

## DETERMINING RESERVE LIABILITIES FOR CREDIT LIFE INSURANCE MODEL REGULATION

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### Section 1. Authority

This rule is promulgated by the Commissioner of Insurance pursuant to Section [insert applicable reference to the Standard Valuation Law] of the [insert state] Insurance Statute.

### Section 2. Scope

This rule applies to credit life insurance policies and certificates, and those similar policies and certificates where there is no identifiable charge made to the debtor.

### Section 3. Purpose

The purpose of this rule is to:

- A. Recognize the 2001 CSO Male Composite Ultimate Mortality Table for use in determining the minimum standard of valuation.
- B. Specify the interest rate and method to be used in determining the minimum standard of valuation.

### Section 4. Definitions

- A. “2001 CSO Mortality Table” means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC (2nd Quarter 2002)*. Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.
- B. “Composite mortality tables” means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.
- C. “Credit life insurance” means life insurance as defined in [insert applicable reference to definition] of the [insert state] Insurance Statute.

**Drafting Note:** If existing definitions are not sufficiently precise to define Credit Life Insurance, some or all of the following definition may be added to the regulation:

“Credit life insurance” means insurance on a debtor or debtors, pursuant to or in connection with a specific loan or other credit transaction, to provide for satisfaction of a debt, in whole or in part, upon the death of an insured debtor.

Credit life insurance does NOT include:

- (a) Insurance written in connection with a credit transaction that is:
  - (i) Secured by a first mortgage or deed of trust; and

- (ii) Made to finance the purchase of real property or the construction of a dwelling thereon, or to refinance a prior credit transaction made for such a purpose;
- (b) Insurance sold as an isolated transaction on the part of the insurer and not related to an agreement or a plan for insuring debtors of the creditor.
- (c) Insurance for which no identifiable charge is made to the debtor.
- (d) Insurance on accounts receivable.

**Section 5. 2001 CSO Male Composite Ultimate Mortality Table**

- A. The minimum standard for both male and female insureds shall be 2001 CSO Male Composite Ultimate Mortality Table.
- B. Where the credit life insurance policy or certificate insures two lives, the minimum standard shall be twice the mortality in the 2001 CSO Male Composite Ultimate Mortality Table based on the age of the older insured.

**Section 6. Minimum Standards**

- A. [Insert applicable reference to the Valuation of Life Insurance Policies Model Regulation] shall not apply to credit life insurance.
- B. The interest rates used in determining the minimum standard for valuation shall be the calendar year statutory valuation interest rates as defined in [insert applicable reference to Section 4b of the Standard Valuation Law].
- C. The method used in determining the minimum standard for valuation shall be the commissioners reserve valuation method as defined in [insert applicable reference to Section 5 of the Standard Valuation Law].

**Drafting Note:**

- 1) Section 6 may not be appropriate or necessary for some states because of specific language in their versions of the Standard Valuation Law, the Valuation of Life Insurance Policies Model Regulation, or their specific statutes on credit insurance.
- 2) States should be aware that there may be requirements elsewhere in statutory accounting to test reserves against the premium refund net liability.
- 3) In applying the commissioners reserve valuation method, consideration should be given to the period of time for which renewability of benefits are guaranteed under the contract. If benefits are guaranteed for less than one year, the method produces a reserve equal to the mortality cost from the valuation date to the premium "paid-to" date.
- 4) The Standard Valuation Law contains language permitting the use of "group methods and approximate averages for fractions of a year or otherwise." Such methods may be appropriate in those situations where individual certificate data is not readily available to the insurer. This is especially common in monthly payment programs, with frequent remittance of small premiums.

**Section 7. Effective Date**

This rule is applicable to credit life policies and certificates issued on or after January 1, 200[ ] [insert January 1 of the year next following or coincident with the effective date of the state's version of the Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits Model Regulation].

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*Chronological Summary of Actions (all references are to the Proceedings of the NAIC)*

*2004 Proc. 1<sup>st</sup> Quarter 331, 1668, 1988-1991 (adopted by parent committee).*

*2004 Proc. 2<sup>nd</sup> Quarter 50 (adopted by Plenary).*

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**This chart is intended to provide readers with additional information to more easily access state statutes, regulations, bulletins or administrative rulings related to the NAIC model. Such guidance provides readers with a starting point from which they may review how each state has addressed the model and the topic being covered. The NAIC Legal Division has reviewed each state’s activity in this area and has determined whether the citation most appropriately fits in the Model Adoption column or Related State Activity column based on the definitions listed below. The NAIC’s interpretation may or may not be shared by the individual states or by interested readers.**

**This chart does not constitute a formal legal opinion by the NAIC staff on the provisions of state law and should not be relied upon as such. Nor does this state page reflect a determination as to whether a state meets any applicable accreditation standards. Every effort has been made to provide correct and accurate summaries to assist readers in locating useful information. Readers should consult state law for further details and for the most current information.**

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**KEY:**

**MODEL ADOPTION:** States that have citations identified in this column adopted the most recent version of the NAIC model in a **substantially similar manner**. This requires states to adopt the model in its entirety but does allow for variations in style and format. States that have adopted portions of the current NAIC model will be included in this column with an explanatory note.

**RELATED STATE ACTIVITY:** Examples of Related State Activity include but are not limited to: older versions of the NAIC model, statutes or regulations addressing the same subject matter, or other administrative guidance such as bulletins and notices. States that have citations identified in this column **only** (and nothing listed in the Model Adoption column) have **not** adopted the most recent version of the NAIC model in a **substantially similar manner**.

**NO CURRENT ACTIVITY:** No state activity on the topic as of the date of the most recent update. This includes states that have repealed legislation as well as states that have never adopted legislation.

| <b>NAIC MEMBER</b>   | <b>MODEL ADOPTION</b>                        | <b>RELATED STATE ACTIVITY</b>  |
|----------------------|--|--|
| Alabama              | NO CURRENT ACTIVITY                          |  |
| Alaska               | NO CURRENT ACTIVITY                          |  |
| American Samoa       | NO CURRENT ACTIVITY                          |  |
| Arizona              | NO CURRENT ACTIVITY                          |  |
| Arkansas             | NO CURRENT ACTIVITY                          |  |
| California           | NO CURRENT ACTIVITY                          |  |
| Colorado             | NO CURRENT ACTIVITY                          |  |
| Connecticut          | NO CURRENT ACTIVITY                          |  |
| Delaware             | NO CURRENT ACTIVITY                          |  |
| District of Columbia | NO CURRENT ACTIVITY                          |  |
| Florida              | FLA. ADMIN. CODE ANN. r. 690-162-202 (2005). | FLA. STAT. § 625.121 (13) (2004) (includes ability to adopt regulation). |
| Georgia              | NO CURRENT ACTIVITY                          |  |
| Guam                 | NO CURRENT ACTIVITY                          |  |

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| <b>NAIC MEMBER</b> | <b>MODEL ADOPTION</b> | <b>RELATED STATE ACTIVITY</b>                      |
|--------------------|-----------------------|--|
| Hawaii             | NO CURRENT ACTIVITY   |  |
| Idaho              | NO CURRENT ACTIVITY   |  |
| Illinois           | NO CURRENT ACTIVITY   |  |
| Indiana            | NO CURRENT ACTIVITY   |  |
| Iowa               | NO CURRENT ACTIVITY   |  |
| Kansas             | NO CURRENT ACTIVITY   |  |
| Kentucky           |                       | 806 KY. ADMIN. REGS. 6:010 (1975/2005).            |
| Louisiana          | NO CURRENT ACTIVITY   |  |
| Maine              | NO CURRENT ACTIVITY   |  |
| Maryland           | NO CURRENT ACTIVITY   |  |
| Massachusetts      | NO CURRENT ACTIVITY   |  |
| Michigan           | NO CURRENT ACTIVITY   |  |
| Minnesota          | NO CURRENT ACTIVITY   |  |
| Mississippi        | NO CURRENT ACTIVITY   |  |
| Missouri           | NO CURRENT ACTIVITY   |  |
| Montana            | NO CURRENT ACTIVITY   |  |
| Nebraska           | NO CURRENT ACTIVITY   |  |
| Nevada             | NO CURRENT ACTIVITY   |  |
| New Hampshire      |                       | N.H. CODE ADMIN. R. ANN. INS. 1201.01 (1982/2010). |
| New Jersey         |                       | BULLETIN No. 06-21 (2006).                         |
| New Mexico         | NO CURRENT ACTIVITY   |  |

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| <b>NAIC MEMBER</b> | <b>MODEL ADOPTION</b>                                      | <b>RELATED STATE ACTIVITY</b>                                      |
|--------------------|--|--|
| New York           |  | N.Y. COMP. CODES R. & REGS. tit. 11, §§ 98.1 to 98.11 (1994/2007). |
| North Carolina     | 11 N.C. ADMIN. CODE 11.0701 (2005).                        |  |
| North Dakota       | NO CURRENT ACTIVITY  |  |
| Northern Marianas  |  |  |
| Ohio               | NO CURRENT ACTIVITY  |  |
| Oklahoma           | NO CURRENT ACTIVITY  |  |
| Oregon             | NO CURRENT ACTIVITY  |  |
| Pennsylvania       | 31 PA. CODE § 73.138 (2007).                               |  |
| Puerto Rico        | NO CURRENT ACTIVITY  |  |
| Rhode Island       | NO CURRENT ACTIVITY  |  |
| South Carolina     | NO CURRENT ACTIVITY  |  |
| South Dakota       | NO CURRENT ACTIVITY  |  |
| Tennessee          |  | TENN. COMP. R. & REGS. 56-7-911 (1985/2005).                       |
| Texas              | TEX. ADMIN. CODE § 425.008 (2009).                         |  |
| Utah               |  | UTAH ADMIN. CODE r. 590-228-1 to 590-228-14 (2004/2014).           |
| Vermont            | NO CURRENT ACTIVITY  |  |
| Virgin Islands     | NO CURRENT ACTIVITY  |  |
| Virginia           | VA. CODE ANN. § 38.2-3723 (1986/2014) (portions of model). | Administrative Letter 2012-9 (2012).                               |
| Washington         | NO CURRENT ACTIVITY  |  |

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| <b>NAIC MEMBER</b> | <b>MODEL ADOPTION</b> | <b>RELATED STATE ACTIVITY</b> |
|--------------------|-----------------------|-------------------------------|
| West Virginia      | NO CURRENT ACTIVITY   |                               |
| Wisconsin          | NO CURRENT ACTIVITY   |                               |
| Wyoming            | NO CURRENT ACTIVITY   |                               |