

Regulations of Connecticut State Agencies

TITLE 38a. Insurance Department

Agency

Insurance Department

Subject

Approval of Form of Life Insurance and Annuity Policies and Contracts

Inclusive Sections

§§ 38a-430-1—38a-430-4

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Approval of Form of Life Insurance and Annuity Policies and Contracts

Sec. 38a-430-1. Definitions

As used in Sections 38a-430-1 to 38a-430-4, inclusive, of the Regulations of Connecticut State Agencies:

- (a) “Commissioner” means the Insurance Commissioner of the State of Connecticut.
- (b) “Form” means a life insurance or annuity policy or contract, or application, certificate, rider or endorsement used in connection therewith.
- (c) “Insurer” means an insurance company licensed by the Commissioner to write life insurance or annuities.
- (d) “SERFF” means the National Association of Insurance Commissioners System for Electronic Rate and Form Filing.

(Effective September 25, 1992; Amended April 23, 2015)

Sec. 38a-430-2. Filing procedure

Any insurer required pursuant to Section 38a-430 of the Connecticut General Statutes to file a copy of a form with the Commissioner for approval, shall comply with the following standards:

- (a) **Filing.**
 - (1) Filing shall be done electronically through SERFF or any subsequent corresponding system adopted by the National Associate of Insurance Commissioners or the Commissioner. All fields in SERFF shall be filled out appropriately and accurately for each filing.
 - (2) If one or more elements within a filing vary by member company within a group of companies, the filer shall file separately for each insurer within the group.
 - (3) The electronic filing shall contain a descriptive caption. The caption shall include a brief description of the type of filing, and any applicable form identification number. All subsequent correspondence to the Insurance Department on the filing shall include the caption in the identical format as it was displayed in the original electronic filing and a reference to the previous filing’s SERFF tracking number, in addition to the date of the original filing transmittal document and the Department’s file number, if known.
 - (4) All SERFF submissions shall include the following information in the filing description:
 - (A) A list of the documents submitted therewith;
 - (B) A brief outline of proposed changes;
 - (C) The approval sought;
 - (D) The proposed effective date; and
 - (E) Whether the form sought to be approved by the Commissioner is subject to the requirements of the Insurance Plain Language Act, Chapter 699a of the Connecticut General Statutes.
- (b) Every form filing shall be completed in “John Doe” fashion.
- (c) (1) Every form filing subject to the requirements of the Insurance Plain Language

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Act, Chapter 699a of the Connecticut General Statutes, shall be accompanied with a certificate signed by an officer of the insurer, that the form complies with the Insurance Plain Language Act

(2) The certificate required by subdivision (1) of this subsection shall be in the following form:

(NAME OF COMPANY)

(COMPANY ADDRESS)

This is to certify that the forms listed below are in compliance with Chapter 699a of the Connecticut General Statutes.

1. Option Selected

_____ 1. Policy and its related forms are scored for the Flesch reading ease test as one unit and the combined score is _____.

_____ 2. Policy and its related forms are scored separately for the Flesch reading ease test. Scores for the policy and each form are indicated below:

Form Form Number Flesch Score

B. Test Option Selected

_____ 1. Test was applied to entire policy form(s)

_____ 2. Test was applied on sample basis. Form(s) contain(s) more than 10,000 words. Copy of form(s) enclosed indicating word samples tested.

C. Standards for Certification

A checked block indicates the standard has been achieved.

_____ 1. The policy text achieves a minimum score of 45 on the Flesch reading ease test in accordance with the option chosen in Section A above.

_____ 2. It is printed in not less than ten point type, one point leaded. (This does not apply to specification pages, schedules and tables.)

_____ 3. The layout and spacing of the policy separate the paragraphs from each other and from the border of the paper.

_____ 4. The section titles are captioned in bold face type or otherwise stand out significantly from the text.

_____ 5. Unnecessarily long, complicated or obscure words, sentences, paragraphs or constructions are not used in the policy.

_____ 6. The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the policy or to any endorsement or riders.

_____ 7. A table of contents or an index of the principal sections is included in the policy. (This applies only if the policy has more than 3,000 words or consists of more than 3 pages.)

(COMPANY NAME)

_____ By: _____

(Date) (Title)

(d) Each form filing other than those involving group life, group annuities and group

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accident and health insurance, shall be accompanied with the rates that will be used in connection with such form.

(e) When an insurer makes reference to another document in its filing, it shall include a copy or provide the tracking number for the referenced document.

(f) The Insurance Department is obligated to collect, pursuant to Section 12-211 of the Connecticut General Statutes, form filing fees from foreign or alien insurers, if the state or foreign country in which they are domiciled imposes such and larger fees upon Connecticut's domestic insurers. Accordingly, each insurer domiciled in any other state or jurisdiction which requires such fees shall remit the equivalent filing fee (in the form of a check made payable to the Treasurer, State of Connecticut or electronically through SERFF) together with each such filing submitted. The insurer shall also represent and certify that the fee payment remitted is the same amount required by its domiciliary state or jurisdiction.

(Effective September 25, 1992; Amended April 23, 2015)

Sec. 38a-430-3. Policy form approval

(a) Each filing shall be state specific. Only filings with state specific language will be approved.

(b) Unless otherwise provided by law, the Insurance Department shall review all forms filed with the Insurance Commissioner for approval pursuant to Section 38a-430 of the Connecticut General Statutes in the order in which they are received by the Department; provided, however, that in appropriate circumstances the Commissioner may waive this requirement and direct the immediate review of a form filing. The Department shall employ a chronological logging system to facilitate the chronological review of such forms.

(c) Within ninety (90) days after a form is accepted for review, the Insurance Department shall review the form and either approve it or disapprove it. If, upon such review of the form, the Insurance Department determines that additional information from the insurer is necessary in order to ascertain whether the form is contrary to law or is unfair, deceptive or may encourage misrepresentation of the policy, the Department shall make such request to the insurer. The insurer will then have ten (10) days from the date of the request to provide the Department with the additional information; provided that during such time, the insurer may request in writing that the period for responding to the request for information be extended for an additional period of time, not to exceed thirty (30) days. The request for extension shall be considered granted upon its receipt by the Insurance Department. During the pendency of the Insurance Department's request for information, the ninety (90) day period for Department action shall be tolled. If the insurer fails to comply with such request within the allotted time, the insurer shall be deemed to have voluntarily withdrawn its filing and the Department shall close its file without further action.

(d) The Commissioner shall issue a decision disapproving the use of any such form if it does not comply with the requirements of law, or if it contains a provision or provisions which are unfair or deceptive or which encourage misrepresentation of the policy. Any such decision shall specify the reason for disapproval of the form.

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(e) Forms that are approved by the Commissioner shall have the form labeled “Approved,” together with the name and signature of the staff member who acted upon the filing and the date of the approval.

(Effective September 25, 1992; Amended April 23, 2015)

Sec. 38a-430-3a. Electronic filing

Filings shall be considered received by the Commissioner when received at the Insurance Department. Filings received on a weekend or legal holiday shall be deemed received on the next business day. An electronic communication from the Insurance Department concerning a filing shall be deemed received by the person to whom the communication is addressed when the communication is sent to that person.

(Adopted effective January 2, 2002; Amended April 23, 2015)

Sec. 38a-430-4. Severability

If any provision of this regulation or application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

(Effective September 25, 1992)