

**CHAPTER 89b. APPROVAL FOR LIFE INSURANCE, ACCIDENT
AND HEALTH INSURANCE AND PROPERTY AND CASUALTY
INSURANCE FILING AND FORM**

GENERAL FILING PROVISIONS

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Authority

The provisions of this Chapter 89b issued under sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); sections 510—514 of The Insurance Company Law (40 P. S. §§ 510—514); and section 3(a) of the Accident and Health Filing Reform Act (40 P. S. § 3803(a)), unless otherwise noted.

Source

The provisions of this Chapter 89b adopted November 22, 2002, effective November 23, 2002, 32 Pa.B. 5747; renumbered December 13, 2002, effective December 14, 2002, 32 Pa.B. 6128, unless otherwise noted.

GENERAL FILING PROVISIONS

§ 89b.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Department—The Insurance Department of the Commonwealth.

Filer—A person or entity submitting insurance or annuity forms to the Department.

Prominent type—

(i) Font or formatting techniques which differentiate selected text from other text.

(ii) The term includes, for example, capital letters, contrasting color and underscoring.

§ 89b.2. Purpose.

(a) This chapter provides the criteria for insurers to use in preparing specific form filings for Department review. Additionally, the chapter provides requirements for the general content of forms.

(b) In addition to the requirements of this chapter, Chapter 89 (relating to approval of life, accident and health insurance) also applies to these filings.

§ 89b.3. Form filings.

(a) *Submission of forms.* Policies, contracts, certificates, endorsements, riders, applications and related forms for life insurance and annuities, accident and health insurance, and property and casualty insurance, intended to be issued in this Commonwealth, shall be submitted to the Department in accordance with the following:

(1) Forms for life insurance and annuities issued by insurance companies shall be submitted for prior approval in accordance with section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b), unless specifically excepted under section 354 of The Insurance Company Law of 1921. Forms for life insurance and annuities issued by fraternal benefit societies shall be submitted for prior approval in accordance with section 404(f) of the Fraternal Benefit Societies Code (40 P. S. § 1142-404(f)), unless specifically excepted under section 354 of The Insurance Company Law of 1921.

(2) Forms for accident and health insurance shall be filed in accordance with section 3 of the Accident and Health Filing Reform Act (40 P. S. § 3803).

(3) Forms for property and casualty insurance shall be submitted for prior approval in accordance with section 354 of The Insurance Company Law of 1921 unless specifically excepted under section 354 of The Insurance Company Law of 1921.

(b) *Out-of-State delivery.* When other jurisdictions require prior approval or filing by the Department of forms to be issued in those jurisdictions by domestic Pennsylvania insurers, the insurers may submit the forms to the Department for approval or filing for issuance outside of this Commonwealth only.

§ 89b.4. General filing procedure.

(a) *Number of copies.*

(1) Forms intended to be issued in this Commonwealth shall be submitted in duplicate for hard copy filings. Filers submitting forms by means of electronic medium shall submit one electronic copy. One copy of each form may be retained by the Department.

(2) One copy of a form intended to be issued only outside this Commonwealth shall be submitted.

(b) *Clearly legible forms.* Forms intended to be issued in this Commonwealth shall be submitted in clearly legible form.

(c) *Filing fee.* A submission of forms shall include any filing fee as required by section 212 of The Insurance Department Act of 1921 (40 P. S. § 50).

(d) *Self-addressed stamped return envelope.* A hard copy submission of forms shall include a self-addressed envelope bearing enough postage to permit the return to the filer of the duplicate copies of the forms or submission letter, or both.

(e) *Separate submissions.* Forms for each line of insurance, life and annuities, accident and health, and property and casualty, shall be submitted separately to their respective bureaus within the Department: the Bureau of Life Insurance, the Bureau of Accident and Health Insurance, and the Bureau of Property and Casualty Insurance.

(f) *By whom submitted.* A submission of forms shall be made by the home office or an administrative office of the insurer, or by an attorney at law representing the insurer, unless the following applies:

- (1) The submission includes, or is preceded by, a document from the insurer specifically authorizing the filer to make the submission on the insurer's behalf.
- (2) The submission is made by a rating organization, licensed in this Commonwealth, on behalf of its members and subscriber companies.

Cross References

This section cited in 31 Pa. Code § 89b.5 (relating to letter of submission); 31 Pa. Code § 90c.2 (relating to general provisions); 31 Pa. Code § 90d.2 (relating to general provisions); 31 Pa. Code § 90e.2 (relating to general provisions); 31 Pa. Code § 90f.2 (relating to general provisions); 31 Pa. Code § 90g.2 (relating to general provisions); and 31 Pa. Code § 90h.2 (relating to general provisions).

§ 89b.5. Letter of submission.

The letter of submission shall be in duplicate for hard copy filings, shall clearly identify the insurer whose name appears on the forms and the filer, and shall be sent to the appropriate bureau director in the Office of Rate and Policy Regulation under the requirements of § 89b.4(e) (relating to general filing procedure). Only one copy of the letter of submission is necessary for electronic submissions. The letter shall contain at least all of the following information for each form submitted:

- (1) The identifying form number. Additionally, if the form is other than a policy, contract or certificate, the form number of the policy, contract or certificate with which it will be used, and the date approved by or filed with the Department, or if not approved or filed, the date last submitted to the Department, or if for more general use, the type or group of the forms shall be described. If the form is a group certificate, the form number of the group master policy with which it will be used, and the date the group master policy was approved by or filed with the Department, or if not approved or filed, the

date last submitted to the Department, or if the certificate is for general use, the types of group master policies with which it will be used.

(2) A designation of the general type of form submitted; for example, policy, contract, certificate, rider, endorsement, amendment, agreement, application, insert page or other general type.

(3) A brief statement of the specific type of insurance or annuity benefit coverage provided by the form. If the form does not provide insurance or annuity benefit coverage, a brief statement of the specific purpose of the form.

(4) If the form contains any provision, condition, feature or concept that departs from those generally used by the industry and that could be construed as new, innovative, uncommon or unusual, a statement to this effect and an explanation of the specific purpose of the provision, condition, feature or concept.

(5) An explanation of the marketing method, if the method of marketing of the form departs from the direct sales approach or employs a new concept.

(6) If the form is a new one, not replacing an existing form, a statement to that effect.

(7) If the form is intended to replace another form, the form number of the form to be replaced, the date that the form was approved by or filed with the Department, and a statement of the changes made to the form to be replaced.

(8) For group insurance policy forms, a brief description of the type of entity to which the group policy will be issued; for example, discretionary group, association, out-of-State trust.

(9) The amount of the filing fee included with the submission or the amount that will be billed to the insurer.

Cross References

This section cited in 31 Pa. Code § 90c.2 (relating to general provisions); 31 Pa. Code § 90d.2 (relating to general provisions); 31 Pa. Code § 90e.2 (relating to general provisions); 31 Pa. Code § 90f.2 (relating to general provisions); 31 Pa. Code § 90g.2 (relating to general provisions); and 31 Pa. Code § 90h.2 (relating to general provisions).

PREPARATION OF FORMS

§ 89b.11. General contents of forms.

(a) *Name and address.* Each form shall state the full corporate or legal name of the company, association, exchange or society. However, the name need appear for filing purposes only on a rider, endorsement, amendment, agreement or insert page. If added for filing purposes only, the name may be added by any legible means. If more than one insurer is using an application, a multicompany application providing for the designation of the applicable insurer and available cover-

ages, if applicable, may be used. A policy, contract or fraternal certificate shall state a current address for the insurer, consisting of at least a city and state or province.

(b) *Form number.* Each form shall contain a form number consisting of numbers, letters, or both. The form number shall be adequate to distinguish the form from all others used by the insurer. The form number may be the same as that of a form to be replaced. However, if the form to be replaced was approved by or filed with the Department, it may not have been issued in this Commonwealth and shall be withdrawn from any issuance in this Commonwealth.

(c) *Description or caption.* Each form, except an insert page, shall contain a brief description or descriptive caption. This brief description or descriptive caption shall appear in prominent type on the first or cover page of the form, or, in the case of a policy, contract or certificate, on the specifications page if the brief description or descriptive caption is visible without opening the form. The brief description or descriptive caption shall contain at least the following information:

(1) A designation of the general type of the form, that is, policy, contract, certificate, rider, endorsement, amendment, agreement, application or other general type.

(2) A designation of the specific type of insurance or annuity coverage provided, or if the form does not provide insurance or annuity coverage, a designation of the purpose of the form.

(3) If the form is a policy, contract or certificate, an indication of whether the form is participating or nonparticipating with regard to paying dividends to policyholders.

(d) *Required statement.* A rider, endorsement, amendment or agreement designated by another term in its brief description or descriptive caption shall state that it is "attached to and made part of the (policy, contract or certificate)," as appropriate.

(e) *Hypothetical data.* The blank spaces of each form, except an application, shall be filled in with hypothetical data to indicate the purpose of the form. This data shall be realistic and consistent with the other contents of the form. Information appearing in a form, except an application, which is variable shall be bracketed or otherwise marked to denote variability.

(f) *Readability.* A form:

(1) Shall be written in simple words and with sentences as short as possible. The words and sentences should convey meanings clearly and directly. Words should be used in their commonly understood senses.

(2) Shall contain a definition or explanation of terminology that would not be ordinarily understood by a person of average intelligence.

(3) May not contain inconsistent or contradictory language or provisions.

(4) That provides insurance coverage, shall accurately and completely explain the coverage and conditions of coverage.

Cross References

This section cited in 31 Pa. Code § 90c.12 (relating to form number); 31 Pa. Code § 90d.2 (relating to general provisions); 31 Pa. Code § 90d.9 (relating to riders); 31 Pa. Code 90e.2 (relating to general provisions); 31 Pa. Code § 90e.11 (relating to riders); 31 Pa. Code § 90f.2 (relating to general provisions); 31 Pa. Code § 90f.13 (relating to riders); 31 Pa. Code § 90g.2 (relating to general provisions); 31 Pa. Code § 90g.14 (relating to riders); and 31 Pa. Code § 90h.2 (relating to general provisions).

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