

R-39 Rev. 03/2012
(Title page)

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

INSURANCE DEPARTMENT

Concerning

SUBJECT MATTER OF REGULATION

Technical Corrections

Section 1. Subsection (b)(3) of section 38a-8-33 of the Regulations of Connecticut State Agencies is amended to read as follows:

(3) An attorney or other authorized representative of a party shall file a Notice of Appearance with the Commissioner in the following form, except that a Notice of Appearance shall not be required of an attorney representing the insurance department in such proceedings:

STATE OF CONNECTICUT
INSURANCE DEPARTMENT

In the Matter of:

Docket No. _____

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of _____.

I am authorized to accept service on behalf of said participant in this matter.

Signature

Name (Printed)

P.O. box/address

City, state and zip code

Telephone number (including area code)

E-mail address

After a notice of appearance has been filed in accordance with this section, copies of all pleadings, notices, rulings, or decisions shall be served on [the] each and every person named in the [notice] notices of appearance.

Sec. 2 Section 38a-8-76(a)(1)(C) of the Regulations of Connecticut State Agencies is amended to read as follows:

(C) "Licensee" means individuals licensed by the Insurance Commissioner as [insurance agents, insurance brokers,] producers, public adjusters, temporary agents, casualty claim adjusters, [excess line] surplus lines brokers, fraternal agents, motor vehicle physical damage appraisers, and certified insurance consultants.

Sec. 3. Subsection (h) of section 38a-272-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

(h) "Producer"[means insurance producer as defined in subdivision (1) of Section 38a-702] has the same meaning as provided in section 38a-702a of the Connecticut General Statutes.

Sec. 4. Section 38a-272-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 38a-272-10. Liability for violation

In addition to the penalties provided in Section 38a-278 of the Connecticut General Statutes that may be imposed by the Commissioner, in the event that an arrangement that is an unauthorized insurer fails to pay a claim or loss in this state within the provisions of its contract, any person who [shall be] assisted or in any manner aided directly or indirectly in the procurement of such insurance contract shall be liable in accordance with Section 38a-275 of the Connecticut General Statutes to the insured for the full amount of the claim or loss in the manner provided by the provisions of such insurance contract.

Sec. 5. Subsection (h) of section 38a-327-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

(h) "Aggregate limit" means the specified maximum limit of liability which shall apply for each [[annual]] policy term as the total limit for one or more claims.

Sec. 6. Section 38a-327-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Section 38a-327-2. Types of coverage of risks

Claims-made coverage may not be provided in any policy delivered, issued for delivery or renewed in this state by a licensed insurer on or after the effective date of this regulation, unless the claims-made policy is issued for one of the following lines, sublines, risks or coverages:

- (1) Directors and Officers Liability;
- (2) Employee Benefits Liability;
- (3) Errors and Omissions Liability;
- (4) Excess Liability;
- (5) Fiduciary Liability;
- (6) Pollution and Environmental Impairment Liability;
- (7) Products and Completed Operations Liability;
- (8) Professional Liability;
- (9) Public Entity Liability; [and]
- (10) Commercial general liability coverage for a large business entity generating gross revenues of at least one hundred million dollars (\$100,000,000) annually, and where such risk develops an annual commercial general liability manual premium on a mature level on a claims-made basis of at least five hundred thousand dollars (\$500,000); or [.]
- (11) Coverage for an individual risk or class of insurance based on a request by the insurer when such insurance is not generally available and is submitted to the Insurance Department and is approved by the Commissioner.

Sec. 7. Subsection (b) of section 38a-433-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) "Agent" [means any person, corporation, partnership, or other legal entity which is licensed by this State as a life insurance agent.] has the same meaning as provided in section 38a-702a of the Connecticut General Statutes.

Sec. 8. Subsection (b) of 38a-433-23 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) "Agent" [means any person, corporation, partnership, or other legal entity which is licensed by this State as a life insurance agent.] has the same meaning as provided in section 38a-702a of the Connecticut General Statutes.

Sec. 9. Subsection (j) of section 38a-433-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

(j) **Investment advisory services to a separate account.** (1) An insurer shall not enter into a contract under which any person undertakes, for a fee, to regularly furnish investment advice to such insurer with respect to its separate accounts maintained for variable life insurance policies unless:

(A) the person providing such advice is registered as an investment adviser under the Investment Advisers Act of 1940; or

(B) the insurer has filed with the Commissioner and continues to file annually the following information and statements concerning the proposed adviser:

(i) the name and form of organization, state of organization, and its principal place of business;

(ii) the names and addresses of its partners, officers, directors, and persons performing similar functions or, if such an investment adviser be an individual, of such individual;

(iii) a written Standard of Conduct complying in substance with the requirements of [Section 8 of this Article] subsection (h) of this section which has been adopted by the investment adviser and is applicable to the investment adviser, its officers, directors and affiliates;

(iv) a statement provided by the proposed adviser as to whether the adviser or any person associated therewith:

(aa) has been convicted within ten years of any felony or misdemeanor arising out of such person's conduct as an employee, salesman, officer or director of an insurance company, a bank, [an insurance agent] a producer, a securities broker, or an investment adviser; involving embezzlement, fraudulent conversion, or misappropriation of funds or securities, or involving the violation of Sections 1341, 1342, or 1343 of Title 18 of the United States Code;

(bb) has been permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or as an employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity[.];

(cc) has been found by federal or state regulatory authorities to have willfully violated or has acknowledged willful violation of any provision of federal or state securities laws or state insurance laws or of any rule or regulations under any such laws; or

(dd) has been censured, denied an investment adviser registration, had a registration as an investment adviser revoked or suspended, or been barred or suspended from being associated with an investment adviser by order of federal or state regulatory authorities; and

(C) such investment advisory contract shall be in writing and provide that it may be terminated by the insurer without penalty to the insurer or the separate account upon no more than sixty days' written notice to the investment adviser.

(2) The Commissioner may, after notice and opportunity for hearing, by order require such investment advisory contract to be terminated if he deems continued operation thereunder to be hazardous to the public (of) or the (insurance company's) insurer's policyholders.

Sec. 10. Subsection (c)(6) of section 38a-457-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

(6) Ten-day free look. Any accelerated benefits rider which provides for any additional premium payments with an effective date subsequent to the effective date of the life insurance policy shall have printed thereon or attached thereto a notice stating, in substance, that the accelerated benefits rider may be returned by the insured for cancellation by delivering or mailing the rider to the insurer or to the [insurance agent] producer through whom it was effected, at any time within ten days after receipt of the rider by the insured, and that upon the delivery or mailing the rider shall be void ab initio.

Sec. 11. Subsection (b)(3) of section 38a-495-13 of the Regulations of Connecticut State Agencies is amended to read as follows:

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by [an insurance agent] a producer or insurance company.

Sec. 12. Subsection (b)(3) of section 38a-495a-16, of the Regulations of Connecticut State Agencies is amended to read as follows:

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in

a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by [an insurance agent] a producer or insurance company.

Sec. 13. Subsection (b)(3) of section 38a-501-16 of the Regulations of Connecticut State Agencies is amended to read as follows:

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by [an insurance agent] a producer or insurance company.

Sec. 14. Subsection (b)(3) of section 38a-528-9 of the Regulations of Connecticut State Agencies is amended to read as follows:

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by [an insurance agent] a producer or insurance company.

Sec. 15. Subsections (D) and (E) of Section 38a-505-5 of the Regulations of Connecticut State Agencies are amended to read as follows:

(D) "Accident," "Accidental Injury," "Accidental Means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization. The definition shall not be more restrictive than the following; Injury or injuries, for which benefits are provided, means accidental bodily injuries sustained by the insured person which are the direct cause, independent of disease or bodily infirmity or any other cause and occur while the insurance is in force. Such definition may provide that injuries shall not include injuries for which benefits are provided under any [workmen's] workers' compensation, employers liability or similar law, the basic reparations benefits of any motor vehicle no-fault plan or injuries occurring while the insured person is engaged in any activity pertaining to any trade, business, employment, or occupation for wage or profit.

(E) "Sickness" shall not be defined to be more restrictive than the following: Sickness means sickness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force. A definition of sickness may provide for a probationary period which will not exceed thirty (30) days from the effective date of the coverage of the insured person. The definition may be further modified to exclude sickness or disease for which benefits are provided under any [workmen's] workers' compensation, occupational disease, employer's liability or similar law.

Sec. 16. Section 38a-707-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 38a-707-1. Service Fees

Properly licensed [insurance agents and brokers] producers organizing business in this state may charge service fees to their clients in accordance with the schedules shown in sections 38a-707-2 to 38a-707-8, inclusive, of the Regulations of Connecticut State Agencies. In addition to the scheduled fees a producer or surplus lines broker may charge as reimbursement any moneys expended by him for any (1) inspection report fees, (2) motor vehicle department reports, (3) policy reports, (4) credit card service fees, (5) regulatory fees from other jurisdictions, such as licensing fees, necessary for the placement of Connecticut risks with out-of-state exposure, (6) costs for overnight mail, or (7) telegrams or telephone calls necessary for the placement of the risk under consideration.

Sec. 17. Section 38a-788-2 (b) of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) "Employment contract" refers to that contract between a public adjuster and a client mandated by Section [38a-769 of the General Statutes.] 38a-788 of the Connecticut General Statutes.

Sec. 18. Section 38a-792-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 38a-792-3. Settlement of small property damage losses by agents

Any licensed agent of any insurance company who has authority to settle losses not exceeding one thousand five hundred dollars when such losses are property damage losses need not be licensed under section 38a-792 of the Connecticut [general statutes] General Statutes so long as he is licensed as [an insurance agent] a producer.

Sec. 19. Subsection (G)(2) of section 38a-819-35 of the Regulations of Connecticut State Agencies is amended to read as follows:

2. The name and address of the [insurance agent] producer, or, if no [agent] producer is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the Policy Summary.

Sec. 20. Subsections (B) and (C) of section 38a-819-37 of the Regulations of Connecticut State Agencies are amended to read as follows:

(B) An agent shall inform the prospective purchaser, prior to commencing a life insurance sales presentation, that he is acting as a [life insurance agent] producer and inform the prospective purchaser of the full name of the insurance company which he is representing to the buyer. In sales situations in which [an agent] a producer is not involved, the insurer shall identify its full name.

(C) Terms such as financial planner, investment advisor, financial consultant, or financial counseling shall not be used in such a way as to imply that the [insurance agent] producer is generally engaged in an advisory business in which compensation is unrelated to sales unless such is actually the case.

Sec. 21. Section 38a-819-56 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 38a-819-56. Explanation of Codes

Col. A. Company Identification Number. As noted, this refers to the identification number of the complaint and shall also include the license number of other means of identifying any licensee of the Insurance Department (such as agent, staff adjuster, or independent adjuster) that may have been involved in the complaint.

Col. B. Function Code. Complaints are to be classified by function(s) of the Company involved. Separate classifications are to be maintained for underwriting, marketing and sales, claims, policyholder service and miscellaneous.

Reason Code. Complaints are also to be classified by the nature of the complaint. The following is the classification required for each function specified above.

- 1) Underwriting
 - a) Company underwriting
 - b) Individual's application underwriting (This refers to any complaint where misrepresentations or declarations in an application for insurance resulted in company action involved in the complaint.)
 - c) Cancellation
 - d) [Recission] Rescission
 - e) Non-renewal
 - f) Premiums and rating
 - g) Delays
 - h) Refusal to insure
 - i) Miscellaneous (not covered by above)
- 2) Marketing and Sales
 - a) General Advertising
 - b) Mass marketing advertising--(advertising which is essentially directed to reach more people than in a one to one relationship)
 - c) Agent handling
 - d) Replacement
 - e) Dividend illustration
 - f) Delays
 - g) Alleged misleading statement or misrepresentation
 - h) Miscellaneous (not covered by above)
- 3) Claims
 - a) Claims procedure
 - b) Delays
 - c) Unsatisfactory settlements
 - d) Natural disaster adjusting (hurricane or flood situations or other situations which produce a large number of claims)
 - e) Unsatisfactory settlement offers
 - f) Denial of Claim

- g) Miscellaneous (not covered by above)
- 4) Policyholder Service
 - (a) Failure to respond
 - (b) Delays
 - (c) Miscellaneous (not covered by above)
- 5) Miscellaneous

Col. C. Line Type. Complaints are to be classified according to the line of insurance involved, as follows:

- 1) Automobile
- 2) Fire
- 3) Homeowners--Farmowners
- 4) Crop
- 5) Inland Marine
- 6) Individual Life
- 7) Group Life
- 8) Annuities
- 9) Individual Health--Accident & Sickness
- 10) Group Health--Accident & Sickness
- 11) [Workmen's] Workers' Compensation
- 12) Liability Insurance Other Than Automobile
- 13) Mobile Homeowners
- 14) Miscellaneous (not covered by above)

Col. D. Company Disposition After Receipt. The complaint record shall note the disposition of the complaint. The following examples illustrate the type of information called for but are not intended to be required language nor to exhaust the possibilities:

- 1) Corrective action was taken;
- 2) No action was deemed necessary;
- 3) Satisfactory explanation was given to the complainant.

The complaint record need not note the specific action taken with respect to the complaint, so long as the action was appropriate to the circumstances. If the company wishes, it may use a code for entries in this column.

Col. E. Date Received. This refers to the date the complaint was received.

Col. F. Date Closed. This refers to the date on which the complaint was disposed of whether by one action or a series of actions as may be present in connection with some complaints.

Col. G. Insurance Department Complaint. Complaints are to be classified as to indicate if the origin of the complaint was from an insurance department.

Col. H. [Date] State of Origin. The complaint record should note the state from which the complaint originated. [Col. H. State of Origin.] Ordinarily, this will be the state of residence of the complainant.

Sec. 22. Subsection (a) of section 38a-824-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Except as provided in subsection (b) of this section, the following acts, practices or methods if committed with such frequency as to indicate a general practice shall be deemed to constitute unfair discrimination.

(1) Refusing to issue homeowners policies solely because of the fact that the risk is located in a particular urban area or neighborhood, city or town.

(2) Requiring homeowners insurance policies to be purchased in amounts above 80% of replacement cost value.

(3) Limiting the sale of homeowners insurance policies to 80% of replacement cost value without offering homeowners insurance policies which provide coverage in amounts not less than the greater of the market value of the property or 50% of the replacement cost value, in accordance with rating plans filed with the Commissioner.

(4) Refusing to insure dwellings solely because of a substantial disparity between replacement cost and market value.

(5) Refusing to issue, refusing to renew, cancelling or limiting the amount or provisions of coverage solely because of the age of structure.

(6) Refusing to issue, refusing to renew, cancelling or limiting the amount or provisions of coverage due to the condition of adjacent or nearby properties unless there are objectively identifiable hazards associated with such properties which significantly increase the risk.

(7) Varying the application of any or all of the following standards or practices by geographic locations of the risk by:

(A) Use of previous denial of coverage or termination by another insurer;

(B) Use of insurance application information concerning whether the applicant was previously denied coverage or was terminated by another insurer;

- (C) Use of previous coverage under an involuntary insurance plan;
- (D) Use of insurance information concerning whether the applicant was previously covered in an involuntary insurance plan;
- (E) Providing a statement to applicants and insureds regarding the reasons for insurer's declination, termination, or nonrenewal of an insurance contract;
- (F) Providing a statement to applicants and insureds before issuing notices of declination, termination, or nonrenewal regarding corrective action, if any, the applicant or insured must take to obtain or continue coverage; or
- (G) Use of deductibles.

This subdivision (7) shall not prohibit the use of any standard or practice merely because it affects various areas differently, provided such standard or practice is applied uniformly in all geographic locations.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

Statement of Purpose: To make technical corrections and other minor changes to the Insurance Department's regulations.

A. The problems, issues or circumstances that the regulation proposes to address. The current regulations use outdated language, have minor typographical issues with punctuation, minor errors in referencing statutory authority or are being updated to reflect a preference for e-mail communication.

B. Summary of the main provisions of the proposed regulation. The regulation makes a number of technical and minor changes that replace the outdated language with the current language, correct the typographical errors and allow for communication via email.

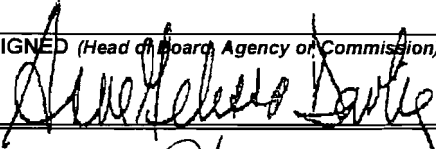
C. The legal effects of the proposed amendment on existing regulations or other laws. There is no impact on existing regulations or other laws.

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(Certification page—see Instructions on back)

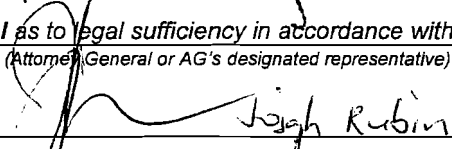
CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
 - a. Connecticut General Statutes section(s) 38a-8, 38a-272, 38a-702a and 38a-819.
 - b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on _____;
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on _____;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
 - When filed with the Secretary of the State
 - OR on (insert date) _____


DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
5/23/13		Deputy Commissioner

APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
6/5/13		ATTOR. GEN. GENERAL

Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.
(For Regulation Review Committee Use ONLY)

- Approved
- Approved with technical corrections *and det.*
- Rejected without prejudice
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
	8/27/13	

Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY

(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.