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# A BILL FOR AN ACT

RELATING TO ANNUITIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that it is necessary to  
2 protect consumers who purchase annuity products.

3           The purpose of this Act is to ensure that the insurance  
4 needs and financial objectives of consumers in a transaction  
5 involving annuity products are appropriately addressed.

6           SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
7 amended by adding a new part to article 10D to be appropriately  
8 designated and to read as follows:

9           "PART       .   SUITABILITY IN ANNUITY TRANSACTIONS

10          §431:10D-A   Scope. (a) This part applies to any  
11 recommendation to purchase or exchange an annuity made to a  
12 consumer by an insurance producer, or an insurer where no  
13 producer is involved, that results in the purchase or exchange  
14 recommended.

15          (b) This part does not apply to recommendations involving:



- 1           (1) Direct response solicitations where there is no
- 2                    recommendation based on information collected from the
- 3                    consumer pursuant to this part; or
- 4           (2) Contracts used to fund:
  - 5                    (A) An employee pension or welfare benefit plan that
  - 6                            is covered by the Employee Retirement and Income
  - 7                            Security Act;
  - 8                    (B) A plan described by sections 401(a), 401(k),
  - 9                            403(b), 408(k), or 408(p) of the Internal Revenue
  - 10                           Code of 1986, as amended, if established or
  - 11                           maintained by an employer;
  - 12                    (C) A government or church plan defined in section
  - 13                           414 of the Internal Revenue Code of 1986, as
  - 14                           amended, a government or church welfare benefit
  - 15                           plan, or a deferred compensation plan of a state
  - 16                           or local government or tax exempt organization
  - 17                           under section 457 of the Internal Revenue Code of
  - 18                           1986, as amended;
  - 19                    (D) A non-qualified deferred compensation arrangement
  - 20                           established or maintained by an employer or plan
  - 21                           sponsor;



1           (E) Settlements of or assumptions of liabilities  
2                   associated with personal injury litigation or any  
3                   dispute or claim resolution process; or

4           (F) Formal prepaid funeral contracts.

5           **§431:10D-B Definitions.** For the purposes of this part:

6           "Annuity" means a fixed or variable annuity that is  
7 individually solicited, whether the product is classified as an  
8 individual or group annuity.

9           "Insurance producer" means a person required to be licensed  
10 under the laws of this State to sell, solicit, or negotiate  
11 insurance, including annuities.

12           "Insurer" means a company required to be licensed under the  
13 laws of this State to provide insurance products, including  
14 annuities.

15           "Recommendation" means advice provided by an insurance  
16 producer, or an insurer where no producer is involved, to an  
17 individual consumer that results in a purchase or exchange of an  
18 annuity in accordance with that advice.

19           **§431:10D-C Duties of insurers and insurance producers.**

20 (a) In recommending to a consumer the purchase of an annuity or  
21 the exchange of an annuity that results in another insurance  
22 transaction or series of insurance transactions, the insurance



1 producer, or the insurer where no producer is involved, shall  
2 have reasonable grounds for believing that the recommendation is  
3 suitable for the consumer on the basis of the facts disclosed by  
4 the consumer about the consumer's investments, other insurance  
5 products, financial situation, and needs.

6 (b) Prior to the execution of a purchase or exchange of an  
7 annuity resulting from a recommendation, an insurance producer,  
8 or an insurer where no producer is involved, shall make  
9 reasonable efforts to obtain information concerning:

- 10 (1) The consumer's financial status;
- 11 (2) The consumer's tax status;
- 12 (3) The consumer's investment objectives; and
- 13 (4) Such other information used or considered to be  
14 reasonable by the insurance producer, or the insurer  
15 where no producer is involved, in making  
16 recommendations to the consumer.

17 (c) (1) Except as provided under paragraph (2), neither an  
18 insurance producer, nor an insurer where no producer  
19 is involved, shall have any obligation to a consumer  
20 related to any recommendation if a consumer:

- 21 (A) Refuses to provide relevant information requested  
22 by the insurer or insurance producer;



1 (B) Decides to enter into an insurance transaction  
 2 that is not based on a recommendation of the  
 3 insurer or insurance producer; or

4 (C) Fails to provide complete or accurate  
 5 information.

6 (2) An insurer or insurance producer's recommendation  
 7 subject to paragraph (1) shall be reasonable under all  
 8 the circumstances actually known to the insurer or  
 9 insurance producer at the time of the recommendation.

10 (d) An insurer either shall ensure that a system to  
 11 supervise recommendations that is reasonably designed to achieve  
 12 compliance with this part is established and maintained by  
 13 complying with subsections (f), (g), and (h), or shall establish  
 14 and maintain such a system, which shall include, but not be  
 15 limited to:

16 (1) Maintaining written procedures; and

17 (2) Conducting a periodic review of the insurer's records  
 18 that is reasonably designed to assist in detecting and  
 19 preventing violations of this part.

20 (e) A general agent and independent agency shall adopt a  
 21 system established by an insurer to supervise recommendations of  
 22 its insurance producers that is reasonably designed to achieve



1 compliance with this part, or establish and maintain such a  
2 system, which shall include, but not be limited to:

3 (1) Maintaining written procedures; and

4 (2) Conducting a periodic review of records that is  
5 reasonably designed to assist in detecting and  
6 preventing violations of this part.

7 (f) An insurer may contract with a third party, including  
8 a general agent or independent agency, to comply with the  
9 requirement of subsection (d) to establish and maintain a system  
10 of supervision of insurance producers under contract with or  
11 employed by the third party.

12 (g) An insurer shall make reasonable inquiry to ensure  
13 that the third party contracting under subsection (f) is  
14 performing the functions required under subsection (d) and shall  
15 take such action as is reasonable under the circumstances to  
16 enforce the contractual obligation to perform the functions. An  
17 insurer may comply with its obligation to make reasonable  
18 inquiry by:

19 (1) Annually obtaining a certification from a third party  
20 senior manager who has responsibility for the  
21 delegated functions that the manager has a reasonable



1 basis to represent, and does represent, that the third  
2 party is performing the required functions; and

3 (2) Based on reasonable selection criteria, periodically  
4 reviewing the performance of selected third parties  
5 contracting under subsection (f) to determine whether  
6 the third parties are performing the required  
7 functions. The insurer shall perform those procedures  
8 to conduct the review that are reasonable under the  
9 circumstances.

10 (h) An insurer that contracts with a third party pursuant  
11 to subsection (f) and that complies with the requirements to  
12 supervise in subsection (g) shall have fulfilled its  
13 responsibilities under subsection (d).

14 (i) An insurer, general agent, or independent agency is  
15 not required by subsections (d) and (e) to:

16 (1) Review, or provide for review of, all insurance  
17 producer-solicited transactions; or

18 (2) Include in its system of supervision an insurance  
19 producer's recommendations to consumers of products  
20 other than the annuities offered by the insurer,  
21 general agent, or independent agency.



1 (j) A general agent or independent agency who contracts  
2 with an insurer under subsection (f) shall promptly, when  
3 requested by the insurer under subsection (g), give a  
4 certification as described in subsection (g) or give a clear  
5 statement that it is unable to satisfy the certification  
6 criteria.

7 (k) No person may provide a certification under subsection  
8 (g) (1) unless:

9 (1) The person is a senior manager with responsibility for  
10 the delegated functions; and

11 (2) The person has a reasonable basis for making the  
12 certification.

13 (1) Compliance with the National Association of Securities  
14 Dealers Conduct Rules pertaining to suitability shall satisfy  
15 the requirements under this section for recommending variable  
16 annuities. Nothing in this subsection shall limit the insurance  
17 commissioner's ability to enforce this part.

18 **§431:10D-D Mitigation of responsibility.** (a) The  
19 commissioner may order:

20 (1) An insurer to take reasonably appropriate corrective  
21 action for any consumer harmed by the insurer's, or by  
22 its insurance producer's, violation of this part;



1           (2) An insurance producer to take reasonably appropriate  
2           corrective action regarding any consumer harmed by the  
3           insurance producer's violation of this part; and

4           (3) A general agency or independent agency that employs or  
5           contracts with an insurance producer to sell, or  
6           solicit the sale, of annuities to consumers, to take  
7           reasonably appropriate corrective action for any  
8           consumer harmed by the insurance producer's violation  
9           of this part.

10           (b) Any applicable penalty under article 13 of chapter 431  
11 for a violation of sections 431:10D-C(a), (b), and (c) may be  
12 reduced or eliminated if corrective action for the consumer was  
13 taken promptly after a violation was discovered.

14           **§431:10D-E Recordkeeping.** Insurers, general agents,  
15 independent agencies, and insurance producers shall maintain or  
16 make available to the commissioner records of the information  
17 collected from the consumer and other information used in making  
18 the recommendations that were the basis for insurance  
19 transactions for five years after the insurance transaction is  
20 completed by the insurer. An insurer may maintain documentation  
21 on behalf of an insurance producer."



1 SECTION 3. Section 431:13-103, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The following are defined as unfair methods of  
4 competition and unfair or deceptive acts or practices in the  
5 business of insurance:

6 (1) Misrepresentations and false advertising of insurance  
7 policies. Making, issuing, circulating, or causing to  
8 be made, issued, or circulated, any estimate,  
9 illustration, circular, statement, sales presentation,  
10 omission, or comparison which:

11 (A) Misrepresents the benefits, advantages,  
12 conditions, or terms of any insurance policy;

13 (B) Misrepresents the dividends or share of the  
14 surplus to be received on any insurance policy;

15 (C) Makes any false or misleading statement as to the  
16 dividends or share of surplus previously paid on  
17 any insurance policy;

18 (D) Is misleading or is a misrepresentation as to the  
19 financial condition of any insurer, or as to the  
20 legal reserve system upon which any life insurer  
21 operates;



- 1 (E) Uses any name or title of any insurance policy or
- 2 class of insurance policies misrepresenting the
- 3 true nature thereof;
- 4 (F) Is a misrepresentation for the purpose of
- 5 inducing or tending to induce the lapse,
- 6 forfeiture, exchange, conversion, or surrender of
- 7 any insurance policy;
- 8 (G) Is a misrepresentation for the purpose of
- 9 effecting a pledge or assignment of or effecting
- 10 a loan against any insurance policy;
- 11 (H) Misrepresents any insurance policy as being
- 12 shares of stock;
- 13 (I) Publishes or advertises the assets of any insurer
- 14 without publishing or advertising with equal
- 15 conspicuousness the liabilities of the insurer,
- 16 both as shown by its last annual statement; or
- 17 (J) Publishes or advertises the capital of any
- 18 insurer without stating specifically the amount
- 19 of paid-in and subscribed capital;
- 20 (2) False information and advertising generally. Making,
- 21 publishing, disseminating, circulating, or placing
- 22 before the public, or causing, directly or indirectly,



1 to be made, published, disseminated, circulated, or  
2 placed before the public, in a newspaper, magazine, or  
3 other publication, or in the form of a notice,  
4 circular, pamphlet, letter, or poster, or over any  
5 radio or television station, or in any other way, an  
6 advertisement, announcement, or statement containing  
7 any assertion, representation, or statement with  
8 respect to the business of insurance or with respect  
9 to any person in the conduct of the person's insurance  
10 business, which is untrue, deceptive, or misleading;

11 (3) Defamation. Making, publishing, disseminating, or  
12 circulating, directly or indirectly, or aiding,  
13 abetting, or encouraging the making, publishing,  
14 disseminating, or circulating of any oral or written  
15 statement or any pamphlet, circular, article, or  
16 literature which is false, or maliciously critical of  
17 or derogatory to the financial condition of an  
18 insurer, and which is calculated to injure any person  
19 engaged in the business of insurance;

20 (4) Boycott, coercion, and intimidation.

21 (A) Entering into any agreement to commit, or by any  
22 action committing, any act of boycott, coercion,



1 or intimidation resulting in or tending to result  
2 in unreasonable restraint of, or monopoly in, the  
3 business of insurance; or

4 (B) Entering into any agreement on the condition,  
5 agreement, or understanding that a policy will  
6 not be issued or renewed unless the prospective  
7 insured contracts for another class or an  
8 additional policy of the same class of insurance  
9 with the same insurer;

10 (5) False financial statements.

11 (A) Knowingly filing with any supervisory or other  
12 public official, or knowingly making, publishing,  
13 disseminating, circulating, or delivering to any  
14 person, or placing before the public, or  
15 knowingly causing, directly or indirectly, to be  
16 made, published, disseminated, circulated,  
17 delivered to any person, or placed before the  
18 public, any false statement of a material fact as  
19 to the financial condition of an insurer; or

20 (B) Knowingly making any false entry of a material  
21 fact in any book, report, or statement of any  
22 insurer with intent to deceive any agent or



1           examiner lawfully appointed to examine into its  
2           condition or into any of its affairs, or any  
3           public official to whom the insurer is required  
4           by law to report, or who has authority by law to  
5           examine into its condition or into any of its  
6           affairs, or, with like intent, knowingly omitting  
7           to make a true entry of any material fact  
8           pertaining to the business of the insurer in any  
9           book, report, or statement of the insurer;

10       (6) Stock operations and advisory board contracts.

11           Issuing or delivering or permitting agents, officers,  
12           or employees to issue or deliver, agency company stock  
13           or other capital stock, or benefit certificates or  
14           shares in any common-law corporation, or securities or  
15           any special or advisory board contracts or other  
16           contracts of any kind promising returns and profits as  
17           an inducement to insurance;

18       (7) Unfair discrimination.

19           (A) Making or permitting any unfair discrimination  
20           between individuals of the same class and equal  
21           expectation of life in the rates charged for any  
22           [~~contract~~] policy of life insurance or [~~of life~~]



1 annuity contract or in the dividends or other  
2 benefits payable thereon, or in any other of the  
3 terms and conditions of the contract;

4 (B) Making or permitting any unfair discrimination in  
5 favor of particular individuals or persons, or  
6 between insureds or subjects of insurance having  
7 substantially like insuring, risk, and exposure  
8 factors, or expense elements, in the terms or  
9 conditions of any insurance contract, or in the  
10 rate or amount of premium charge therefor, or in  
11 the benefits payable or in any other rights or  
12 privilege accruing thereunder;

13 (C) Making or permitting any unfair discrimination  
14 between individuals or risks of the same class  
15 and of essentially the same hazards by refusing  
16 to issue, refusing to renew, canceling, or  
17 limiting the amount of insurance coverage on a  
18 property or casualty risk because of the  
19 geographic location of the risk, unless:

20 (i) The refusal, cancellation, or limitation is  
21 for a business purpose which is not a mere  
22 pretext for unfair discrimination; or



- 1                   (ii) The refusal, cancellation, or limitation is  
2                               required by law or regulatory mandate;
- 3           (D) Making or permitting any unfair discrimination  
4                   between individuals or risks of the same class  
5                   and of essentially the same hazards by refusing  
6                   to issue, refusing to renew, canceling, or  
7                   limiting the amount of insurance coverage on a  
8                   residential property risk, or the personal  
9                   property contained therein, because of the age of  
10                  the residential property, unless:
- 11                  (i) The refusal, cancellation, or limitation is  
12                               for a business purpose which is not a mere  
13                               pretext for unfair discrimination; or
- 14                  (ii) The refusal, cancellation, or limitation is  
15                               required by law or regulatory mandate;
- 16           (E) Refusing to insure, refusing to continue to  
17                   insure, or limiting the amount of coverage  
18                   available to an individual because of the sex or  
19                   marital status of the individual; however,  
20                   nothing in this subsection shall prohibit an  
21                   insurer from taking marital status into account



1 for the purpose of defining persons eligible for  
2 dependent benefits;

3 (F) Terminating or modifying coverage, or refusing to  
4 issue or renew any property or casualty policy or  
5 contract of insurance solely because the  
6 applicant or insured or any employee of either is  
7 mentally or physically impaired; provided that  
8 this subparagraph shall not apply to accident and  
9 health or sickness insurance sold by a casualty  
10 insurer; provided further that this subparagraph  
11 shall not be interpreted to modify any other  
12 provision of law relating to the termination,  
13 modification, issuance, or renewal of any  
14 insurance policy or contract;

15 (G) Refusing to insure, refusing to continue to  
16 insure, or limiting the amount of coverage  
17 available to an individual based solely upon the  
18 individual's having taken a human  
19 immunodeficiency virus (HIV) test prior to  
20 applying for insurance; or

21 (H) Refusing to insure, refusing to continue to  
22 insure, or limiting the amount of coverage



1 available to an individual because the individual  
2 refuses to consent to the release of information  
3 which is confidential as provided in section 325-  
4 101; provided that nothing in this subparagraph  
5 shall prohibit an insurer from obtaining and  
6 using the results of a test satisfying the  
7 requirements of the commissioner, which was taken  
8 with the consent of an applicant for insurance;  
9 provided further that any applicant for insurance  
10 who is tested for HIV infection shall be afforded  
11 the opportunity to obtain the test results,  
12 within a reasonable time after being tested, and  
13 that the confidentiality of the test results  
14 shall be maintained as provided by section 325-  
15 101;

16 (8) Rebates. Except as otherwise expressly provided by  
17 law:

18 (A) Knowingly permitting or offering to make or  
19 making any contract of insurance, or agreement as  
20 to the contract other than as plainly expressed  
21 in the contract, or paying or allowing, or giving  
22 or offering to pay, allow, or give, directly or



1 indirectly, as inducement to the insurance, any  
2 rebate of premiums payable on the contract, or  
3 any special favor or advantage in the dividends  
4 or other benefits, or any valuable consideration  
5 or inducement not specified in the contract; or

6 (B) Giving, selling, or purchasing, or offering to  
7 give, sell, or purchase as inducement to the  
8 insurance or in connection therewith, any stocks,  
9 bonds, or other securities of any insurance  
10 company or other corporation, association, or  
11 partnership, or any dividends or profits accrued  
12 thereon, or anything of value not specified in  
13 the contract;

14 (9) Nothing in paragraph (7) or (8) shall be construed as  
15 including within the definition of discrimination or  
16 rebates any of the following practices:

17 (A) In any [~~contract of~~] life insurance policy or  
18 [~~life~~] annuity[~~]~~ contract, paying bonuses to  
19 policyholders or otherwise abating their premiums  
20 in whole or in part out of surplus accumulated  
21 from nonparticipating insurance; provided that  
22 any bonus or abatement of premiums shall be fair



- 1                   and equitable to policyholders and in the best  
2                   interests of the insurer and its policyholders;
- 3           (B)   In the case of life insurance policies issued on  
4                   the industrial debit plan, making allowance to  
5                   policyholders who have continuously for a  
6                   specified period made premium payments directly  
7                   to an office of the insurer in an amount which  
8                   fairly represents the saving in collection  
9                   expense;
- 10           (C)   Readjustment of the rate of premium for a group  
11                   insurance policy based on the loss or expense  
12                   experience thereunder, at the end of the first or  
13                   any subsequent policy year of insurance  
14                   thereunder, which may be made retroactive only  
15                   for the policy year; and
- 16           (D)   In the case of any contract of insurance, the  
17                   distribution of savings, earnings, or surplus  
18                   equitably among a class of policyholders, all in  
19                   accordance with this article;
- 20           (10)   Refusing to provide or limiting coverage available to  
21                   an individual because the individual may have a third-  
22                   party claim for recovery of damages; provided that:



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(A) Where damages are recovered by judgment or settlement of a third-party claim, reimbursement of past benefits paid shall be allowed pursuant to section 663-10;

(B) This paragraph shall not apply to entities licensed under chapter 386 or 431:10C; and

(C) For entities licensed under chapter 432 or 432D:

(i) It shall not be a violation of this section to refuse to provide or limit coverage available to an individual because the entity determines that the individual reasonably appears to have coverage available under chapter 386 or 431:10C; and

(ii) Payment of claims to an individual who may have a third-party claim for recovery of damages may be conditioned upon the individual first signing and submitting to the entity documents to secure the lien and reimbursement rights of the entity and providing information reasonably related to the entity's investigation of its liability for coverage.

1 Any individual who knows or reasonably should  
2 know that the individual may have a third-party  
3 claim for recovery of damages and who fails to  
4 provide timely notice of the potential claim to  
5 the entity, shall be deemed to have waived the  
6 prohibition of this paragraph against refusal or  
7 limitation of coverage. "Third-party claim" for  
8 purposes of this paragraph means any tort claim  
9 for monetary recovery or damages that the  
10 individual has against any person, entity, or  
11 insurer, other than the entity licensed under  
12 chapter 432 or 432D;

- 13 (11) Unfair claim settlement practices. Committing or  
14 performing with such frequency as to indicate a  
15 general business practice any of the following:
- 16 (A) Misrepresenting pertinent facts or insurance  
17 policy provisions relating to coverages at issue;
  - 18 (B) With respect to claims arising under its  
19 policies, failing to respond with reasonable  
20 promptness, in no case more than fifteen working  
21 days, to communications received from:
    - 22 (i) The insurer's policyholder;



- 1           (ii) Any other persons, including the
- 2                           commissioner; or
- 3           (iii) The insurer of a person involved in an
- 4                           incident in which the insurer's policyholder
- 5                           is also involved.
  
- 6           The response shall be more than an acknowledgment
- 7                           that such person's communication has been
- 8                           received, and shall adequately address the
- 9                           concerns stated in the communication;
- 10          (C) Failing to adopt and implement reasonable
- 11                           standards for the prompt investigation of claims
- 12                           arising under insurance policies;
- 13          (D) Refusing to pay claims without conducting a
- 14                           reasonable investigation based upon all available
- 15                           information;
- 16          (E) Failing to affirm or deny coverage of claims
- 17                           within a reasonable time after proof of loss
- 18                           statements have been completed;
- 19          (F) Failing to offer payment within thirty calendar
- 20                           days of affirmation of liability, if the amount
- 21                           of the claim has been determined and is not in
- 22                           dispute;



- 1 (G) Failing to provide the insured, or when  
2 applicable the insured's beneficiary, with a  
3 reasonable written explanation for any delay, on  
4 every claim remaining unresolved for thirty  
5 calendar days from the date it was reported;
- 6 (H) Not attempting in good faith to effectuate  
7 prompt, fair, and equitable settlements of claims  
8 in which liability has become reasonably clear;
- 9 (I) Compelling insureds to institute litigation to  
10 recover amounts due under an insurance policy by  
11 offering substantially less than the amounts  
12 ultimately recovered in actions brought by the  
13 insureds;
- 14 (J) Attempting to settle a claim for less than the  
15 amount to which a reasonable person would have  
16 believed the person was entitled by reference to  
17 written or printed advertising material  
18 accompanying or made part of an application;
- 19 (K) Attempting to settle claims on the basis of an  
20 application which was altered without notice,  
21 knowledge, or consent of the insured;



- 1           (L) Making claims payments to insureds or  
2           beneficiaries not accompanied by a statement  
3           setting forth the coverage under which the  
4           payments are being made;
- 5           (M) Making known to insureds or claimants a policy of  
6           appealing from arbitration awards in favor of  
7           insureds or claimants for the purpose of  
8           compelling them to accept settlements or  
9           compromises less than the amount awarded in  
10          arbitration;
- 11          (N) Delaying the investigation or payment of claims  
12          by requiring an insured, claimant, or the  
13          physician of either to submit a preliminary claim  
14          report and then requiring the subsequent  
15          submission of formal proof of loss forms, both of  
16          which submissions contain substantially the same  
17          information;
- 18          (O) Failing to promptly settle claims, where  
19          liability has become reasonably clear, under one  
20          portion of the insurance policy coverage to  
21          influence settlements under other portions of the  
22          insurance policy coverage;



1 (P) Failing to promptly provide a reasonable  
2 explanation of the basis in the insurance policy  
3 in relation to the facts or applicable law for  
4 denial of a claim or for the offer of a  
5 compromise settlement; and

6 (Q) Indicating to the insured on any payment draft,  
7 check, or in any accompanying letter that the  
8 payment is "final" or is "a release" of any claim  
9 if additional benefits relating to the claim are  
10 probable under coverages afforded by the policy;  
11 unless the policy limit has been paid or there is  
12 a bona fide dispute over either the coverage or  
13 the amount payable under the policy;

14 (12) Failure to maintain complaint handling procedures.  
15 Failure of any insurer to maintain a complete record  
16 of all the complaints which it has received since the  
17 date of its last examination under section 431:2-302.  
18 This record shall indicate the total number of  
19 complaints, their classification by line of insurance,  
20 the nature of each complaint, the disposition of these  
21 complaints, and the time it took to process each  
22 complaint. For purposes of this section, "complaint"



1 means any written communication primarily expressing a  
2 grievance; [~~and~~]

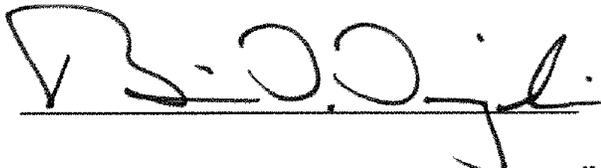
3 (13) Misrepresentation in insurance applications. Making  
4 false or fraudulent statements or representations on  
5 or relative to an application for an insurance policy,  
6 for the purpose of obtaining a fee, commission, money,  
7 or other benefit from any insurer, producer, or  
8 individual [~~-~~]; and

9 (14) Failure to obtain information. Failure of any  
10 insurance producer, or an insurer where no producer is  
11 involved, to comply with section 431:10D-C(a), (b), or  
12 (c) by making reasonable efforts to obtain information  
13 about a consumer before making a recommendation to the  
14 consumer to purchase or exchange an annuity."

15 SECTION 4. In codifying this Act, the revisor of statutes  
16 shall substitute the appropriate numerical references for the  
17 letter designations used in this Act.

18 SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on January 1, 2008.

21 INTRODUCED BY: 



**Report Title:**  
Annuities

**Description:**  
Enacts a new part in insurance code to provide for sales and solicitations of annuities.

