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| **Dates:** Received | Reviewed by Staff | Distributed | Considered |
|  9/28/20 | RM |  |  |
| **Notes:** APF 2020-09 |

**Life Actuarial (A) Task Force/ Health Actuarial (B) Task Force**

**Amendment Proposal Form\***

1. Identify yourself, your affiliation and a very brief description (title) of the issue.

 **Identification:**

Rachel Hemphill, Texas Department of Insurance

 **Title of the Issue:**

1. Modify Life PBR Exemption to not require annual exemption requests if the company continues to meet the premium thresholds and does not have any ULSG with material SG.
2. Not require VM-20 when all new issues are conversions.

2. Identify the document, including the date if the document is “released for comment,” and the location in the document where the amendment is proposed:

 Valuation Manual Section II, Subsection 1.D

January 1, 2020 NAIC *Valuation Manual*

3. Show what changes are needed by providing a red-line version of the original verbiage with deletions and identify the verbiage to be deleted, inserted or changed by providing a red-line (turn on “track changes” in Word®) version of the verbiage. (You may do this through an attachment.)

 See attached.

4. State the reason for the proposed amendment? (You may do this through an attachment.)

Reduce filing burden for companies and state regulators by making the Life PBR Exemption a one-time filing until conditions for the exemption change. Allow exemption for companies that do not meet the premium thresholds, but are only issuing new policies that would be subject to VM-20 due to conversions from existing policies being valued under the pre-PBR framework.

\* This form is not intended for minor corrections, such as formatting, grammar, cross–references or spelling. Those types of changes do not require action by the entire group and may be submitted via letter or email to the NAIC staff support person for the NAIC group where the document originated.

NAIC Staff Comments:

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**Valuation Manual Section II, Subsection 1.D**

D. Life PBR Exemption

1. A company meeting the condition in D.2 below may file a statement of exemption for ordinary life insurance policies, except for policies in D.3 below, issued directly or assumed during the current calendar year, that would otherwise be subject to VM-20. If a company has no business issued directly or assumed during the current calendar year that would otherwise be subject to VM-20, a statement of exemption is not required. For an initial exemption, such a statement must be filed with the domiciliary commissioner prior to July 1 of that year certifying that condition D.2 was met based on premiums in force from the prior calendar year annual statement and the statement of exemption must also be included with the NAIC filing for the second quarter of that year.

The domiciliary commissioner may reject such statement prior to Sept. 1 and require the company to follow the requirements of VM-20 for the ordinary life policies covered by the statement.

If an initial filed statement is not rejected by the domiciliary commissioner, the filing of such a statement is not required in future calendar years, as long as the company continues to meet the condition in D.2 below, except for policies in D.3 below; rather, ongoing exemptions for each new calendar year will be deemed to not be rejected, unless: 1) the company fails to meet the condition in D.2 below, 2) the policies contain those in D.3 below, or 3) the domiciliary commissioner contacts the company prior to Sept. 1 and notifies them that the statement of exemption is rejected. If any of these three criteria occur, then the current ongoing exemption is rejected and a new initial statement of exemption must be actively filed and not rejected in order for the company to exempt additional policies. In the case of an ongoing exemption, rather than include the statement of exemption with the NAIC filing for the second quarter of that year, the company should enter “SEE EXPLANATION” in response to the Life PBR Exemption supplemental interrogatory and provide an explanation, including the calendar year that the company actively filed and was granted the Life PBR Exemption and confirmation that none of the following apply: 1) the company fails to meet the condition in D.2 below, 2) the policies exempted contain those in D.3 below, or 3) the domiciliary commissioner contacted the company and notified them that the statement of exemption was rejected.

1. Condition for Exemption:
2. The company has less than $300 million of ordinary life premiums1, and if the company is a member of an NAIC group of life insurers, the group has combined ordinary life premiums1 of less than $600 million; or
3. The only new policies subject to VM-20 being issued or assumed by the company are conversions from existing policies that are being valued under VM-A and VM-C and the company was exempted from, or otherwise not subject to, the requirements of VM-20 in the prior year.
4. Policies Excluded from the Life PBR Exemption:
5. Universal life with secondary guarantee (ULSG) policies with a secondary guarantee that does not meet the VM-01, Definitions for Terms in Requirements, definition of a “non-material secondary guarantee.”
6. Each exemption, or lack of an exemption, applies only to policies issued or assumed in the current year, and it applies to all future valuation dates for those policies. The minimum reserve requirements for the ordinary life policies subject to the exemption are those pursuant to applicable methods required in VM-A and VM-C using the mortality as defined in VM-20 Section 3.C.1 and VM-M Section 1.H.

**Valuation Manual Section II, Subsection 1.D - Footnote**

1 Premiums are measured as total in force direct plus reinsurance assumed from an unaffiliated company from the ordinary life line of business reported in the prior calendar year life/health annual financial statement, Exhibit 1, Part 1, Column 3, “Ordinary Life Insurance” excluding premiums for guaranteed issue policies and preneed life contracts and excluding amounts that represent the transfer of reserves in force as of the effective date of a reinsurance assumed transaction and are reported in Exhibit 1 Part 1, Column 3 as ordinary life insurance premium. Preneed is as defined in VM-01.