Chapter 284-58 WAC
LIFE AND DISABILITY FORM AND RATE FILINGS

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284-58-120 Blanket disability insurance forms which may be filed by certification. [Statutory Authority: RCW 48.02.060, 82-23-009 (Order R 82-5), § 284-58-120, filed 11/5/82.] Repealed by 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

(12/21/11)

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WAC 284-58-005 Definitions that apply to this chapter. The definitions in this section apply throughout this chapter.

1. "Complete filing" means a package of information containing insurance forms, supporting information, documents and exhibits submitted to the commissioner electronically using the System for Electronic Rate and Form Filing (SERFF).

2. "Credit insurance" means the types of insurance defined in RCW 48.34.030 (1) and (2).

3. "Date filed" means the date a complete filing has been received and accepted by the commissioner.

4. "Disability insurance" means the same as in RCW 48.11.030.

5. "Filer" means a person, organization or other entity that files insurance forms or rates with the commissioner for an insurer.

6. "Insurance" means the same as in RCW 48.01.040.

7. "Insurer" means an insurer defined in RCW 48.01.050 that has been issued a certificate of authority by the commissioner under chapter 48.05 RCW.

8. "Life insurance" means the same as in RCW 48.11.020.

9. "NAIC" means the National Association of Insurance Commissioners.

10. "Objection letter" means correspondence created in SERFF and sent by the commissioner to the filer that:

   a. Requests clarification, documentation or other information;

   b. Explains errors or omissions in the filing; or

   c. Disapproves a form under RCW 48.18.110.

11. "Rate" or "rates" means all classification manuals, rate or rule manuals, rating plans, rating schedules, minimum rates, class rates, and rating rules that insurers must file under RCW 48.19.010(2) and 48.34.100.

12. "SERFF" means the System for Electronic Rate and Form Filing. SERFF is a proprietary NAIC computer-based application that allows insurers and other entities to create and submit rate, rule and form filings electronically to the commissioner.

13. "Type of insurance" means a specific type of insurance listed in the Uniform Life, Accident and Health, Annuity and Credit Coding Matrix published by the NAIC and available at www.naic.org.

WAC 284-58-010 Purpose of this chapter. This chapter contains the Washington state life, disability and credit insurance form and rate filing requirements.

The purpose of this chapter is to adopt processes and procedures for insurers and filers to use when submitting life, disability and credit insurance products with the commissioner. Rules in this chapter:

1. Establish the necessary contents of a form filing;

2. Establish the filing requirements for credit and disability insurance classification plan and rate and rule manuals; and

3. Effective February 1, 2009, designate SERFF as the method by which filers must submit life, credit and disability filings to the commissioner.

WAC 284-58-020 Scope of this chapter. (1) This chapter applies to all life and disability insurers that must file forms and rates under RCW 48.18.100, 48.19.010(2) and 48.34.100.

(2) Under RCW 48.18.100, the commissioner is required to act within thirty days to approve or disapprove a form. The commissioner may extend the review period to forty-five days under RCW 48.18.100(3). If the commissioner does not act within the review period, the form is deemed approved and the insurer may use the form. The commissioner may subsequently withdraw approval of a form for cause.

WAC 284-58-023 Certification process does not apply to life, disability or credit insurance forms. Insurers may not use the certification process described in RCW 48.18.100(2) to file life, disability or credit insurance forms. Insurers must file these forms under RCW 48.18.100(1) or 48.34.100.

WAC 284-58-025 Filing instructions that are incorporated into this chapter. SERFF is a dynamic application that the NAIC will revise and enhance over time. To be consistent with NAIC filing standards and provide timely instructions to filers, the commissioner will incorporate documents posted on the SERFF web site into this chapter. By reference, the commissioner incorporates these documents into this chapter:

1. The SERFF Industry Manual available within the SERFF application; and

(1) Each credit, life or disability insurance form or rate filing must be submitted to the commissioner electronically using SERFF.

(a) Every form filed in SERFF must be attached to the form schedule.

(b) Filers must send all written correspondence related to a form or rate filing in SERFF.

(2) All filed forms must be legible for both the commissioner's review and retention as a public record. Filers must submit new or revised forms to the commissioner for review in final form displayed in ten-point or larger type.

(3) Filers must submit complete filings that comply with the SERFF Industry Manual available within the SERFF application and the Washington State SERFF Life and Disability Rate and Form Filing General Instructions posted on the commissioner's web site (www.insurance.wa.gov).

(4) Filers must submit separate filings for each type of insurance. This section does not apply to:

(a) Credit insurance filings made under RCW 48.34.040; or

(b) Group insurance where different types of insurance are incorporated into a single certificate.

WAC 284-58-033 Specific rate filing rules. (1) If a rate filing is required under RCW 48.19.010(2) or 48.34.100, it must be submitted:

(a) Separate from any corresponding form filing; and

(b) Concurrently with the corresponding form filing if new forms are being introduced.

(2) Each rate filing must include, if appropriate:

(a) Rates, manuals of classification, manuals of rules and modifications thereof;

(b) Actuarial memorandum of nonforfeiture values;

(c) Actuarial demonstration of anticipated loss ratio; and

(d) Any additional data or information requested by the commissioner.

WAC 284-58-037 The commissioner may reject filings. (1) The commissioner may reject and close any filing that does not comply with WAC 284-58-030 or 284-58-033.

If the commissioner rejects a filing, the insurer has not filed forms or rates with the commissioner.

(2) If the commissioner rejects a filing and the filer resubmits it as a new filing, the date filed will be the date the commissioner receives and accepts the new filing.
(c) A side-by-side comparison of current and proposed policy language.

[Statutory Authority: RCW 48.02.060, 48.110.150. 08-21-091 (Matter No. 2007-11), § 284-58-053, filed 10/15/08, effective 2/1/09.]

**WAC 284-58-057 Effective date rules.** (1) Filers must include a common approval date for all forms or rates submitted in a filing.

(2) Filers may submit a request to change the approval date of a filing as a note to reviewer.

[Statutory Authority: RCW 48.02.060, 48.110.150. 08-21-091 (Matter No. 2007-11), § 284-58-057, filed 10/15/08, effective 2/1/09.]

**WAC 284-58-061 Reference copies of amendatory endorsements.** If an insurer will use a previously approved Washington amendatory endorsement with a new form, the filer must:

(1) Provide a copy of the amendatory endorsement attached as supporting documentation; or

(2) Include the SERFF tracking number under which the endorsement was filed and approved in the filing description; and

(3) Explain how the insurer will use the amendatory endorsement with the new form.

[Statutory Authority: RCW 48.02.060, 48.110.150. 08-21-091 (Matter No. 2007-11), § 284-58-061, filed 10/15/08, effective 2/1/09.]

**WAC 284-58-066 Rules that apply to insurance forms translated from English to another language.** Insurers may issue insurance policy forms written in languages other than English.

(1) If an insurer translates an insurance policy form from English to another language, the insurer must:

(a) File the translated version of the form.

(b) Include written disclosure statements on the translated policy form that the insurer is issuing the translated form on an informational basis and the English version is controlling for the purposes of application and interpretation. The disclosure statements must be in English and the language of the translated form and printed in bold face type of at least twelve-point font.

(c) Submit a certification with the filing by an officer employed by the insurer that the insurer will issue the English version of the policy form with the translated policy form.

(2) When filing a translated policy form, the filer must:

(a) Identify the approved English version of the policy form by providing, as applicable, the:

(i) SERFF filing number;

(ii) Form number, edition date or edition identifier; and

(iii) Effective date of the filing.

(b) Submit certification by a professional translator certified by the American Translators Association or a comparable organization that the:

(i) Translator has translated the English version of the form; and

(ii) Translation is accurate.

(3) The commissioner will file but not review or approve translated insurance policy forms.

[Statutory Authority: RCW 48.02.060, 48.110.150. 08-21-091 (Matter No. 2007-11), § 284-58-066, filed 10/15/08, effective 2/1/09.]