



# PROPOSED RULE MAKING

**CR-102 (October 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

## CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: October 02, 2019

TIME: 9:39 AM

**WSR 19-20-110**

**Agency:** Office of the Insurance Commissioner

☒ **Original Notice**

☐ **Supplemental Notice to WSR** \_\_\_\_\_

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR 19-14-112\_ ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) Revise WAC concerning SERFF General Filing Instructions

**Insurance Commissioner Matter R 2019-06**

### Hearing location(s):

**Date:**                      **Time:**                      **Location: (be specific)**                      **Comment:**

November 6, 2019	1:30 p.m.	Office of the Insurance Commissioner 5000 Capitol Blvd SE Tumwater WA 98501	
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**Date of intended adoption:** 12/8/2019                      \_ (Note: This is **NOT** the **effective** date)

### Submit written comments to:

Name: Meg L Jones

Address: PO Box 40260, Olympia, WA 98504-0260

Email: rulescoordinator@oic.wa.gov

Fax: 360-586-3109

Other:

By (date) November 5, 2019

### Assistance for persons with disabilities:

Contact: Melanie Watness

Phone: 360-725-7013

Fax: 360-586-2023

TTY: 360-586-0241

Email: MelanieW@oic.wa.gov

Other:

By (date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The Commissioner proposes amending the four WAC chapters identifying the applicable SERFF filing instructions for charitable gift annuity, health coverage and life and disability filers. A recent Rates and Forms division project revised and renamed the filing instructions, necessitating an update to the WAC chapters used by filers as a references. The anticipated effect of the proposed rule is providing the correct reference in WAC, and confirming that the names of documents in the WAC match documents posted in SERFF and on the OIC's website.

**Reasons supporting proposal:** In order to correctly submit documents in SERFF for review and approval by the Office of the Insurance Commissioner, filers must understand which sets of instructions govern their filing. Because the requirement to use SERFF is found in the WAC, the references must be correct in terms of the applicable sets of instructions.

**Statutory authority for adoption:** RCW 48.02.060; 48.18.030; 48.19.035; 48.20.025, 48.20.550, 48.38.07548.43.730, 48.43.733, 48.44.050; 48.46.030

**Statute being implemented:** RCW 18.18.100; RCW 48.19.040; RCW 48.20.012; 48.20.025; 48.20.028; 48.20.029; 48.20.042; RCW 48.38.010; 48.38.020 ; 48.38.030; RCW 48.43.730; 48.43.733; RCW 48.44.017; 48.44.020; 48.44.022; 48.44.023; 48.44.080; 48.44.120; RCW 48.46.060; 48.46.062; 48.46.064; 48.46.066;

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Mike Kreidler, Insurance Commissioner

☐ Private

☐ Public

☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Meg Jones	P.O. Box 40260 Olympia WA	360-725-7169
Implementation:	Molly Nollette	P.O. Box 40255 Tumwater WA	360-725-7117
Enforcement:	Toni Hood	P.O. Box 40255 Tumwater WA	360-725-7050

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

☒ No: Please explain: the rule is a procedural rule pursuant to RCW 34.05.328(5)(c)(i)

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☒ RCW 34.05.310 (4)(b)  
(Internal government operations)

☐ RCW 34.05.310 (4)(c)  
(Incorporation by reference)

☐ RCW 34.05.310 (4)(d)  
(Correct or clarify language)

☐ RCW 34.05.310 (4)(e)  
(Dictated by statute)

☐ RCW 34.05.310 (4)(f)  
(Set or adjust fees)

☐ RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under RCW RCW 34.05.328 (5)(b)(v).

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: October 2, 2019

Name: Mike Kreidler

Title: Insurance Commissioner

Signature:



AMENDATORY SECTION (Amending WSR 14-05-017, filed 2/10/14, effective 3/15/14)

**WAC 284-38-100 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 must incorporate documents posted on the SERFF web site 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) ~~((The Washington State SERFF Life and Disability Rate and Form Filing General Instructions posted on the commissioner's web site, [www.insurance.wa.gov](http://www.insurance.wa.gov).) State specific rate and form filing instructions posted on the commissioner's web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)), including the:~~

*Washington State SERFF Life and Disability Form Filing General Instructions.*

AMENDATORY SECTION (Amending WSR 14-05-017, filed 2/10/14, effective 3/15/14)

**WAC 284-38-110 General charitable gift annuity contract filing rules.** Filers and certificate holders must submit complete filings that comply with these rules:

(1) ~~((Filings must comply with the filing instructions and procedures in the SERFF Industry Manual available within the SERFF application and Washington State SERFF Life and Disability Rate and Form Filing General Instructions.)) Filers must submit complete filings that comply with the SERFF Industry Manual available within the SERFF application as well as state specific instructions applicable to the particular filing, as posted on the commissioner's web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)), including the:~~

*Washington State SERFF Life and Disability Form Filing General Instructions.*

(2) Filers must submit every charitable gift annuity contract to the commissioner electronically using SERFF.

(a) Every charitable gift annuity contract filed in SERFF must be attached to the form schedule.

(b) All written correspondence related to a charitable gift annuity contract filing must be sent in SERFF.

(3) All filed contracts must be legible for both the commissioner's review and retention as a public record. Filers must submit new and replaced contracts to the commissioner for review in final printed form displayed in ten-point or larger type.

(4) Each contract must have a unique identifying number and a way to distinguish it from other editions of the same contract.

(5) Filers must submit a completed compliance checklist provided in the SERFF application with each new charitable gift annuity contract as supporting documentation. If the filing includes more than one new contract, the filer may:

(a) Complete a separate checklist for each charitable gift annuity contract; or

(b) Complete one checklist and submit an explanatory memorandum that lists any material differences between the filed contracts.

AMENDATORY SECTION (Amending WSR 12-01-103, filed 12/21/11, effective 1/21/12)

**WAC 284-44A-040 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 web site 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 web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)), including the:
  - (a) Washington State SERFF ((Health)) Life and Disability Form Filing General Instructions; ((and))
  - (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").

AMENDATORY SECTION (Amending WSR 12-01-103, filed 12/21/11, effective 1/21/12)

**WAC 284-44A-050 General form and rate filing rules.** (1) Each form or rate filing must be submitted to the commissioner electronically using SERFF.

- (a) Every form filed in SERFF must:
  - (i) Be attached to the form schedule; and
  - (ii) Have a unique identifying number and a way to distinguish it from other versions of the same form.
- (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 instructions applicable to the particular filing, as revised from time to time and posted on the commissioner's web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)) including the:
  - (a) Washington State SERFF ((Health)) Life and Disability Form Filing General Instructions; ((and))
  - (b) Washington State SERFF 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.

AMENDATORY SECTION (Amending WSR 12-01-103, filed 12/21/11, effective 1/21/12)

**WAC 284-46A-040 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 web site 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 web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)), including the:

(a) Washington State SERFF ((Health)) Life and Disability Form Filing General Instructions; ((and))

(b) Washington State SERFF 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").

AMENDATORY SECTION (Amending WSR 12-01-103, filed 12/21/11, effective 1/21/12)

**WAC 284-46A-050 General form and rate filing rules.** (1) Each form or rate filing must be submitted to the commissioner electronically using SERFF.

(a) Every form filed in SERFF must:

(i) Be attached to the form schedule; and

(ii) Have a unique identifying number and a way to distinguish it from other versions of the same form.

(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 instructions applicable to the particular filing as revised from time to time and posted on the commissioner's web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)), including the:

(a) Washington State SERFF ((Health)) Life and Disability Form Filing General Instructions; ((or))

(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.

AMENDATORY SECTION (Amending WSR 12-01-103, filed 12/21/11, effective 1/21/12)

**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 web site 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) ((The)) State specific rate and form filing instructions posted on the commissioner's web site (www.insurance.wa.gov), including the:

(a) Washington State SERFF Life and Disability ((Rate and)) Form Filing General Instructions ((posted on the commissioner's web site (www.insurance.wa.gov)));

(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").

AMENDATORY SECTION (Amending WSR 12-01-103, filed 12/21/11, effective 1/21/12)

**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 ((the Washington State SERFF Life and Disability Rate and Form Filing General Instructions)) state specific filing instructions applicable to the particular filing, as revised from time to time and posted on the commissioner's web site (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.