

Review Requirements Checklist  
INDIVIDUAL VARIABLE LIFE

REVIEW REQUIREMENTS	REFERENCES	COMMENTS
<b>General Filing Requirements</b>		
Transmittal Letter	14VAC5-100-40	<b>For Paper Filings:</b> Must be submitted in duplicate for each filing, describing each form, its intended use and kind of insurance provided.
	14VAC5-100-40 1	Forms submitted and described in transmittal letter must have a number that consists of digits, letters or a combination of both.
	14VAC5-100-40 2	Must clearly indicate if forms are replacements, revisions, or modifications of previously approved forms and describe the exact changes that are intended.
	14VAC5-100-40 3	Certification of Compliance signed by General Counsel or officer of company or attorney or actuary representing company is required.
	14VAC5-100-40 5	Description of market for which form is intended.
	14VAC5-100-40 6	<b>For Paper Filings:</b> At least one copy of each form must be included in the filing. A duplicate copy of forms must be submitted if the company wants a “stamped” copy of forms for its records. A stamped self-addressed return envelope is required. The letter of transmittal must be addressed to, State Corporation Commission, Bureau of Insurance, P. O. Box 1157, Richmond, VA 23218.
	Administrative Letter 1983-7	Must include the name and individual NAIC number of the company for which the filing is made.
Variable Language		All variable information must be bracketed and explained in detail. A Statement of Variability (SOV) should be provided in all cases where variable information is presented. The SOV should be detailed and specific. It should identify each variable field appearing in the forms and describe specifically how that field will vary from the text as presented. For any variable numerical information, please express the minimum and maximum values. Any variable language must be defined sufficiently so that compliance with statutory or regulatory requirements can be determined. The SOV should be provided under Supporting Documentation.
<b>Additional SERFF Filing Requirements</b>	<b>Administrative Letter 2012-03</b>	<b>Additional SERFF filing requirements must be met as specified below for life and health forms and rate filings.</b>
<b>General Information – Filing Description</b>		(i) Description of each form by name, title, edition date, other; and intended use.
		(ii) Identification of changes in benefits and premiums (previously approved or filed forms). [Place changed contract provisions (red-lined or highlighted) in Supporting Documentation].
		(iii) Identification of SERFF or state tracking number for the previously approved or filed form for which the new form revises, replaces, or is intended to be used.

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		(iv) A statement as to whether any other regulatory body has withdrawn approval of the form because the form contains one or more provisions that were deemed to be misleading, deceptive or contrary to public policy.
<b>HELP TIP:</b>		If a form or rate filing is submitted as new in Virginia, but was previously disapproved or withdrawn in Virginia, please provide details such as the state tracking information, form number, and the date that the form or rate filing was disapproved or withdrawn, if available.
<b>Forms</b>		
Form Number	14VAC5-100-50 1	Form number must appear in lower left-hand corner of first page of each form.
Company Name & Address	14VAC5-100-50 2	Full and proper corporate name (including "Inc.") must prominently appear on cover sheet of all policies and other forms. Home office address of insurer must prominently appear on each policy.
Final Form	14VAC5-100-50 3	Form must be submitted in the form in which it will be issued and completed in "John Doe" fashion to indicate its intended use.
Application	14VAC5-100-50 4	Any form, which is to be issued with an attached application, must be filed with a copy of the application completed in "John Doe" fashion to indicate its intended use. (If an application was previously approved, advise date of approval).
Type Size	14VAC5-100-50 5 & § 38.2-311	Forms must be printed in a type size of at least 8-point type.
Arbitration	§ 38.2-312	Contract may not deprive courts of Virginia jurisdiction in actions against insurer. Arbitration may not be binding.
Fraud Notice	§ 38.2-316 D 1	Title 38.2 of the Code of Virginia does not define "Insurance Fraud". Any fraud notice that includes the term "insurance fraud" is not in compliance with this section of the Code. In Virginia, a fraud notice relating to life insurance, annuities, accident and sickness, health maintenance organizations, health services plans, credit accident and sickness and credit life insurance should not include references to imprisonment or fines. Variations in a notice warning of consequences of making fraudulent statements will be considered.
<b>Disclosures</b>		
Contents of Policies	§ 38.2-305 A	Each policy/contract shall specify the: (1) The names of parties to the contract, (2) The subject of the insurance, (3) The risk insured against, (4) The time the insurance takes effect, and the period during which the insurance is to continue, (5) A statement of premium, (6) Conditions pertaining to the insurance.
Important Notice	§ 38.2-305 B	Each new or renewal policy/contract/certificate/evidence of coverage shall be accompanied by an important notice as stated in the statute.

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Beneficiary Notice	§ 38.2-305 C	Every life policy that states that the beneficiary is the spouse of the policy owner must contain a beneficiary notice either attached to or incorporated into the first page of the policy.
<b>General Policy Provisions</b>		
Suicide	§ 38.2-3106 B	If the policy includes a suicide provision, the provision shall be no more restrictive than limiting the liability of an insurer to an insured who dies by his own act within 2 years from the date of the policy. The insurer shall be obligated to return or pay at the least the amount of the premium paid for the policy.
Contestability of Reinstated Policy	§ 38.2-3109	The policy may be contestable on account of fraud or misrepresentation of any material fact pertaining to the reinstatement contained in the application for reinstatement only for the same period after reinstatement as the policy provides for contestability.
Educational Loans	§ 38.2-3113.3	May be added to life policies provided that all of the eligibility qualifications, amounts of funds and terms of the loan are specified. The loan will be granted provided that the applicant has met all of the requirements. Any advertising material used with this benefit must be filed and approved by the Commission under § 38.2-316.
Interest on Life Proceeds	§ 38.2-3115	If an action to recover the proceeds under any life policy results in a judgement against the insurer, the legal rate of interest shall be paid from the date of presentation of proof of death, or the date of maturity of an endowment policy, to the date that the judgement was entered. If no action was brought, interest upon the principal sum shall be computed daily at an annual rate of 2½% or at the annual rate currently paid by the insurer on proceeds left under the interest settlement option, whichever is greater.
Deferral on Cash Surrender Values	§ 38.2-3202 C	The insurer may defer payment of the cash surrender value for no more than 6 months.
Loan Value/Length of Deferment	§ 38.2-3218	The loan value shall be the cash surrender value at the end of the current policy year. The insurer shall have the right to defer a loan for up to 6 months after an application for the loan is made, except when the loan is made to pay premiums to the insurer.
Free Look Period	§ 38.2-3301	Each policy shall contain a statement that the policy owner has at least 10 days from the date of the policy in which to review the policy and return it to the company for a full refund of any premium paid.
Premiums in Advance	§ 38.2-3302	Each policy shall contain a provision that states that all premiums, after the first premium, shall be payable in advance.
Entire Contract	§ 38.2-3304 A	Each policy shall contain a provision that states that the policy and the attached application constitute the entire contract.
	§ 38.2-3304 B 1	Each policy shall contain a provision that states that all statements shall be deemed representations and not warranties.

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	§ 38.2-3304 B 2	Each policy shall provide that no statements shall be used in defense of a claim under the policy unless it is contained in a written application that is endorsed upon or attached to the policy when issued or delivered.
Incontestability	§ 38.2-3305 A	Each policy shall contain a provision that the policy shall be incontestable after it has been in force for 2 years from its date of issue, except for nonpayment of premiums.
Misstatement of Age	§ 38.2-3306	Each policy shall contain a provision that if the age of the insured was found to have been misstated, the amount payable under the policy shall equal the amount that the premium would have purchased at the insured's or other person's correct age at the time the policy was issued.
Participation in Surplus	§ 38.2-3307 A	Any policy that is participating in surplus shall provide that annual dividends be paid in cash. If other dividend options are provided, the policy shall state which options shall be effective if the insured does not elect any option on or before the expiration of the grace period allowed for the payment of the premium.
Policy Loans	§ 38.2-3308 A	If the policy includes a loan provision, the policy shall provide that, after it has been in force for 3 years, the owner may advance a sum equal to or, at the option of the owner, less than the amount required by § 38.2-3218.
	§ 38.2-3308 C 1	The policy loan interest rate provision shall permit a maximum fixed rate of not more than 8% per year or an adjustable maximum interest rate established from time to time by the insurer. The adjustable rate shall not exceed the greater of the Published Monthly Average for the calendar month ending 2 months before the date on which the rate is determined or the rate used to compute the cash surrender values under the policy plus 1% per year.
	§ 38.2-3308 C 4	If the maximum interest rate is determined pursuant to the Published Monthly Average, the policy shall contain a provision setting forth the frequency at which the rate is to be determined for that policy.
	§ 38.2-3308 D	The insurer may deduct from the loan value any indebtedness not already deducted in determining the value of any unpaid balance of the premium and any interest that may be allowable on the loan to the end of the current policy year. If interest on the loan is not paid when due, it will be added to the existing loan and bear interest at the same rate.
Settlement/Due Proof of Death	§ 38.2-3312	When a death claim arises, settlement shall be made upon receipt of due proof of death.
Settlement Tables	§ 38.2-3313	If policy proceeds are payable in installments that are determinable prior to the maturity of the policy, the policy shall contain a table showing the guaranteed installments.
Title of Policy	§ 38.2-3314	Each policy must include, on its face page, a title that briefly and accurately describes the nature and form of the policy.
Benefit & Design Requirements	14VAC5-80-120 1	Mortality and expense charges shall be subject to the maximums stated in the policy.
	14VAC5-80-120 2	For scheduled premium policies, a minimum death benefit shall be provided that is at least equal to the initial face amount of the policy, less any indebtedness.
	14VAC5-80-120 3	Policy shall reflect the investment experience of one or more separate accounts.

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	14VAC5-80-120 4	Each policy shall be credited with the full amount of the net investment return applied to the benefit base.
	14VAC5-80-120 5	Any changes in variable death benefits of each variable life insurance policy shall be determined at least annually.
	14VAC5-80-120 6	The cash value shall be determined at least monthly.
	14VAC5-80-120 7	Computations of values required for each policy may be based on reasonable and necessary approximations acceptable to the Commission.
Policy Cover (First Page)	14VAC5-80-130 1 a	Each policy shall contain a prominent statement in boldface type that is at least 2 points larger than the type used for policy provisions, printed in all capital letters, indicating that the amount or duration of the death benefits may be variable or fixed under specified conditions.
	14VAC5-80-130 1 b	Each policy shall contain a prominent statement in boldface type that is at least 2 points larger than the type used for policy provisions, printed in all capital letters, indicating that the cash values may increase or decrease.
	14VAC5-80-130 1 c	For scheduled premium policies, a description of any minimum death benefit required must be prominently stated, in contrasting color and in boldface type at least 2 points larger than the type used for policy provisions, printed in all capital letters.
	14VAC5-80-130 1 d	Each policy shall contain a statement describing the method, or a reference to the policy provision which describes the method, for determining the amount of insurance payable at death.
	14VAC5-80-130 1 e	When appropriate, the policy shall contain a prominent statement in boldface type at least 2 points larger than the type used for policy provisions, printed in all capital letters, that the policy loan value is less than 100% of the policy's cash surrender value.
Grace Period	14VAC5-80-130 2 a	Grace period for scheduled premiums policies shall be no less than 31 days from the premium due date.
	14VAC5-80-130 2 b	Grace period for flexible premium policies shall be no less than 61 days after the mailing date of the report to policyholders.
Reinstatement	14VAC5-80-130 3 a	For scheduled premium policies, a policy can be reinstated anytime within 3 years from date of default. All overdue premiums with interest shall not exceed 6% per year or 110% of the increase in cash value resulting from reinstatement not exceeding 6% per annum compounded annually.
	14VAC5-80-130 3 b	For flexible premium policies, a policy can be reinstated anytime within 3 years from date of default. Payment of an amount shall not exceed 3 months cost of insurance or 110% of the increase in cash value resulting from reinstatement not exceeding 6% per annum compounded annually.
Description of Base, Method of Calculation	14VAC5-80-130 4	The policy must include a full description of the benefit base and the method of calculation and application of any factors used to adjust variable benefits.

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Separate Accounts	14VAC5-80-130 5	The policy must include a provision designating the separate accounts to be used. The policy must also state that the assets of such separate account shall be available to cover the liabilities of the general account only to the extent that the assets of the separate account exceed the liabilities of the separate account. The assets of such separate account shall be valued at least as often as any policy benefits vary but at least monthly.
Designation of Officers	14VAC5-80-130 6	Designation of officers who are allowed to make an agreement or representation on behalf of the insurer must be included in the policy.
Beneficiary Designation	14VAC5-80-130 7	A provision that sets forth conditions or requirements as to the designation, or change of designation, of a beneficiary must be included in the policy.
Assignment	14VAC5-80-130 8	A statement of any conditions or requirements concerning the assignment of a policy.
Misstatement of Age	14VAC5-80-130 9	The policy must include a description of adjustments which need to be made in the event of a misstatement of age or sex of the insured.
State of Domicile Approval	14VAC5-80-130 10	The policy must include a provision stating that the investment policy of the separate account shall not be changed without approval of the insurance supervisory official of the state of domicile of the insurer and the approval process is on file with the Commission.
Deferral of Payment of Benefits	14VAC5-80-130 11	The policy must include a provision that payments of variable death benefits in excess of any minimum death benefits, cash values, policy loans or partial withdrawals (except when used to pay premiums) or partial surrenders may be deferred for up to 6 months if payments are based on policy values that do not depend on the investment performance of the separate account or for any period during which the New York Stock Exchange is closed for trading or when the Securities and Exchange Commission has determined a state of emergency.
Settlement Options	14VAC5-80-130 12	At least one settlement option, if provided, must be offered on a fixed basis.
Description of Basis	14VAC5-80-130 13	Include a description of the basis for computing the cash value and the surrender value.
Incidental Benefits	14VAC5-80-130 14	Premiums or charges for incidental insurance benefits shall be stated separately.
Policy Loans	14VAC5-80-140	A provision for policy loans after the policy has been in force for 2 full years may be included in the policy.
	14VAC5-80-140 6	Policy loan provisions may provide that at least 90% of the policy's cash surrender value may be borrowed.
Prospectus	14VAC5-80-300	Each insurer shall deliver to every applicant a prospectus.
Reports	14VAC5-80-320 1	Each insurer is responsible for mailing to each policyholder an annual report.

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**Access to Administrative Letters, Administrative Orders, Regulations and Laws is available at:  
<http://www.scc.virginia.gov/boi/laws.aspx>**

The Forms and Rates Section of the Life and Health Division reviews individual variable life insurance. Please contact this section at (804) 371-9110 if you have questions or need additional information about this line of insurance.

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I hereby certify that I have reviewed the attached individual variable life filing and determined that it is in compliance with the individual variable life checklist.

Signed: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Company Name: \_\_\_\_\_

Date: \_\_\_\_\_ Phone No: ( ) \_\_\_\_\_ FAX No: ( ) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_