

**INTERSTATE INSURANCE PRODUCT REGULATION COMMISSION**  
**RULE FOR THE SELF-CERTIFICATION OF PRODUCT COMPONENTS FILED**  
**WITH THE INTERSTATE INSURANCE PRODUCT REGULATION COMMISSION**

**§101. Purpose.**

Pursuant to the authority granted to the Interstate Insurance Product Regulation Commission ("Commission") under Article II, Section 1 and Article IV, Sections 4 and 5 of the Model Interstate Insurance Product Regulation Compact, as enacted into law by each Compacting State, this Operating Procedure (the "Rule") establishes the procedures for a self-certification filing process for certain Product Components where the Commission determines, pursuant to adoption of an applicable Uniform Standard, that this process will adequately protect the interests of consumers and the Product Component may be filed as a Self-Certified Product Filing.

**DRAFTING NOTE:** The self-certification process is intended to be utilized in limited circumstances where the Uniform Standard covers those Product Components that are not subject to substantive variation by the filers or are wholly or substantially prescribed by an NAIC model law or regulation or federal law or regulation. The self-certification process is not intended to apply to Uniform Standards for Advertisements. Nothing in this drafting note is intended to preclude consideration by the Commission of the eligibility of any Uniform Standard for this self-certification process.

**§ 102. Scope and Applicability.**

- (a) A Self-Certified Product Filing may be made for Product Components which have been designated for self-certification as expressly authorized by the applicable Uniform Standard.
- (b) Except as otherwise provided in this Rule, Self-Certified Product Filings shall remain subject to all applicable Commission laws, rules, and operating procedures, and to all applicable state laws and regulations.
- (c) Nothing in this Rule shall prevent a Product Filer from submitting a Product Filing for prior review and approval notwithstanding the Product Component's eligibility for self-certification pursuant to this Rule and applicable Uniform Standard.

**§103. Definitions.**

- (a) Except as otherwise and specifically defined herein, the terms as defined in Article II of the Compact shall have the same meaning in this Rule as if such definitions were set forth formally herein.
- (b) "Actuarial Compliance Certification" means the certification set forth in Exhibit B signed by an actuary who is a member of the American Academy of Actuaries

attesting that the filing complies with the actuarial requirements of the applicable Uniform Standard.

- (c) "Compact" means the Model Interstate Insurance Product Regulation Compact as enacted into law in each of the Compacting States.
- (d) "Filing Requirement" means a requirement of SERFF, any applicable Uniform Standard, or any Rule or Operating Procedure of the Commission related to the information, documents and fees that must be submitted as part of a Self-Certified Product Filing.
- (e) "Objection Letter" is a communication sent by the Commission to a Product Filer that identifies one or more specific problems with a Self-Certified Product Filing.
- (f) "Officer Compliance Certification" means the certification set forth in Exhibit A signed by an authorized officer of the Insurer attesting that the filing complies with the applicable Uniform Standard(s).
- (g) "Product Filer" means an Insurer or authorized third-party filer that had made or is making a Self-Certified Product Filing with the Commission.
- (h) "Self-Certified Product Filing" means a filing submitted to the Commission pursuant to this Rule and expressly authorized by the applicable Uniform Standard.
- (i) "Self-Certification Notice" means a written notice issued by the Commission to the Product Filer that a Self-Certified Product Filing has been received and accepted as a Self-Certified Product Filing pursuant to this Rule.
- (j) "Product Component" means one or more of the following forms required to be used with a policy: a contract or group certificate, an application, a rider, an amendment or an endorsement, and any other forms that may be required to be used with such forms.
- (k) "SERFF" means the System for Electronic Rate and Form Filing.

**§ 104. Self-Certification Filing Requirements.**

- (a) An Insurer shall not market, deliver, issue for delivery or use any Product Component subject to a Self-Certified Product Filing in any Compacting State until the Insurer receives a Self-Certification Notice for that Product Component from the Commission.
- (b) A Self-Certified Product Filing must comply with all applicable Filing Requirements including Section 103 of the Commission's Operating Procedures for the Filing and Approval of Product Filings ("Product Filing Rule").
- (c) A Self-Certified Product Filing shall only contain Product Components that have been expressly authorized by the applicable Uniform Standard(s) as eligible for self-certification.
- (d) A Self-Certified Product Filing shall contain a completed Officer Compliance Certification.

- (e) If the applicable Uniform Standard(s) includes actuarial requirements, the Self-Certified Product Filing shall also contain a completed Actuarial Compliance Certification.

**§ 105. Initial Review of Self-Certified Product Filings**

- (a) The Commission will promptly review each Self-Certified Product Filing for compliance with applicable Filing Requirements included in this Rule and Section 103 of the Commission's Product Filing Rule.
- (b) Except as otherwise provided in this Rule, the Commission will not routinely review each and every Self-Certified Product Filing for compliance with the applicable Uniform Standard(s) and will rely upon the Officer Compliance Certification and the Actuarial Compliance Certification, as applicable, required under this Rule; however, the Commission reserves the right to review any Self-Certified Product Filing to ensure compliance with all applicable Uniform Standards.
- (c) If the Commission determines the Self-Certified Product Filing meets the applicable Filing Requirements, it will promptly issue a Self-Certification Notice to the Product Filer.
- (d) The Commission may issue an Objection Letter based upon the applicable Filing Requirements at any time before issuing a Self-Certification Notice.
- (e) The Commission will not be required to issue a Self-Certification Notice until the Product Filer responds to the Objection Letter and fully addresses the problems or areas of deficiency.
- (f) The date on the Self-Certification Notice will govern the date the Self-Certified Product Filing is accepted and the Product Component may be marketed, delivered, issued for delivery or used in the Compacting States identified by the Product Filer.

**§106. Reconsideration of Self-Certified Product Filings**

- (a) The Commission shall have the authority to monitor, review and reconsider acceptance of a Self-Certified Product Filing subsequent to the issuance of a Self-Certification Notice.
- (b) The Commission may conduct random and targeted comprehensive reviews of Self-Certified Product Filings, for the purpose of examining its compliance with applicable Commission Rules, Operating Procedures, and Uniform Standards.
- (c) If the Commission finds that a Self-Certified Product Filing does not comply with a relevant Uniform Standard, the Commission shall provide a minimum of fifteen (15) days notice to allow the Product Filer to address the areas of non-compliance with the Self-Certified Product Filing before withdrawing or modifying its Self-Certification Notice.

- (d) The Commission may withdraw or modify its Self-Certification Notice upon finding that the Self-Certified Product Filing does not meet a relevant Uniform Standard, but only after proper notice and opportunity for hearing, and subject to the appeals process set forth in Article XI of the Compact and the Operating Procedure for Notice and Hearing.
- (e) Upon receipt of notice by the Product Filer that the Commission intends to withdraw or modify a Self-Certification Notice, an Insurer shall immediately suspend the marketing, delivering, issuing for delivery or using any Product Component subject to the Self-Certified Product Filing including both before and during any applicable administrative proceeding regarding the Self-Certified Product Filing.

#### **§107. Suspension of or Limitations upon Self-Certification Process**

- (a) The Commission may immediately suspend or impose limitations and conditions on a Product Filer's ability to submit Self-Certified Product Filings upon a finding by the Commission that the Product Filer has submitted one or more Self-Certified Product Filings that materially failed to comply with the applicable Uniform Standard, but only after proper notice and opportunity for hearing, and subject to the appeals process set forth in Article XI of the Compact and the Operating Procedure for Notice and Hearing.
- (b) Upon receipt of notice by the Product Filer that the Commission intends to suspend or impose limitations upon a Product Filer's ability to submit Self-Certified Product Filings, a Product Filer shall immediately abide by such notice including both before and during any applicable administrative proceeding regarding the Product Filer's ability to submit Self-Certified Product Filings.
- (c) The Commission may immediately suspend the process for accepting Self-Certified Product Filings authorized by a Uniform Standard upon a finding by the Commission that the suspension of the self-certification is necessary to protect the interests of consumers and policyholders.
- (d) Within fifteen (15) days of suspension of the process for accepting Self-Certified Product Filings, the Commission shall commence emergency rulemaking procedures, pursuant to Section 108 of the Rule for Adoption, Amendment and Repeal of Rules for the Interstate Insurance Product Regulation Commission, to determine whether to amend the applicable Uniform Standard authorizing acceptance of Self-Certified Product Filings.

#### **§ 108. Coordination with Compacting States**

- (a) The Commission shall clearly indicate for Compacting States those Product Filings that have been submitted to the Commission as Self-Certified Product Filings.

- (b) The Commission shall provide relevant filing records for Self-Certified Product Filings to assist Compacting States in their market conduct examinations, investigations of consumer complaints and other regulatory actions.

**§109. Effective Date**

- (a) This Rule was adopted by the Commission on February 22, 2010, pursuant to the procedures set forth in the Rule for Adoption, Amendment and Repeal of Rules for the Interstate Insurance Product Regulation Commission. The Rule is effective on April 23, 2010.

**EXHIBIT A**

**Interstate Insurance Product Regulation Commission  
Officer Compliance Certification**

Insurer: \_\_\_\_\_

Form Number(s):

Form Title(s):

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_, am a duly authorized officer of the above Insurer, and do hereby certify that I am knowledgeable as to the current Uniform Standards, Rules, Operating Procedures, and other filing requirements of the Commission applicable to the Product Component(s) identified above that is (are) the subject of this Self-Certified Product Filing. To the best of my knowledge and belief, I hereby certify that the Product Components(s) are in compliance with such Uniform Standards, Rules, Operating Procedures, and other Commission filing requirements.

I understand that the Commission, and the insurance regulator of a Compacting State, will rely on this certification in accepting the Self-Certified Product Filing, and should it be determined that the Self-Certified Product Filing does not comply with the applicable Uniform Standards, Rules, Operating Procedures or other Commission filing requirements, or that this certification is materially false, misleading, or incorrect, appropriate corrective and disciplinary action, as authorized by the Commission's Rules and Operating Procedures and by the laws of the Compacting State(s), may be taken against the Insurer and the officer completing this certification.

Signature of Officer Certifying On Behalf of the Insurer: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Direct Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**EXHIBIT B**

**Interstate Insurance Product Regulation Commission  
Actuarial Compliance Certification**

Insurer: \_\_\_\_\_

Form Number(s):

Form Title(s):

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_, am a member of the American Academy of Actuaries and am authorized to make this certification on behalf of the Insurer. I do hereby certify that I am knowledgeable as to the actuarial requirements in the applicable Uniform Standard(s), and other filing requirements of the Commission applicable to the actuarial elements of the Product Component(s) identified above that is (are) the subject of this Self-Certified Product Filing. To the best of my knowledge and belief, I hereby certify that the actuarial elements of the Product Components(s) are in compliance with such Uniform Standards and other Commission filing requirements.

I understand that the Commission, and the insurance regulator of a Compacting State, will rely on this certification in accepting the Self-Certified Product Filing, and should it be determined that the Self-Certified Product Filing does not comply with the actuarial requirements of the applicable Uniform Standards or other Commission filing requirements, or that this certification is materially false, misleading, or incorrect, appropriate corrective and disciplinary action, as authorized by the Commission's Rules and Operating Procedures and by the laws of the Compacting State(s), may be taken against the Insurer.

Signature of Actuary Certifying On Behalf of the Insurer: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Direct Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_