

## State Corporation Commission 2011 Fiscal Impact Statement

**1. Bill Number:** SB1388

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

**2. Patron:** Barker

**3. Committee:** Passed Both Houses

**4. Title:** Life insurance; retained asset accounts.

**5. Summary:** Requires an insurer to provide a beneficiary with a written explanation of settlement options at the time a claim is made, including how to obtain specific details regarding the settlement options. Defines “insurer” as an insurance company licensed in Virginia that offers retained asset accounts for death benefits; “policy” as any policy or certificate of insurance that provides a death benefit; and “retained asset account” as any mechanism where the proceeds of a life insurance policy, including payment of cash surrender values, are paid by depositing the proceeds into an account retained by the insurer pursuant to a supplementary contract that does not involve annuity benefits. Requires an insurer to provide a beneficiary with a written explanation of settlement options at the time a claim is made, including how to obtain specific details regarding the settlement options. Requires an insurer that uses retained asset accounts to provide a beneficiary with a supplemental contract that discloses the rights of the beneficiary and the obligations of the insurer. Requires an insurer to provide a written disclosure to the beneficiary either (i) before the retained asset account is *selected* (if optional); or (ii) before the retained asset account is *established* (if not optional). The written disclosure must include the following:

- That payment of the full benefit amount is accomplished by delivery of the draft book or check book;
- That one draft or check may be written to access the entire amount, including interest, of the retained asset account at any time;
- Whether other available settlement options are preserved until the entire balance is withdrawn or the balance drops below the insurer's minimum balance requirements;
- A statement identifying the account as either a checking account or a draft account and an explanation of how the account works;
- Information about the account services provided and contact information where the beneficiary may request and obtain more details about such services;

- A description of fees charged, if applicable;
- The frequency of statements showing the current account balance, the interest credited, drafts or checks written, and any other account activity;
- The minimum interest rate to be credited to the account and how the actual interest rate will be determined;
- That the interest earned on the account may be taxable;
- That retained asset account funds held by the insurer are not insured by the Federal Deposit Insurance Corporation, and that there may be limited guaranty association coverage; and
- A description of the insurer's policy regarding retained asset accounts that become inactive.

**6. Budget amendment necessary:** No

**7. Fiscal Impact Estimates:** No Fiscal Impact on the State Corporation Commission

**8. Fiscal implications:** None on the State Corporation Commission

**9. Specific agency or political subdivisions affected:** State Corporation Commission Bureau of Insurance

**10. Technical amendment necessary:** No

**11. Other comments:** The bill is based on the National Association of Insurance Commissioners' *Retained Asset Accounts Sample Bulletin*, issued December, 2010. The bill was introduced at the request of the American Council of Life Insurers. Senate Bill 1388 is identical to House Bill 1458.

Date: 02/25/11/V. Tompkins

cc: Secretary of Commerce and Trade

Secretary of Health and Human Resources