

Department of Consumer & Business Services  
**Oregon Division of Financial Regulation – 5**

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**STANDARDS FOR PRIOR APPROVAL INDIVIDUAL OR GROUP,  
FIXED OR VARIABLE IMMEDIATE ANNUITIES  
(Includes Structured Settlements)**  
ORS 742.003(1)

This checklist (product standards) has been provided as an aid to assist you in preparing your filings. It does not need to be included with a paper submission, nor does it need to be attached in SERFF under the Supporting Documentation tab. However, the reviewer may request the completed checklist (product standards) at any time during their review. ORS 731.296, OAR 836-010-0011 (2) & (3).

This list includes national standards, relevant statutes, rules, and bulletins to enforce ORS 731.016. The standards are summaries and review of the entire statute or rule may be necessary. Complete each statement to confirm that diligent consideration has been given to each and is certified by the signature on the certificate of compliance form. Compliance with these provisions must be certified by both the filer and an officer signing the Certificate of Compliance form. These signatures certify the filing being submitted meets the requirements of our checklist and statutes. "Not applicable" can be used only if the item does not apply to the coverage being filed. *To assist in our review, please identify the required provisions by providing in this product standard (checklist) the page/paragraph where that provision appears in the form.*

*NOTE:* Oregon statutes describe annuities as policies, and the *national standards* use "contract". All references to contract are subject to "policy" statutory references. Bold headings under the description indicate interstate-compact headings.

- TOI (type of insurance):** (and sub-type code)
- A05I.000 Individual Annuity - Immediate non-variable
  - A06I.000 Individual Annuity - Immediate variable
  - A06.11.000 Individual Annuity – Immediate non-variable and variable
  - A05G.000 Group Annuity - Immediate non-variable
  - A06G.000 Group Annuity - Immediate variable
  - A06.1G.000 Group Annuity – Immediate non-variable and variable

**Type of group:** (Complete if filing a group)

- Employer/employee
- Association\*
- Labor union
- Industry-related trust\*
- Discretionary group\*

\*Submit requirements for Association/trust/discretionary groups, Form 440-2441

Name of group entity to be the policyholder: \_\_\_\_\_

**Types of benefits:** (Each benefit is filed with a separate schedule page with a unique form number or see variable text option.)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Life only                | <input type="checkbox"/> Period certain        | <input type="checkbox"/> Refund             |
| <input type="checkbox"/> Life with period certain | <input type="checkbox"/> Interest deposit      | <input type="checkbox"/> Interest sensitive |
| <input type="checkbox"/> Life with recalculation  | <input type="checkbox"/> Systematic withdrawal |   |
| <input type="checkbox"/> Other: _____             |  |   |

Review requirements	Reference	Description of review standards requirements	Check answer	
<b>GENERAL REQUIREMENTS (FOR ALL FILINGS)</b>				
Submission requirements	OAR 836-010-0011 As required on SERFF or our website	<p>Required forms are located on SERFF or on our website:  <a href="http://dfr.oregon.gov/rates-forms/annuities/Pages/annuities.aspx">http://dfr.oregon.gov/rates-forms/annuities/Pages/annuities.aspx</a>                      These must be submitted for your filing to be accepted as complete:</p> <ol style="list-style-type: none"> <li>1. Filing description on cover letter.</li> <li>2. Third party filer's letter of authorization.</li> <li>3. Certificate of compliance form signed by authorized person.</li> <li>4. Readability certification.</li> <li>5. Statement of Variability (SOV) (see description under Variable Text).</li> <li>6. Actuarial memorandum with an overview of the actuarial basis and contents of the forms filed. The actuarial memo and the form filed must be congruent with each other.</li> <li>7. Forms filed for approval. (If filing revised forms, include a <b>highlighted</b> copy of the revised form to identify the modification, revision, or replacement language.)</li> <li>8. For mailed filings, submit two sets of the complete filing and one self-addressed stamped envelope large enough to return approved forms.</li> </ol>	Yes	N/A
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
	Filing description	<p>The cover letter or filing description explains the following:</p> <ol style="list-style-type: none"> <li>1. If group, the cover letter describes the groups that will be marketed and verifies that they are valid employer/employee groups under ORS 743.303. If filing groups other than employer/employee, include filing standards Form 440-2441.</li> <li>2. The cover letter includes a statement affirming that each employer/employee group will meet the requirement for insuring a group. (<i>Requirement is 2 lives. ORS 743.303(2)</i>)</li> <li>3. Changes made to prior approved forms or variations from other approved forms.</li> <li>4. Summary of the differences between prior approved forms and the new form.</li> <li>5. Application form number(s) that have been approved and the approval date.</li> <li>6. Description of the target market, e.g. qualified, non-qualified, broker-dealer, financial institution, internet, etc.</li> </ol>	Yes	N/A
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Review requirements	Reference	Description of review standards requirements	Check answer
Review	ORS 742.003(1), OAR 836-010-0011(3)	Check all that are submitted in this filing for review: 1. New policy and/or certificate. 2. Amending an approved policy. 3. Adding new benefit options to previously approved policy, number: _____ (Submit schedule page for each benefit option with a unique form number to identify the option.)	Yes    N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Advertising	ORS 742.009, ORS 746.270	Advertisements for immediate annuities do not require prior approval. Advertisements do not include a bonus or features that are not filed and approved in the policy or certificate. All advertisements, regardless of format (brochure, website, etc.), comply with the advertisement standards (Form 440-3308), whether or not the advertisement must be filed, and are subject to audit. Illustrations of benefits payable do not use past investment experience to project future investment experience.	
Applicability	ORS 743.348(1-2)	Group eligibility: 1. Membership is not sold to qualify an applicant for group annuity insurance. 2. Group annuity insurance is not sold for the purpose of offering membership in the group.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Applications	Form 440-2442, ORS 742.005(3-4), ORS 746.015, ORS 743.024, ORS 743.030, ORS 743.027	1. If filing includes an application form that asks medical questions, the product standard for <i>Life, AD&amp;D, and Annuity Applications</i> , Form 440-2442, is included. The extent of medical questions is consistent with the mortality assumptions used in pricing the product. 2. If the contract issued requires consent, the consent form is make part of the contract and is included.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Association/trusts /discretionary groups	Form 440-2441	Submit transmittal and standards for qualifying an association, trust, or discretionary group using Form 440-2441.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
Assumptions/ mergers, etc.	Form 440-3637	See standards for <i>Changes to Business Operations that Require a Filing</i> , Form 440-3637	
Clarity/legibility/ readability	ORS 742.005(2)	Forms are clear and understandable in their presentation of premiums, labels, description of contents, title, headings, backing, and other indications (including restrictions) in the provisions. The information is clear and understandable to the consumer and is not unintelligible, uncertain, ambiguous, abstruse, or likely to mislead.	Confirm <input type="checkbox"/>
	ORS 743.104(1)(a)	If the contract qualifies for a readability exemption; the filing includes a statement that the contract is subject to federal jurisdiction and meets requirements for exemption under ORS 743.106(2)(f)(A).	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>

Review requirements	Reference	Description of review standards requirements	Check answer
Credibility	ORS 742.005(2), ORS 743.106, ORS 731.260	Fairness. The contract does not contain inconsistent, ambiguous, or misleading clauses or exceptions and conditions that unreasonably affect the risk purported to be assumed in the general coverage of the contract.  The actuarial memo, application and SOV are congruent with the contract.	Confirm <input type="checkbox"/>
Discretionary clause	ORS 742.005	A discretionary clause that gives the insurer the unrestrained power to interpret the contract in a manner that could possibly limit benefits, coverage, eligibility or the right to appeal or contest the decision under the contract is prohibited.	Confirm <input type="checkbox"/>
Discrimination	ORS 746.015, OAR 836-080-0050, OAR 836-080-0055	A statement is included in the filing that no assumptions or provisions unfairly discriminate in availability, rates, benefits, or any other way for prospective insureds of the same class, equal expectation of life, and degree of risk or hazard. ( <i>For example, sources of funds going into the contract and funds being withdrawn are treated alike.</i> )	Confirm <input type="checkbox"/>
Domestic Partnerships/Spouses	ORS 106.305(3-7)	Oregon law recognizes and authorizes domestic partnerships. Policy forms should reference Oregon's domestic partnership law if the form makes reference to spouse, marriage, husband or wife. There are several exceptions to this and they involve language that specifically limits the definition of spouse to only those relationships that meet the federal definition of marriage which includes same sex marriages but does not recognize domestic partnerships... These include the spousal continuation option under IRC 72s for annuity contracts and also in the case of annuity contracts that will be used for qualified plans (IRA, etc.) or for the qualified supplemental forms (for example, an endorsement) that are used to make the base contract compliant with the federal law.	Confirm <input type="checkbox"/>

Review requirements	Reference	Description of review standards requirements	Check answer
Fees, service charges, taxes	ORS 731.854, ORS 742.023	<p>Premium Tax.</p> <ol style="list-style-type: none"> <li>1. Oregon does not have a premium tax. No contract issued in Oregon may collect a premium tax charge based on premiums collected and reported in Oregon.</li> <li>2. If an insurer must pay tax on premium collected outside of Oregon on contracts originally issued in Oregon, the insurer may collect a premium tax charge no greater than the premium tax the insurer was required to pay on the corresponding premium.</li> <li>3. No premium or retaliatory tax charge may be collected on contracts issued in Oregon whatsoever unless the insurer is actually paying a premium or retaliatory tax on the contract. <ol style="list-style-type: none"> <li>a. The amount of any premium or retaliatory tax charge on any contract must not be greater than the premium or retaliatory tax the insurer is required to pay on the contract or corresponding premium.</li> <li>b. The terms and conditions of the premium or retaliatory tax charge must be the same as those required by the law requiring their payment; for example, if the state charging the premium tax does not allow insurers to defer payment of the tax, the premium tax charge may not be deferred by the insurer.</li> </ol> </li> <li>4. Any reference to assessing or deducting an applicable premium tax charge or retaliatory tax must state “any applicable premium tax” or “any applicable retaliatory tax charge”</li> </ol> <p>If there is a premium tax statement on the cover page and/or specifications page, it overrides any conflicting statement within the main body of the contract.</p> <p>Statements such as “no premium tax applies to Oregon contracts” or “no premium tax in Oregon” also means the insurer may not deduct premium tax from premiums/policy paid outside the state unless the insurer also adds a statement that they will deduct premium tax after moving to another state that assesses premium tax.</p> <p>In accordance with the earlier referenced requirement that forms and the actuarial memo be consistent, the actuarial memo should be congruent with and mirror the contract. There should not be any conflicting statements between the two documents.</p> <p>Other Taxes. References to other taxes are specific as to type with the specific charge stated on the specifications page. General references are made only for personal income tax deductions and a tax solely on the operation of the separate account.</p>	Confirm <input type="checkbox"/>

Review requirements	Reference	Description of review standards requirements	Check answer
Form Numbers	ORS 746.106, ORS 742.023(f)	The form number is in the lower left hand corner and appears on each page.	Confirm <input type="checkbox"/>
Insurable interest	ORS 743.024, ORS 743.027, ORS 743.030	Insurable interest is not applicable to annuities. However, the consent of the annuitant may be required. The consent form is limited to providing information regarding the coverage and requesting consent. A copy of the consent form is included with the filing.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
Non-English contract	ORS 743.106, ORS 743.104(2)	If filing includes forms in a language other than English, readability requirements do not apply if the forms are direct translations of approved contracts that meet product standards. Filing includes certification that it is a direct translation of an approved form.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
Suitability	OAR 836-080-0170 to 0190, OAR 836-080-0090	Sets forth the standards and procedures to consumers that result in annuity transactions	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
Table of contents	ORS 743.106(1)(d), ORS 743.103	Contract contains a table of contents or index of the principal sections, if longer than three pages or 3,000 words.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
Unilateral amendments	ORS 742.003(1), ORS 742.005(3)	The contract does not provide for unilateral changes that reduce or eliminate benefits or coverage or impair or invalidate any right granted to an existing contract owner under the contract. Amendments, riders, or endorsements that change contract provisions are filed only to enhance benefits or contract provisions on in force contract or to add tax qualified federal requirements.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
Variable text	ORS 742.023, ORS 742.003(1), ORS 742.005(2-4)	The company identifies items considered variable only on the specification page. Such items are bracketed or otherwise marked to denote variability. The submission includes a statement of variability (SOV) as a form for approval that discusses the conditions under which each variable item may change. ( <i>Only the contract owner information and options, and sub-accounts (if applicable) may be bracketed as variable and changed in accordance with state regulations.</i> ). The interest rate basis maybe bracketed as variable if on the SOV with a reasonable and realistic range. The payout options may be bracketed as variable if the SOV contains all the alternates with the complete language for all the alternates.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
		Items such as the company phone number, address, officer titles, and signatures of officers located in other areas of the contract are denoted as variable and may be changed without notice or prior approval.	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
		The following items are not variable and may only be changed upon prior approval. The change shall be submitted in a replacement page or new contract. <ol style="list-style-type: none"> <li>1. The free look period, including the number of days.</li> <li>2. The Oregon fraud warning or in the absence of an Oregon specific fraud warning, a general fraud warning.</li> <li>3. The product name (not the marketing name).</li> </ol>	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>

Review requirements	Reference	Description of review standards requirements	Check answer
Variable text, continued	ORS 742.023, ORS 742.003(1), ORS 742.005(2-4)	The following items are not variable and may only be changed upon prior approval. The change shall be submitted in a replacement page or new contract. <ol style="list-style-type: none"> <li>4. The insurer name (a logo may be bracketed but the full name of the insurer must be shown as unbracketed).</li> <li>5. Amounts or ages related to the Internal Revenue Code.</li> </ol>	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
		The SOV contains language that any change or modification is limited to new issues of the contract and does not apply to in-force contracts. The SOV must include this language in regard to bracketing: the range(s) as shown on the SOV and its application shall be actuarially justified and does not discriminate against people of the same risk or degree of hazard and equal expectation of life.  All contract provisions are guaranteed, key terms defined, and all rights to make changes include the specific circumstances and extent of the reserved right with timely notice to the contract owner. (Open-ended provisions do not meet the requirements of ORS 742.005(2) and 742.023(1)(f) and changes require prior approval under ORS 742.003(1).	Confirm <input type="checkbox"/>

**GENERAL FORM REQUIREMENTS**

Cover page	ORS 743.245, ORS 743.198, ORS 742.005(2), ORS 742.023(1)(d) and (f), OAR 836-080-0029(1)(d), OAR 836-080-0165	1. The full corporate name of the insuring company appears prominently on the first page of the policy and is not bracketed	Yes    N/A <input type="checkbox"/> <input type="checkbox"/>
		2. A marketing name or company logo, if used on the policy, must not mislead as to the identity of the insuring company. Contract title and subtitles are generic and clearly describe the guaranteed elements; contract title contains no marketing or agency/broker names.	<input type="checkbox"/> <input type="checkbox"/>
		3. The insuring company's address, consisting of at least a city and state, appears on the first page of the policy.	<input type="checkbox"/> <input type="checkbox"/>
		4. The signatures of at least two company officers appear on the first page of the contract. The signatures may be blank for filing purposes only if the SOV includes a statement that the issued contract will contain the signatures.	<input type="checkbox"/> <input type="checkbox"/>
		5. The individual contract or certificate includes a right-to-examine provision on the cover page of the contract or certificate. Instead of the cover page, the free look may be in an amendment or endorsement. See OAR 836-051-0915 for the number of days for a non-replacement free look. Replacement contracts must provide a 30 day free look.	<input type="checkbox"/> <input type="checkbox"/>
		6. A form-identification number appears in the lower left-hand corner of the forms. The form number is adequate to distinguish the form from all others used by the insurer.	<input type="checkbox"/> <input type="checkbox"/>



Review requirements	Reference	Description of review standards requirements	Check answer
Cover page, continued	ORS 743.245, ORS 743.198, ORS 742.005(2), ORS 742.023(1)(d) and (f), OAR 836-080-0029(1)(d), OAR 836-080-0165	7. The policy contains a brief caption that appears prominently on the cover page and describes the type of annuity benefits. 8. See OAR 836-080-0165 for the Notice requirement. Instead of the cover page it could appear on the specifications page or an amendment, endorsement, or rider. 9. Language appears on the cover page or specifications page that indicates that the contract has no cash value.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/>
Specification page	ORS 742.023, ORS 743.156, ORS 743.269	The specification page of the contract is completed with hypothetical data that is realistic and consistent with the other documents for the contract and supporting actuarial memorandum.	Confirm <input type="checkbox"/>
		The specification page includes the date on which annuity payments are scheduled to begin ( <i>that date does not extend beyond one year from date of policy purchase</i> ), premium, amount of benefit, interest rate assumed, any bonus amount and percentage applied, and benefit plan selected.	Confirm <input type="checkbox"/>
		The interest rate basis is included. It may be bracketed as variable if on the SOV with a reasonable and realistic range.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
		All charges and fees are disclosed on the schedule/data page including any surrender charges for commuted values.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 742.023, ORS 743.156, ORS 743.269	If commuted value is offered, the specification page states the interest rate used to determine the commuted values if different from the rate used to determine the payment benefit. The commuted value cannot be less than the benefit interest rate. ORS 743.269	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	OAR 836-080-0165	Notice Requirement. A statement is included to the effect that the Division of Financial Regulation offers assistance to the consumer in the event of a dispute with the insurer. The information must include the phone number and website information for contacting the Division of Financial Regulation. The statement must appear on the cover page, specifications page or another prominent place (amendment or endorsement).	Yes N/A <input type="checkbox"/> <input type="checkbox"/>



Review requirements	Reference	Description of review standards requirements	
<b>CONTRACT PROVISIONS</b>			Page & paragraph
Annuity: Immediate non-variable benefit	ORS 743.153, ORS 742.023	<b>Statement of benefits.</b> The policy includes a provision stating the benefits payable or procedures to determine the amount payable, the manner of payment, and the premium.	
Annuity value	ORS 743.153, ORS 742.023	<ol style="list-style-type: none"> <li>1. The policy includes interest rates used in calculating the annuity payment, cash surrender, or death benefits that are provided under the contract, together with sufficient information to determine the amounts of such benefits. The policy explains all expense, partial withdrawal, and surrender charges.</li> <li>2. For variable options, the investment increment factors used in computing the initial benefit does not exceed five percent. ORS 743.272(1) &amp; (2)</li> </ol>	
Arbitration	ORS 36.600-36.740	<p>Voluntary arbitration is permitted by the Oregon Constitution and statutes after a claimant has exhausted all internal appeals and can be binding upon consent of the covered participant. <i>(If the contract provides for arbitration when claim settlement cannot be reached, the contract owner/annuitant may elect arbitration by mutual agreement at the time of the dispute. Arbitration takes place under the laws of Oregon or another agreed-upon procedure. Arbitration must be held in the insured's county or any other county agreed upon in this state.)</i></p> <p>Any arbitration conducted by an arbitration organization must comply with Oregon law. See additional details below:</p> <ul style="list-style-type: none"> <li>• Either party may elect arbitration at the time of the dispute (after the participant has exhausted all internal appeals);</li> <li>• Unless mutually agreed to at the time of the dispute, the decision will only be binding on the party that demanded arbitration;</li> <li>• Arbitration will take place in the participants county or at another agreed upon location;</li> <li>• Arbitration will take place according to Oregon law, unless Oregon law conflicts with Federal Code;</li> <li>• The process may not restrict the participants access to other court proceedings</li> </ul> <p>Restricting participation in a class action suit is permissible.</p>	
Beneficiaries	ORS 742.023	<ol style="list-style-type: none"> <li>1. The contract contains a beneficiary provision that describes the terms and conditions for designating or changing the beneficiaries, for selecting default beneficiaries as may be necessary, and indicating when such designation is effective.</li> <li>2. The contract states that changes in beneficiary, unless otherwise specified by the owner, shall take effect on the date the notice of change is signed by the owner, subject to any payments made or actions taken by the company prior to receipt of such notice.</li> <li>3. If irrevocable beneficiaries are referenced in the contract, the contract explains that such a beneficiary cannot be changed without the consent of the irrevocable beneficiary.</li> </ol>	

Review requirements	Reference	Description of review standards requirements	Page & paragraph
Cash value	ORS 743.269, ORS 743.309	If a cash surrender value is offered as commuted values, the duration of the charge does not exceed five years at a one percent discounting rate.	
Claims of creditors	ORS 743.049	If the contract includes a provision for "claims of creditors," it may state that it is determined in accordance with applicable law. In the case of fraud, monthly payable amounts exceeding \$500 are subject to garnishee execution to the same extent as wages and salaries in a court-ordered judgment.	
Commuted value	ORS 743.269, ORS 743.309	If the contract provides for commuted values, the provision describes the values as calculated at the same interest rate used in determining the payments when the annuity was purchased. The applicable interest rate used to calculate payment considers only mortality and interest as specified in the contract.  If charges are applicable to commuted values, the charges do not exceed the interest rate used to determine the payment by more than one percent. ( <i>See requirements in the Requirement for Rates section.</i> )	
	ORS 742.023	<b>Waiver of commuted charges</b> <ol style="list-style-type: none"> <li>1. If a benefit waiving surrender charges is included in the policy, the conditions of the waiver are clearly described in the policy.</li> <li>2. If the waiver of surrender charge benefit is not described in a separate, appropriately captioned provision, then the reference to the benefit by name in the policy and any specified time-period restrictions or limitations must be prominent.</li> </ol>	
Death benefits	ORS 742.023, ORS 743.327	<ol style="list-style-type: none"> <li>1. The policy contains a provision that death benefits will be paid promptly to the beneficiary upon receipt of proof of death.</li> <li>2. The death benefit provision contains information on the items that satisfy proof of death, including an alternative when standard proof (certified copy of the death certificate or a finding from a court of competent jurisdiction) is not obtainable.</li> <li>3. The contract describes how the death benefit, if any, is calculated.</li> </ol>	
Entire contract provision	ORS 742.016, ORS 743.261	<ol style="list-style-type: none"> <li>1. The contract contains a provision that the contract constitutes the entire contract between the company and the owner and does not reference other agreements as a way to incorporate additional terms to the contract.</li> <li>2. If the application is to be part of the contract, the entire contract provision states that the application is part of the contract.</li> <li>3. The application and contract do not reference the prospectus as part of the contractual agreement nor do they reference fees or details in the prospectus that are not in the contract and that would serve to control the contract.</li> <li>4. References to federal requirements clearly describe the requirement and the affect on contract provisions. Inclusion of federal requirements does not include limitations that are not part of the federal regulation.</li> </ol>	

Review requirements	Reference	Description of review standards requirements	Page & paragraph
Examination of contract	ORS 742.023, OAR 836-080-0029(1)(d), OAR 836-051-0915	<p><b>Right to examine contract</b></p> <ol style="list-style-type: none"> <li>1. A right-to-examine statement appears on the cover, allowing the policy owner a minimum of 10 days in which examine the contract. The 10 days begin on the date the contract is received by the owner. See OAR 836-051-0915 for the number of days in a non-replacement. 30 days is used for a replacement.</li> <li>2. A provision includes the requirement and instructions for the return of the contract to the company or the producer of the company.</li> <li>3. For premiums paid to any variable account, if the contract is returned, the company refunds either (a) the premiums paid or (b) the variable account value plus any amount deducted from the portion of the premium applied to the account. For fixed accounts, all monies are returned.</li> <li>4. Account values are returned in the case of a replacement.</li> </ol>	
Incontestability	ORS 743.258, ORS 743.315	If any statement other than age, sex or identity is required, then the contract contains an incontestability provision and the contestable period does not exceed two years during the lifetime of the annuitant.	
Ownership of contract	ORS 743.043	<ol style="list-style-type: none"> <li>1. The contract contains an ownership provision. The provision describes the terms and conditions for designating or changing ownership or for designating default ownership as necessary and indicates when such designation is effective.</li> <li>2. The contract states that changes in owner designation, unless otherwise specified by the owner, take effect on the date the notice of change is signed by the owner, subject to any payments made or actions taken by the company prior to receipt of such notice.</li> <li>3. The contract states the conditions for a change of payee.</li> </ol>	
Misrepresentations /misstatements	ORS 743.177, ORS 742.013, ORS 743.315, ORS 743.318	The contract contains a provision that all statements made by the insured, in the absence of fraud, are representations, not warranties, and that no statement is used in defense of a claim unless in a written application attached to the contract when issued.	
	ORS 743.264, ORS 743.324	<p><b>Misstatement of age or sex.</b></p> <ol style="list-style-type: none"> <li>1. The contract contains a misstatement-of-age provision or, if the contract is written on a sex-distinct basis, a misstatement-of-age or -sex provision, providing that the amount payable is such as the payment(s) to the company would have purchased at the correct age or sex.</li> <li>2. Any overpayment(s) by the company on account of misstatement of age or sex are charged, with interest at a rate specified in the contract but not exceeding six percent, against the current or next succeeding payment(s) to be made by the company.</li> </ol>	

Review requirements	Reference	Description of review standards requirements	Page & paragraph
Misrepresentations /misstatements, continued	ORS 743.264, ORS 743.324	<b>Misstatement of age or sex.</b> (continued) 3. If more than one life is insured, the misstatement provision may state that the amount payable may be adjusted due to the misstatement of age or sex, as appropriate, of any insured. 4. The insurer may not terminate the contract/benefit and refund premiums if the correct age is outside the issue age ranges of the form. A premium and benefit shall be extrapolated.	
Modification	ORS 731.104, ORS 744.078	Any provision allowing for modification does not directly or indirectly imply that the company is not bound by statements given to the producer. Knowledge of or information given to the producer is knowledge or information of the company.	
Participating policies	ORS 743.267	If the contract participates in the divisible surplus of the company, the conditions of the participation are included in the contract.	
Reports & statements to contract owner	ORS 742.023, ORS 743.247, OAR 836-051-0920	1. The contract provides for at least annual delivery, without charge, of a report to the owner about the status of the contract and other information required under state or federal law, including the following: (a) Accumulation value (b) Commuted value, if offered (c) The dollar amount of the death benefit 2. Information current as of a date not more than four months prior to the date of mailing. 3. Provision for additional status reports to the contract owner upon request by the contract owner. 4. If a variable account, the report includes information about investments held in the applicable separate account, and the number of accumulation units credited to the policy, and the dollar value of a unit or the value of the policyholder's account.	
Separate Accounts	ORS 731.156	Annuities containing separate accounts shall be considered variable only if the value of the annuity (or portion of the annuity pertaining to the separate account) varies according to the investment experience of the separate account. Annuities (or portion of annuities) which vary with respect to an index or which fluctuate in value on any other basis not directly related to the investment performance of the funds in the separate account are not considered variable.	

## REQUIREMENTS FOR RATES

Actuarial filing requirements for demonstrating compliance: *Information requested under this section is necessary to evaluate the filing for compliance. ORS 731.296*

Commuted values	ORS 743.269	<p>If commuted values are included, the actuarial memorandum includes a demonstration showing compliance with the following:</p> <ol style="list-style-type: none"> <li>1. Commuted values are calculated at a rate not exceeding 1% plus the same interest rate used in determining the payments when the annuity was purchased.</li> <li>2. If a withdrawal charge is assessed, the scale is no longer than five years, and the commuted value is based on an interest rate not more than one percent higher than the interest rate used to determine the payments.</li> <li>3. The applicable interest rate used to calculate payments considers only mortality and interest as stated in the policy.</li> <li>4. Any withdrawal or surrender charges exceeding five years must demonstrate the expenses supported.</li> </ol>	<p>Yes <input type="checkbox"/> N/A <input type="checkbox"/></p>
Discrimination	ORS 746.015, ORS 742.005(3), (4), OAR 836-080 0050 & 0055	Filing includes a statement that no assumptions or provisions unfairly discriminate in availability, rates, benefits, or any other way for individuals of the same class, equal expectation of life, and degree of risk or hazard.	Confirm <input type="checkbox"/>
Ratemaking generally	ORS 731.296, ORS 733.316	<p><b>Additional submission requirements:</b> An actuarial memorandum signed by a member of the American Academy of Actuaries that includes the following information:</p> <ol style="list-style-type: none"> <li>1. A description of the contract and plan options.</li> <li>2. All expense charges and fees used to calculate benefits.</li> <li>3. The range of issue ages.</li> <li>4. Sample calculations for representative issue ages including issue ages 50, 60, and 70.</li> </ol>	<p>Yes <input type="checkbox"/> N/A <input type="checkbox"/></p>
	ORS 733.308	The memorandum includes a narrative description of the reserve method.	<p>Yes <input type="checkbox"/> N/A <input type="checkbox"/></p>
	ORS 731.296, ORS 742.005(3) & (4), ORS 746.015	Any underwriting of medically impaired persons or options for acceleration of payments is explained in relation to the underwriting criteria and the added benefit provided. The extent of the medical questions is consistent with the mortality assumptions used in the pricing of the policy.	<p>Yes <input type="checkbox"/> N/A <input type="checkbox"/></p>
Separate Accounts	ORS 731.156	Annuities containing separate accounts shall be considered variable only if the value of the annuity (or portion of the annuity pertaining to the separate account) varies according to the investment experience of the separate account. Annuities (or portion of annuities) which vary with respect to an index or which fluctuate in value on any other basis not directly related to the investment performance of the funds in the separate account are not considered variable.	<p>Yes <input type="checkbox"/> N/A <input type="checkbox"/></p>