

**Rule Summary and Fiscal Analysis (Part A)****Department of Insurance**

Agency Name

Division

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**3901-6-08**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Variable life insurance.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3901.041**

5. Statute(s) the rule, as filed, amplifies or implements: **3907.15, 3911.01**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year rule review under RC 119.032.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The proposed amendments to the rule will eliminate an unnecessary and inaccurate statement referring to a now rescinded rule. This will remove the reference to 3901-1-12 within the Purpose statement of the rule. Also, per department formatting, technical changes have been proposed to the Authority and Severability clauses.

The purpose of this rule is to amplify sections 3907.15 and 3911.01 of the Revised Code and to provide for the regulation of fixed premium and flexible premium variable life insurance policies.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

No changes made to the rule. Modification made to the RSFA.

12. 119.032 Rule Review Date: **4/4/2014**

(If the rule is not exempt and you answered NO to question No. 1, provide the

scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not applicable.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

### **S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

The rule requires prior authorization from the Superintendent to engage in business in Ohio. Failure to comply with provisions detailed in the rule could result in disapproval of material filed with the Superintendent.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

The Superintendent is permitted to refuse an agent's application to sell variable life insurance products. The Superintendent may also suspend, revoke or choose not to renew their qualification.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Insurers authorized to transact the business of variable life insurance must submit an annual statement and any forms and information that are to be provided to policy holders. Insurers must also furnish applicable forms and information to policy holders.