

**SB0094**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB0094**

Introduced 1/28/2015, by Sen. William R. Haine

**SYNOPSIS AS INTRODUCED:**

215 ILCS 5/223  
215 ILCS 5/229.2

from Ch. 73, par. 835  
from Ch. 73, par. 841.2

Amends the Illinois Insurance Code. Specifies that the requirement that the Director annually value, or cause to be valued, the reserve liabilities for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in the State applies to policies and contracts issued prior to the operative date of the Valuation Manual. Specifies that the requirement that the Director annually value, or cause to be valued, the reserve liabilities for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company issued on or after the operative date of the Valuation Manual applies to policies and contracts issued on or after the operative date of the Valuation Manual. Makes technical and grammatical changes.

LRB099 05120 MLM 25149 b

**A BILL FOR**

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by  
5 changing Sections 223 and 229.2 as follows:

6 (215 ILCS 5/223) (from Ch. 73, par. 835)

7 Sec. 223. Director to value policies - Legal standard of  
8 valuation.

9 (1) For policies and contracts issued prior to the  
10 operative date of the Valuation Manual, the ~~The~~ Director shall  
11 annually value, or cause to be valued, the reserve liabilities  
12 (hereinafter called reserves) for all outstanding life  
13 insurance policies and annuity and pure endowment contracts of  
14 every life insurance company doing business in this State,  
15 except that in the case of an alien company, such valuation  
16 shall be limited to its United States business, ~~and may certify~~  
17 ~~the amount of any such reserves, specifying the mortality table~~  
18 ~~or tables, rate or rates of interest, and methods (net level~~  
19 ~~premium method or other) used in the calculation of such~~  
20 ~~reserves. Other assumptions may be incorporated into the~~  
21 ~~reserve calculation to the extent permitted by the National~~  
22 ~~Association of Insurance Commissioners' Accounting Practices~~  
23 ~~and Procedures Manual~~. In calculating such reserves, he may use

1 group methods and approximate averages for fractions of a year  
2 or otherwise. In lieu of the valuation of the reserves herein  
3 required of any foreign or alien company, he may accept any  
4 valuation made, or caused to be made, by the insurance  
5 supervisory official of any state or other jurisdiction when  
6 such valuation complies with the minimum standard ~~herein~~  
7 provided in this Section.

8 The provisions set forth in this subsection (1) and in  
9 subsections (2), (3), (4), (5), (6), and (7) of this Section  
10 shall apply to all policies and contracts, as appropriate,  
11 subject to this Section issued prior to the operative date of  
12 the Valuation Manual. The provisions set forth in subsections  
13 (8) and (9) of this Section shall not apply to any such  
14 policies and contracts.

15 For policies and contracts issued on or after the operative  
16 date of the Valuation Manual, the Director shall annually  
17 value, or cause to be valued, the reserve liabilities  
18 (reserves) for all outstanding life insurance contracts,  
19 annuity and pure endowment contracts, accident and health  
20 contracts, and deposit-type contracts of every company issued  
21 on or after the operative date of the Valuation Manual. In lieu  
22 of the valuation of the reserves required of a foreign or alien  
23 company, the Director may accept a valuation made, or caused to  
24 be made, by the insurance supervisory official of any state or  
25 other jurisdiction when the valuation complies with the minimum  
26 standard provided in this Section.

1        The provisions set forth in subsections (8) and (9) of this  
2        Section shall apply to all policies and contracts issued on or  
3        after the operative date of the Valuation Manual. ~~and if the~~  
4        ~~official of such state or jurisdiction accepts as sufficient~~  
5        ~~and valid for all legal purposes the certificate of valuation~~  
6        ~~of the Director when such certificate states the valuation to~~  
7        ~~have been made in a specified manner according to which the~~  
8        ~~aggregate reserves would be at least as large as if they had~~  
9        ~~been computed in the manner prescribed by the law of that state~~  
10       ~~or jurisdiction.~~

11       Any such company which adopts at any time ~~a~~ has adopted any  
12       standard of valuation producing greater aggregate reserves  
13       than those calculated according to the minimum standard ~~herein~~  
14       provided under this Section may adopt a lower standard of  
15       valuation, with the approval of the Director, ~~adopt any lower~~  
16       ~~standard of valuation,~~ but not lower than the minimum herein  
17       provided, however, that, for the purposes of this subsection,  
18       the holding of additional reserves previously determined by the  
19       appointed ~~a qualified~~ actuary to be necessary to render the  
20       opinion required by subsection (1a) shall not be deemed to be  
21       the adoption of a higher standard of valuation. In the  
22       valuation of policies the Director shall give no consideration  
23       to, nor make any deduction because of, the existence or the  
24       possession by the company of

25                (a) policy liens created by any agreement given or  
26                assented to by any assured subsequent to July 1, 1937, for

1           which liens such assured has not received cash or other  
2           consideration equal in value to the amount of such liens,  
3           or

4           (b) policy liens created by any agreement entered into  
5           in violation of Section 232 unless the agreement imposing  
6           or creating such liens has been approved by a Court in a  
7           proceeding under Article XIII, or in the case of a foreign  
8           or alien company has been approved by a court in a  
9           rehabilitation or liquidation proceeding or by the  
10          insurance official of its domiciliary state or country, in  
11          accordance with the laws thereof.

12          (1a) This subsection shall become operative at the end of  
13          the first full calendar year following the effective date of  
14          this amendatory Act of 1991.

15                 (A) General.

16                 (1) Prior to the operative date of the Valuation  
17                 Manual, every ~~Every~~ life insurance company doing  
18                 business in this State shall annually submit the  
19                 opinion of a qualified actuary as to whether the  
20                 reserves and related actuarial items held in support of  
21                 the policies and contracts specified by the Director by  
22                 regulation are computed appropriately, are based on  
23                 assumptions that satisfy contractual provisions, are  
24                 consistent with prior reported amounts and comply with  
25                 applicable laws of this State. The Director by  
26                 regulation shall define the specifics of this opinion

1 and add any other items deemed to be necessary to its  
2 scope.

3 (2) The opinion shall be submitted with the annual  
4 statement reflecting the valuation of reserve  
5 liabilities for each year ending on or after December  
6 31, 1992.

7 (3) The opinion shall apply to all business in  
8 force including individual and group health insurance  
9 plans, in form and substance acceptable to the Director  
10 as specified by regulation.

11 (4) The opinion shall be based on standards adopted  
12 from time to time by the Actuarial Standards Board and  
13 on additional standards as the Director may by  
14 regulation prescribe.

15 (5) In the case of an opinion required to be  
16 submitted by a foreign or alien company, the Director  
17 may accept the opinion filed by that company with the  
18 insurance supervisory official of another state if the  
19 Director determines that the opinion reasonably meets  
20 the requirements applicable to a company domiciled in  
21 this State.

22 (6) For the purpose of this Section, "qualified  
23 actuary" means a member in good standing of the  
24 American Academy of Actuaries who meets the  
25 requirements set forth in its regulations.

26 (7) Except in cases of fraud or willful misconduct,

1 the qualified actuary shall not be liable for damages  
2 to any person (other than the insurance company and the  
3 Director) for any act, error, omission, decision or  
4 conduct with respect to the actuary's opinion.

5 (8) Disciplinary action by the Director against  
6 the company or the qualified actuary shall be defined  
7 in regulations by the Director.

8 (9) A memorandum, in form and substance acceptable  
9 to the Director as specified by regulation, shall be  
10 prepared to support each actuarial opinion.

11 (10) If the insurance company fails to provide a  
12 supporting memorandum at the request of the Director  
13 within a period specified by regulation or the Director  
14 determines that the supporting memorandum provided by  
15 the insurance company fails to meet the standards  
16 prescribed by the regulations or is otherwise  
17 unacceptable to the Director, the Director may engage a  
18 qualified actuary at the expense of the company to  
19 review the opinion and the basis for the opinion and  
20 prepare the supporting memorandum as is required by the  
21 Director.

22 (11) Any memorandum in support of the opinion, and  
23 any other material provided by the company to the  
24 Director in connection therewith, shall be kept  
25 confidential by the Director and shall not be made  
26 public and shall not be subject to subpoena, other than

1 for the purpose of defending an action seeking damages  
2 from any person by reason of any action required by  
3 this Section or by regulations promulgated hereunder;  
4 provided, however, that the memorandum or other  
5 material may otherwise be released by the Director (a)  
6 with the written consent of the company or (b) to the  
7 American Academy of Actuaries upon request stating  
8 that the memorandum or other material is required for  
9 the purpose of professional disciplinary proceedings  
10 and setting forth procedures satisfactory to the  
11 Director for preserving the confidentiality of the  
12 memorandum or other material. Once any portion of the  
13 confidential memorandum is cited by the company in its  
14 marketing or is cited before any governmental agency  
15 other than a state insurance department or is released  
16 by the company to the news media, all portions of the  
17 confidential memorandum shall be no longer  
18 confidential.

19 (B) Actuarial analysis of reserves and assets  
20 supporting those reserves.

21 (1) Every life insurance company, except as  
22 exempted by or under regulation, shall also annually  
23 include in the opinion required by paragraph (A) (1) of  
24 this subsection (1a), an opinion of the same qualified  
25 actuary as to whether the reserves and related  
26 actuarial items held in support of the policies and



1 contracts specified by the Director by regulation,  
2 when considered in light of the assets held by the  
3 company with respect to the reserves and related  
4 actuarial items including, but not limited to, the  
5 investment earnings on the assets and the  
6 considerations anticipated to be received and retained  
7 under the policies and contracts, make adequate  
8 provision for the company's obligations under the  
9 policies and contracts including, but not limited to,  
10 the benefits under and expenses associated with the  
11 policies and contracts.

12 (2) The Director may provide by regulation for a  
13 transition period for establishing any higher reserves  
14 which the qualified actuary may deem necessary in order  
15 to render the opinion required by this Section.

16 (1b) Actuarial Opinion of Reserves after the Operative Date  
17 of the Valuation Manual.

18 (A) General.

19 (1) Every company with outstanding life insurance  
20 contracts, accident and health insurance contracts, or  
21 deposit-type contracts in this State and subject to  
22 regulation by the Director shall annually submit the  
23 opinion of the appointed actuary as to whether the  
24 reserves and related actuarial items held in support of  
25 the policies and contracts are computed appropriately,  
26 are based on assumptions that satisfy contractual

1 provisions, are consistent with prior reported  
2 amounts, and comply with applicable laws of this State.  
3 The Valuation Manual shall prescribe the specifics of  
4 this opinion, including any items deemed to be  
5 necessary to its scope.

6 (2) The opinion shall be submitted with the annual  
7 statement reflecting the valuation of such reserve  
8 liabilities for each year ending on or after the  
9 operative date of the Valuation Manual.

10 (3) The opinion shall apply to all policies and  
11 contracts subject to paragraph (B) of this subsection  
12 (1b), plus other actuarial liabilities as may be  
13 specified in the Valuation Manual.

14 (4) The opinion shall be based on standards adopted  
15 from time to time by the Actuarial Standards Board or  
16 its successor and on additional standards as may be  
17 prescribed in the Valuation Manual.

18 (5) In the case of an opinion required to be  
19 submitted by a foreign or alien company, the Director  
20 may accept the opinion filed by that company with the  
21 insurance supervisory official of another state if the  
22 Director determines that the opinion reasonably meets  
23 the requirements applicable to a company domiciled in  
24 this State.

25 (6) Except in cases of fraud or willful misconduct,  
26 the appointed actuary shall not be liable for damages

1 to any person (other than the insurance company and the  
2 Director) for any act, error, omission, decision, or  
3 conduct with respect to the appointed actuary's  
4 opinion.

5 (7) A memorandum, in a form and substance as  
6 specified in the Valuation Manual and acceptable to the  
7 Director, shall be prepared to support each actuarial  
8 opinion.

9 (8) If the insurance company fails to provide a  
10 supporting memorandum at the request of the Director  
11 within a period specified in the Valuation Manual or  
12 the Director determines that the supporting memorandum  
13 provided by the insurance company fails to meet the  
14 standards prescribed by the Valuation Manual or is  
15 otherwise unacceptable to the Director, the Director  
16 may engage a qualified actuary at the expense of the  
17 company to review the opinion and the basis for the  
18 opinion and prepare the supporting memorandum as is  
19 required by the Director.

20 (B) Every company with outstanding life insurance  
21 contracts, accident and health insurance contracts, or  
22 deposit-type contracts in this state and subject to  
23 regulation by the Director, except as exempted in the  
24 Valuation Manual, shall also annually include in the  
25 opinion required by subparagraph (1) of paragraph (A) of  
26 this subsection (1b), an opinion of the same appointed

1 actuary as to whether the reserves and related actuarial  
2 items held in support of the policies and contracts  
3 specified in the Valuation Manual, when considered in light  
4 of the assets held by the company with respect to the  
5 reserves and related actuarial items, including, but not  
6 limited to, the investment earnings on the assets and the  
7 considerations anticipated to be received and retained  
8 under the policies and contracts, make adequate provision  
9 for the company's obligations under the policies and  
10 contracts, including, but not limited to, the benefits  
11 under and expenses associated with the policies and  
12 contracts.

13 (2) This subsection shall apply to only those policies and  
14 contracts issued prior to the operative date of Section 229.2  
15 (the Standard Non-forfeiture Law).

16 (a) Except as otherwise in this Article provided, the  
17 legal minimum standard for valuation of contracts issued  
18 before January 1, 1908, shall be the Actuaries or Combined  
19 Experience Table of Mortality with interest at 4% per annum  
20 and for valuation of contracts issued on or after that date  
21 shall be the American Experience Table of Mortality with  
22 either Craig's or Buttolph's Extension for ages under 10  
23 and with interest at 3 1/2% per annum. The legal minimum  
24 standard for the valuation of group insurance policies  
25 under which premium rates are not guaranteed for a period  
26 in excess of 5 years shall be the American Men Ultimate

1 Table of Mortality with interest at 3 1/2% per annum. Any  
2 life company may, at its option, value its insurance  
3 contracts issued on or after January 1, 1938, in accordance  
4 with their terms on the basis of the American Men Ultimate  
5 Table of Mortality with interest not higher than 3 1/2% per  
6 annum.

7 (b) Policies issued prior to January 1, 1908, may  
8 continue to be valued according to a method producing  
9 reserves not less than those produced by the full  
10 preliminary term method. Policies issued on and after  
11 January 1, 1908, may be valued according to a method  
12 producing reserves not less than those produced by the  
13 modified preliminary term method hereinafter described in  
14 paragraph (c). Policies issued on and after January 1,  
15 1938, may be valued either according to a method producing  
16 reserves not less than those produced by such modified  
17 preliminary term method or by the select and ultimate  
18 method on the basis that the rate of mortality during the  
19 first 5 years after the issuance of such contracts  
20 respectively shall be calculated according to the  
21 following percentages of rates shown by the American  
22 Experience Table of Mortality:

- 23 (i) first insurance year 50% thereof;  
24 (ii) second insurance year 65% thereof;  
25 (iii) third insurance year 75% thereof;  
26 (iv) fourth insurance year 85% thereof;

1 (v) fifth insurance year 95% thereof.

2 (c) If the premium charged for the first policy year  
3 under a limited payment life preliminary term policy  
4 providing for the payment of all premiums thereon in less  
5 than 20 years from the date of the policy or under an  
6 endowment preliminary term policy, exceeds that charged  
7 for the first policy year under 20 payment life preliminary  
8 term policies of the same company, the reserve thereon at  
9 the end of any year, including the first, shall not be less  
10 than the reserve on a 20 payment life preliminary term  
11 policy issued in the same year at the same age, together  
12 with an amount which shall be equivalent to the  
13 accumulation of a net level premium sufficient to provide  
14 for a pure endowment at the end of the premium payment  
15 period, equal to the difference between the value at the  
16 end of such period of such a 20 payment life preliminary  
17 term policy and the full net level premium reserve at such  
18 time of such a limited payment life or endowment policy.  
19 The premium payment period is the period during which  
20 premiums are concurrently payable under such 20 payment  
21 life preliminary term policy and such limited payment life  
22 or endowment policy.

23 (d) The legal minimum standard for the valuations of  
24 annuities issued on and after January 1, 1938, shall be the  
25 American Annuitant's Table with interest not higher than 3  
26 3/4% per annum, and all annuities issued before that date

1 shall be valued on a basis not lower than that used for the  
2 annual statement of the year 1937; but annuities deferred  
3 10 or more years and written in connection with life  
4 insurance shall be valued on the same basis as that used in  
5 computing the consideration or premiums therefor, or upon  
6 any higher standard at the option of the company.

7 (e) The Director may vary the standards of interest and  
8 mortality as to contracts issued in countries other than  
9 the United States and may vary standards of mortality in  
10 particular cases of invalid lives and other extra hazards.

11 (f) The legal minimum standard for valuation of waiver  
12 of premium disability benefits or waiver of premium and  
13 income disability benefits issued on and after January 1,  
14 1938, shall be the Class (3) Disability Table (1926)  
15 modified to conform to the contractual waiting period, with  
16 interest at not more than 3 1/2% per annum; but in no event  
17 shall the values be less than those produced by the basis  
18 used in computing premiums for such benefits. The legal  
19 minimum standard for the valuation of such benefits issued  
20 prior to January 1, 1938, shall be such as to place an  
21 adequate value, as determined by sound insurance  
22 practices, on the liabilities thereunder and shall be such  
23 that the value of the benefits under each and every policy  
24 shall in no case be less than the value placed upon the  
25 future premiums.

26 (g) The legal minimum standard for the valuation of

1 industrial policies issued on or after January 1, 1938,  
2 shall be the American Experience Table of Mortality or the  
3 Standard Industrial Mortality Table or the Substandard  
4 Industrial Mortality Table with interest at 3 1/2% per  
5 annum by the net level premium method, or in accordance  
6 with their terms by the modified preliminary term method  
7 hereinabove described.

8 (h) Reserves for all such policies and contracts may be  
9 calculated, at the option of the company, according to any  
10 standards which produce greater aggregate reserves for all  
11 such policies and contracts than the minimum reserves  
12 required by this subsection.

13 (3) This subsection shall apply to only those policies and  
14 contracts issued on or after January 1, 1948 or such earlier  
15 operative date of Section 229.2 (the Standard Non-forfeiture  
16 Law) as shall have been elected by the insurance company  
17 issuing such policies or contracts.

18 (a) Except as otherwise provided in subsections (4),  
19 (6), and (7), the minimum standard for the valuation of all  
20 such policies and contracts shall be the Commissioners  
21 Reserve valuation method defined in paragraphs (b) and (f)  
22 of this subsection and in subsection 5, 3 1/2% interest for  
23 such policies issued prior to September 8, 1977, 5 1/2%  
24 interest for single premium life insurance policies and 4  
25 1/2% interest for all other such policies issued on or  
26 after September 8, 1977, and the following tables:



1 (i) The Commissioners 1941 Standard Ordinary  
2 Mortality Table for all Ordinary policies of life  
3 insurance issued on the standard basis, excluding any  
4 disability and accidental death benefits in such  
5 policies, for such policies issued prior to the  
6 operative date of subsection (4a) of Section 229.2  
7 (Standard Non-forfeiture Law); and the Commissioners  
8 1958 Standard Ordinary Mortality Table for such  
9 policies issued on or after such operative date but  
10 prior to the operative date of subsection (4c) of  
11 Section 229.2 provided that for any category of such  
12 policies issued on female risks all modified net  
13 premiums and present values referred to in this Section  
14 ~~Act~~ may, prior to September 8, 1977, be calculated  
15 according to an age not more than 3 years younger than  
16 the actual age of the insured and, after September 8,  
17 1977, calculated according to an age not more than 6  
18 years younger than the actual age of the insured; and  
19 for such policies issued on or after the operative date  
20 of subsection (4c) of Section 229.2, (i) the  
21 Commissioners 1980 Standard Ordinary Mortality Table,  
22 or (ii) at the election of the company for any one or  
23 more specified plans of life insurance, the  
24 Commissioners 1980 Standard Ordinary Mortality Table  
25 with Ten-Year Select Mortality Factors, or (iii) any  
26 ordinary mortality table adopted after 1980 by the NAIC

1 ~~National Association of Insurance Commissioners~~ and  
2 approved by regulations promulgated by the Director  
3 for use in determining the minimum standard of  
4 valuation for such policies.

5 (ii) For all Industrial Life Insurance policies  
6 issued on the standard basis, excluding any disability  
7 and accidental death benefits in such policies--the  
8 1941 Standard Industrial Mortality Table for such  
9 policies issued prior to the operative date of  
10 subsection 4 (b) of Section 229.2 (Standard  
11 Non-forfeiture Law); and for such policies issued on or  
12 after such operative date the Commissioners 1961  
13 Standard Industrial Mortality Table or any industrial  
14 mortality table adopted after 1980 by the NAIC ~~National~~  
15 ~~Association of Insurance Commissioners~~ and approved by  
16 regulations promulgated by the Director for use in  
17 determining the minimum standard of valuation for such  
18 policies.

19 (iii) For Individual Annuity and Pure Endowment  
20 contracts, excluding any disability and accidental  
21 death benefits in such policies--the 1937 Standard  
22 Annuity Mortality Table--or, at the option of the  
23 company, the Annuity Mortality Table for 1949,  
24 Ultimate, or any modification of either of these tables  
25 approved by the Director.

26 (iv) For Group Annuity and Pure Endowment

1 contracts, excluding any disability and accidental  
2 death benefits in such policies--the Group Annuity  
3 Mortality Table for 1951, any modification of such  
4 table approved by the Director, or, at the option of  
5 the company, any of the tables or modifications of  
6 tables specified for Individual Annuity and Pure  
7 Endowment contracts.

8 (v) For Total and Permanent Disability Benefits in  
9 or supplementary to Ordinary policies or contracts for  
10 policies or contracts issued on or after January 1,  
11 1966, the tables of Period 2 disablement rates and the  
12 1930 to 1950 termination rates of the 1952 Disability  
13 Study of the Society of Actuaries, with due regard to  
14 the type of benefit, or any tables of disablement rates  
15 and termination rates adopted after 1980 by the NAIC  
16 ~~National Association of Insurance Commissioners~~ and  
17 approved by regulations promulgated by the Director  
18 for use in determining the minimum standard of  
19 valuation for such policies; for policies or contracts  
20 issued on or after January 1, 1961, and prior to  
21 January 1, 1966, either such tables or, at the option  
22 of the company, the Class (3) Disability Table (1926);  
23 and for policies issued prior to January 1, 1961, the  
24 Class (3) Disability Table (1926). Any such table  
25 shall, for active lives, be combined with a mortality  
26 table permitted for calculating the reserves for life

1 insurance policies.

2 (vi) For Accidental Death benefits in or  
3 supplementary to policies--for policies issued on or  
4 after January 1, 1966, the 1959 Accidental Death  
5 Benefits Table or any accidental death benefits table  
6 adopted after 1980 by the NAIC ~~National Association of~~  
7 ~~Insurance Commissioners~~ and approved by regulations  
8 promulgated by the Director for use in determining the  
9 minimum standard of valuation for such policies; for  
10 policies issued on or after January 1, 1961, and prior  
11 to January 1, 1966, any of such tables or, at the  
12 option of the company, the Inter-Company Double  
13 Indemnity Mortality Table; and for policies issued  
14 prior to January 1, 1961, the Inter-Company Double  
15 Indemnity Mortality Table. Either table shall be  
16 combined with a mortality table permitted for  
17 calculating the reserves for life insurance policies.

18 (vii) For Group Life Insurance, life insurance  
19 issued on the substandard basis and other special  
20 benefits--such tables as may be approved by the  
21 Director.

22 (b) Except as otherwise provided in paragraph (f) of  
23 subsection (3), subsection (5), and subsection (7)  
24 reserves according to the Commissioners reserve valuation  
25 method, for the life insurance and endowment benefits of  
26 policies providing for a uniform amount of insurance and

1 requiring the payment of uniform premiums shall be the  
2 excess, if any, of the present value, at the date of  
3 valuation, of such future guaranteed benefits provided for  
4 by such policies, over the then present value of any future  
5 modified net premiums therefor. The modified net premiums  
6 for any such policy shall be such uniform percentage of the  
7 respective contract premiums for such benefits that the  
8 present value, at the date of issue of the policy, of all  
9 such modified net premiums shall be equal to the sum of the  
10 then present value of such benefits provided for by the  
11 policy and the excess of (A) over (B), as follows:

12 (A) A net level annual premium equal to the present  
13 value, at the date of issue, of such benefits provided  
14 for after the first policy year, divided by the present  
15 value, at the date of issue, of an annuity of one per  
16 annum payable on the first and each subsequent  
17 anniversary of such policy on which a premium falls  
18 due; provided, however, that such net level annual  
19 premium shall not exceed the net level annual premium  
20 on the 19 year premium whole life plan for insurance of  
21 the same amount at an age one year higher than the age  
22 at issue of such policy.

23 (B) A net one year term premium for such benefits  
24 provided for in the first policy year.

25 For any life insurance policy issued on or after  
26 January 1, 1987, for which the contract premium in the

1 first policy year exceeds that of the second year with no  
2 comparable additional benefit being provided in that first  
3 year, which policy provides an endowment benefit or a cash  
4 surrender value or a combination thereof in an amount  
5 greater than such excess premium, the reserve according to  
6 the Commissioners reserve valuation method as of any policy  
7 anniversary occurring on or before the assumed ending date,  
8 defined herein as the first policy anniversary on which the  
9 sum of any endowment benefit and any cash surrender value  
10 then available is greater than such excess premium, shall,  
11 except as otherwise provided in paragraph (f) of subsection  
12 (3), be the greater of the reserve as of such policy  
13 anniversary calculated as described in the preceding part  
14 of this paragraph (b) and the reserve as of such policy  
15 anniversary calculated as described in the preceding part  
16 of this paragraph (b) with (i) the value defined in subpart  
17 A of the preceding part of this paragraph (b) being reduced  
18 by 15% of the amount of such excess first year premium,  
19 (ii) all present values of benefits and premiums being  
20 determined without reference to premiums or benefits  
21 provided for by the policy after the assumed ending date,  
22 (iii) the policy being assumed to mature on such date as an  
23 endowment, and (iv) the cash surrender value provided on  
24 such date being considered as an endowment benefit. In  
25 making the above comparison, the mortality and interest  
26 bases stated in paragraph (a) of subsection (3) and in

1 subsection (6) shall be used.

2 Reserves according to the Commissioners reserve  
3 valuation method for (i) life insurance policies providing  
4 for a varying amount of insurance or requiring the payment  
5 of varying premiums, (ii) group annuity and pure endowment  
6 contracts purchased under a retirement plan or plan of  
7 deferred compensation, established or maintained by an  
8 employer (including a partnership or sole proprietorship)  
9 or by an employee organization, or by both, other than a  
10 plan providing individual retirement accounts or  
11 individual retirement annuities under Section 408 of the  
12 Internal Revenue Code, as now or hereafter amended, (iii)  
13 disability and accidental death benefits in all policies  
14 and contracts, and (iv) all other benefits, except life  
15 insurance and endowment benefits in life insurance  
16 policies and benefits provided by all other annuity and  
17 pure endowment contracts, shall be calculated by a method  
18 consistent with the principles of this paragraph (b),  
19 except that any extra premiums charged because of  
20 impairments or special hazards shall be disregarded in the  
21 determination of modified net premiums.

22 (c) In no event shall a company's aggregate reserves  
23 for all life insurance policies, excluding disability and  
24 accidental death benefits be less than the aggregate  
25 reserves calculated in accordance with the methods set  
26 forth in paragraphs (b), (f), and (g) of subsection (3) and

1 in subsection (5) and the mortality table or tables and  
2 rate or rates of interest used in calculating  
3 non-forfeiture benefits for such policies.

4 (d) In no event shall the aggregate reserves for all  
5 policies, contracts, and benefits be less than the  
6 aggregate reserves determined by the appointed ~~qualified~~  
7 actuary to be necessary to render the opinion required by  
8 subsection (1a).

9 (e) Reserves for any category of policies, contracts or  
10 benefits as established by the Director, may be calculated,  
11 at the option of the company, according to any standards  
12 which produce greater aggregate reserves for such category  
13 than those calculated according to the minimum standard  
14 herein provided, but the rate or rates of interest used for  
15 policies and contracts, other than annuity and pure  
16 endowment contracts, shall not be higher than the  
17 corresponding rate or rates of interest used in calculating  
18 any nonforfeiture benefits provided for therein.

19 (f) If in any contract year the gross premium charged  
20 by any life insurance company on any policy or contract is  
21 less than the valuation net premium for the policy or  
22 contract calculated by the method used in calculating the  
23 reserve thereon but using the minimum valuation standards  
24 of mortality and rate of interest, the minimum reserve  
25 required for such policy or contract shall be the greater  
26 of either the reserve calculated according to the mortality



1 table, rate of interest, and method actually used for such  
2 policy or contract, or the reserve calculated by the method  
3 actually used for such policy or contract but using the  
4 minimum standards of mortality and rate of interest and  
5 replacing the valuation net premium by the actual gross  
6 premium in each contract year for which the valuation net  
7 premium exceeds the actual gross premium. The minimum  
8 valuation standards of mortality and rate of interest  
9 referred to in this paragraph (f) are those standards  
10 stated in subsection (6) and paragraph (a) of subsection  
11 (3).

12 For any life insurance policy issued on or after  
13 January 1, 1987, for which the gross premium in the first  
14 policy year exceeds that of the second year with no  
15 comparable additional benefit provided in that first year,  
16 which policy provides an endowment benefit or a cash  
17 surrender value or a combination thereof in an amount  
18 greater than such excess premium, the foregoing provisions  
19 of this paragraph (f) shall be applied as if the method  
20 actually used in calculating the reserve for such policy  
21 were the method described in paragraph (b) of subsection  
22 (3), ignoring the second paragraph of said paragraph (b).  
23 The minimum reserve at each policy anniversary of such a  
24 policy shall be the greater of the minimum reserve  
25 calculated in accordance with paragraph (b) of subsection  
26 (3), including the second paragraph of said paragraph (b),

1 and the minimum reserve calculated in accordance with this  
2 paragraph (f).

3 (g) In the case of any plan of life insurance which  
4 provides for future premium determination, the amounts of  
5 which are to be determined by the insurance company based  
6 on then estimates of future experience, or in the case of  
7 any plan of life insurance or annuity which is of such a  
8 nature that the minimum reserves cannot be determined by  
9 the methods described in paragraphs (b) and (f) of  
10 subsection (3) and subsection (5), the reserves which are  
11 held under any such plan shall:

12 (i) be appropriate in relation to the benefits and  
13 the pattern of premiums for that plan, and

14 (ii) be computed by a method which is consistent  
15 with the principles of this Standard Valuation Law, as  
16 determined by regulations promulgated by the Director.

17 (4) Except as provided in subsection (6), the minimum  
18 standard of ~~for the~~ valuation for ~~of all~~ individual annuity and  
19 pure endowment contracts issued on or after the operative date  
20 of this subsection, as defined herein, and for all annuities  
21 and pure endowments purchased on or after such operative date  
22 under group annuity and pure endowment contracts shall be the  
23 Commissioners Reserve valuation methods defined in paragraph  
24 (b) of subsection (3) and subsection (5) and the following  
25 tables and interest rates:

26 (a) For individual single premium immediate annuity

1 contracts, excluding any disability and accidental death  
2 benefits in such contracts, the 1971 Individual Annuity  
3 Mortality Table, any individual annuity mortality table  
4 adopted after 1980 by the NAIC ~~National Association of~~  
5 ~~Insurance Commissioners~~ and approved by regulations  
6 promulgated by the Director for use in determining the  
7 minimum standard of valuation for such contracts, or any  
8 modification of those tables approved by the Director, and  
9 7 1/2% interest.

10 (b) For individual and pure endowment contracts other  
11 than single premium annuity contracts, excluding any  
12 disability and accidental death benefits in such  
13 contracts, the 1971 Individual Annuity Mortality Table,  
14 any individual annuity mortality table adopted after 1980  
15 by the NAIC ~~National Association of Insurance~~  
16 ~~Commissioners~~ and approved by regulations promulgated by  
17 the Director for use in determining the minimum standard of  
18 valuation for such contracts, or any modification of those  
19 tables approved by the Director, and 5 1/2% interest for  
20 single premium deferred annuity and pure endowment  
21 contracts and 4 1/2% interest for all other such individual  
22 annuity and pure endowment contracts.

23 (c) For all annuities and pure endowments purchased  
24 under group annuity and pure endowment contracts,  
25 excluding any disability and accidental death benefits  
26 purchased under such contracts, the 1971 Group Annuity

1 Mortality Table, any group annuity mortality table adopted  
2 after 1980 by the NAIC ~~National Association of Insurance~~  
3 ~~Commissioners~~ and approved by regulations promulgated by  
4 the Director for use in determining the minimum standard of  
5 valuation for such annuities and pure endowments, or any  
6 modification of those tables approved by the Director, and  
7 7 1/2% interest.

8 After September 8, 1977, any company may file with the  
9 Director a written notice of its election to comply with the  
10 provisions of this subsection after a specified date before  
11 January 1, 1979, which shall be the operative date of this  
12 subsection for such company; provided, a company may elect a  
13 different operative date for individual annuity and pure  
14 endowment contracts from that elected for group annuity and  
15 pure endowment contracts. If a company makes no election, the  
16 operative date of this subsection for such company shall be  
17 January 1, 1979.

18 (5) This subsection shall apply to all annuity and pure  
19 endowment contracts other than group annuity and pure endowment  
20 contracts purchased under a retirement plan or plan of deferred  
21 compensation, established or maintained by an employer  
22 (including a partnership or sole proprietorship) or by an  
23 employee organization, or by both, other than a plan providing  
24 individual retirement accounts or individual retirement  
25 annuities under Section 408 of the Internal Revenue Code, as  
26 now or hereafter amended.

1 Reserves according to the Commissioners annuity reserve  
2 method for benefits under annuity or pure endowment contracts,  
3 excluding any disability and accidental death benefits in such  
4 contracts, shall be the greatest of the respective excesses of  
5 the present values, at the date of valuation, of the future  
6 guaranteed benefits, including guaranteed nonforfeiture  
7 benefits, provided for by such contracts at the end of each  
8 respective contract year, over the present value, at the date  
9 of valuation, of any future valuation considerations derived  
10 from future gross considerations, required by the terms of such  
11 contract, that become payable prior to the end of such  
12 respective contract year. The future guaranteed benefits shall  
13 be determined by using the mortality table, if any, and the  
14 interest rate, or rates, specified in such contracts for  
15 determining guaranteed benefits. The valuation considerations  
16 are the portions of the respective gross considerations applied  
17 under the terms of such contracts to determine nonforfeiture  
18 values.

19 (6)(a) Applicability of this subsection. The interest  
20 rates used in determining the minimum standard for the  
21 valuation of

22 (A) all life insurance policies issued in a particular  
23 calendar year, on or after the operative date of subsection  
24 (4c) of Section 229.2 (Standard Nonforfeiture Law),

25 (B) all individual annuity and pure endowment  
26 contracts issued in a particular calendar year ending on or

1 after December 31, 1983,

2 (C) all annuities and pure endowments purchased in a  
3 particular calendar year ending on or after December 31,  
4 1983, under group annuity and pure endowment contracts, and

5 (D) the net increase in a particular calendar year  
6 ending after December 31, 1983, in amounts held under  
7 guaranteed interest contracts

8 shall be the calendar year statutory valuation interest rates,  
9 as defined in this subsection.

10 (b) Calendar Year Statutory Valuation Interest Rates.

11 (i) The calendar year statutory valuation interest  
12 rates shall be determined according to the following  
13 formulae, rounding "I" to the nearest .25%.

14 (A) For life insurance,

$$15 \quad I = .03 + W (R1 - .03) + W/2 (R2 - .09).$$

16 (B) For single premium immediate annuities and  
17 annuity benefits involving life contingencies  
18 arising from other annuities with cash settlement  
19 options and from guaranteed interest contracts  
20 with cash settlement options,

$$21 \quad I = .03 + W (R - .03) \text{ or with prior} \\ 22 \text{ approval of the Director } I = .03 + W (Rq - \\ 23 \text{ .03}).$$

24 For the purposes of this subparagraph (i), "I"  
25 equals the calendar year statutory valuation interest  
26 rate, "R" is the reference interest rate defined in

1 this subsection, "R1" is the lesser of R and .09, "R2"  
2 is the greater of R and .09, "Rq" is the quarterly  
3 reference interest rate defined in this subsection,  
4 and "W" is the weighting factor defined in this  
5 subsection.

6 (C) For other annuities with cash settlement  
7 options and guaranteed interest contracts with  
8 cash settlement options, valued on an issue year  
9 basis, except as stated in (B), the formula for  
10 life insurance stated in (A) applies to annuities  
11 and guaranteed interest contracts with guarantee  
12 durations in excess of 10 years, and the formula  
13 for single premium immediate annuities stated in  
14 (B) above applies to annuities and guaranteed  
15 interest contracts with guarantee durations of 10  
16 years or less.

17 (D) For other annuities with no cash  
18 settlement options and for guaranteed interest  
19 contracts with no cash settlement options, the  
20 formula for single premium immediate annuities  
21 stated in (B) applies.

22 (E) For other annuities with cash settlement  
23 options and guaranteed interest contracts with  
24 cash settlement options, valued on a change in fund  
25 basis, the formula for single premium immediate  
26 annuities stated in (B) applies.

1           (ii) If the calendar year statutory valuation  
 2 interest rate for any life insurance policy issued in  
 3 any calendar year determined without reference to this  
 4 subparagraph differs from the corresponding actual  
 5 rate for similar policies issued in the immediately  
 6 preceding calendar year by less than .5%, the calendar  
 7 year statutory valuation interest rate for such life  
 8 insurance policy shall be the corresponding actual  
 9 rate for the immediately preceding calendar year. For  
 10 purposes of applying this subparagraph, the calendar  
 11 year statutory valuation interest rate for life  
 12 insurance policies issued in a calendar year shall be  
 13 determined for 1980, using the reference interest rate  
 14 defined for 1979, and shall be determined for each  
 15 subsequent calendar year regardless of when subsection  
 16 (4c) of Section 229.2 (Standard Nonforfeiture Law)  
 17 becomes operative.

18           (c) Weighting Factors.

19           (i) The weighting factors referred to in the  
 20 formulae stated in paragraph (b) are given in the  
 21 following tables.

22                           (A) Weighting Factors for Life Insurance.

Guarantee	Weighting
Duration	Factors
(Years)	
10 or less	.50



1	More than 10, but not more than 20	.45
2	More than 20	.35

3                   For life insurance, the guarantee duration is  
 4                   the maximum number of years the life insurance can  
 5                   remain in force on a basis guaranteed in the policy  
 6                   or under options to convert to plans of life  
 7                   insurance with premium rates or nonforfeiture  
 8                   values or both which are guaranteed in the original  
 9                   policy.

10                   (B) The weighting factor for single premium  
 11                   immediate annuities and for annuity benefits  
 12                   involving life contingencies arising from other  
 13                   annuities with cash settlement options and  
 14                   guaranteed interest contracts with cash settlement  
 15                   options is .80.

16                   (C) The weighting factors for other annuities  
 17                   and for guaranteed interest contracts, except as  
 18                   stated in (B) of this subparagraph (i), shall be as  
 19                   specified in tables (1), (2), and (3) of this  
 20                   subpart (C), according to the rules and  
 21                   definitions in (4), (5) and (6) of this subpart  
 22                   (C).

23                   (1) For annuities and guaranteed interest  
 24                   contracts valued on an issue year basis.

25	Guarantee	Weighting Factor
26	Duration	for Plan Type

(Years)	A	B	C
5 or less .....	.80	.60	.50
More than 5, but not more than 10 .....	.75	.60	.50
More than 10, but not more than 20 .....	.65	.50	.45
More than 20 .....	.45	.35	.35

(2) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in (1) for Plan Types A, B and C are increased by .15, .25 and .05, respectively.

(3) For annuities and guaranteed interest contracts valued on an issue year basis, other than those with no cash settlement options, which do not guarantee interest on considerations received more than one year after issue or purchase, and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in (1), or derived in (2), for Plan Types A, B and C are increased by .05.

(4) For other annuities with cash settlement options and guaranteed interest

1 contracts with cash settlement options, the  
2 guarantee duration is the number of years for  
3 which the contract guarantees interest rates  
4 in excess of the calendar year statutory  
5 valuation interest rate for life insurance  
6 policies with guarantee durations in excess of  
7 20 years. For other annuities with no cash  
8 settlement options, and for guaranteed  
9 interest contracts with no cash settlement  
10 options, the guarantee duration is the number  
11 of years from the date of issue or date of  
12 purchase to the date annuity benefits are  
13 scheduled to commence.

14 (5) The plan types used in the above tables  
15 are defined as follows.

16 Plan Type A is a plan under which the  
17 policyholder may not withdraw funds, or may  
18 withdraw funds at any time but only (a) with an  
19 adjustment to reflect changes in interest  
20 rates or asset values since receipt of the  
21 funds by the insurance company, (b) without  
22 such an adjustment but in installments over 5  
23 years or more, or (c) as an immediate life  
24 annuity.

25 Plan Type B is a plan under which the  
26 policyholder may not withdraw funds before

1 expiration of the interest rate guarantee, or  
2 may withdraw funds before such expiration but  
3 only (a) with an adjustment to reflect changes  
4 in interest rates or asset values since receipt  
5 of the funds by the insurance company, or (b)  
6 without such adjustment but in installments  
7 over 5 years or more. At the end of the  
8 interest rate guarantee, funds may be  
9 withdrawn without such adjustment in a single  
10 sum or installments over less than 5 years.

11 Plan Type C is a plan under which the  
12 policyholder may withdraw funds before  
13 expiration of the interest rate guarantee in a  
14 single sum or installments over less than 5  
15 years either (a) without adjustment to reflect  
16 changes in interest rates or asset values since  
17 receipt of the funds by the insurance company,  
18 or (b) subject only to a fixed surrender charge  
19 stipulated in the contract as a percentage of  
20 the fund.

21 (6) A company may elect to value  
22 guaranteed interest contracts with cash  
23 settlement options and annuities with cash  
24 settlement options on either an issue year  
25 basis or on a change in fund basis. Guaranteed  
26 interest contracts with no cash settlement

1 options and other annuities with no cash  
2 settlement options shall be valued on an issue  
3 year basis. As used in this Section, "issue  
4 year basis of valuation" refers to a valuation  
5 basis under which the interest rate used to  
6 determine the minimum valuation standard for  
7 the entire duration of the annuity or  
8 guaranteed interest contract is the calendar  
9 year valuation interest rate for the year of  
10 issue or year of purchase of the annuity or  
11 guaranteed interest contract. "Change in fund  
12 basis of valuation", as used in this Section,  
13 refers to a valuation basis under which the  
14 interest rate used to determine the minimum  
15 valuation standard applicable to each change  
16 in the fund held under the annuity or  
17 guaranteed interest contract is the calendar  
18 year valuation interest rate for the year of  
19 the change in the fund.

20 (d) Reference Interest Rate. The reference interest  
21 rate referred to in paragraph (b) of this subsection is  
22 defined as follows.

23 (A) For all life insurance, the reference interest  
24 rate is the lesser of the average over a period of 36  
25 months, and the average over a period of 12 months,  
26 with both periods ending on June 30, or with prior

1 approval of the Director ending on December 31, of the  
2 calendar year next preceding the year of issue, of  
3 Moody's Corporate Bond Yield Average - Monthly Average  
4 Corporates, as published by Moody's Investors Service,  
5 Inc.

6 (B) For single premium immediate annuities and for  
7 annuity benefits involving life contingencies arising  
8 from other annuities with cash settlement options and  
9 guaranteed interest contracts with cash settlement  
10 options, the reference interest rate is the average  
11 over a period of 12 months, ending on June 30, or with  
12 prior approval of the Director ending on December 31,  
13 of the calendar year of issue or year of purchase, of  
14 Moody's Corporate Bond Yield Average - Monthly Average  
15 Corporates, as published by Moody's Investors Service,  
16 Inc.

17 (C) For annuities with cash settlement options and  
18 guaranteed interest contracts with cash settlement  
19 options, valued on a year of issue basis, except those  
20 described in (B), with guarantee durations in excess of  
21 10 years, the reference interest rate is the lesser of  
22 the average over a period of 36 months and the average  
23 over a period of 12 months, ending on June 30, or with  
24 prior approval of the Director ending on December 31,  
25 of the calendar year of issue or purchase, of Moody's  
26 Corporate Bond Yield Average-Monthly Average

1 Corporates, as published by Moody's Investors Service,  
2 Inc.

3 (D) For other annuities with cash settlement  
4 options and guaranteed interest contracts with cash  
5 settlement options, valued on a year of issue basis,  
6 except those described in (B), with guarantee  
7 durations of 10 years or less, the reference interest  
8 rate is the average over a period of 12 months, ending  
9 on June 30, or with prior approval of the Director  
10 ending on December 31, of the calendar year of issue or  
11 purchase, of Moody's Corporate Bond Yield  
12 Average-Monthly Average Corporates, as published by  
13 Moody's Investors Service, Inc.

14 (E) For annuities with no cash settlement options  
15 and for guaranteed interest contracts with no cash  
16 settlement options, the reference interest rate is the  
17 average over a period of 12 months, ending on June 30,  
18 or with prior approval of the Director ending on  
19 December 31, of the calendar year of issue or purchase,  
20 of Moody's Corporate Bond Yield Average-Monthly  
21 Average Corporates, as published by Moody's Investors  
22 Service, Inc.

23 (F) For annuities with cash settlement options and  
24 guaranteed interest contracts with cash settlement  
25 options, valued on a change in fund basis, except those  
26 described in (B), the reference interest rate is the

1 average over a period of 12 months, ending on June 30,  
2 or with prior approval of the Director ending on  
3 December 31, of the calendar year of the change in the  
4 fund, of Moody's Corporate Bond Yield Average-Monthly  
5 Average Corporates, as published by Moody's Investors  
6 Service, Inc.

7 (G) For annuities valued by a formula based on  $R_q$ ,  
8 the quarterly reference interest rate is, with the  
9 prior approval of the Director, the average within each  
10 of the 4 consecutive calendar year quarters ending on  
11 March 31, June 30, September 30 and December 31 of the  
12 calendar year of issue or year of purchase of Moody's  
13 Corporate Bond Yield Average-Monthly Average  
14 Corporates, as published by Moody's Investors Service,  
15 Inc.

16 (e) Alternative Method for Determining Reference  
17 Interest Rates. In the event that the Moody's Corporate  
18 Bond Yield Average-Monthly Average Corporates is no longer  
19 published by Moody's Investors Services, Inc., or in the  
20 event that the NAIC ~~National Association of Insurance~~  
21 ~~Commissioners~~ determines that Moody's Corporate Bond Yield  
22 Average-Monthly Average Corporates as published by Moody's  
23 Investors Service, Inc. is no longer appropriate for the  
24 determination of the reference interest rate, then an  
25 alternative method for determination of the reference  
26 interest rate, which is adopted by the NAIC ~~National~~



1 ~~Association of Insurance Commissioners~~ and approved by  
2 regulations promulgated by the Director, may be  
3 substituted.

4 (7) Minimum Standards for Accident and Health (Disability,  
5 Accident and Sickness) Insurance Contracts Plans. The Director  
6 shall promulgate a regulation containing the minimum standards  
7 applicable to the valuation of health (disability, sickness and  
8 accident) plans which are issued prior to the operative date of  
9 the Valuation Manual. For accident and health (disability,  
10 accident and sickness) insurance contracts issued on or after  
11 the operative date of the Valuation Manual, the standard  
12 prescribed in the Valuation Manual is the minimum standard of  
13 valuation required under subsection (1).

14 (8) Valuation Manual for Policies Issued On or After the  
15 Operative Date of the Valuation Manual.

16 (a) For policies issued on or after the operative date  
17 of the Valuation Manual, the standard prescribed in the  
18 Valuation Manual is the minimum standard of valuation  
19 required under subsection (1), except as provided under  
20 paragraphs (e) or (g) of this subsection (8).

21 (b) The operative date of the Valuation Manual is  
22 January 1 of the first calendar year following the first  
23 July 1 when all of the following have occurred:

24 (i) The Valuation Manual has been adopted by the  
25 NAIC by an affirmative vote of at least 42 members, or  
26 three-fourths of the members voting, whichever is

1 greater.

2 (ii) The Standard Valuation Law, as amended by the  
3 NAIC in 2009, or legislation including substantially  
4 similar terms and provisions, has been enacted by  
5 states representing greater than 75% of the direct  
6 premiums written as reported in the following annual  
7 statements submitted for 2008: life, accident and  
8 health annual statements; health annual statements; or  
9 fraternal annual statements.

10 (iii) The Standard Valuation Law, as amended by the  
11 NAIC in 2009, or legislation including substantially  
12 similar terms and provisions, has been enacted by at  
13 least 42 of the following 55 jurisdictions: the 50  
14 states of the United States, American Samoa, the  
15 American Virgin Islands, the District of Columbia,  
16 Guam, and Puerto Rico.

17 (c) Unless a change in the Valuation Manual specifies a  
18 later effective date, changes to the Valuation Manual shall  
19 be effective on January 1 following the date when the  
20 change to the Valuation Manual has been adopted by the NAIC  
21 by an affirmative vote representing:

22 (i) at least three-fourths of the members of the  
23 NAIC voting, but not less than a majority of the total  
24 membership; and

25 (ii) members of the NAIC representing  
26 jurisdictions totaling greater than 75% of the direct

1 premiums written as reported in the following annual  
2 statements most recently available prior to the vote in  
3 subparagraph (i) of this paragraph (c): life, accident  
4 and health annual statements; health annual  
5 statements; or fraternal annual statements.

6 (d) The Valuation Manual must specify all of the  
7 following:

8 (i) Minimum valuation standards for and  
9 definitions of the policies or contracts subject to  
10 subsection (1). Such minimum valuation standards shall  
11 be:

12 (A) the Commissioners reserve valuation method  
13 for life insurance contracts, other than annuity  
14 contracts, subject to subsection (1);

15 (B) the Commissioners annuity reserve  
16 valuation method for annuity contracts subject to  
17 subsection (1); and

18 (C) minimum reserves for all other policies or  
19 contracts subject to subsection (1).

20 (ii) Which policies or contracts or types of  
21 policies or contracts are subject to the requirements  
22 of a principle-based valuation in paragraph (a) of  
23 subsection (9) and the minimum valuation standards  
24 consistent with those requirements.

25 (iii) For policies and contracts subject to a  
26 principle-based valuation under subsection (9):

1           (A) Requirements for the format of reports to  
2           the Director under subparagraph (iii) of paragraph  
3           (b) of subsection (9), and which shall include  
4           information necessary to determine if the  
5           valuation is appropriate and in compliance with  
6           this Section.

7           (B) Assumptions shall be prescribed for risks  
8           over which the company does not have significant  
9           control or influence.

10           (C) Procedures for corporate governance and  
11           oversight of the actuarial function, and a process  
12           for appropriate waiver or modification of such  
13           procedures.

14           (iv) For policies not subject to a principle-based  
15           valuation under subsection (9), the minimum valuation  
16           standard shall either:

17           (A) be consistent with the minimum standard of  
18           valuation prior to the operative date of the  
19           Valuation Manual; or

20           (B) develop reserves that quantify the  
21           benefits and guarantees and the funding associated  
22           with the contracts and their risks at a level of  
23           conservatism that reflects conditions that include  
24           unfavorable events that have a reasonable  
25           probability of occurring.

26           (v) Other requirements, including, but not limited

1 to, those relating to reserve methods, models for  
2 measuring risk, generation of economic scenarios,  
3 assumptions, margins, use of company experience, risk  
4 measurement, disclosure, certifications, reports,  
5 actuarial opinions and memorandums, transition rules,  
6 and internal controls.

7 (vi) The data and form of the data required under  
8 subsection (10) of this Section, with whom the data  
9 must be submitted, and may specify other requirements,  
10 including data analyses and the reporting of analyses.

11 (e) In the absence of a specific valuation requirement  
12 or if a specific valuation requirement in the Valuation  
13 Manual is not, in the opinion of the Director, in  
14 compliance with this Section, then the company shall, with  
15 respect to such requirements, comply with minimum  
16 valuation standards prescribed by the Director by rule.

17 (f) The Director may engage a qualified actuary, at the  
18 expense of the company, to perform an actuarial examination  
19 of the company and opine on the appropriateness of any  
20 reserve assumption or method used by the company, or to  
21 review and opine on a company's compliance with any  
22 requirement set forth in this Section. The Director may  
23 rely upon the opinion regarding provisions contained  
24 within this Section of a qualified actuary engaged by the  
25 Director of another state, district, or territory of the  
26 United States. As used in this paragraph, "engage" includes

1 employment and contracting.

2 (g) The Director may require a company to change any  
3 assumption or method that in the opinion of the Director is  
4 necessary in order to comply with the requirements of the  
5 Valuation Manual or this Section; and the company shall  
6 adjust the reserves as required by the Director. The  
7 Director may take other disciplinary action as permitted  
8 pursuant to law.

9 (9) Requirements of a Principle-Based Valuation.

10 (a) A company must establish reserves using a  
11 principle-based valuation that meets the following  
12 conditions for policies or contracts as specified in the  
13 Valuation Manual:

14 (i) Quantify the benefits and guarantees, and the  
15 funding, associated with the contracts and their risks  
16 at a level of conservatism that reflects conditions  
17 that include unfavorable events that have a reasonable  
18 probability of occurring during the lifetime of the  
19 contracts. For policies or contracts with significant  
20 tail risk, reflect conditions appropriately adverse to  
21 quantify the tail risk.

22 (ii) Incorporate assumptions, risk analysis  
23 methods, and financial models and management  
24 techniques that are consistent with, but not  
25 necessarily identical to, those utilized within the  
26 company's overall risk assessment process, while

1 recognizing potential differences in financial  
2 reporting structures and any prescribed assumptions or  
3 methods.

4 (iii) Incorporate assumptions that are derived in  
5 one of the following manners:

6 (A) The assumption is prescribed in the  
7 Valuation Manual.

8 (B) For assumptions that are not prescribed,  
9 the assumptions shall:

10 (1) be established utilizing the company's  
11 available experience, to the extent it is  
12 relevant and statistically credible; or

13 (2) to the extent that company data is not  
14 available, relevant, or statistically  
15 credible, be established utilizing other  
16 relevant, statistically credible experience.

17 (iv) Provide margins for uncertainty, including  
18 adverse deviation and estimation error, such that the  
19 greater the uncertainty, the larger the margin and  
20 resulting reserve.

21 (b) A company using a principle-based valuation for one  
22 or more policies or contracts subject to this subsection as  
23 specified in the Valuation Manual shall:

24 (i) Establish procedures for corporate governance  
25 and oversight of the actuarial valuation function  
26 consistent with those described in the Valuation

1 Manual.

2 (ii) Provide to the Director and the board of  
3 directors an annual certification of the effectiveness  
4 of the internal controls with respect to the  
5 principle-based valuation. Such controls shall be  
6 designed to ensure that all material risks inherent in  
7 the liabilities and associated assets subject to such  
8 valuation are included in the valuation, and that  
9 valuations are made in accordance with the Valuation  
10 Manual. The certification shall be based on the  
11 controls in place as of the end of the preceding  
12 calendar year.

13 (iii) Develop and file with the Director upon  
14 request a principle-based valuation report that  
15 complies with standards prescribed in the Valuation  
16 Manual.

17 (c) A principle-based valuation may include a  
18 prescribed formulaic reserve component.

19 (10) Experience Reporting for Policies In Force On or After  
20 the Operative Date of the Valuation Manual. A company shall  
21 submit mortality, morbidity, policyholder behavior, or expense  
22 experience and other data as prescribed in the Valuation  
23 Manual.

24 (11) Confidentiality.

25 (a) For the purposes of this subsection (11),  
26 "confidential information" means any of the following:



1           (i) A memorandum in support of an opinion submitted  
2 under subsection (1) of this Section and any other  
3 documents, materials, and other information,  
4 including, but not limited to, all working papers, and  
5 copies thereof, created, produced or obtained by or  
6 disclosed to the Director or any other person in  
7 connection with the memorandum.

8           (ii) All documents, materials, and other  
9 information, including, but not limited to, all  
10 working papers, and copies thereof, created, produced,  
11 or obtained by or disclosed to the Director or any  
12 other person in the course of an examination made under  
13 paragraph (f) of subsection (8) of this Section.

14           (iii) Any reports, documents, materials, and other  
15 information developed by a company in support of, or in  
16 connection with, an annual certification by the  
17 company under subparagraph (ii) of paragraph (b) of  
18 subsection (9) of this Section evaluating the  
19 effectiveness of the company's internal controls with  
20 respect to a principle-based valuation and any other  
21 documents, materials, and other information,  
22 including, but not limited to, all working papers, and  
23 copies thereof, created, produced, or obtained by or  
24 disclosed to the Director or any other person in  
25 connection with such reports, documents, materials,  
26 and other information.

1           (iv) Any principle-based valuation report  
2 developed under subparagraph (iii) of paragraph (b) of  
3 subsection (9) of this Section and any other documents,  
4 materials and other information, including, but not  
5 limited to, all working papers, and copies thereof,  
6 created, produced or obtained by or disclosed to the  
7 Director or any other person in connection with such  
8 report.

9           (v) Any documents, materials, data, and other  
10 information submitted by a company under subsection  
11 (10) of this Section (collectively, "experience data")  
12 and any other documents, materials, data, and other  
13 information, including, but not limited to, all  
14 working papers, and copies thereof, created or  
15 produced in connection with such experience data, in  
16 each case that include any potentially  
17 company-identifying or personally identifiable  
18 information, that is provided to or obtained by the  
19 Director (together with any experience data, the  
20 "experience materials") and any other documents,  
21 materials, data and other information, including, but  
22 not limited to, all working papers and copies thereof,  
23 created, produced, or obtained by or disclosed to the  
24 Director or any other person in connection with such  
25 experience materials.

26 (b) Privilege for and Confidentiality of Confidential

1           Information.

2           (i) Except as provided in this subsection (11), a  
3           company's confidential information is confidential by  
4           law and privileged, and shall not be subject to the  
5           Freedom of Information Act, subpoena, or discovery or  
6           admissible as evidence in any private civil action;  
7           however, the Director is authorized to use the  
8           confidential information in the furtherance of any  
9           regulatory or legal action brought against the company  
10           as a part of the Director's official duties.

11           (ii) Neither the Director nor any person who  
12           received confidential information while acting under  
13           the authority of the Director shall be permitted or  
14           required to testify in any private civil action  
15           concerning any confidential information.

16           (iii) In order to assist in the performance of the  
17           Director's duties, the Director may share confidential  
18           information (A) with other state, federal, and  
19           international regulatory agencies and with the NAIC  
20           and its affiliates and subsidiaries and (B) in the case  
21           of confidential information specified in subparagraphs  
22           (i) and (iv) of paragraph (a) of subsection (11) only,  
23           with the Actuarial Board for Counseling and Discipline  
24           or its successor upon request stating that the  
25           confidential information is required for the purpose  
26           of professional disciplinary proceedings and with

1 state, federal, and international law enforcement  
2 officials; in the case of (A) and (B), provided that  
3 such recipient agrees and has the legal authority to  
4 agree, to maintain the confidentiality and privileged  
5 status of such documents, materials, data, and other  
6 information in the same manner and to the same extent  
7 as required for the Director.

8 (iv) The Director may receive documents,  
9 materials, data, and other information, including  
10 otherwise confidential and privileged documents,  
11 materials, data, or information, from the NAIC and its  
12 affiliates and subsidiaries, from regulatory or law  
13 enforcement officials of other foreign or domestic  
14 jurisdictions, and from the Actuarial Board for  
15 Counseling and Discipline or its successor and shall  
16 maintain as confidential or privileged any document,  
17 material, data, or other information received with  
18 notice or the understanding that it is confidential or  
19 privileged under the laws of the jurisdiction that is  
20 the source of the document, material, or other  
21 information.

22 (v) The Director may enter into agreements  
23 governing the sharing and use of information  
24 consistent with paragraph (b) of this subsection (11).

25 (vi) No waiver of any applicable privilege or claim  
26 of confidentiality in the confidential information

1 shall occur as a result of disclosure to the Director  
2 under this subsection (11) or as a result of sharing as  
3 authorized in subparagraph (iii) of paragraph (b) of  
4 this subsection (11).

5 (vii) A privilege established under the law of any  
6 state or jurisdiction that is substantially similar to  
7 the privilege established under paragraph (b) of this  
8 subsection (11), shall be available and enforced in any  
9 proceeding in and in any court of this State.

10 (viii) In this subsection (11) "regulatory  
11 agency", "law enforcement agency", and "NAIC" include,  
12 but are not limited to, their employees, agents,  
13 consultants, and contractors.

14 (c) Notwithstanding paragraph (b) of this subsection  
15 (11), any confidential information specified in  
16 subparagraphs (i) and (iv) of paragraph (a) of this  
17 subsection (11):

18 (i) may be subject to subpoena for the purpose of  
19 defending an action seeking damages from the appointed  
20 actuary submitting the related memorandum in support  
21 of an opinion submitted under subsection (1) of this  
22 Section or principle-based valuation report developed  
23 under subparagraph (iii) of paragraph (b) of  
24 subsection (9) of this Section by reason of an action  
25 required by this Section or by regulations promulgated  
26 under this Section;

1           (ii) may otherwise be released by the Director with  
2           the written consent of the company; and

3           (iii) once any portion of a memorandum in support  
4           of an opinion submitted under subsection (1) of this  
5           Section or a principle-based valuation report  
6           developed under subparagraph (iii) of paragraph (b) of  
7           subsection (9) of this Section is cited by the company  
8           in its marketing or is publicly volunteered to or  
9           before a governmental agency other than a state  
10           insurance department or is released by the company to  
11           the news media, all portions of such memorandum or  
12           report shall no longer be confidential.

13           (12) Exemptions.

14           (a) The Director may exempt specific product forms or  
15           product lines of a domestic company that is licensed and  
16           doing business only in Illinois from the requirements of  
17           subsection (8) of this Section, provided that:

18           (i) the Director has issued an exemption in writing  
19           to the company and has not subsequently revoked the  
20           exemption in writing; and

21           (ii) the company computes reserves using  
22           assumptions and methods used prior to the operative  
23           date of the Valuation Manual in addition to any  
24           requirements established by the Director and adopted  
25           by rule.

26           (b) A domestic company that has less than \$300,000,000

1 of ordinary life premiums and that is licensed and doing  
2 business in Illinois is exempt from the requirements of  
3 subsection (8), provided that:

4 (i) if the company is a member of a group of life  
5 insurers, the group has combined ordinary life  
6 premiums of less than \$1,000,000,000;

7 (ii) the company has an RBC ratio of at least 450%  
8 of authorized control level RBC;

9 (iii) the appointed actuary has provided an  
10 unqualified opinion on the reserves in accordance with  
11 subsection (1) of this Section; and

12 (iv) the company has provided a certification by a  
13 qualified actuary that any universal life policy with a  
14 secondary guarantee issued by the company after the  
15 operative date of the Valuation Manual is not subject  
16 to material interest rate risk or asset return  
17 volatility risk, as defined in the Valuation Manual.

18 (c) For purposes of paragraph (b) of this subsection  
19 (12), ordinary life premiums are measured as direct plus  
20 reinsurance assumed from an unaffiliated company, not  
21 reduced by reinsurance ceded, from the prior calendar year  
22 annual statement.

23 (d) For any company granted an exemption under this  
24 subsection, subsections (1), (2), (3), (4), (5), (6), and  
25 (7) shall be applicable. With respect to any company  
26 applying this exemption, any reference to subsection (8)

1       found in subsections (1), (2), (3), (4), (5), (6), and (7)  
2       shall not be applicable.

3       (13) Definitions. For the purposes of this Section, the  
4       following definitions shall apply beginning on the operative  
5       date of the Valuation Manual:

6       "Accident and health insurance" means contracts that  
7       incorporate morbidity risk and provide protection against  
8       economic loss resulting from accident, sickness, or medical  
9       conditions and as may be specified in the Valuation Manual.

10       "Appointed actuary" means a qualified actuary who is  
11       appointed in accordance with the Valuation Manual to prepare  
12       the actuarial opinion required in paragraph (b) of subsection  
13       (1) of this Section.

14       "Company" means an entity that (a) has written, issued, or  
15       reinsured life insurance contracts, accident and health  
16       insurance contracts, or deposit-type contracts in this State  
17       and has at least one such policy in force or on claim or (b) has  
18       written, issued, or reinsured life insurance contracts,  
19       accident and health insurance contracts, or deposit-type  
20       contracts in any state and is required to hold a certificate of  
21       authority to write life insurance, accident and health  
22       insurance, or deposit-type contracts in this State.

23       "Deposit-type contract" means contracts that do not  
24       incorporate mortality or morbidity risks and as may be  
25       specified in the Valuation Manual.

26       "Life insurance" means contracts that incorporate



1 mortality risk, including annuity and pure endowment  
2 contracts, and as may be specified in the Valuation Manual.

3 "NAIC" means the National Association of Insurance  
4 Commissioners.

5 "Policyholder behavior" means any action a policyholder,  
6 contract holder, or any other person with the right to elect  
7 options, such as a certificate holder, may take under a policy  
8 or contract subject to this Section including, but not limited  
9 to, lapse, withdrawal, transfer, deposit, premium payment,  
10 loan, annuitization, or benefit elections prescribed by the  
11 policy or contract, but excluding events of mortality or  
12 morbidity that result in benefits prescribed in their essential  
13 aspects by the terms of the policy or contract.

14 "Principle-based valuation" means a reserve valuation that  
15 uses one or more methods or one or more assumptions determined  
16 by the insurer and is required to comply with subsection (9) of  
17 this Section as specified in the Valuation Manual.

18 "Qualified actuary" means an individual who is qualified to  
19 sign the applicable statement of actuarial opinion in  
20 accordance with the American Academy of Actuaries  
21 qualification standards for actuaries signing such statements  
22 and who meets the requirements specified in the Valuation  
23 Manual.

24 "Tail risk" means a risk that occurs either where the  
25 frequency of low probability events is higher than expected  
26 under a normal probability distribution or where there are

1 observed events of very significant size or magnitude.

2 "Valuation Manual" means the manual of valuation  
3 instructions adopted by the NAIC as specified in this Section  
4 or as subsequently amended.

5 (Source: P.A. 95-86, eff. 9-25-07 (changed from 1-1-08 by P.A.  
6 95-632); 95-876, eff. 8-21-08.)

7 (215 ILCS 5/229.2) (from Ch. 73, par. 841.2)

8 Sec. 229.2. Standard Non-forfeiture Law for Life  
9 Insurance.

10 (1) No policy of life insurance, except as stated in  
11 subsection (8), shall be delivered or issued for delivery in  
12 this State unless it contains in substance the following  
13 provisions or corresponding provisions which in the opinion of  
14 the Director are at least as favorable to the defaulting or  
15 surrendering policyholder and are essentially in compliance  
16 with subsection (7) of this law:

17 (i) That, in the event of default in any premium payment,  
18 the company will grant, upon proper request not later than 60  
19 days after the due date of the premium in default, a paid-up  
20 nonforfeiture benefit on a plan stipulated in the policy,  
21 effective as of such due date, of such amount as may be  
22 hereinafter specified. In lieu of such stipulated paid-up  
23 nonforfeiture benefit, the company may substitute, upon proper  
24 request not later than 60 days after the due date of the  
25 premium in default, an actuarially equivalent alternative

1 paid-up nonforfeiture benefit which provides a greater amount  
2 or longer period of death benefits or, if applicable, a greater  
3 amount or earlier payment of endowment benefits.

4 (ii) That, upon surrender of the policy within 60 days  
5 after the due date of any premium payment in default after  
6 premiums have been paid for at least 3 full years in the case  
7 of Ordinary insurance or 5 full years in the case of Industrial  
8 insurance, the company will pay, in lieu of any paid-up  
9 nonforfeiture benefit, a cash surrender value of such amount as  
10 may be hereinafter specified.

11 (iii) That a specified paid-up nonforfeiture benefit shall  
12 become effective as specified in the policy unless the person  
13 entitled to make such election elects another available option  
14 not later than 60 days after the due date of the premium in  
15 default.

16 (iv) That, if the policy shall have become paid-up by  
17 completion of all premium payments or if it is continued under  
18 any paid-up nonforfeiture benefit which became effective on or  
19 after the third policy anniversary in the case of Ordinary  
20 insurance or the fifth policy anniversary in the case of  
21 Industrial insurance, the company will pay, upon surrender of  
22 the policy within 30 days after any policy anniversary, a cash  
23 surrender value of such amount as may be hereinafter specified.

24 (v) In the case of policies which cause on a basis  
25 guaranteed in the policy unscheduled changes in benefits or  
26 premiums, or which provide an option for changes in benefits or

1 premiums other than a change to a new policy, a statement of  
2 the mortality table, interest rate, and method used in  
3 calculating cash surrender values and the paid-up  
4 nonforfeiture benefits available under the policy. In the case  
5 of all other policies, a statement of the mortality table and  
6 interest rate used in calculating the cash surrender values and  
7 the paid-up nonforfeiture benefits available under the policy,  
8 together with a table showing the cash surrender value, if any,  
9 and paid-up nonforfeiture benefit, if any, available under the  
10 policy on each policy anniversary either during the first 20  
11 policy years or during the term of the policy, whichever is  
12 shorter, such values and benefits to be calculated upon the  
13 assumption that there are no dividends or paid-up additions  
14 credited to the policy and that there is no indebtedness to the  
15 company on the policy.

16 (vi) A statement that the cash surrender values and the  
17 paid-up nonforfeiture benefits available under the policy are  
18 not less than the minimum values and benefits required by or  
19 pursuant to the insurance law of the state in which the policy  
20 is delivered; an explanation of the manner in which the cash  
21 surrender values and the paid-up nonforfeiture benefits are  
22 altered by the existence of any paid-up additions credited to  
23 the policy or any indebtedness to the company on the policy; if  
24 a detailed statement of the method of computation of the values  
25 and benefits shown in the policy is not stated therein, a  
26 statement that such method of computation has been filed with

1 the insurance supervisory official of the state in which the  
2 policy is delivered; and a statement of the method to be used  
3 in calculating the cash surrender value and paid-up  
4 nonforfeiture benefit available under the policy on any policy  
5 anniversary beyond the last anniversary for which such values  
6 and benefits are consecutively shown in the policy.

7 Any of the foregoing provisions or portions thereof not  
8 applicable by reason of the plan of insurance may, to the  
9 extent inapplicable, be omitted from the policy.

10 The company shall reserve the right to defer the payment of  
11 any cash surrender value for a period of 6 months after demand  
12 therefor with surrender of the policy.

13 (2) (i) Any cash surrender value available under the policy  
14 in the event of default in a premium payment due on any policy  
15 anniversary, whether or not required by subsection (1), shall  
16 be an amount not less than the excess, if any, of the present  
17 value, on such anniversary, of the future guaranteed benefits  
18 which would have been provided for by the policy, including any  
19 existing paid-up additions, if there had been no default, over  
20 the sum of (i) the then present value of the adjusted premiums  
21 as defined in subsections 4, 4(a), 4(b) and 4(c), corresponding  
22 to premiums which would have fallen due on and after such  
23 anniversary, and (ii) the amount of any indebtedness to the  
24 company on the policy.

25 (ii) For any policy issued on or after the operative date  
26 of subsection 4(c), which provides supplemental life insurance

1 or annuity benefits at the option of the insured for an  
2 identifiable additional premium by rider or supplemental  
3 policy provision, the cash surrender value shall be an amount  
4 not less than the sum of the cash surrender value as determined  
5 in paragraph (i) for an otherwise similar policy issued at the  
6 same age without such rider or supplemental policy provision  
7 and the cash surrender value as determined in such paragraph  
8 for a policy which provides only the benefits otherwise  
9 provided by such rider or supplemental policy provision.

10 (iii) For any family policy issued on or after the  
11 operative date of subsection 4(c), which defines a primary  
12 insured and provides term insurance on the life of the spouse  
13 of the primary insured expiring before the spouse attains age  
14 71, the cash surrender value shall be an amount not less than  
15 the sum of the cash surrender value as determined in paragraph  
16 (i) for an otherwise similar policy issued at the same age  
17 without such term insurance on the life of the spouse and the  
18 cash surrender value as determined in such paragraph for a  
19 policy which provides only the benefits otherwise provided by  
20 such term insurance on the life of the spouse.

21 (iv) Any cash surrender value available within 30 days  
22 after any policy anniversary under any policy paid up by  
23 completion of all premium payments or any policy continued  
24 under any paid-up nonforfeiture benefit, whether or not  
25 required by subsection (1), shall be an amount not less than  
26 the present value, on such anniversary, of the future

1 guaranteed benefits provided for by the policy, including any  
2 existing paid-up additions, decreased by any indebtedness to  
3 the company on the policy.

4 (3) Any paid-up nonforfeiture benefit available under the  
5 policy in the event of default in a premium payment due on any  
6 policy anniversary shall be such that its present value as of  
7 such anniversary shall be at least equal to the cash surrender  
8 value then provided for by the policy, or if none is provided  
9 for, that cash surrender value which would have been required  
10 by this section in the absence of the condition that premiums  
11 shall have been paid for at least a specified period.

12 (4) This subsection (4) shall not apply to policies issued  
13 on or after the operative date of subsection (4c). Except as  
14 provided in the third paragraph of this subsection, the  
15 adjusted premiums for any policy shall be calculated on an  
16 annual basis and shall be such uniform percentage of the  
17 respective premium specified in the policy for each policy  
18 year, excluding any extra premiums charged because of  
19 impairments or special hazards, that the present value, at the  
20 date of issue of the policy, of all such adjusted premiums  
21 shall be equal to the sum of (i) the then present value of the  
22 future guaranteed benefits provided for by the policy; (ii) 2%  
23 of the amount of insurance, if the insurance be uniform in  
24 amount, or of the equivalent uniform amount, as hereinafter  
25 defined, if the amount of insurance varies with duration of the  
26 policy; (iii) 40% of the adjusted premium for the first policy

1 year; (iv) 25% of either the adjusted premium for the first  
2 policy year or the adjusted premium for a whole life policy of  
3 the same uniform or equivalent uniform amount with uniform  
4 premiums for the whole of life issued at the same age for the  
5 same amount of insurance, whichever is less. Provided, however,  
6 that in applying the percentages specified in (iii) and (iv)  
7 above, no adjusted premium shall be deemed to exceed 4% of the  
8 amount of insurance or uniform amount equivalent thereto. The  
9 date of issue of a policy for the purpose of this subsection  
10 shall be the date as of which the rated age of the insured is  
11 determined.

12 In the case of a policy providing an amount of insurance  
13 varying with duration of the policy, the equivalent uniform  
14 amount thereof for the purpose of this subsection shall be  
15 deemed to be the level amount of insurance, provided by an  
16 otherwise similar policy, containing the same endowment  
17 benefit or benefits, if any, issued at the same age and for the  
18 same term, the amount of which does not vary with duration and  
19 the benefits under which have the same present value at the  
20 inception of the insurance as the benefits under the policy;  
21 provided, however, that in the case of a policy providing a  
22 varying amount of insurance issued on the life of a child under  
23 age 10, the equivalent uniform amount may be computed as though  
24 the amount of insurance provided by the policy prior to the  
25 attainment of age 10 were the amount provided by such policy at  
26 age 10.



1           The adjusted premiums for any policy providing term  
2 insurance benefits by rider or supplemental policy provision  
3 shall be equal to (a) the adjusted premiums for an otherwise  
4 similar policy issued at the same age without such term  
5 insurance benefits, increased, during the period for which  
6 premiums for such term insurance benefits are payable, by (b)  
7 the adjusted premiums for such term insurance, the foregoing  
8 items (a) and (b) being calculated separately and as specified  
9 in the first 2 paragraphs of this subsection except that, for  
10 the purposes of (ii), (iii) and (iv) of the first such  
11 paragraph, the amount of insurance or equivalent uniform amount  
12 of insurance used in the calculation of the adjusted premiums  
13 referred to in (b) shall be equal to the excess of the  
14 corresponding amount determined for the entire policy over the  
15 amount used in the calculation of the adjusted premiums in (a).

16           Except as otherwise provided in subsections (4a) and (4b),  
17 all adjusted premiums and present values referred to in this  
18 section shall for all policies of Ordinary insurance be  
19 calculated on the basis of the Commissioners 1941 Standard  
20 Ordinary Mortality Table, provided that for any category of  
21 Ordinary insurance issued on female risks adjusted premiums and  
22 present values may be calculated according to an age not more  
23 than 3 years younger than the actual age of the insured, and  
24 such calculations for all policies of Industrial insurance  
25 shall be made on the basis of the 1941 Standard Industrial  
26 Mortality Table. All calculations shall be made on the basis of

1 the rate of interest, not exceeding 3 1/2% per annum, specified  
2 in the policy for calculating cash surrender values and paid-up  
3 nonforfeiture benefits. Provided, however, that in calculating  
4 the present value of any paid-up term insurance with  
5 accompanying pure endowment, if any, offered as a nonforfeiture  
6 benefit, the rates of mortality assumed may be not more than  
7 130% of the rates of mortality according to such applicable  
8 table. Provided, further, that for insurance issued on a  
9 substandard basis, the calculation of any such adjusted  
10 premiums and present values may be based on such other table of  
11 mortality as may be specified by the company and approved by  
12 the Director.

13 (4a) This subsection (4a) shall not apply to Ordinary  
14 policies issued on or after the operative date of subsection  
15 (4c). In the case of Ordinary policies issued on or after the  
16 operative date of this subsection (4a) as defined herein, all  
17 adjusted premiums and present values referred to in this  
18 Section shall be calculated on the basis of the Commissioners  
19 1958 Standard Ordinary Mortality Table and the rate of interest  
20 specified in the policy for calculating cash surrender values  
21 and paid-up nonforfeiture benefits, provided that such rate of  
22 interest shall not exceed 3 1/2% per annum except that a rate  
23 of interest not exceeding 5 1/2% per annum may be used for  
24 policies issued on or after September 8, 1977, except that for  
25 any single premium whole life or endowment insurance policy a  
26 rate of interest not exceeding 6 1/2% per annum may be used and

1 provided that for any category of Ordinary insurance issued on  
2 female risks, adjusted premiums and present values may be  
3 calculated according to an age not more than 6 years younger  
4 than the actual age of the insured. Provided, however, that in  
5 calculating the present value of any paid-up term insurance  
6 with accompanying pure endowment, if any, offered as a  
7 nonforfeiture benefit, the rates of mortality assumed may be  
8 not more than those shown in the Commissioners 1958 Extended  
9 Term Insurance Table. Provided, however, that for insurance  
10 issued on a substandard basis, the calculation for any such  
11 adjusted premiums and present values may be based on such other  
12 table of mortality as may be specified by the company and  
13 approved by the Director. After the effective date of this  
14 subsection (4a), any company may file with the Director written  
15 notice of its election to comply with the provisions of this  
16 subsection after a specified date before January 1, 1966. After  
17 the filing of such notice, then upon such specified date (which  
18 shall be the operative date of this subsection for such  
19 company), this subsection shall become operative with respect  
20 to the Ordinary policies thereafter issued by such company. If  
21 a company makes no such election, the operative date of this  
22 subsection for such company shall be January 1, 1966.

23 (4b) This subsection (4b) shall not apply to Industrial  
24 policies issued on or after the operative date of subsection  
25 (4c). In the case of Industrial policies issued on or after the  
26 operative date of this subsection (4b) as defined herein, all

1 adjusted premiums and present values referred to in this  
2 Section shall be calculated on the basis of the Commissioners  
3 1961 Standard Industrial Mortality Table and the rate of  
4 interest specified in the policy for calculating cash surrender  
5 values and paid-up nonforfeiture benefits, provided that such  
6 rate of interest shall not exceed 3 1/2% per annum except that  
7 a rate of interest not exceeding 5 1/2% per annum may be used  
8 for policies issued on or after September 8, 1977, except that  
9 for any single premium whole life or endowment insurance policy  
10 a rate of interest not exceeding 6 1/2% per annum may be used.  
11 Provided, however, that in calculating the present value of any  
12 paid-up term insurance with accompanying pure endowment, if  
13 any, offered as a nonforfeiture benefit, the rates of mortality  
14 assumed may be not more than those shown in the Commissioners  
15 1961 Industrial Extended Term Insurance Table. Provided,  
16 further, that for insurance issued on a substandard basis, the  
17 calculations of any such adjusted premiums and present values  
18 may be based on such other table of mortality as may be  
19 specified by the company and approved by the Director. After  
20 the effective date of this subsection (4b), any company may  
21 file with the Director a written notice of its election to  
22 comply with the provisions of this subsection after a specified  
23 date before January 1, 1968. After the filing of such notice,  
24 then upon such specified date (which shall be the operative  
25 date of this subsection for such company), this subsection  
26 shall become operative with respect to the Industrial policies

1 thereafter issued by such company. If a company makes no such  
2 election, the operative date of this subsection for such  
3 company shall be January 1, 1968.

4 (4c) (a) This subsection shall apply to all policies issued  
5 on or after its operative date. Except as provided in paragraph  
6 (g), the adjusted premiums for any policy shall be calculated  
7 on an annual basis and shall be such uniform percentage of the  
8 respective premiums specified in the policy for each policy  
9 year, excluding amounts payable as extra premiums to cover  
10 impairments or special hazards and any uniform annual contract  
11 charge or policy fee specified in the policy in a statement of  
12 the method to be used in calculating the cash surrender value  
13 and paid-up nonforfeiture benefits of the policy, that the  
14 present value, at the date of issue of the policy, of all  
15 adjusted premiums shall be equal to the sum of (i) the then  
16 present value of the future guaranteed benefits provided for by  
17 the policy; (ii) 1% of either the amount of insurance, if the  
18 insurance is uniform in amount, or the average amount of  
19 insurance at the beginning of each of the first 10 policy  
20 years; and (iii) 125% of the nonforfeiture net level premium as  
21 hereinafter defined. In applying the percentage specified in  
22 (iii), however, no nonforfeiture net level premium shall exceed  
23 4% of either the amount of insurance, if the insurance is  
24 uniform in amount, or the average amount of insurance at the  
25 beginning of each of the first 10 policy years. The date of  
26 issue of a policy for the purpose of this subsection is the

1 date as of which the rated age of the insured is determined.

2 (b) The nonforfeiture net level premium equals the present  
3 value, at the date of issue of the policy, of the guaranteed  
4 benefits provided for by the policy divided by the present  
5 value, at the date of issue of the policy, of an annuity of one  
6 per annum payable on the date of issue of the policy and on  
7 each anniversary of such policy on which a premium falls due.

8 (c) In the case of a policy which causes, on a basis  
9 guaranteed in such policy, unscheduled changes in benefits or  
10 premiums, or which provides an option for changes in benefits  
11 or premiums other than a change to a new policy, adjusted  
12 premiums and present values shall initially be calculated on  
13 the assumption that future benefits and premiums do not change  
14 from those stipulated at the date of issue of such policy. At  
15 the time of any such change in the benefits or premiums, the  
16 future adjusted premiums, nonforfeiture net level premiums and  
17 present values shall be recalculated on the assumption that  
18 future benefits and premiums do not change from those  
19 stipulated by such policy immediately after the change.

20 (d) Except as otherwise provided in paragraph (g), the  
21 recalculated future adjusted premiums for any policy shall be  
22 such uniform percentage of the respective future premiums  
23 specified in the policy for each policy year, excluding amounts  
24 payable as extra premiums to cover impairments and special  
25 hazards and any uniform annual contract charge or policy fee  
26 specified in the policy in a statement of the method to be used

1 in calculating the cash surrender values and paid-up  
2 nonforfeiture benefits, that the present value, at the time of  
3 change to the newly defined benefits or premiums, of all such  
4 future adjusted premiums shall be equal to the excess of (A)  
5 the sum of (i) the then present value of the then future  
6 guaranteed benefits provided for by the policy and (ii) the  
7 additional expense allowance, if any, over (B) the then cash  
8 surrender value, if any, or present value of any paid-up  
9 nonforfeiture benefit under the policy.

10 (e) The additional expense allowance at the time of the  
11 change to the newly defined benefits or premiums shall be the  
12 sum of (i) 1% of the excess, if positive, of the average amount  
13 of insurance at the beginning of each of the first 10 policy  
14 years subsequent to the change over the average amount of  
15 insurance prior to the change at the beginning of each of the  
16 first 10 policy years subsequent to the time of the most recent  
17 previous change, or, if there has been no previous change, the  
18 date of issue of the policy; and (ii) 125% of the increase, if  
19 positive, in the nonforfeiture net level premium.

20 (f) The recalculated nonforfeiture net level premium  
21 equals the result obtained by dividing X by Y, where

22 (i) X equals the sum of

23 (A) the nonforfeiture net level premium applicable prior to  
24 the change times the present value of an annuity of one per  
25 annum payable on each anniversary of the policy on or  
26 subsequent to the date of the change on which a premium would

1 have fallen due had the change not occurred, and

2 (B) the present value of the increase in future guaranteed  
3 benefits provided for by the policy; and

4 (ii) Y equals the present value of an annuity of one per  
5 annum payable on each anniversary of the policy on or  
6 subsequent to the date of change on which a premium falls due.

7 (g) Notwithstanding any other provisions of this  
8 subsection to the contrary, in the case of a policy issued on a  
9 substandard basis which provides reduced graded amounts of  
10 insurance so that, in each policy year, such policy has the  
11 same tabular mortality cost as an otherwise similar policy  
12 issued on the standard basis which provides higher uniform  
13 amounts of insurance, adjusted premiums and present values for  
14 such substandard policy may be calculated as if it were issued  
15 to provide such higher uniform amounts of insurance on the  
16 standard basis.

17 (h) All adjusted premiums and present values referred to in  
18 this Section shall for all policies of ordinary insurance be  
19 calculated on the basis of the Commissioners 1980 Standard  
20 Ordinary Mortality Table or, at the election of the company for  
21 any one or more specified plans of life insurance, the  
22 Commissioners 1980 Standard Ordinary Mortality Table with  
23 Ten-Year Select Mortality Factors. All adjusted premiums and  
24 present values referred to in this Section shall for all  
25 policies of Industrial insurance be calculated on the basis of  
26 the Commissioners 1961 Standard Industrial Mortality Table.



1 All adjusted premiums and present values referred to in this  
2 Section for all policies issued in a particular calendar year  
3 shall be calculated on the basis of a rate of interest not  
4 exceeding the nonforfeiture interest rate as defined in this  
5 subsection for policies issued in that calendar year. The  
6 provisions of this paragraph are subject to the provisions set  
7 forth in subparagraphs (i) through (vii).

8 (i) At the option of the company, calculations for all  
9 policies issued in a particular calendar year may be made on  
10 the basis of a rate of interest not exceeding the nonforfeiture  
11 interest rate, as defined in this subsection, for policies  
12 issued in the immediately preceding calendar year.

13 (ii) Under any paid-up nonforfeiture benefit, including  
14 any paid-up dividend additions, any cash surrender value  
15 available, whether or not required by subsection (1), shall be  
16 calculated on the basis of the mortality table and rate of  
17 interest used in determining the amount of such paid-up  
18 nonforfeiture benefit and paid-up dividend additions, if any.

19 (iii) A company may calculate the amount of any guaranteed  
20 paid-up nonforfeiture benefit, including any paid-up additions  
21 under the policy, on the basis of an interest rate no lower  
22 than that specified in the policy for calculating cash  
23 surrender values.

24 (iv) In calculating the present value of any paid-up term  
25 insurance with an accompanying pure endowment, if any, offered  
26 as a nonforfeiture benefit, the rates of mortality assumed may

1 be not more than those shown in the Commissioners 1980 Extended  
2 Term Insurance Table for policies of ordinary insurance and not  
3 more than the Commissioner 1961 Industrial Extended Term  
4 Insurance Table for policies of industrial insurance.

5 (v) For insurance issued on a substandard basis, the  
6 calculation of any such adjusted premiums and present values  
7 may be based on appropriated modifications of the  
8 aforementioned tables.

9 (vi) For policies issued prior to the operative date of the  
10 Valuation Manual, any commissioner's standard ~~Any~~ ordinary  
11 mortality tables adopted after 1980 by the National Association  
12 of Insurance Commissioners and approved by regulations  
13 promulgated by the Director for use in determining the minimum  
14 nonforfeiture standard may be substituted for the  
15 Commissioners 1980 Standard Ordinary Mortality Table with or  
16 without Ten-Year Select Mortality Factors or for the  
17 Commissioners 1980 Extended Term Insurance Table.

18 For policies issued on or after the operative date of the  
19 Valuation Manual, the Valuation Manual shall provide the  
20 Commissioners Standard mortality table for use in determining  
21 the minimum nonforfeiture standard that may be substituted for  
22 the Commissioners 1980 Standard Ordinary Mortality Table with  
23 or without Ten-Year Select Mortality Factors or for the  
24 Commissioners 1980 Extended Term Insurance Table. If the  
25 Director approves by regulation any Commissioner's Standard  
26 ordinary mortality table adopted by the National Association of

1 Insurance Commissioners for use in determining the minimum  
2 nonforfeiture standard for policies issued on or after the  
3 operative date of the Valuation Manual, then that minimum  
4 nonforfeiture standard supersedes the minimum nonforfeiture  
5 standard provided by the Valuation Manual.

6 (vii) For policies issued prior to the operative date of  
7 the Valuation Manual, any Commissioner's Standard ~~Any~~  
8 industrial mortality tables adopted after 1980 by the National  
9 Association of Insurance Commissioners and approved by  
10 regulations promulgated by the Director for use in determining  
11 the minimum nonforfeiture standard may be substituted for the  
12 Commissioners 1961 Standard Industrial Mortality Table or the  
13 Commissioners 1961 Industrial Extended Term Insurance Table.

14 For policies issued on or after the operative date of the  
15 Valuation Manual, the Valuation Manual shall provide the  
16 Commissioner's Standard mortality table for use in determining  
17 the minimum nonforfeiture standard that may be substituted for  
18 the Commissioners 1961 Standard Industrial Mortality Table or  
19 the Commissioners 1961 Industrial Extended Term Insurance  
20 Table. If the Director approves by regulation any  
21 Commissioner's Standard industrial mortality table adopted by  
22 the National Association of Insurance Commissioners for use in  
23 determining the minimum nonforfeiture standard for policies  
24 issued on or after the operative date of the Valuation Manual,  
25 then that minimum nonforfeiture standard supersedes the  
26 minimum nonforfeiture standard provided by the Valuation

1 Manual.

2 (i) The nonforfeiture interest rate is defined as follows:

3 (i) For policies issued prior to the operative date of  
4 the Valuation Manual, The nonforfeiture interest rate per  
5 annum for any policy issued in a particular calendar year  
6 shall be equal to 125% of the calendar year statutory  
7 valuation interest rate for such policy, as defined in the  
8 Standard Valuation Law, rounded to the nearest .25%,  
9 provided, however, that the nonforfeiture interest rate  
10 shall not be less than 4.00%.

11 (ii) For policies issued on and after the operative  
12 date of the Valuation Manual, the nonforfeiture interest  
13 rate per annum for any policy issued in a particular  
14 calendar year shall be provided by the Valuation Manual.

15 (j) Notwithstanding any other provision in this Code to the  
16 contrary, any refiling of nonforfeiture values or their methods  
17 of computation for any previously approved policy form which  
18 involves only a change in the interest rate or mortality table  
19 used to compute nonforfeiture values shall not require refiling  
20 of any other provisions of that policy form.

21 (k) After the effective date of this subsection, any  
22 company may, with respect to any category of insurance, file  
23 with the Director a written notice of its election to comply  
24 with the provisions of this subsection after a specified date  
25 before January 1, 1989. That date shall be the operative date  
26 of this subsection for that category of insurance for such

1 company. If a company makes no such election, the operative  
2 date of this subsection for that category of insurance issued  
3 by such company shall be January 1, 1989.

4 (5) In the case of any plan of life insurance which  
5 provides for future premium determination, the amounts of which  
6 are to be determined by the insurance company based on then  
7 estimates of future experience, or in the case of any plan of  
8 life insurance which is of such a nature that minimum values  
9 cannot be determined by the methods described in subsections  
10 (1), (2), (3), (4), (4a), (4b) or (4c), then

11 (a) the Director shall satisfy himself that the benefits  
12 provided under such plan are substantially as favorable to  
13 policyholders and insured parties as the minimum benefits  
14 otherwise required by subsections (1), (2), (3), (4), (4a),  
15 (4b) or (4c);

16 (b) the Director shall satisfy himself that the benefits  
17 and the pattern of premiums of that plan are not such as to  
18 mislead prospective policyholders or insured parties; and

19 (c) the cash surrender values and paid-up nonforfeiture  
20 benefits provided by such plan shall not be less than the  
21 minimum values and benefits computed by a method consistent  
22 with the principles of this Standard Nonforfeiture law for Life  
23 Insurance, as determined by regulations promulgated by the  
24 Director.

25 (6) Any cash surrender value and any paid-up nonforfeiture  
26 benefit, available under the policy in the event of default in

1 a premium payment due at any time other than on the policy  
2 anniversary, shall be calculated with allowance for the lapse  
3 of time and the payment of fractional premiums beyond the last  
4 preceding policy anniversary. All values referred to in  
5 subsections (2), (3), (4), (4a), (4b) and (4c) may be  
6 calculated upon the assumption that any death benefit is  
7 payable at the end of the policy year of death. The net value  
8 of any paid-up additions, other than paid-up term additions,  
9 shall be not less than the amounts used to provide such  
10 additions. Notwithstanding the provisions of subsection (2),  
11 additional benefits payable (i) in the event of death or  
12 dismemberment by accident or accidental means, (ii) in the  
13 event of total and permanent disability, (iii) as reversionary  
14 annuity or deferred reversionary annuity benefits, (iv) as term  
15 insurance benefits provided by a rider or supplemental policy  
16 provision to which, if issued as a separate policy, this  
17 section would not apply, (v) as term insurance on the life of a  
18 child or on the lives of children provided in a policy on the  
19 life of a parent of the child, if such term insurance expires  
20 before the child's age is 26, is uniform in amount after the  
21 child's age is one, and has not become paid-up by reason of the  
22 death of a parent of the child, and (vi) as other policy  
23 benefits additional to life insurance and endowment benefits,  
24 and premiums for all such additional benefits, shall be  
25 disregarded in ascertaining cash surrender values and  
26 nonforfeiture benefits required by this section, and no such

1 additional benefits shall be required to be included in any  
2 paid-up nonforfeiture benefits.

3 (7) This subsection shall apply to all policies issued on  
4 or after January 1, 1987. Any cash surrender value available  
5 under the policy in the event of default in a premium payment  
6 due on any policy anniversary shall be in an amount which does  
7 not differ by more than .2% of either the amount of insurance  
8 if the insurance is uniform in amount, or the average amount of  
9 insurance at the beginning of each of the first 10 policy  
10 years, from the sum of (a) the greater of zero and the basic  
11 cash value hereinafter specified and (b) the present value of  
12 any existing paid-up additions less the amount of any  
13 indebtedness to the company under the policy.

14 The basic cash value equals the present value, on such  
15 anniversary, of the future guaranteed benefits which would have  
16 been provided for by the policy, excluding any existing paid-up  
17 additions and before deduction of any indebtedness to the  
18 company, if there had been no default, less the then present  
19 value of the nonforfeiture factors, as hereinafter defined,  
20 corresponding to premiums which would have fallen due on and  
21 after such anniversary. The effects on the basic cash value of  
22 supplemental life insurance or annuity benefits or of family  
23 coverage, as described in subsection (2) or (4), whichever is  
24 applicable, shall, however, be the same as are the effects  
25 specified in subsection (2) or (4), whichever is applicable, on  
26 the cash surrender values defined in that subsection.

1           The nonforfeiture factor for each policy year equals a  
2 percentage of the adjusted premium for the policy year, as  
3 defined in subsection (4) or (4c), whichever is applicable.  
4 Except as is required by the next succeeding sentence of this  
5 paragraph, such percentage

6           (a) shall be the same percentage for each policy year  
7 between the second policy anniversary and the later of (i) the  
8 fifth policy anniversary and (ii) the first policy anniversary  
9 at which there is available under the policy a cash surrender  
10 value in an amount, before including any paid-up additions and  
11 before deducting any indebtedness, of at least .2% of either  
12 the amount of insurance, if the insurance is uniform in amount,  
13 or the average amount of insurance at the beginning of each of  
14 the first 10 policy years; and

15           (b) shall be such that no percentage after the later of the  
16 2 policy anniversaries specified in the preceding item (a) may  
17 apply to fewer than 5 consecutive policy years.

18           No basic cash value may be less than the value which would  
19 be obtained if the adjusted premiums for the policy, as defined  
20 in subsection (4) or (4c), whichever is applicable, were  
21 substituted for the nonforfeiture factors in the calculation of  
22 the basic cash value.

23           All adjusted premiums and present values referred to in  
24 this subsection shall for a particular policy be calculated on  
25 the same mortality and interest bases as those used in  
26 accordance with the other subsections of this law. The cash



1 surrender values referred to in this subsection shall include  
2 any endowment benefits provided for by the policy.

3 Any cash surrender value available other than in the event  
4 of default in a premium payment due on a policy anniversary,  
5 and the amount of any paid-up nonforfeiture benefit available  
6 under the policy in the event of default in a premium payment  
7 shall be determined in manners consistent with the manners  
8 specified for determining the analogous minimum amounts in  
9 subsections 1, 2, 3, 4c, and 6. The amounts of any cash  
10 surrender values and of any paid-up nonforfeiture benefits  
11 granted in connection with additional benefits such as those  
12 listed as items (i) through (vi) in subsection (6) shall  
13 conform with the principles of this subsection (7).

14 (8) This Section shall not apply to any of the following:

15 (a) reinsurance,

16 (b) group insurance,

17 (c) a pure endowment,

18 (d) an annuity or reversionary annuity contract,

19 (e) a term policy of uniform amount, which provides no  
20 guaranteed nonforfeiture or endowment benefits, or renewal  
21 thereof, of 20 years or less expiring before age 71, for which  
22 uniform premiums are payable during the entire term of the  
23 policy,

24 (f) a term policy of decreasing amount, which provides no  
25 guaranteed nonforfeiture or endowment benefits, on which each  
26 adjusted premium, calculated as specified in subsections (4),

1 (4a), (4b) and (4c), is less than the adjusted premium so  
2 calculated, on a term policy of uniform amount, or renewal  
3 thereof, which provides no guaranteed nonforfeiture or  
4 endowment benefits, issued at the same age and for the same  
5 initial amount of insurance and for a term of 20 years or less  
6 expiring before age 71, for which uniform premiums are payable  
7 during the entire term of the policy,

8 (g) a policy, which provides no guaranteed nonforfeiture or  
9 endowment benefits, for which no cash surrender value, if any,  
10 or present value of any paid-up nonforfeiture benefit, at the  
11 beginning of any policy year, calculated as specified in  
12 subsections (2), (3), (4), (4a), (4b) and (4c), exceeds 2.5% of  
13 the amount of insurance at the beginning of the same policy  
14 year,

15 (h) any policy which shall be delivered outside this State  
16 through an agent or other representative of the company issuing  
17 the policy.

18 For purposes of determining the applicability of this  
19 Section, the age of expiry for a joint term life insurance  
20 policy shall be the age of expiry of the oldest life.

21 (9) For the purposes of this Section:

22 "Operative date of the Valuation Manual" means the January  
23 1 of the first calendar year that the Valuation Manual is  
24 effective.

25 "Valuation Manual" has the same meaning as set forth in  
26 Section 223 of this Code.

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1 (Source: P.A. 83-1465.)