

**INTERSTATE INSURANCE PRODUCT REGULATION COMMISSION  
OPERATING PROCEDURE  
FOR THE ISSUANCE OF ADVISORY AND INTERPRETIVE OPINIONS**

**§ 101. Authority; Scope.**

- (a) This Operating Procedure regarding the issuance of advisory and interpretive opinions is promulgated pursuant to Article VI § 2(c) of the Interstate Insurance Product Regulation Compact (the "Compact").
- (b) This Operating Procedure shall not be construed to limit or modify the authority of the Interstate Insurance Product Regulation Commission (the "Commission") to issue bulletins, notices, general interpretations or any other form of public statement regarding the Compact, its organization and operations.

**§ 102. Definitions.**

Unless used in a context that clearly requires a different meaning, terms used in this Operating Procedure shall have the definitions set forth in this section and in Article II of the Compact.

- (a) "Advisory Opinion" means written guidance issued by the Commission in accordance with this Operating Procedure.
- (b) "Commission action" means the Compact, the Commission Bylaws, and any rule, operating procedure or uniform standard adopted by the Commission.
- (c) "Requesting Party" means a person requesting an Advisory Opinion.

**§ 103. Request for Advisory Opinion.**

- (a) A Requesting Party shall submit a request for Advisory Opinion, in writing, to the Executive Director of the Commission.
- (b) A request for Advisory Opinion shall include a statement of the opinion requested, a complete description of all persons involved and all relevant facts and circumstances, and citations to all relevant legal authority.
- (c) If the Executive Director determines that the request is deficient, he or she shall request the Requesting Party to provide additional information.

**§ 104. Limitations on the Issuance of an Advisory Opinion.**

- (a) An Advisory Opinion shall not be issued if the Executive Director determines, in his or her sole discretion, that any of the following circumstances exist:

- (1) the issuance of the Advisory Opinion would not further the purposes and interests of the Commission or any Compacting State;
  - (2) the facts and circumstances stated in the request for Advisory Opinion involve a situation that is currently the subject of a proceeding before the Commission, or of any matter pending before the Commission, or is reasonably likely to become the subject of a proceeding or a matter before the Commission; or
  - (3) the facts and circumstances stated in the request for Advisory Opinion are the subject of a pending judicial or administrative proceeding in any state.
- (b) The Executive Director shall notify the Requesting Party, in writing, if an Advisory Opinion will not be issued pursuant to this section.

**§ 105. Drafting the Advisory Opinion.**

- (a) In preparing an Advisory Opinion, the Executive Director may:
- (1) circulate preliminary drafts of an Advisory Opinion to and seek the input of members of the Commission, advisory committees and/or the Legislative Committee;
  - (2) request additional information from the Requesting party or from any other sources; and
  - (3) subject to the prior approval of the Management Committee (which approval may be a general approval with respect to any request for Advisory Opinion), retain outside legal counsel.
- (b) The Executive Director shall forward a final draft of the Advisory Opinion to the Commission members for review and a vote regarding approval.
- (c) Upon receipt of a draft opinion submitted in accordance with paragraph (b), the Commission may upon motion of a member:
- (1) issue an opinion;
  - (2) deny the request for the issuance of an opinion; or
  - (3) request the Executive Director to take additional actions.

**§ 106. Legal Effect of Advisory Opinion.**

An Advisory Opinion shall be issued to the Requesting Party, and shall be binding on the Commission only with respect to such Requesting Party and to the extent of the facts and

circumstances presented by the Requesting Party. An Advisory Opinion shall not be cited as precedent by any other person.

**§ 107. Adoption; Effective Date.**

This Rule was adopted by the Commission on August 27, 2008, pursuant to the procedures set forth in the Rule for Adoption, Amendment and Repeal of Rules for the Interstate Insurance Product Regulation Commission. This Rule is effective on October 11, 2008.