ALABAMA DEPARTMENT OF INSURANCE
ADMINISTRATIVE CODE

CHAPTER 482-1-129
ANNUITY DISCLOSURE

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482-1-129-.01 Authority. This chapter is adopted under the authority of Sections 27-2-17, 27-15-1 et seq., and 27-12-1 et seq., Code of Ala. 1975.
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-12-1, et seq., 27-15-1, et seq.
History: New Rule: September 23, 2003; effective October 11, 2003. Filed with LRS October 1, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** August 6, 2014; effective March 1, 2015. Filed with LRS August 6, 2014. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-129-.02 Purpose. The purpose of this chapter is to provide standards for the disclosure of certain minimum information about annuity contracts to protect consumers and foster consumer education. The chapter specifies the minimum information which must be disclosed, the method for disclosing it and the use and content of illustrations, if used, in connection with the sale of annuity contracts. The goal of this

chapter is to ensure that purchasers of annuity contracts understand certain basic features of annuity contracts.
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
History: **New Rule:** September 23, 2003, effective October 11, 2003. Filed with LRS October 1, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** August 6, 2014; effective March 1, 2015. Filed with LRS August 6, 2014. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-129-.03 Applicability And Scope. This chapter applies to all group and individual annuity contracts and certificates except:

(1) Immediate and deferred annuities that contain no nonguaranteed elements.

(2)(a) Annuities used to fund any of the following:

1. An employee pension plan which is covered by the Employee Retirement Income Security Act (ERISA).

2. A plan described by Sections 401(a), 401(k) or 403(b) of the Internal Revenue Code, where the plan, for purposes of ERISA, is established or maintained by an employer.

3. A governmental or church plan defined in Section 414 or a deferred compensation plan of a state or local government or a tax exempt organization under Section 457 of the Internal Revenue Code.

4. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

(b) Notwithstanding Paragraph (a), the chapter shall apply to annuities used to fund a plan or arrangement that is funded solely by contributions an employee elects to make whether on a pre-tax or after-tax basis, and where the insurance company has been notified that plan participants may choose from among two (2) or more fixed annuity providers and there is a direct solicitation of an individual employee by a producer for the purchase of an annuity contract. As used in this subsection, direct solicitation shall not include any meeting held by a producer solely for the purpose of educating or enrolling employees in the plan or arrangement.

(3) Non-registered variable annuities issued exclusively to an accredited investor or qualified purchaser as those terms are defined by the Securities Act of 1933 (15 U.S.C. Section 77a et seq.), the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.), or the regulations promulgated under either of those acts, and offered for sale and sold in a transaction that is exempt from registration under the Securities Act of 1933 (15 U.S.C. Section 77a et seq.).

(4)(a) Transactions involving variable annuities and other registered products in compliance with Securities and Exchange Commission (SEC) rules and Financial Industry Regulatory Authority (FINRA) rules relating to disclosures and illustrations.

(b) Notwithstanding subparagraph (a), the delivery of the Buyer’s Guide is required in sales of variable annuities, and when appropriate, in sales of other registered products.

(c) Nothing in this paragraph (4) shall limit the commissioner’s ability to enforce the provisions of this chapter or to require additional disclosure.

(5) Structured settlement annuities;
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
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482-1-129-.04 Definitions.

(1) The following definitions shall apply in this chapter:

(a) BUYERS GUIDE. The National Association of Insurance Commissioner’s approved Annuity Buyer’s Guide.

(b) CONTRACT OWNER. The owner named in the annuity contract or certificate holder in the case of a group annuity contract.

(c) DETERMINABLE ELEMENTS. Elements that are derived from processes or methods that are guaranteed at issue and not subject to company discretion, but where the values or amounts cannot be determined until some point after issue. These elements include the premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these. These elements may be described as guaranteed but not determined at issue. An element is considered determinable if it was calculated from underlying determinable elements only, or from both determinable and guaranteed elements.

(d) GENERIC NAME. A short title descriptive of the annuity contract being applied for or illustrated such as "single premium deferred annuity."

(e) GUARANTEED ELEMENTS. The premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these, that are guaranteed or have determinable elements at issue. An element is considered guaranteed if all of the underlying elements that go into its calculation are guaranteed.

(f) ILLUSTRATION. A personalized presentation or depiction prepared for and provided to an individual consumer that includes non-guaranteed elements of an annuity contract over a period of years.

(g) MARKET VALUE ADJUSTMENT or "MVA" FEATURE. A positive or negative adjustment that may be applied to the account value and/or cash value of the annuity upon withdrawal, surrender, contract annuitization or death benefit payment based on either the movement of an external index or on the company's current guaranteed interest rate being offered on new premiums or new rates for renewal periods, if that withdrawal, surrender, contract annuitization or death benefit payment occurs at a time other than on a specified guaranteed benefit date.

(h) NON-GUARANTEED ELEMENTS. The premiums, credited interest rates (including any bonus), benefits, values, dividends, non-interest based credits, charges or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying non-guaranteed elements are used in its calculation.

(i) REGISTERED PRODUCT. An annuity contract or life insurance policy subject to the prospectus delivery requirement of the Securities Act of 1033.

(j) STRUCTURED SETTLEMENT ANNUITY. A "qualified funding asset" as defined in section 130(d) of the Internal Revenue Code or an annuity that would be a qualified funding asset under section 130(d) but for the fact that it is not owned by an assignee under a qualified assignment.

Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
History: **New Rule:** September 23, 2003; effective October 11, 2003. Filed with LRS October 1, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** August 6, 2014; effective March 1, 2015. Filed with LRS August 6, 2014. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** April 11, 2019; effective April 21, 2019. Filed with LRS April 11, 2019. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-129-.05 Standards For The Disclosure Document And Buyer's Guide.

(1)(a) Where the application for an annuity contract is taken in a face-to-face meeting, the applicant shall at or before the time of application be given both the disclosure document described in paragraph (2) and the Buyer's Guide, if any.

(b) Where the application for an annuity contract is taken by means other than in a face-to-face meeting, the applicant shall be sent both the disclosure document and the Buyer's Guide no later than five (5) business days after the completed application is received by the insurer.

1. With respect to an application received as a result of a direct solicitation through the mail:

(i) Providing a Buyer's Guide in a mailing inviting prospective applicants to apply for an annuity contract shall be deemed to satisfy the requirement that the Buyer's Guide be provided no later than five (5) business days after receipt of the application.

(ii) Providing a disclosure document in a mailing inviting a prospective applicant to apply for an annuity contract shall be deemed to satisfy the requirement that the disclosure document be provided no later than five (5) business days after receipt of the application.

2. With respect to an application received via the Internet:

(i) Taking reasonable steps to make the Buyer's Guide available for viewing and printing on the insurer's website shall be deemed to satisfy the requirement that the Buyer's Guide be provided no later than five (5) business day of receipt of the application.

(ii) Taking reasonable steps to make the disclosure document available for viewing and printing on the insurer's website shall be deemed to satisfy the requirement that the disclosure document be provided no later than five (5) business days after receipt of the application.

3. A solicitation for an annuity contract provided in other than a face-to-face meeting shall include a statement that the proposed applicant may contact the insurance department of the state for a free annuity Buyer's Guide. In lieu of the foregoing statement, an insurer may include a statement that the prospective applicant may contact the insurer for a free annuity Buyer's Guide.

4. Where the Buyer's Guide and disclosure document are not provided at or before the time of application, a free look period of no less than fifteen (15) days shall be provided for the applicant to return the annuity contract without penalty. This free look shall run concurrently with any other free look provided under state law or regulation.

(2) At a minimum, the following information shall be included in the disclosure document required to be provided under this chapter:

(a) The generic name of the contract, the company product name, if different, and form number, and the fact that it is an annuity.

(b) The insurer's legal name, physical address, website address and telephone number.

(c) A description of the contract and its benefits, emphasizing its long-term nature, including examples where appropriate:

1. The guaranteed and non-guaranteed elements of the contract, and their limitations, if any, including for fixed indexed annuities, the elements used to determine the index-based interest, such as the participation rates, caps or spread, and an explanation of how they operate.

2. An explanation of the initial crediting rate, or for fixed indexed annuities, an explanation of how the index-based interest is determined, specifying any bonus or introductory portion, the duration of the rate and the fact that rates may change from time to time and are not guaranteed.

3. Periodic income options both on a guaranteed and non-guaranteed basis.

4. Any value reductions caused by withdrawals from or surrender of the contract.

5. How values in the contract can be accessed.

6. The death benefit, if available and how it will be calculated.

7. A summary of the federal tax status of the contract and any penalties applicable on withdrawal of values from the contract.

8. Impact of any rider, including, but not limited to, a guaranteed living benefit or long-term care rider.

(d) Specific dollar amount or percentage charges and fees shall be listed with an explanation of how they apply.

(e) Information about the current guaranteed rate or indexed crediting rate formula, if applicable, for new contracts that contains a clear notice that the rate is subject to change.

(3) Insurers shall define terms used in the disclosure statement in language that facilitates the

understanding by a typical person within the segment of the public to which the disclosure statement is directed.
Author: Commissioner of Insurance
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482-1-129-.06 Standards For Annuity Illustrations.

(1) An insurer or producer may elect to provide a consumer an illustration at any time, provided that the illustration is in compliance with this rule and each of the following:

(a) Is clearly labeled as an illustration.

(b) Includes a statement referring consumers to the disclosure document and Buyer's Guide provided to them at time of purchase for additional information about their annuity.

(c) Is prepared by the insurer or third party using software that is authorized by the insurer prior to its use, provided that the insurer maintains a system of control over the use of illustrations.

(2) An illustration furnished an applicant for a group annuity contract or contracts issued to a single applicant on multiple lives may be either an individual or composite illustration representative of the coverage on the lives of members of the group or the multiple lives covered.

(3) The illustration shall not be provided unless accompanied by the disclosure document referenced in Rule 482-1-129-.05.

(4) When using an illustration, the illustration shall not:

(a) Describe non-guaranteed elements in a manner that is misleading or has the capacity or tendency to mislead.

(b) State or imply that the payment or amount of non-guaranteed elements is guaranteed.

(c) Be incomplete.

(5) Costs and fees of any type shall be individually noted and explained.

(6) An illustration shall conform to the following requirements:

(a) The illustration shall be labeled with the date on which it was prepared.

(b) Each page, including any explanatory notes or pages, shall be numbered and show its relationship to the total number of pages in the disclosure document (e.g., the fourth page of a seven-page disclosure document shall be labeled “page 4 of 7 pages”).

(c) The assumed dates of premium receipt and benefit payout within a contract year shall be clearly identified.

(d) If the age of the proposed insured is shown as a component of the tabular detail, it shall be issue age plus the numbers of years the contract is assumed to have been in force.

(e) The assumed premium on which the illustrated benefits and values are based shall be clearly identified, including rider premium for any benefits being illustrated.

(f) Any charges for riders or other contract features assessed against the account value or the crediting rate shall be recognized in the illustrated values and shall be accompanied by a statement indicating the nature of the rider benefits or the contract features, and whether or not they are included in the illustration.

(g) Guaranteed death benefits and values available upon surrender, if any, for the illustrated contract premium shall be shown and clearly labeled guaranteed.

(h) Except as provided in subparagraph (v), the non-guaranteed elements underlying the non-guaranteed illustrated values shall be no more favorable than current non-guaranteed elements and shall not include any assumed future improvement of such elements. Additionally, non-guaranteed elements used in calculating non-guaranteed illustrated values at any future duration shall reflect any planned changes, including any planned changes that may occur after expiration of an initial guaranteed or bonus period.

(i) In determining the non-guaranteed illustrated values for a fixed indexed annuity, the index-based interest rate and account value shall be calculated for three different scenarios: one to reflect historical performance of the index for the most recent ten (10) calendar years; one to reflect the historical performance of the index for the continuous period of ten (10) calendar years out of the last twenty (20) calendar years that would result in the least index value growth (the "low scenario"); one to reflect the historical performance of the index for the continuous period of ten (10) calendar years out of the last twenty (20) calendar years that would result in the most index value growth (the "high scenario"). The following requirements apply:

1. The most recent ten (10) calendar years and the last twenty (20) calendar years are defined to end on the prior December 31, except for illustrations prepared during the first three (3) months of the year, for which the end date of the calendar year period may be the December 31 prior to the last full calendar year.

2. If any index utilized in determination of an account value has not been in existence for at least ten (10) calendar years, indexed returns for that index shall not be illustrated. If the fixed indexed annuity provides an option to allocate account value to more than one indexed or fixed declared rate account, and one or more of those indexes has not been in existence for at least ten (10) calendar years, the allocation to such indexed account(s) shall be assumed to be zero.

3. If any index utilized in determination of an account value has been in existence for at least ten (10) calendar years but less than twenty (20) calendar years, the ten (10) calendar year periods that define the low and high scenarios shall be chosen from the exact number of years the index has been in existence.

4. The non-guaranteed elements, such as caps, spreads, participation rates or other interest crediting adjustments, used in calculating the non-guaranteed index-based interest rate shall be no more favorable than the corresponding current elements.

5. If a fixed indexed annuity provides an option to allocate the account value to more than one indexed or fixed declared rate account:

(i) The allocation used in the illustration shall be the same for all three scenarios.

(ii) The ten (10) calendar year periods resulting in the least and greatest index growth periods shall be determined independently for each indexed account option.

6. The geometric mean annual effective rate of the account value growth over the ten (10) calendar year period shall be shown for each scenario.

7. If the most recent ten (10) calendar year historical period experience of the index is shorter than the number of years needed to fulfill the requirement of paragraph (8), the most recent ten (10) calendar year historical period experience of the index shall be used for each subsequent ten (10) calendar year period beyond the initial period for the purpose of calculating the account value for the remaining years of the illustration.

8. The low and high scenarios: (i) need not show surrender values (if different than account values); (ii) shall not extend beyond ten (10) calendar years (and therefore are not subject to the requirements of paragraph (8) beyond subparagraph (a)1; and (iii) may be shown on a separate page. A graphical presentation shall also be included comparing the movement of the account value over the ten (10) calendar year period for the low scenario, the high scenario and the most recent ten (10) calendar year scenario.

9. The low and high scenarios should reflect the irregular nature of the index performance and should trigger every type of adjustment to the index-based interest rate under the contract. The effect of the adjustments should be clear; for example, additional columns showing how the adjustment applied may be included. If an adjustment to the index-based interest rate is not triggered in the illustration (because no

historical values of the index in the required illustration range would have triggered it), the illustration shall so state.

(j) The guaranteed elements, if any, shall be shown before corresponding non-guaranteed elements and shall be specifically referred to on any page of an illustration that shows or describes only the non-guaranteed elements (e.g., "see page 1 for guaranteed elements").

(k) The account or accumulation value of a contract, if shown, shall be identified by the name this value is given in the contract being illustrated and shown in close proximity to the corresponding value available upon surrender.

(l) The value available upon surrender shall be identified by the name this value is given in the contract being illustrated and shall be the amount available to the contract owner in a lump sum after deduction of surrender charges, bonus forfeitures, contract loans, contract loan interest and application of any market value adjustment, as applicable.

(m) Illustrations may show contract benefits and values in graphic or chart form in addition to the tabular form.

(n) Any illustration of non-guaranteed elements shall be accompanied by a statement indicating all of the following:

1. The benefits and values are not guaranteed.

2. The assumptions on which they are based are subject to change by the insurer.

3. Actual results may be higher or lower.

(o) Illustrations based on non-guaranteed credited interest and non-guaranteed annuity income rates shall contain equally prominent comparisons to guaranteed credited interest and guaranteed annuity income rates, including any guaranteed and non-guaranteed participation rates, caps or spreads for fixed indexed annuities.

(p) The annuity income rate illustrated shall not be greater than the current annuity income rate unless the contract guarantees are in fact more favorable.

(q) Illustrations shall be concise and easy to read.

(r) Key terms shall be defined and then used consistently throughout the illustration.

(s) Illustrations shall not depict values beyond the maximum annuitization age or date.

(t) Annuitization benefits shall be based on contract values that reflect surrender charges or any other adjustments, if applicable.

(u) Illustrations shall show both annuity income rates per $1,000.00 and the dollar amounts of the periodic income payable.

(v) For participating immediate and deferred income annuities:

1. Illustrations may not assume any future improvement in the applicable dividend scale (or scales, if more than one dividend scale applies, such as for a flexible premium annuity).

2. Illustrations must reflect the equitable apportionment of dividends, whether performance meets, exceeds or falls short of expectations.

3. If the dividend scale is based on a portfolio rate method, the portfolio rate underlying the illustrated dividend scale shall not be assumed to increase.

4. If the dividend scale is based on an investment cohort method, the illustrated dividend scale should assume that reinvestment rates grade to long-term interest rates, subject to all of the following conditions:

(i) Any assumptions as to future investment performance in the dividend formula must be consistent with assumptions that are reflected in the marketplace within the normal range of analyst forecasts and investor behavior; these assumptions may not be changed arbitrarily, notwithstanding changes in markets or economic conditions, and must be consistent with assumptions that the issuer uses with respect to other lines of business.

(ii) The illustrated dividend scale should assume that reinvestment rates grade to long-term interest rates, based on U.S Treasury bonds. For the purposes of this grading, the assumed long-term rates should not exceed the rates calculated using the formula in subparagraph (iii) based on the time to maturity or reinvestment (the “Tenor”) of the investments supporting the cohort of policies.

(iii) Maximum long-term interest rates should be calculated for tenors of 3 months (or less), 5 years, 10 years and 20 years (or more), using U.S. Treasury rates. For each tenor, the maximum long-term interest rate will vary over time, based on historical interest rates as they emerge. The formula for the maximum long-term interest rate is the average of the median bond rate over the last 600 months and the average bond rate over the last 120 months, rounded to the nearest quarter of one percent (0.25%).

(iv) The maximum long-term interest rate for a tenor should be recalculated once per year, in January, using historical rates as of December 31 of the calendar year two years prior to the calendar year of the calculation date. The historical rate for each month is the rate reported for the last business day of the month.

(v) Grading to the maximum long-term interest rates should take place over (i) no less than 20 years from issue if U.S. Treasury rates as of the illustration date are below the long-term rates, or (ii) no more than 20 years from issue if the U.S. Treasury rates as of the illustration date are above the long-term rates.

(vi) When the 10 year U.S. Treasury rate is less than the 10 year maximum long-term interest rate, an additional illustrated dividend scale should be presented. This additional illustrated dividend scale shall satisfy the following conditions: (i) assume that reinvestment U.S. Treasury rates do not exceed the initial investment U.S. Treasury rates, and (ii) illustrate dividends no less than half of the dividends illustrated under the current dividend scales. If (i) and (ii) are in conflict – i.e., if half of the current dividends are greater than would be permitted by condition (i) – then the reinvestment U.S. Treasury rates should equal the initial investment U.S. Treasury rates.

(vii)(I) The illustration should include disclosure that is substantially similar to the following:

The illustrated current dividend scale is based on interest rates that are assumed to gradually [increase/decrease] from current interest rates to long-term interest rates, over a period of [twenty] years. By regulation, the long-term assumed interest rates cannot and do not exceed the rates listed in column (III) of the table in subparagraph (III).

(II) If the illustration contains an additional dividend scale pursuant to subparagraph (vi), then the illustration should also include disclosure that is substantially similar to the following:

The additional illustrated dividend scale is based on interest rates that are assumed not to increase and do not exceed the interest rates in column (II) of the table in subparagraph (III).

(III) Table:

(I)	(II) Treasury Rate as Of 12/31/2016	(III) Long Term Treasury Rate
3 Month (or less)	0.51%	3.00%
5 Year	1.93%	4.50%
10 Year	2.45%	5.00%
20 years (or more)	3.06%	5.50%

(7) An annuity illustration shall include a narrative summary that includes the following unless provided at the same time in a disclosure document:

(a) A brief description of any contract features, riders or options, guaranteed and/or nonguaranteed, shown in the basic illustration and the impact they may have on the benefits and values of the contract.

(b) A brief description of any other optional benefits or features that are selected, but not shown in the illustration and the impact they have on the benefits and values of the contract.

(c) Identification and a brief definition of column headings and key terms used in the illustration.

(d) A statement containing in substance the following:

1. For other than fixed indexed annuities:

(i) This illustration assumes the annuity's current nonguaranteed elements will not change. It is likely that they will change and actual values will be higher or lower than those in this illustration but will not be less than the minimum guarantees.

(ii) The values in this illustration are not guarantees or even estimates of the amounts you can expect from your annuity. Please review the entire Disclosure Document and Buyer's Guide provided with your Annuity Contract for more detailed information;

2. For fixed indexed annuities:

(i) This illustration assumes the index will repeat historical performance and that the annuity's current non-guaranteed elements, such as caps, spreads, participation rates or other interest crediting adjustments, will not change. It is likely that the index will not repeat historical performance, the non-guaranteed elements will change, and actual values will be higher or lower than those in this illustration but will not be less than the minimum guarantees.

(ii) The values in this illustration are not guarantees or even estimates of the amounts you can expect from your annuity. Please review the entire Disclosure Document and Buyer's Guide provided with your Annuity Contract for more detailed information.

(e) Additional explanations as follows:

1. Minimum guarantees shall be clearly explained.

2. The effect on contract values of contract surrender prior to maturity shall be explained.

3. Any conditions on the payment of bonuses shall be explained.

4. For annuities sold as an IRA, qualified plan or in another arrangement subject to the required minimum distribution (RMD) requirements of the Internal Revenue Code, the effect of RMDs on the contract values shall be explained.

5. For annuities with recurring surrender charge schedules, a clear and concise explanation of what circumstances will cause the surrender charge to recur.

6. A brief description of the types of annuity income options available shall be explained, including:

(i) The earliest or only maturity date for annuitization (as the term is defined in the contract).

(ii) For contracts with an optional maturity date, the periodic income amount for at least one of the annuity income options available based on the guaranteed rates in the contract, at the later of age seventy (70) or ten (10) years after issue, but in no case later than the maximum annuitization age or date in the contract.

(iii) For contracts with a fixed maturity date, the periodic income amount for at least one of the annuity income options available, based on the guaranteed rates in the contract at the fixed maturity date.

(iv) The periodic income amount based on the currently available periodic income rates for the annuity income option in subparagraph (ii) or subparagraph (iii), if desired.

(8) Following the narrative summary, an illustration shall include a numeric summary which shall include at minimum, numeric values at each of the following durations:

(a) First ten (10) contract years, or the surrender charge period if longer than ten (10) years, including any renewal surrender charge periods.

(b) Every tenth contract year up to the later of thirty (30) years or age seventy (70).

(c) Either of the following:

1. Required annuitization age.

2. Required annuitization date.

(9) If the annuity contains a market value adjustment, hereafter MVA, the following provisions apply to the illustration:

(a) The MVA shall be referred to as such throughout the illustration.

(b) The narrative shall include an explanation, in simple terms, of the potential effect of the MVA on the value available upon surrender.

(c) The narrative shall include an explanation, in simple terms, of the potential effect of the MVA on the death benefit.

(d) A statement, containing in substance the following, shall be included:

1. When you make a withdrawal the amount you receive may be increased or decreased by a Market Value Adjustment (MVA). If interest rates on which the MVA is based go up after you buy your annuity, the MVA likely will decrease the amount you receive. If interest rates go down, the MVA will likely increase the amount you receive.

(e) Illustrations shall describe both the upside and the downside aspects of the contract features relating to the market value adjustment.

(f) The illustrative effect of the MVA shall be shown under at least one positive and one negative scenario. This demonstration shall appear on a separate page and be clearly labeled that it is information demonstrating the potential impact of a MVA.

(g) Actual MVA floors and ceilings as listed in the contract shall be illustrated.

(h) If the MVA has significant characteristics not addressed by subparagraphs (a) – (f), the effect of such characteristics shall be shown in the illustration. Appendix A provides an example of an illustration of an annuity containing an MVA that addresses subparagraphs (a) – (f) above.

(10) A narrative summary for a fixed indexed annuity illustration also shall include the following unless provided at the same time in a disclosure document:

(a) An explanation, in simple terms, of the elements used to determine the index-based interest, including but not limited to, the following elements:

1. The Index(es) which will be used to determine the index-based interest.

2. The Indexing Method – such as point-to-point, daily averaging, monthly averaging.

3. The Index Term – the period over which indexed-based interest is calculated.

4. The Participation Rate, if applicable.

5. The Cap, if applicable.

6. The Spread, if applicable.

(b) The narrative shall include an explanation, in simple terms, of how index-based interest is credited in the indexed annuity.

(c) The narrative shall include a brief description of the frequency with which the company can re-set the elements used to determine the index-based credits, including the participation rate, the cap, and the spread, if applicable.

(d) If the product allows the contract holder to make allocations to a declared-rate segment, then the narrative shall include a brief description of:

1. Any options to make allocations to a declared-rate segment, both for new premiums and for transfers from the indexed-based segments.

2. Differences in guarantees applicable to the declared-rate segment and the indexed-based segments.

(11) A numeric summary for a fixed indexed annuity illustration shall include, at a minimum, the following elements:

(a) The assumed growth rate of the index in accordance with subparagraph (i) of paragraph (6).

(b) The assumed values for the participation rate, cap and spread, if applicable.

(c) The assumed allocation between indexed-based segments and declared-rate segment, if applicable, in accordance with subparagraph (i) of paragraph (6).

(12) If the contract is issued other than as applied for, a revised illustration conforming to the contract as issued shall be sent with the contract, except that non-substantive changes, including, but not limited to changes in the amount of expected initial or additional premiums and any changes in amounts of exchanges pursuant to Section 1035 of the Internal Revenue Code, rollovers or transfers, which do not alter the key benefits and features of the annuity as applied for will not require a revised illustration unless requested by the applicant.
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
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482-1-129-.07 **Report To Contract Owners**. For annuities in the payout period that include non-guaranteed elements, and for deferred annuities in the accumulation period, the insurer shall provide each contract owner with a report, at least annually, on the status of the contract that contains at least the following information:

(1) The beginning and end date of the current report period.

(2) The accumulation and cash surrender value, if any, at the end of the previous report period and at the end of the current report period.

(3) The total amounts, if any, that have been credited, charged to the contract value or paid during the current report period.

(4) The amount of outstanding loans, if any, as of the end of the current report period.
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
History: **New Rule:** September 23, 2003; effective October 11, 2003. Filed with LRS October 1, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** August 6, 2014; effective March 1, 2015. Filed with LRS

August 6, 2014. Rule is not subject to the Alabama Administrative Procedure Act.

Ed. Note: Rule .06 was renumbered .07 as per certification filed August 6, 2014; effective March 1, 2015.

482-1-129-.08 **Penalties**. In addition to any other penalties provided by the laws of this state, an insurer or producer that violates a requirement of this chapter shall be guilty of a violation of Section 27-12-1 et seq., Code of Ala. 1975.
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
History: **New Rule:** September 23, 2003; effective October 11, 2003. Filed with LRS October 1, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** August 6, 2014; effective March 1, 2015. Filed with LRS August 6, 2014. Rule is not subject to the Alabama Administrative Procedure Act.

Ed. Note: Rule .07 was renumbered .08 as per certification filed August 6, 2014; effective March 1, 2015.

482-1-129-.09 **Separability**. If any provision of this chapter or its application to any person or circumstance is for any reason held to be invalid by any court of law, the remainder of the chapter and its application to other persons or circumstances shall not be affected.
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
History: **New Rule:** September 23, 2003; effective October 11, 2003. Filed with LRS October 1, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** August 6, 2014; effective March 1, 2015. Filed with LRS August 6, 2014. Rule is not subject to the Alabama Administrative Procedure Act.

Ed. Note: Rule .08 was renumbered .09 as per certification filed August 6, 2014; effective March 1, 2015.

482-1-129-.10 Effective Date. This chapter shall become effective upon its approval by the Commissioner of Insurance and upon its having been on file as a public document in the office of the Secretary of State for ten days and shall apply to contracts sold on or after the effective date.
Author: Commissioner of Insurance
Statutory Authority: Code of Ala. 1975, §27-2-17, 27-12-1 et seq., 27-15-1 et seq.
History: New Rule: September 23, 2003; effective October 11, 2003. Filed with LRS October 1, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** August 6, 2014; effective March 1, 2015. Filed with LRS August 6, 2014. Rule is not subject to the Alabama Administrative Procedure Act.

Ed. Note: Rule .09 was renumbered .10 as per certification filed August 6, 2014; effective March 1, 2015.

APPENDIX A
ANNUNITY ILLUSTRATION EXAMPLE

[The following illustration is an example only and does not reflect specific characteristics of any actual product for sale by any company]

ABC Life Insurance Company

Company Product Name
Flexible Premium Fixed Deferred Annuity with a Market Value Adjustment (MVA)
An Illustration Prepared for John Doe by John Agent on mm/dd/yyyy
(Contact us at PolicyOwnerService@ABCLife.com or 555-555-5555)

Sex: Male	Initial Premium Payment: $100,000.00
Age at Issue: 54	Planned Annual Premium Payments: None
Annuitant: John Doe	Tax Status: Nonqualified
Oldest Age at Which Annuity Payments Can Begin: 95	Withdrawals: None Illustrated

Initial Interest Guarantee Period	5 years
Initial Guaranteed Interest Crediting Rates	
First Year (reflects first year only interest bonus credit of 0.75%):	4.15%
Remainder of Initial Interest Guarantee Period:	3.40%
Market Value Adjustment Period:	5 years
Minimum Guaranteed Interest Rate after Initial Interest Guarantee Period*:	3%

* After the Initial Interest Guarantee Period, a new interest rate will be declared annually. This rate cannot be lower than the Minimum Guaranteed Interest Rate.

Annuity Income Options and Illustrated Monthly Income Values

This annuity is designed to pay an income that is guaranteed to last as long as the Annuitant lives. When annuity income payments are to begin, the income payment amounts will be determined by applying an annuity income rate to the annuity Account Value.

Annuity income options include the following:

- Periodic payments for Annuitant’s life
- Periodic payments for Annuitant’s life with payments guaranteed for a certain number of years
- Periodic payments for Annuitant’s life with payments continuing for the life of a survivor annuitant

Illustrated Annuity Income Option: Monthly payments for annuitant’s life with payments guaranteed for 10-year period.
Assumed Age When Payments Start: 70

	Account Value	Monthly Annuity Income Rate/$1000 of Account Value *	Monthly Annuity Income
Based on Rates Guaranteed in the Contract	$164,798	$5.00	$823.99
Based on Rates Currently Offered by the Company	$171,976	$6.50	$1,117.84

* If, at the time of annuitization, the annuity income rates currently offered by the company are higher than the annuity income rates guaranteed in the contract, the current rates will apply.

ABC Life Insurance Company

Company Product Name
Flexible Premium Fixed Deferred Annuity with a Market Value Adjustment (MVA)
An Illustration Prepared for John Doe by John Agent on mm/dd/yyyy
(Contact us at PolicyOwnerService@ABCLife.com or 555-555-5555)

		Values Based on Guaranteed Rates				Values Based on Assumption that Initial Guaranteed Rates Continue		
Contract Year/Age	Premium Payment	Interest Crediting Rate	Account Value	Cash Surrender Value Before MVA	Minimum Cash Surrender Value After MVA	Interest Crediting Rate	Account Value	Cash Surrender Value Before and After MVA
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 / 55	$ 100,000	4.15%	$ 104,150	$ 95,818	$ 92,000	4.15%	$ 104,150	$ 95,818
2 / 56	0	3.40%	107,691	100,153	93,000	3.40%	107,691	100,153
3 / 57	0	3.40%	111,353	104,671	95,614	3.40%	111,353	104,671
4 / 58	0	3.40%	115,139	109,382	98,482	3.40%	115,139	109,382
5 / 59	0	3.40%	119,053	114,291	114,291	3.40%	119,053	114,291
6 / 60	0	3.00%	122,625	118,946	118,946	3.40%	123,101	119,408
7 / 61	0	3.00%	126,304	123,778	123,778	3.40%	127,287	124,741
8 / 62	0	3.00%	130,093	130,093	130,093	3.40%	131,614	131,614
9 / 63	0	3.00%	133,996	133,996	133,996	3.40%	136,089	136,089
10 / 64	0	3.00%	138,015	138,015	138,015	3.40%	140,716	140,716
11 / 65	0	3.00%	142,156	142,156	142,156	3.40%	145,501	145,501
16 / 70	0	3.00%	164,798	164,798	164,798	3.40%	171,976	171,976
21 / 75	0	3.00%	191,046	191,046	191,046	3.40%	203,268	203,268
26 / 80	0	3.00%	221,474	221,474	221,474	3.40%	240,255	240,255
31 / 85	0	3.00%	256,749	256,749	256,749	3.40%	283,972	283,972
36 / 90	0	3.00%	297,643	297,643	297,643	3.40%	335,643	335,643
41 / 95	0	3.00%	345,050	345,050	345,050	3.40%	396,717	396,717

For column descriptions, turn to next page

Column Descriptions

(1) **Ages** shown are measured from the Annuitant's age at issue

(2) **Premium Payments** are assumed to be made at the beginning of the Contract Year shown

Values Based on Guaranteed Rates

(3) **Interest Crediting Rates** shown are annual rates; however, interest is credited daily. During the Initial Interest Guarantee Period, values developed from the Initial Premium Payment are illustrated using the Initial Guaranteed Interest Rate(s) declared by the insurance company, which include an additional first year only interest bonus credit of 0.75%. The interest rates will be guaranteed for the Initial Interest Guarantee Period, subject to an MVA. After the Initial Interest Guarantee Period, a new renewal interest rate will be declared annually, but can never be less than the Minimum Guaranteed Interest Rate shown.

(4) **Account Value** is the amount you have at the end of each year if you leave your money in the contract until you start receiving annuity payments. It is also the amount available upon the Annuitant's death if it occurs before annuity payments begin. The death benefit is not affected by surrender charges or the MVA.

(5) **Cash Surrender Value Before MVA** is the amount available at the end of each year if you surrender the contract (after deduction of any Surrender Charge) but before the application of any MVA. Surrender charges are applied to the Account Value according to the schedule below until the surrender charge period ends, which may be after the Initial Interest Guarantee Period has ended.

Years Measured from Premium Payment:	1	2	3	4	5	6	7	8+
Surrender Charges:	8%	7%	6%	5%	4%	3%	2%	0%

(6) **Minimum Cash Surrender Value After MVA** is the minimum amount available at the end of each year if you surrender your contract before the end of five years, no matter what the MVA is. The minimum is set by law. The amount you receive may be higher or lower than the cash surrender value due to the application of the MVA, but never lower than this minimum. Otherwise the MVA works as follows: If the interest rate available on new contracts offered by the company is LOWER than your Initial Guaranteed Interest Rate, the MVA will INCREASE the amount you receive. If the interest rate available on new contracts offered by the company is HIGHER than your initial guaranteed interest rate, the MVA will DECREASE the amount you receive. Page 4 of this illustration provides additional information concerning the MVA.

Values Based on Assumption that Initial Guaranteed Rates Continue

(7) **Interest Crediting Rates** are the same as in Column (3) for the Initial Interest Guarantee Period. After the Initial Interest Guarantee Period, a new renewal interest rate will be declared annually. For the purpose of calculating the values in this column, it is assumed that the Initial Guaranteed Interest Rate (without the bonus) will continue as the new renewal interest rate in all years. The actual renewal interest rates are not

subject to an MVA and will very likely NOT be the same as the illustrated renewal interest rates.

(8) **Account Value** is calculated the same way as column (4).

(9) **Cash Surrender Value Before and After MVA** is the Cash Surrender Value at the end of each year assuming that Initial Guaranteed Interest Rates continue, and that the continuing rates are the rates offered by the company on new contracts. In this case the MVA would be zero, and the Cash Surrender Values before and after the MVA would be the same.

Important Note: This illustration assumes you will take **no** withdrawals from your annuity before you begin to receive periodic income payments. **Withdrawals will reduce both the annuity Account Value and the Cash Surrender Value.** You may make partial withdrawals of up to 10% of your account value each contract year without paying surrender charges. Excess withdrawals (above 10%) and full withdrawals will be subject to surrender charges.

This illustration assumes the annuity's current interest crediting rates will not change. It is likely that they will change and actual values may be higher or lower than those in the illustration.

The values in this illustration are not guarantees or even estimates of the amounts you can expect from your annuity. For more information, read the annuity disclosure and annuity buyer's guide.

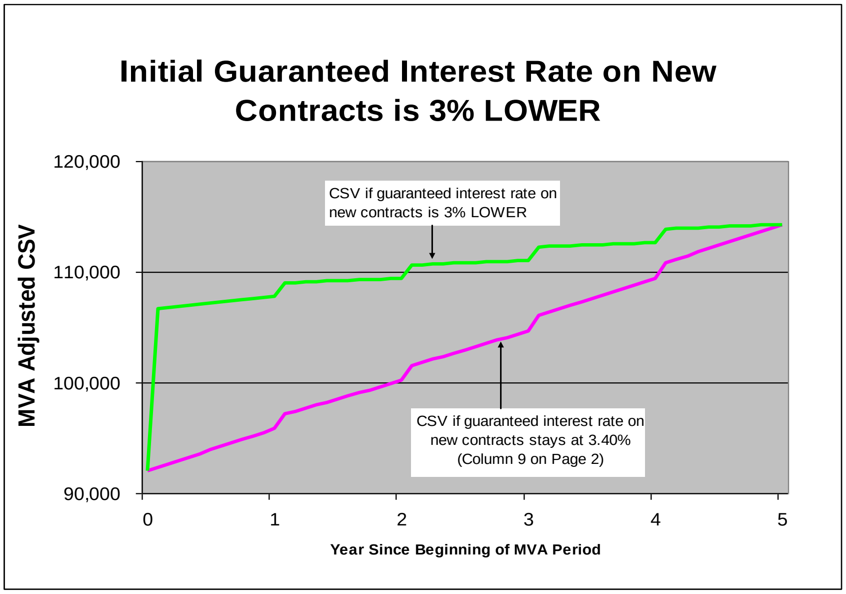
MVA-adjusted Cash Surrender Values (CSVs) Under Sample Scenarios

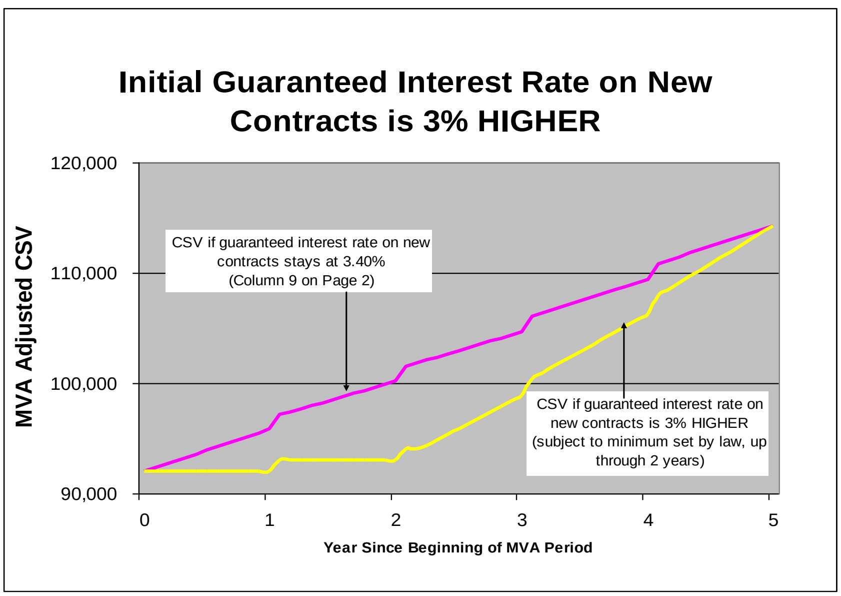
The graphs below show MVA-adjusted Cash Surrender Values (CSVs) during the first five years of the contract, as illustrated on page 2 ($100,000 single premium, a 5-year MVA Period) under two sample scenarios, as described below.

Graph #1 shows if the interest rate on new contracts is 3% LOWER than your Initial Guaranteed Interest Rate, the MVA will increase the amount you receive (green line). The pink line shows the Cash Surrender Values if the Initial Guaranteed Interest Rates continue (from Column (9) on Page 2).

Graph #2 shows if the interest rate on new contracts is 3% HIGHER than our Initial Guaranteed Interest Rate, the MVA will decrease the amount you receive, but not below the minimum set by law (Column (6) on Page 2), which in this scenario limits the decrease for the first 2 years (yellow line). The pink line shows the Cash Surrender Values if the Initial Guaranteed Interest Rates continue (from Column (9) on Page 2).

These graphs and the sample guaranteed interest rates on new contracts used are for demonstration purposes only and are not intended to be a projection of how guaranteed interest rates on new contracts are likely to behave.


Initial Guaranteed Interest Rate on New Contracts is 3% LOWER
120,000
110,000
100,000
90,000
MVA Adjusted CSV
CSV if guaranteed interest rate on new contracts is 3% LOWER
CSV if guaranteed interest rate on new contracts stays at 3.40% (Column 9 on Page 2)
0
1
2
3
4
5
Year Since Beginning of MVA Period


Initial Guaranteed Interest Rate on New Contracts is 3% HIGHER
120,000
110,000
100,000
90,000
MVA Adjusted CSV
CSV if guaranteed interest rate on new contracts stays at 3.40% (Column 9 on Page 2)
CSV if guaranteed interest rate on new contracts is 3% HIGHER (subject to minimum set by law, up through 2 years)
0
1
2
3
4
5
Year Since Beginning of MVA Period