

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

Group Fixed and/or Variable Deferred Annuity Contracts Subject to Individual Standards Outline Summary of Changes (Last Updated July 11, 2023)

1. Section I.A.1 (Scope) was revised to also reference annuity applications.
2. Section I.A.4 (Scope) was revised to add a definition of “Non-Guaranteed Index Annuities” in accordance with the Fourth Amendment to 11 NYCRR 50 (Insurance Regulation 47). The definition of “Equity Index Annuities” was also revised to reflect revisions to Regulation 47.
3. Section II.A.1 (Prior Approval Required) a new subsection (b) was added to include the definition of “policy form” under Insurance Law § 3201(a).
4. Section II.A.4 (Filings Must be Submitted Through the System for Electronic Rates and Forms Filing (“SERFF”)) was added to reflect the requirements of 11 NYCRR 6 (Insurance Regulation 195) that filings must be submitted through SERFF.
5. Section II.B.2 (Alternative Approval Procedures) was reformatted for consistency with other posted outlines.
6. Section II.C.1 (Duplicates) was deleted as it is addressed in section II.D.2.
7. Section II.C.2 (Hypothetical Data) formerly section II.C.3 was revised to provide additional filing guidance for annuity applications.
8. Section II.C.3 (Numbering Variable Material) was added to clarify that if variable material within the policy form is identified by numbers that correspond to the memorandum of variable material, it is this version with the numbering that should be attached under the SERFF Form Schedule rather than a “clean” copy without numbering.
9. Section II.C.5 (Final Format) was revised to clarify that a company may not reserve the right to make revisions to the form, outside of those listed in section II.C.5., without filing the revised form for approval.
10. Section II.C.6 (Submission Made on Behalf of the Insurer) was revised to emphasize the use of SERFF and for consistency with other posted outlines.
11. Section II.C.7 (Circular Letter No. 8 (1999)) was added to emphasize certain existing SERFF Form Schedule procedures from the General SERFF Guidelines.
12. Sections II.D (SERFF Filing Description/Requested Filing Mode), II.D.1 (Filing Basis) and II.D.2 (Compliance with Section I.G. of Circular Letter No. 6 (1963)) were revised to emphasize the use of SERFF and reformatted for consistency with other posted outlines. A new subsection II.D.2(k) was added to address paper submissions.
13. Section II.D.3 (Explanation of Unique Features and Market) subsection (c) was updated to include a reference to QLACs.
14. Section II.D.11 (Informational Filing) was revised to emphasize the SERFF process and reformatted for consistency with other posted outlines.
15. Section II.E.1 (Readability Certification) was revised to add a new section (b) confirming that it is permissible to score the application with the contract. The link to the Department’s website was also updated.

16. Section II.E.2 (Actuarial Opinion and Memorandum) was revised to clarify that an Actuarial Opinion and Actuarial Memorandum should be included with each filing, not just for annuity contracts that include a market value adjustment formula.
17. Section II.E.6 (Memorandum of Variable Material) was revised for consistency with other posted outlines.
18. Section II.E.8 (Screen Shots) and Section II.E.9 (Electronic/Telephonic Procedures) were added to the list of possible attachments to provide additional filing guidance for non-paper annuity applications. The filing procedures are consistent with the Individual Fixed and/or Variable Deferred Annuity outline and the Individual Life Insurance Application outline.
19. Section II.F (Key References) was updated and the NYCRR citation for each regulation was added. The section was reformatted for consistency with other posted outlines.
20. Section III (Group Annuity Contract) was renamed from its former title (Specific Requirements) for consistency with other posted outlines.
21. Section III.A.1 (Insurer Name and Address) subsections (b) and (e) were revised for consistency with other posted outlines.
22. Section III.A.2 (Free Look Provision) was revised to remind companies of the policy form filing options for changing language in the free look provision.
23. Section III.A.3 (Form Identification Number) was revised for consistency with other posted outlines.
24. Section III.A.4 (Brief Description of the Contract) subsection (a) was revised for consistency with other posted outlines. Subsection (a)(ii) was revised to replace the definition of “Separate account annuity contract” with a new definition of “Separate account contract” in accordance with the Fourth Amendment to Regulation 47.
25. Section III.A.12 (Disclosure of Non-guaranteed Index Benefits (Buffer/Floor Annuities)) was added to reflect revisions under the Fourth Amendment to Regulation 47.
26. Section III.D.1 (Entire Contract) subsections (a) and (d) were revised for consistency with other posted outlines.
27. Section III.D.2 (Certificate Delivery and Validity) subsection (b) was revised to add clarifying language in the event of a conflict between the contract and certificate.
28. Section III.D.6 (Participating Annuities/Dividend Provision) was revised to reflect revisions to Insurance Law § 4231.
29. Section III.D.9 (Involuntary Cashout - Small Annuities) subsection (d) was revised to reflect the revised dollar amount under the Fourth Amendment to Regulation 47.
30. Section III.D.11 (Annual Reports) subsection (a) was revised to reflect means of delivery other than mail in accordance with the Fourth Amendment to Regulation 47.
31. Section III.E.2 (Permitted Investments) added a new subsection (b) to reflect revisions under the Fourth Amendment to Regulation 47.
32. Section III.E.5 (Asset Maintenance) was revised to reflect revisions under the Fourth Amendment to Regulation 47.
33. Section III.E.8 (Insulation Provision) was restructured and revised to reflect revisions under the Fourth Amendment to Regulation 47.

34. Section III.E.9 (Incidental Death Benefit) subsections (a) and (b) were restructured and revised to reflect revisions under the Fourth Amendment to Regulation 47.
35. Section III.E.11 (Cash Surrender Benefits) subsections (a), (b) and (d) were revised and a new subsection (c) was added to reflect revisions under the Fourth Amendment to Regulation 47.
36. Section III.E.12 (Withdrawal Charges) subsections (a) and (b)(4) were revised to reflect the permissible withdrawal charge under the Fourth Amendment to Regulation 47.
37. Section III.E.15 (Betterment of Rates Statement) was added to reflect the betterment of rates requirement under the Fourth Amendment to Regulation 47.
38. Section III.F.8 (Minimum Nonforfeiture Requirements for Guaranteed Paid-Up Deferred Annuities). Subsections (c)(v), (vi), (vii)(I), (vii)(II), (xv)(II) were revised to reflect revisions to Insurance Law § 4231. Subsections (c)(ix) and (x) were also updated. A new subsection (c)(xi) was added to reflect the Department's May 16th, 2018 Supplemental Guidance for Changes in Annuitization Start Date under Guaranteed Paid-up Deferred Annuities. A new subsection (c)(xvii) was added to reflect revisions to Insurance Law § 3209.
39. Section III.F.11 (Withdrawal Charges) subsections (e) through (i) were relettered as (e) through (k). Subsections (f) and (g) were revised to set forth the maximum withdrawal charge percentages in tabular form. Subsection (j) was added to address the maximum withdrawal charge for combination products with multiple accounts.
40. Section III.F.13 (Betterment of Rates) subsection (d) was revised to address the betterment of rates requirement for fixed and variable separate account annuities to reflect changes under the Fourth Amendment to Regulation 47.
41. Section III.G (Nonforfeiture Provisions for a Non-Guaranteed Index Annuity or a Non-Guaranteed Index Account in a Variable Annuity (Buffer/Floor Annuities)). A new section III.G was added to reflect changes under the Fourth Amendment to Regulation 47.
42. Section III.G (Other Provisions) was renumbered as III.H.
43. Section III.H.1 (Annuity Settlement Options / Annuitization). Subsection (a) was expanded for consistency with other posted outlines to clarify requirements related to identifying the guaranteed interest rate and mortality table being used. The subsection was also reformatted to more closely mirror the format used in other posted outlines.
44. Section III.H.1 (Annuity Settlement Options/Annuitization) subsections (b) and (c) were revised for consistency with other posted outlines to address the use of a non-static mortality table such as the Individual Annuity Reserving (2012 IAR) Table.
45. Section III.H.1 (Annuity Settlement Options/Annuitization) subsection (d) was revised for consistency with other posted outlines to clarify that annuity purchase rates must vary by age.
46. Section III.H.1 (Annuity Settlement Options/Annuitization) subsection (i) was deleted. This information is now part of the new section III.H.1(e).
47. Section III.H.1 (Annuity Settlement Options/Annuitization) subsections (c) through (j) were relettered as subsections (f) through (l). Subsection (l) was revised for consistency with other posted outlines.
48. Section III.H.4 (Maturity Date or Maximum Annuitization Age) was revised to clarify that a maximum maturity date or maximum maturity annuitization age may not extend beyond the current mortality table and to provide filing guidance for companies that wish to amend in-force contracts to extend the maximum maturity date or maximum maturity age.

49. Section III.H.7 (Variable Annuity Guaranteed Living Benefits (VAGLB)) subsection (vi) was added to address the preservation of withdrawal guarantees and subsection (vii) was added to address the withdrawal rates used to determine guaranteed withdrawal benefits pursuant to revisions under the Fourth Amendment to Regulation 47.
50. Section III.H.10 (Telephone and Electronic Transfers) was renamed from its former title (Telephone Transfers) to add references to electronic transfers.
51. Section III.H.17 (Bonus Interest or Bonus Credit Provisions) subsection (c) was revised to reflect changes to the permissible withdrawal charge under the Fourth Amendment to Regulation 47.
52. Section III.H.19 (Arbitration) was revised for consistency with other posted outlines.
53. Section III.H (Fixed Account Availability and Right to Refuse Premium Contributions) was renumbered as III.I.
54. Section V (Specific Requirements for Certain Tax-Qualified Contracts). A new section was added to address certain tax-qualified contracts. This section is consistent with the Individual Fixed and/or Variable Deferred Annuity Outline.
55. Section VI (Qualified Longevity Annuity Contracts (QLAC)). A new section was added to address QLACs. This section is consistent with published Department guidance on the topic.
56. Section VII (Applications). A new section was added to provide additional filing guidance for annuity applications. The application guidance is consistent with the Individual Fixed and/or Variable Deferred Annuity Outline and the Individual Life Insurance Application Outline.
57. Section VIII (Non-Paper Applications). A new section was added to provide additional filing guidance for electronic and telephonic annuity applications. This guidance is consistent with the Individual Fixed and/or Variable Deferred Annuity Outline and the Individual Life Insurance Application Outline.

Note: Additional formatting changes or technical/stylistic changes of a non-substantive nature may have also been made.