

## **ADDITIONAL STANDARDS FOR FORMS USED TO PROVIDE TAX QUALIFIED PLAN PROVISIONS FOR GROUP ANNUITY CONTRACTS**

**Scope:** These standards apply to provisions that are required in group annuity contracts to comply with specified tax code requirements applicable to such contracts when they are intended to be issued as tax qualified plans under such specified tax code.

With respect to non-employer groups, approval of a group annuity contract and certificate by the Commission shall not be deemed as approval to use or issue the product to a non-employer group. A non-employer group must be approved or permitted by the Compacting State as required under the applicable state laws and procedures before a product filing approved by the Commission pursuant to the applicable group Uniform Standards may be issued to a non-employer group.

The tax qualified plan provisions may be built into the annuity contract or be added to such contract by rider, endorsement or amendment. The term “form” will be used in these standards to refer to the provisions that are either built into the contract or added by rider, endorsement or amendment, unless otherwise specified.

The references to “contract” do not preclude Fraternal Benefit Societies from substituting “certificate” in their forms.

**Mix and Match:** These standards are available to be used in combination with State Product Components as described in Section 111(b) of the Operating Procedure for the Filing and Approval of Product Filings.

**Self-Certification:** These standards are not available to be filed on a self-certification basis in accordance with the Rule for the Self-Certification of Products Filed with the Interstate Insurance Product Regulation Commission.

### **§ 1 ADDITIONAL SUBMISSION REQUIREMENTS**

#### **A. GENERAL**

The following additional submission requirements shall apply:

- (1) If the benefit is provided by attachment to the contract by rider, endorsement or amendment, the following shall be included:
  - (a) A listing by filing jurisdiction of the types of contracts with which the tax qualified plan provisions will be used, including the contract form numbers, the corresponding approval date for these contracts and any filing identification number.

- (b) A statement whether the form will be made a part of the contract at issue or is intended for use after the date of issue of a contract, or both.
- (c) A statement as to whether the form is intended for use with new issues and/or in force business.
- (d) A description of the benefit for all type of contract forms with which the form will be used.
- (e) Any contract pages or provisions referenced in the form.

## **B. VARIABILITY OF INFORMATION**

The company shall file tax qualified plan provisions on a specific basis, where each filing accommodates only the specified tax code. The company may identify items that will be considered variable. The item shall be bracketed or otherwise marked to denote variability. The submission shall include a Statement of Variability that will discuss the conditions under which each variable item may change.

The tax qualified plan provisions to be used shall be consistent with the Statement of Variability filed for such provisions and the Statement of Variability filed for the group annuity contract.

Items such as officer titles and officer signatures may be denoted as variable and may be changed without notice or prior approval.

## **§ 2 BENEFIT PROVISIONS**

### **A. REQUIREMENTS FOR TAX QUALIFIED PLAN PROVISIONS**

- (1) If the benefit is provided by attachment to the contract by rider, endorsement or amendment, the following shall apply:
  - (a) The full corporate name of the company shall appear on the form.
  - (b) At least one signature of a company officer shall appear on the form if it is added after the date of issue of the contract.
  - (c) The form shall contain a statement that it is made a part of the contract, and that the form provisions apply in lieu of any contract provisions to the contrary.
  - (d) A form identification number shall appear at the bottom of the form in the left hand corner. The form number shall be adequate to distinguish the form from all other used by the company. The form number shall include a prefix of ICCxx (where xx represents the year the form was submitted for filing).

- (e) The form or contract specifications page shall include the following identification information: the contract number, the owner's name, the annuitant's name if other than the owner, and the effective date of the tax qualified plan provisions. If the company includes such identification information in a letter sent to an owner of an in-force contract when such letter accompanies the form, the company shall so state in the submission.
- (2) The form shall state that the tax qualified plan provisions are being added to the contract to comply with the requirements of the tax code.
- (3) The form shall specify the tax code and relevant sections requiring the tax qualified plan provisions.
- (4) The form shall identify the contract provisions that are affected by the intent to have the contract qualify under the tax code and state how the provisions are affected. For example:

"The Owner provision of the contract is changed effective January 1, 2008 so that the designated owner as of that date shall not be changed."

"The Loans provision of the contract is changed effective July 1, 2008 so that no loans shall be available under the policy as of such effective date."