

Review Requirements Checklist
GROUP MODIFIED GUARANTEED LIFE INSURANCE (MGL)

REVIEW REQUIREMENTS	REFERENCES	COMMENTS
General Filing Requirements		
Transmittal Letter	14 VAC 5-100-40	Must be submitted in duplicate for each filing, describing each form, its intended use and kind of insurance provided.
	14 VAC 5-100-40 1	Forms submitted and described in transmittal letter must have a number that consists of digits, letters, or a combination of both. (Our system limits the number of characters to 20, including spaces, commas, hyphens, etc.)
	14 VAC 5-100-40 2	Must clearly indicate if forms are replacements, revisions, or modifications of previously approved forms and describe the exact changes that are intended.
	14 VAC 5-100-40 3	Certification of Compliance signed by General Counsel or officer of company or attorney or actuary representing company is required.
	14 VAC 5-100-40 5	Description of market for which the form is intended.
	14 VAC 5-100-40 6	At least one copy of each form must be included in the filing. A duplicate copy of forms must be submitted if the company wants a "stamped" copy of forms for its records. A stamped self-addressed return envelope is required. The letter of transmittal must be addressed to, State Corporation Commission, Bureau of Insurance, P. O. Box 1157, Richmond, VA 23218.
	Administrative Letter 1983-7	Must include the name and individual NAIC number of the company for which the filing is made.
Forms		
Form number	14 VAC 5-100-50 1	Form number must appear in lower left-hand corner of first page of each form.
Company name & address	14 VAC 5-100-50 2	Full and proper corporate name (including "Inc.") must prominently appear on cover sheet of all policies and other forms. Home office address of insurer must prominently appear on each policy.
Final form	14 VAC 5-100-50 3	Form must be submitted in the final form in which it will be issued and completed in "John Doe" fashion to indicate its intended use.
Application	14 VAC 5-100-50 4	Any policy, which is to be issued with an attached application, must be filed with a copy of the application completed in "John Doe" fashion to indicate its intended use. (If application was previously approved, advise date of approval.)
Type Size	14 VAC 5-100-50 5	Accident and Sickness forms must be printed with type size of at least ten-point type. All other forms must be printed with type size of at least eight-point.
Arbitration	§ 38.2-312	Contract may not deprive courts of Virginia jurisdiction in actions against insurer. Arbitration may not be binding.
Fraud Notice	§ 38.2-316 D 1	Title 38.2 of the Insurance Code does not define "Insurance Fraud". Any notice regarding insurance fraud is in non-compliance with this section of the Code. Variations in a notice warning of consequences of making fraudulent statements are acceptable. The notice may disclose that it does not apply in Virginia or may disclose states where applicable.

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Disclosures		
Important Information Notice	§ 38.2-305 B	Virginia requires the following notice to accompany each new or renewal insurance policy, contract, certificate or evidence of coverage.
Disclosure	§ 38.2-3113.1 F	MGL contracts must contain, on the first page of each contract, a prominent statement indicating that the nonforfeiture values may increase or decrease, based on the market-value adjustment formula in the contract.
Beneficiary Notice	§ 38.2-305 C	Virginia requires the following notice to be attached or incorporated into the policy whenever the policy contains a beneficiary designation in which the designated beneficiary is the spouse of the policy owner.
Standard Policy Provisions		
Definition	§ 38.2-105.1	The policy must meet the definition of a modified guaranteed life product.
Investment Amounts	§ 38.2-1443.1	The amounts allocated to separate accounts may be invested and reinvested by a domestic insurer in any type of Category 1 investment.
Suicide	§ 38.2-3106	Limits the liability of the insurer to an insured who dies by his own act within 2 years from the date of the policy. The insurer is obligated to return or pay the amount of the premium paid for the policy.
Separate Accounts	§ 38.2-3113.1	An insurer who issues modified guaranteed contracts may establish one or more separate accounts, with some stipulations.
Deferral on Cash Values	§ 38.2-3202 C	Company may defer up to six months on the payment of any cash surrender.
Dependent Coverage	§ 38.2-3323 A	Coverage may be extended to insure the spouse and any child who is under the age 19 or who is a dependent and a full-time student under the age of 25.
	§ 38.2-3323 B	Spouse shall have the same conversion rights as the insured group member.
	§ 38.2-3323 D	Coverage may be extended to any child who is mentally retarded or physically handicapped and chiefly dependent upon the employee for support and maintenance.
	§ 38.2-3323 E	A child shall have issued to him, without evidence of insurability, an individual life policy if group coverage terminates.
	§ 38.2-3323 E 2	If the death of a group member results in termination of the group coverage, a conversion privilege shall be made available to the surviving dependent
Grace Period	§ 38.2-3325	Each policy shall contain a provision that each insured is entitled to at least 31 days in which to pay premiums after the first premium.

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Incontestability	§ 38.2-3326	Each policy shall contain a provision that a policy shall be incontestable after it has been in force for two years from its date of issue except for nonpayment of premiums. No statement made by any person insured shall be used in contesting the validity of the insurance unless the statement is contained in a written instrument signed by him.
Entire Contract	§ 38.2-3327 B 1	Each policy shall contain a provision that states that a copy of any application shall be attached to the policy when issued.
	§ 38.2-3327 B 2	Each policy shall contain a provision that states that all statements shall be deemed representations and not warranties.
	§ 38.2-3327 B 3	Each policy shall contain a provision that states that no written statement made by the insured shall be used in any contest unless a copy of the statement has been furnished to the person, his beneficiary, or his personal representative.
Evidence of Insurability	§ 38.2-3328	Each policy shall contain a provision that sets forth any condition which the insurer reserves the right to require evidence of individual insurability.
Misstatement of Age	§ 38.2-3329	Each policy shall contain a provision that an equitable adjustment of premiums or benefits shall be made if the age of the insured has been misstated.
Payment of Benefits	§ 38.2-3330	Each policy shall contain a provision that any sum payable because of a death of the insured shall be payable to the beneficiary and any person entitled to a sum not exceeding \$2,000 because of incurred funeral or other expenses due to the death or illness of the insured.
Individual Certificate	§ 38.2-3331	Each policy shall contain a provision that the insurer will issue to the policyholder an individual certificate for delivery to each person insured.
Conversion upon Termination of Employment or Membership	§ 38.2-3332	Each policy shall contain a provision that if the insurance ceases because of termination of employment or membership in the class, the person shall be entitled to an individual policy.
Conversion upon Termination of Group Policy/Elimination of Class	§ 38.2-3333	Each policy shall contain a provision that if the group policy terminates or is amended so as to terminate any class of insured persons, who have been insured for at least 5 years, the amount of insurance offered cannot exceed the smaller of \$10,000 or the amount of the coverage terminating.
Death after Termination	§ 38.2-3334	The amount of the life insurance shall be payable as a claim under the group policy if the person dies during the period within which he is entitled to an individual policy and before the policy has become effective.
Additional Persons – Eligibility	§ 38.2-3335	Each policy shall contain a provision that states that any person who becomes a member of a group or class covered under the policy shall be eligible for group life insurance with the same requirements as any other member of the group or class.

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Miscellaneous Requirements		
Affidavit	Administrative Letter 1992-26	The Company must certify that it has reviewed the requirements of §§ 38.2-1443.1 and 38.2-3113.1. The Company, also, must certify that the modified guaranteed contract complies with the specific requirements of § 38.2-3113.1.F.
Out-of-State Requirements		
Defined Groups	§ 38.2-3318.1	This section provides that no policy or group life insurance shall be delivered in this Commonwealth unless it conforms to one of the listed groups defined.
Non-Defined Groups	§ 38.2-3319.1	Group life insurance offered to a resident of this Commonwealth under a policy issued to a group other than one described in Section 38.2-3318.1 shall be subject to certain requirements for policies issued in Virginia or in other states.
Policies Issued Outside of Virginia	§ 38.2-3320.1	Policies issued outside of this Commonwealth, providing coverage to residents of this Commonwealth, that do not qualify under Sections 38.2-3318.1 or 38.2-3319.1 shall be subject to the statutory requirements of this title.

Access to Administrative Letters, Administrative Orders, Regulations and Laws is available at
<http://www.state.va.us/scc/division/boi/webpages/administrativeltrs.htm>

The Life and Health Division, Forms and Rates Section handles group modified guaranteed life insurance. Please contact this section at (804) 371-9110 if you have questions or need additional information about this line of insurance.

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I hereby certify that I have reviewed the attached group modified guaranteed life filing and determined that it is in compliance with the group modified guaranteed life checklist.

Signed: _____

Name (please print): _____

Company Name: _____

Date: _____ Phone No: () _____ FAX No: () _____

E-Mail Address: _____