STANDARD OF PRACTICE FOR COMPLIANCE WITH THE NATIONAL ASSOCIATION OF
34 INSURANCE COMMISSIONERS MODEL REGULATION ON LIFE INSURANCE ILLUSTRATIONS
35 THAT IS ADOPTED BY THE ACTUARIAL STANDARDS BOARD AND THAT THE ILLUSTRATED
36 SCALES USED IN INSURER AUTHORIZED ILLUSTRATIONS MEET THE REQUIREMENTS OF
37 THIS ARTICLE.

38 C. THE ILLUSTRATION ACTUARY SHALL:

39 1. BE A MEMBER IN GOOD STANDING OF THE AMERICAN ACADEMY OF
40 ACTUARIES.

41 2. BE FAMILIAR WITH THE STANDARD OF PRACTICE REGARDING LIFE
42 INSURANCE POLICY ILLUSTRATIONS.

43 3. AFTER NOTICE AND A HEARING, NOT HAVE BEEN FOUND BY THE DIRECTOR
44 TO HAVE:

45 (a) VIOLATED ANY PROVISION OF, OR ANY OBLIGATION IMPOSED BY, THIS
46 TITLE OR ANY OTHER LAW IN THE COURSE OF THE INDIVIDUAL'S DEALINGS AS AN
47 ILLUSTRATION ACTUARY.

1 (b) BEEN FOUND GUILTY OF FRAUDULENT OR DISHONEST PRACTICES.

2 (c) DEMONSTRATED INCOMPETENCE, LACK OF COOPERATION OR
3 UNTRUSTWORTHINESS TO ACT AS AN ILLUSTRATION ACTUARY.

4 (d) RESIGNED OR BEEN REMOVED AS AN ILLUSTRATION ACTUARY WITHIN THE
5 PREVIOUS FIVE YEARS AS A RESULT OF ACTS OR OMISSIONS INDICATED IN ANY
6 ADVERSE REPORT ON EXAMINATION OR AS A RESULT OF A FAILURE TO ADHERE TO
7 GENERALLY ACCEPTABLE ACTUARIAL STANDARDS.

8 4. NOTIFY THE DIRECTOR OF ANY ACTION TAKEN BY THE INSURANCE
9 DIRECTOR OF ANOTHER STATE FOR ACTS SIMILAR TO THOSE LISTED IN PARAGRAPH 3
10 OF THIS SUBSECTION.

11 5. DISCLOSE THE FOLLOWING IN THE ANNUAL CERTIFICATION, AS
12 APPLICABLE:

13 (a) SINCE THE LAST ANNUAL CERTIFICATION, WHETHER A CURRENTLY
14 PAYABLE SCALE APPLICABLE FOR BUSINESS ISSUED WITHIN THE PREVIOUS FIVE
15 YEARS AND WITHIN THE SCOPE OF THE CERTIFICATION WAS REDUCED FOR REASONS
16 OTHER THAN CHANGES IN THE EXPERIENCE FACTORS UNDERLYING THE DISCIPLINED
17 CURRENT SCALE.

18 (b) IF NONGUARANTEED ELEMENTS ILLUSTRATED FOR NEW POLICIES ARE NOT
19 CONSISTENT WITH THOSE ILLUSTRATED FOR SIMILAR IN-FORCE POLICIES.

20 (c) IF NONGUARANTEED ELEMENTS ILLUSTRATED FOR BOTH NEW AND IN-FORCE
21 POLICIES ARE INCONSISTENT WITH THE NONGUARANTEED ELEMENTS ACTUALLY BEING
22 PAID, CHARGED OR CREDITED TO THE SAME OR SIMILAR FORMS.

23 6. DISCLOSE IN THE ANNUAL CERTIFICATION THE METHOD THAT IS USED TO
24 ALLOCATE OVERHEAD EXPENSES FOR ALL ILLUSTRATIONS AS BEING ONE OF THE
25 FOLLOWING:

26 (a) FULLY ALLOCATED EXPENSES.

27 (b) MARGINAL EXPENSES.

28 (c) A GENERALLY RECOGNIZED EXPENSE TABLE THAT IS BASED ON FULLY
29 ALLOCATED EXPENSES REPRESENTING A SIGNIFICANT PORTION OF INSURANCE
30 COMPANIES AND THAT IS APPROVED BY THE ~~[NATIONAL ASSOCIATION OF INSURANCE~~
31 ~~COMMISSIONERS]~~ [DIRECTOR].

32 D. THE ILLUSTRATION ACTUARY SHALL FILE THE ANNUAL CERTIFICATION
33 WITH THE BOARD OF DIRECTORS OF THE INSURER AND WITH THE DIRECTOR AS
34 FOLLOWS:

35 1. ANNUALLY FOR ALL POLICY FORMS FOR WHICH ILLUSTRATIONS ARE USED.

36 2. BEFORE A NEW POLICY FORM IS ILLUSTRATED.

37 E. THE ILLUSTRATION ACTUARY SHALL PROMPTLY NOTIFY THE BOARD OF
38 DIRECTORS AND THE DIRECTOR IF AN ERROR IS FOUND IN PREVIOUS CERTIFICATION.

39 F. IF AN ILLUSTRATION ACTUARY IS UNABLE TO CERTIFY THE SCALE FOR
40 ANY POLICY FORM ILLUSTRATION THAT THE INSURER INTENDS TO USE, THE
41 ILLUSTRATION ACTUARY SHALL NOTIFY THE BOARD OF DIRECTORS OF THE INSURER
42 AND THE DIRECTOR PROMPTLY OF THE ILLUSTRATION ACTUARY'S INABILITY TO
43 CERTIFY.

1 G. A RESPONSIBLE OFFICER OF THE INSURER, OTHER THAN THE
2 ILLUSTRATION ACTUARY, SHALL CERTIFY ANNUALLY BOTH OF THE FOLLOWING:

3 1. THAT THE ILLUSTRATION FORMATS MEET THE REQUIREMENTS OF THIS
4 ARTICLE AND THAT THE SCALES USED IN INSURER-AUTHORIZED ILLUSTRATIONS ARE
5 THOSE SCALES THAT HAVE BEEN CERTIFIED BY THE ILLUSTRATION ACTUARY.

6 2. THAT THE COMPANY HAS PROVIDED ITS AGENTS WITH INFORMATION ABOUT
7 THE EXPENSE ALLOCATION METHOD USED IN ITS ILLUSTRATIONS AS DISCLOSED IN
8 SUBSECTION C, PARAGRAPH 6 OF THIS SECTION.

9 H. THE ANNUAL CERTIFICATIONS SHALL BE PROVIDED TO THE DIRECTOR EACH
10 YEAR BY THE DATE DETERMINED BY THE ~~[INSURER]~~ [DIRECTOR].

11 I. IF AN INSURER CHANGES THE ILLUSTRATION ACTUARY WHO IS
12 RESPONSIBLE FOR ALL OR A PORTION OF THE COMPANY'S POLICY FORMS, THE
13 INSURER SHALL NOTIFY THE DIRECTOR OF THE CHANGE PROMPTLY AS WELL AS THE
14 REASON FOR THE CHANGE.

15 20-431.09. Penalties

16 IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, AN INSURER OR
17 PRODUCER THAT VIOLATES THIS ARTICLE COMMITS AN UNFAIR TRADE PRACTICE IN
18 VIOLATION OF SECTION 20-442.

19 Sec. 2. Effective date

20 This act is effective from and after December 31, 2025.

21 Enroll and engross to conform

22 Amend title to conform

DAVID LIVINGSTON

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