

## Texas Department of Insurance

### Rule Transfer Authority

Under Texas Insurance Code §36.001 and §36.002, the commissioner of insurance is authorized to promulgate necessary and appropriate rules to implement the powers and duties of the Texas Department of Insurance under this code and other laws of this state. As part of the Texas Department of Insurance's ongoing rule review process, the commissioner has determined that certain rules are not well organized, and that insurers, insurance companies, issuers, and the public find them difficult to navigate. Therefore, the commissioner finds that a reorganization is needed. Eighteen subchapters in 28 Texas Administrative Code, Part 1, Chapter 3, will be moved to a new Chapter 4 to improve their accessibility.

The rules will be transferred in the Texas Administrative Code effective September 1, 2023.

The following table outlines the rule transfer:

Figure: 28 TAC Chapter 4

<b><i>Current Rules</i></b>	<b><i>Move to New</i></b>
<b>Title 28. Insurance</b> <b>Part 1. Texas Department of Insurance</b> <b>Chapter 3. Life, Accident, and Health Insurance and Annuities</b>	<b>Title 28. Insurance</b> <b>Part 1. Texas Department of Insurance</b> <b>Chapter 4. Life and Annuity</b>
<b>Subchapter NN. Consumer Notices for Life Insurance Policy and Annuity Contract Replacements</b> <b>28 TAC §§3.9501 - 3.9506</b>	<b>Subchapter C. Consumer Notices for Life Insurance Policy and Annuity Contract Replacements</b> <b>28 TAC §§4.201 - 4.206</b>
§3.9501. Purpose	§4.201. Purpose
§3.9502. Definitions	§4.202. Definitions
§3.9503. Consumer Notice Content and Format Requirements	§4.203. Consumer Notice Content and Format Requirements
§3.9504. Consumer Notice Regarding Replacement for Insurers Using Agents	§4.204. Consumer Notice Regarding Replacement for Insurers Using Agents

§3.9505. Direct Response Consumer Notices	§4.205. Direct Response Consumer Notices
§3.9506. Filing Procedures for Substantially Similar Consumer Notices	§4.206. Filing Procedures for Substantially Similar Consumer Notices
<b>Subchapter B. Individual Life Insurance Policy Form Checklist and Affirmative Requirements 28 TAC §§3.101 - 3.128</b>	<b>Subchapter F. Individual Life Insurance Policy Form Checklist and Affirmative Requirements 28 TAC §§4.601 - 4.628</b>
§3.101. Payment of Premiums	§4.601. Payment of Premiums
§3.102. Grace Period	§4.602. Grace Period
§3.103. Entire Contract	§4.603. Entire Contract
§3.104. Incontestable Clause	§4.604. Incontestable Clause
§3.105. Statements of the Insured	§4.605. Statements of the Insured
§3.106. Misstatement of Age	§4.606. Misstatement of Age
§3.107. Policy Loans	§4.607. Policy Loans
§3.108. Automatic Nonforfeiture Benefits	§4.608. Automatic Nonforfeiture Benefits
§3.109. Automatic Premium Loans	§4.609. Automatic Premium Loans
§3.110. Cash Value	§4.610. Cash Value
§3.111. Reinstatement	§4.611. Reinstatement
§3.112. Payment of Claims	§4.612. Payment of Claims
§3.113. Family Group Special Requirements	§4.613. Family Group Special Requirements
§3.114. Dependent Child Riders and Family Term Riders	§4.614. Dependent Child Riders and Family Term Riders
§3.115. Requirements for a Package Consisting of a Deferred Life Policy with an Accidental Death Rider Attached	§4.615. Requirements for a Package Consisting of a Deferred Life Policy with an Accidental Death Rider Attached
§3.116. Substitute or Change of Insured Riders	§4.616. Substitute or Change of Insured Riders
§3.117. Preliminary Term Life Insurance	§4.617. Preliminary Term Life Insurance
§3.118. Conversion Provision	§4.618. Conversion Provision
§3.119. Limitations of Lawsuits	§4.619. Limitations of Lawsuits
§3.120. Backdating Policies	§4.620. Backdating Policies
§3.121. Settlement at Maturity	§4.621. Settlement at Maturity
§3.122. Tontine Provisions	§4.622. Tontine Provisions
§3.123. Assignment Provisions	§4.623. Assignment Provisions

§3.124. Provisions Relating to Dividends, Coupon Benefits, or Other Guaranteed Returns	§4.624. Provisions Relating to Dividends, Coupon Benefits, or Other Guaranteed Returns
§3.125. Premiums Paid in Advance	§4.625. Premiums Paid in Advance
§3.126. Annuity Contracts	§4.626. Annuity Contracts
§3.127. Certain Prohibited Provisions	§4.627. Certain Prohibited Provisions
§3.128. Renewal Premium on Term Policies	§4.628. Renewal Premium on Term Policies
<b>Subchapter D. Indeterminate Premium Reduction Policies</b> <b>28 TAC §§3.301 - 3.311</b>	<b>Subchapter J. Indeterminate Premium Reduction Policies</b> <b>28 TAC §§4.1001 - 4.1011</b>
§3.301. Purpose and Scope	§4.1001. Purpose and Scope
§3.302. Policy Form Submission	§4.1002. Policy Form Submission
§3.303. Solicitation and Advertising	§4.1003. Solicitation and Advertising
§3.304. Summary of Provisions	§4.1004. Summary of Provisions
§3.305. Relation of Initial to Later Premium Charge	§4.1005. Relation of Initial to Later Premium Charge
§3.306. Premium Redetermination	§4.1006. Premium Redetermination
§3.307. Reclassification of Policyholders	§4.1007. Reclassification of Policyholders
§3.308. Minimum Nonforfeiture Values	§4.1008. Minimum Nonforfeiture Values
§3.310. Artificial Maximum Premiums Prohibited	§4.1010. Artificial Maximum Premiums Prohibited
§3.311. General Enforcement	§4.1011. General Enforcement
<b>Subchapter CC. Standards for Acceleration-of-Life-Insurance Benefits for Individual and Group Policies and Riders</b> <b>28 TAC §§3.4301 - 3.4317</b>	<b>Subchapter K. Standards for Acceleration-of-Life-Insurance Benefits for Individual and Group Policies and Riders</b> <b>28 TAC §§4.1101 - 4.1117</b>
§3.4301. Purpose; Severability	§4.1101. Purpose; Severability
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§3.4303. Required Policy Definitions; Evidence of Total and Permanent Disability	§4.1103. Required Policy Definitions; Evidence of Total and Permanent Disability
§3.4304. Standards for Medical Diagnoses	§4.1104. Standards for Medical Diagnoses

§3.4305. Termination of Benefit upon Exercise of Nonforfeiture Option	§4.1105. Termination of Benefit upon Exercise of Nonforfeiture Option
§3.4306. Methods for Determining Benefits and Allowable Charges and Fees	§4.1106. Methods for Determining Benefits and Allowable Charges and Fees
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§3.4308. Pro Rata Reduction of Loan upon Acceleration of Benefits	§4.1108. Pro Rata Reduction of Loan upon Acceleration of Benefits
§3.4309. Effect of Acceleration of Benefits on Nonforfeiture Calculations	§4.1109. Effect of Acceleration of Benefits on Nonforfeiture Calculations
§3.4310. Calculation of Reserves	§4.1110. Calculation of Reserves
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§3.4312. Notice and Disclosure Requirements for Life Insurance Contracts Containing Acceleration-of-life-insurance Benefits	§4.1112. Notice and Disclosure Requirements for Life Insurance Contracts Containing Acceleration-of-life-insurance Benefits
§3.4313. Notice and Disclosure Requirements for Marketing Materials	§4.1113. Notice and Disclosure Requirements for Marketing Materials
§3.4314. Requirements for Acceleration-of-life-insurance Benefits That Fund Long-Term Care Expenses	§4.1114. Requirements for Acceleration-of-life-insurance Benefits That Fund Long-Term Care Expenses
§3.4315. Requirements for Benefits Represented To Be Qualified for Favorable Federal Tax Treatment	§4.1115. Requirements for Benefits Represented To Be Qualified for Favorable Federal Tax Treatment
§3.4316. Disclosures Related to Tax Qualification of Benefits and Benefits' Effect on Public Assistance	§4.1116. Disclosures Related to Tax Qualification of Benefits and Benefits' Effect on Public Assistance
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<b>Subchapter II. Insurance Sold in Connection with Prepaid Funeral Contracts</b> <b>28 TAC §3.9001 and §3.9002</b>	<b>Subchapter L. Insurance Sold in Connection with Prepaid Funeral Contracts</b> <b>28 TAC §4.1201 and §4.1202</b>
§3.9001. Introduction to Joint Memorandum of Understanding	§4.1201. Introduction to Joint Memorandum of Understanding
§3.9002. Joint Memorandum of Understanding	§4.1202. Joint Memorandum of Understanding

<b>Subchapter I. Variable Life Insurance 28 TAC §§3.801 - 3.811</b>	<b>Subchapter O. Variable Life Insurance 28 TAC §§4.1501 - 4.1511</b>
§3.801. Purpose and Scope	§4.1501. Purpose and Scope
§3.802. Definitions	§4.1502. Definitions
§3.803. Qualifications of Insurer to Issue Variable Life Insurance	§4.1503. Qualifications of Insurer to Issue Variable Life Insurance
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§3.805. Reserve Liabilities for Variable Life Insurance	§4.1505. Reserve Liabilities for Variable Life Insurance
§3.806. Separate Accounts	§4.1506. Separate Accounts
§3.807. Information Furnished to Applicants	§4.1507. Information Furnished to Applicants
§3.808. Application	§4.1508. Application
§3.809. Reports to Contractholders	§4.1509. Reports to Contractholders
§3.810. Separability	§4.1510. Separability
§3.811. Savings Clause	§4.1511. Savings Clause
<b>Subchapter J. Required Reinstatement Relating to Mental Incapacity of the Insured for Individual Life Policies Without Nonforfeiture Benefits 28 TAC §§3.901 - 3.913</b>	<b>Subchapter P. Required Reinstatement Relating to Mental Incapacity of the Insured for Individual Life Policies Without Nonforfeiture Benefits 28 TAC §§4.1601 - 4.1613</b>
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§3.907. Coverage Dates Back to Date of Lapse	§4.1607. Coverage Dates Back to Date of Lapse
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<b>Subchapter N. Nonforfeiture Standards for Individual Life Insurance in Employer Pension Plans 28 TAC §§3.1301 - 3.1307</b>	<b>Subchapter Q. Nonforfeiture Standards for Individual Life Insurance in Employer Pension Plans 28 TAC §§4.1701 - 4.1707</b>
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