

Wyoming Insurance Department

Review Requirement Checklist

Individual Variable Annuities

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It is in the best interest of the consumer for a jurisdictional statement to be made within the documents both the contract and certificate. These submitted documents shall contain a statement regarding jurisdiction.		
Wyoming Insurance Department	Statutes	http://legisweb.state.wy.us/statutes/sub26.htm
Wyoming Insurance Department	Rules and Regulations	http://soswy.state.wy.us
Wyoming Insurance Department	Memoranda/Dept. Positions	None
REVIEW REQUIREMENTS	REFERENCE	COMMENTS
General Requirements	W.S.§ 26-15-110	Filing requirement
Filing Fees		None
Transmittal Letter	Wyoming Uniform Filing Procedure	All filings shall:
		Contain the company's name, address, NAIC number and company phone number.
		Be sent in duplicate.
		Have a self-addressed, postage paid envelope.
		Have a "SUBJECT" line briefly describing filing type.

		Contain an itemized listing of each policy form and endorsement, including form number.
		Contain the name of the individual responsible for the preparation of the filing.
		Contain a certification of compliance signed by an officer of the company, attorney or actuary.
Actuarial Memorandum	W.S.§26-15-111	Shall certify rates are reasonable in relation to the benefits provided.
Forms		
Replacement Question Requirement	Chapter 12, Section 7 of the Wyoming Insurance Department Regulations	Where a replacement is involved, a copy of the Replacement Notice shall be completed and the applicant be given a copy explaining replacement considerations.
Free Look on Replaced Policies	Chapter 12, Section 7 of the Wyoming Insurance Department Regulations	The applicant shall have a right to an unconditional refund of all premiums paid, which right may be exercised within a period of a least twenty (20) days commencing from the date of delivery of the policy.
Grace Period	W.S.§26-16-103	There shall be a grace period of one (1) month, but not less than thirty (30) days, for the payment of any premium due after the first. The policy shall remain in force during the grace period. The insurer may impose an interest charge not to exceed six (6) percent per annum for the number of days of grace elapsing before the payment is received.
Incontestability	W.S.§26-16-104	The policy shall be incontestible after the policy is in force during the insured's lifetime for a period of two (2) years from its date of issue.
Entire Contract	W.S.§26-16-105	The policy and application, constitutes the entire contract between the parties and statements contained in the application, in the absence of fraud, are representations and not warranties.

Misstatement of Age	W.S.§26-16-106	If the age of the insured or any other person whose age is considered in determining the premium or benefit is misstated, any amount payable or benefit accruing under the policy shall be in an amount as the premium would have purchased at the correct age.
Dividends	W.S.§26-16-107	In a participating policy there shall be a provision that the insurer shall annually ascertain and apportion any divisible surplus accruing on the contract.
Policy Loan	W.S.§26-16-108	The policy shall provide for a loan provision. The policy shall contain the conditions of the loan. The insurer reserves the right to defer the payment of any loan for six (6) months after application. The interest rate shall be at a maximum of eight (8) percent or a different rate previously approved by the commissioner.
Settlement of Death Benefit	W.S.§26-16-112	The death benefit, if any, shall include interest from the date of death until the date of payment. The interest rate shall be not less than the rate of interest payable on death proceeds left on deposit with the insurer. However, in no circumstances shall the payment exceed forty-five (45) days.
Nonforfeiture Value	W.S.§26-16-404	Shall contain a signed actuarial memorandum describing the contract, values, reserves and surrender charges and demonstrate the compliance of policy values with the standard non-forfeiture law for individual deferred annuities.
Separate Accounts	W.S.§26-16-502	Annuities providing for payments that vary directly according to investment experience shall establish one or more separate accounts, with some stipulations.

Filing of Prospectus	Chapter 27, Section 6 of the Wyoming Insurance Department Regulations	Each insurer shall file a copy of each prospectus adopted by it for use in conjunction with the sale of any contract offered for sale in this state.
Essential Features	Chapter 27, Section 7(a) of the Wyoming Insurance Department Regulations	Any variable contract providing benefits payable in variable amounts shall contain a statement of the essential features of the procedures to be followed by the insurer in determining the dollar amount of such variable benefits. Such contracts shall also state that such dollar amount will vary to reflect investment experience and shall contain on its first page a clear statement to the effect that the benefits thereunder are on a variable basis.
Illustrations	Chapter 27, Section 7(b) of the Wyoming Insurance Department Regulations	Illustrations of benefits payable under any contract providing benefits payable in variable amounts shall not include projections of past investment experience into the future or attempted predictions of future investment experience; provided that nothing contained herein is intended to prohibit use of hypothetical assumed rates of return to illustrate possible levels of annuity payments.
Expense, Mortality and Investment Increment Factors	Chapter 27, Section 7(d) of the Wyoming Insurance Department Regulations	<p>All variable annuities delivered or issued for delivery in this state shall stipulate the expense, mortality, and investment increment factors to be used in computing the dollar amount of variable benefits or other contractual payments or values thereunder, and may guarantee that expense and/or mortality results shall not adversely affect such dollar amounts.</p> <p>In computing the dollar amount of variable benefits or other contractual payments or values under an individual variable annuity contract, the annual net investment increment assumption shall not exceed 5%, except with the approval of the Commissioner.</p>

Required Reports	Chapter 27, Section 8(a) of the Wyoming Insurance Department Regulations	Any insurer issuing individual variable contracts providing benefits in variable amounts shall mail to the contract-holder at least once in each year after the first at his last address known to the company, a statement or statements reporting the investments held in the separate account and; in the case of contracts under which payments have not yet commenced, a statement reporting as of a date not more than four (4) months previous to the date of mailing, (1) the number of accumulation units credited to such contracts and the dollar value of a unit, or (2) the value of the contract-holder's account.
Suitability	Chapter 27, Section 11(b) of the Wyoming Insurance Department Regulations	Each insurer shall require its agents to make a reasonable effort to ascertain facts from each individual prospect concerning the prospect's age, family responsibilities, estimated income, estimated worth, and such facts as are relevant to demonstrate the suitability of a variable contract as an investment by the individual concerned. A written memorandum containing all such information shall be prepared by the agent and reviewed and initialed by the general agent or such other person as the insurer shall designate, which memorandum shall be reviewed and initialed by the person designated, prior to the delivery of the contract. Such memorandum shall be retained for a period of not less than three (3) years, and shall be made available for inspection by the Commissioner or his representative upon demand.
Proceeds Under Annuity Contracts	W.S. §26-15-132	The benefits, rights, privileges and options which under any annuity contract issued are due or prospectively due the annuitant, are not subject to execution nor is the annuitant compelled to exercise any such rights powers or options. The total exemption of benefits presently due and payable to any annuitant periodically or at stated times under all annuity contracts to which he is an annuitant shall not at any time exceed three hundred fifty dollars (\$350) per month for the length of time represented by the installments, and any periodic payments in excess of three hundred fifty dollars (\$350) per month are subject to garnishee execution to the same extent as are wages and salaries.