

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

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

284-58-040	Life and disability filing report documents. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-040, filed 11/5/82.] Repealed by WSR 98-09-041 (Matter R 98-01), filed 4/14/98, effective 5/15/98. Statutory Authority: RCW 48.02.060, 48.17.150, 48.44.040, 48.46.200 and 48.44.050.
284-58-050	Document to be used in filing life and disability forms. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-050, filed 11/5/82.] Repealed by WSR 98-09-041 (Matter R 98-01), filed 4/14/98, effective 5/15/98. Statutory Authority: RCW 48.02.060, 48.17.150, 48.44.040, 48.46.200 and 48.44.050.
284-58-060	Document to be used in filing disability rates. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-060, filed 11/5/82.] Repealed by WSR 98-09-041 (Matter R 98-01), filed 4/14/98, effective 5/15/98. Statutory Authority: RCW 48.02.060, 48.17.150, 48.44.040, 48.46.200 and 48.44.050.
284-58-070	General designation of life and disability forms which may not be filed by certification. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-070, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-080	Individual disability insurance forms, certification not permitted. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-080, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-090	Group disability insurance forms, certification not permitted. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-090, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-100	Group disability insurance forms which may be filed by certification. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-100, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-110	Blanket disability insurance forms, certification not permitted. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-110, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-120	Blanket disability insurance forms which may be filed by certification. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-120, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-130	Individual life insurance and annuity forms, certification not permitted. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-130, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-140	Individual life insurance and annuity forms which may be filed by certification. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-140, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-150	Group life insurance and annuity contract forms, certification not permitted. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-150, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-160	Group life insurance and annuity forms which may be filed by certification. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-160, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-170	Credit insurance forms, certification not permitted. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-170, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.
284-58-180	Fraternal benefit society forms. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-180, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No.

2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

284-58-190 Certification form to be used for disability insurance form filings. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-190, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

284-58-200 Form to be used for certification of disability insurance form or rate filings. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-200, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

284-58-210 Certification form to be used for life insurance and annuity form filings. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-210, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

284-58-220 Form to be used for certification of life insurance or annuity form filings. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-220, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

284-58-250 General contents of a form filing for property and casualty insurance and kinds of insurance other than life and disability. [Statutory Authority: RCW 48.02.060. WSR 98-13-094 (Matter No. R 98-11), § 284-58-250, filed 6/16/98, effective 7/17/98. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.18.100, 48.19.040, 48.19.050, 48.19.070, 48.20.012, 48.21.045(2), 48.29.140, 48.43.055, 48.44.023(2), 48.44.040, 48.44.070, 48.46.030, 48.46.060, 48.46.066(2), 48.46.243, 48.96.025, 48.102.020. WSR 96-11-004 (Matter No. R 96-1), § 284-58-250, filed 5/2/96, effective 6/2/96. Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-250, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

284-58-260 Designation of forms for insurances which may not be filed by certification. [Statutory Authority: RCW 48.02.060. WSR 98-13-094 (Matter No. R 98-11), § 284-58-260, filed 6/16/98, effective 7/17/98; WSR 82-23-009 (Order R 82-5), § 284-58-260, filed 11/5/82.] Repealed by WSR 08-21-091 (Matter No. 2007-11), filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.110.150.

284-58-270 Certification form to be used for property and casualty insurance. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-270, filed 11/5/82.] Repealed by WSR 98-13-094 (Matter No. R 98-11), filed 6/16/98, effective 7/17/98. Statutory Authority: RCW 48.02.060.

284-58-280 Form to be used for certification of property or casualty insurance form filings. [Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-280, filed 11/5/82.] Repealed by WSR 98-13-094 (Matter No. R 98-11), filed 6/16/98, effective 7/17/98. Statutory Authority: RCW 48.02.060.

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.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-005, filed 10/15/08, effective 2/1/09.]

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.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-010, filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060. WSR 98-13-094 (Matter No. R 98-11), § 284-58-010, filed 6/16/98, effective 7/17/98; WSR 82-23-009 (Order R 82-5), § 284-58-010, filed 11/5/82.]

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.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-020, filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060. WSR 98-13-094 (Matter No. R 98-11), § 284-58-020, filed 6/16/98, effective 7/17/98; WSR 82-23-009 (Order R 82-5), § 284-58-020, filed 11/5/82.]

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, disa-

bility or credit insurance forms. Insurers must file these forms under RCW 48.18.100(1) or 48.34.100.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-023, filed 10/15/08, effective 2/1/09.]

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 website into this chapter. By reference, the commissioner incorporates these documents into this chapter:

- (1) The *SERFF Industry Manual* available within the SERFF application; and
- (2) State specific rate and form filing instructions posted on the commissioner's website (www.insurance.wa.gov), including the:
 - (a) *Washington State SERFF Life and Disability Form Filing General Instructions*;
 - (b) *Washington State Life, Health and Disability Rate Filing General Instructions*;
 - (c) *Washington State SERFF Health and Disability Form Filing General Instructions*; and
 - (d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions").

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 20-01-048 (Matter No. R 2019-06), § 284-58-025, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-58-025, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-025, filed 10/15/08, effective 2/1/09.]

WAC 284-58-030 General form and rate filing rules. (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 state specific filing instructions applicable to the particular filing, as revised from time to time and posted on the commissioner's website (www.insurance.wa.gov), including the:
- (a) *Washington State SERFF Life and Disability Form Filing General Instructions*;
 - (b) *Washington State SERFF Life, Health and Disability Rate Filing General Instructions*;

(c) *Washington State SERFF Health and Disability Form Filing General Instructions*; and

(d) *Washington State SERFF Health and Disability Binder Filing General Instructions* (also called "plan management instructions").

(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.

(5) All stand-alone prescription drug plans which exclusively supplement a medicare Part D employer group waiver plan and modification of a contract form or rate must be filed before the contract form is offered for sale to the public and before the rate schedule is used.

[Statutory Authority: RCW 48.02.060, 48.18.030, 48.19.035, 48.20.025, 48.20.550, 48.38.075, 48.43.730, 48.43.733, 48.44.050, and 48.46.030. WSR 21-03-008, § 284-58-030, filed 1/7/21, effective 2/7/21; WSR 20-01-048 (Matter No. R 2019-06), § 284-58-030, filed 12/9/19, effective 1/9/20. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, and 48.110.150. WSR 12-01-103 (Matter No. R 2011-24), § 284-58-030, filed 12/21/11, effective 1/21/12. Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-030, filed 10/15/08, effective 2/1/09. Statutory Authority: RCW 48.02.060, 48.44.050, 48.46.200, 48.18.100, 48.19.040, 48.19.050, 48.19.070, 48.20.012, 48.21.045(2), 48.29.140, 48.43.055, 48.44.023(2), 48.44.040, 48.44.070, 48.46.030, 48.46.060, 48.46.066(2), 48.46.243, 48.96.025, 48.102.020. WSR 96-11-004 (Matter No. R 96-1), § 284-58-030, filed 5/2/96, effective 6/2/96. Statutory Authority: RCW 48.02.060. WSR 82-23-009 (Order R 82-5), § 284-58-030, filed 11/5/82.]

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 rates 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.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-033, filed 10/15/08, effective 2/1/09.]

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.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-037, filed 10/15/08, effective 2/1/09.]

WAC 284-58-043 Filing authorization rules. An insurer may authorize a third-party filer to file forms or rates on its behalf. For the purposes of this section, a "third-party filer" means a person or entity in the business of providing insurance regulatory compliance services.

(1) If an insurer delegates filing authority to a third-party filer, each filing must include a letter as supporting documentation signed by an officer of the insurer authorizing the third-party filer to make filings on behalf of the insurer.

(2) The insurer may not delegate responsibility for the content of a filing to a third-party filer. The commissioner considers errors and omissions made by the third-party filer to be errors and omissions of the insurer.

(3) If a third-party filer has a pattern of making filings that do not comply with this chapter, the commissioner may reject a delegation of filing authority from the insurer.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-043, filed 10/15/08, effective 2/1/09.]

WAC 284-58-047 Rules for responding to an objection letter. An objection letter may ask the filer to revise a noncompliant form or rate filing or provide clarification or additional information. The objection letter will state the reason(s) for disapproval, including relevant case law, statutes and rules. Filers must:

(1) Provide a complete response to an objection letter. A complete response must include:

(a) A separate response to each objection, and if appropriate;

(b) A description of changes proposed to noncompliant forms, and a replacement form attached to the form schedule; or

(c) Revised exhibits and supporting documentation.

(2) Respond to the commissioner in a timely manner.

[Statutory Authority: RCW 48.02.060, 48.110.150. WSR 08-21-091 (Matter No. 2007-11), § 284-58-047, filed 10/15/08, effective 2/1/09.]

WAC 284-58-053 Rules for revised or replaced insurance policy forms. If an insurer files a revised or replaced form, the filer must provide the supporting documentation described below:

(1) If a form is revised due to an objection(s) from the commissioner, the filer must provide a detailed explanation of all material changes to the disapproved form.

(2) If a previously approved form is replaced with a new version, the filer must submit an exhibit that marks and identifies each change or revision to the replaced form using one of these methods:

(a) A draft form that strikes through deletions and underlines additions or changes in the form;

(b) A draft form that includes comments in the margins explaining the changes in the forms; or

(c) A side-by-side comparison of current and proposed policy language.

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