

**Explanatory Statement Regarding Approval of Proposed Operating Procedure for the Implementation of Uniform Product Standards by the Management Committee**

On February 26, 2007, following a public hearing to receive comments from interested parties and the opportunity for discussion, the Management Committee of the Interstate Insurance Product Regulation Commission (“IIPRC”) approved a proposed operating procedure for the Implementation of Uniform Product Standards. This explanatory statement is being issued in accordance with the procedure established by Section 109 of the IIPRC’s Rule for Adoption, Amendment and Repeal of Rules for the Interstate Product Regulation Commission.

The Management Committee has approved this proposed operating procedure in order to establish guidelines that are to be observed as the IIPRC and the Management Committee implement Uniform Product Standards pursuant to Article VII, § 3 of the Interstate Insurance Product Regulation Compact (the “Compact”), as enacted into law by each Compacting State, and the Management Committee believes that this proposed operating procedure establishes the appropriate procedures in accordance with the requirements of the Compact.

There are no changes between the text of the operating procedure as approved by the Management Committee and the text of the proposed operating procedure contained in the notice of proposed operating procedure issued on December 22, 2006. No comments were received on the proposed operating procedure.

**INTERSTATE INSURANCE PRODUCT REGULATION COMMISSION  
OPERATING PROCEDURE  
FOR THE IMPLEMENTATION OF UNIFORM PRODUCT STANDARDS**

**§ 101. Definitions.**

- (a) Except as specifically defined herein, the terms defined in Article II of the Compact shall have the same meaning in this Rule as if such definitions were fully set forth herein.
- (b) “Rulemaking Rule” means the Rule for Adoption, Amendment and Repeal of Rules for the Interstate Insurance Product Regulation Commission.

**§ 102. Implementation of a Uniform Standard.**

- (a) Before a Uniform Standard is implemented by the Commission, the Commission shall adopt the Uniform Standard consistent with the Rulemaking Rule.
- (b) Upon adoption of a Uniform Standard, the Commission shall give written notice (including notice through an electronic medium) to the Commissioner of each Compacting State. The notice shall include:
  - (1) the text of the Uniform Standard;
  - (2) the date of adoption by the Commission;
  - (3) the effective date of the Uniform Standard; and
  - (4) a statement of the right of a Compacting State to opt out of the Uniform Standard pursuant to Article VII, Section 4 of the Compact and pursuant to any rule or operating procedure adopted by the Commission with regard to opting out of a Uniform Standard.
- (c) A Uniform Standard adopted by two-thirds ( $\frac{2}{3}$ ) of the Compacting States shall become effective ninety days after adoption unless the Commission determines that a later date for its adoption should be established. If the Commission determines that a later effective date should be established, the later effective date shall be included in the section of the Uniform Standard that states when the Uniform Standard is to be effective.
- (d) A Uniform Standard adopted under the Rulemaking Rule shall be binding on a Compacting State unless:
  - (1) A Compacting State has opted out of the Uniform Standard as provided in Article VII, Section 4 of the Compact and in any rule or operating procedure adopted by the Commission with regard to opting out of a Uniform Standard;

- (2) The Commission has stayed the effective date in the Compacting State pending adoption in such state of a statute or regulation to opt out of the Uniform Standard;
  - (3) The Uniform Standard is the subject of judicial appeal pursuant to Article VII, Section 7 of the Compact and the court has issued a stay of the effectiveness of the Uniform Standard;
  - (4) The Uniform Standard is found by a court of competent jurisdiction to be beyond the scope of the purposes of the Compact or powers granted under the Compact;
  - (5) The Uniform Standard is found by a court of competent jurisdiction to conflict with the constitution of the Compacting State; or
  - (6) The Uniform Standard is otherwise invalidated by a court of competent jurisdiction.
- (e) In the event one of the exceptions stated in § 102(d) occurs in a Compacting State, the Compacting State shall notify the Executive Director in writing of the occurrence of the exception within ten (10) business days after the exception occurs.
- (1) Upon receipt of the notice the Executive Director shall notify its filing vendor, System for Electronic Rate and Form Filing (SERFF) of the exception.
  - (2) Upon receipt of the notice from the Management Committee, SERFF shall notify companies using SERFF to file products with the Commission that the applicable Uniform Standard will not be effective in the Compacting State that has given notice under this operating procedure.

**§ 103. Adoption; Effective Date.**

This Rule was adopted by the Commission on \_\_\_\_\_, pursuant to the procedures set forth in the Rule for the Adoption, Amendment and Repeal of Rules for the Interstate Insurance Product Regulation Commission. This Rule shall take effect on \_\_\_\_\_.