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Sequence Number: 08-18-13
 Notice ID(s): 2061
 File Date: 8/23/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Commerce and Insurance
Division:	Insurance
Contact Person:	Tony Greer, Assistant General Counsel
Address:	500 James Robertson Parkway Davy Crockett Tower, 8 th Floor Nashville, Tennessee 37243
Phone:	615-741-2199
Email:	tony.greer@state.tn.us

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Don Coleman
Address:	500 James Robertson Parkway Davy Crockett Tower, 5 th Floor Nashville, Tennessee 37243
Phone:	615-741-0481
Email:	don.coleman@state.tn.us

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	500 James Robertson Parkway		
Address 2:	Davy Crockett Tower, 8 th Floor Conference Room 8-C		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	10/14/13		
Hearing Time:	10:00 A.M.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

For a copy of this notice of rulemaking hearing, contact: Tony Greer, Department of Commerce and Insurance, Office of Legal Counsel, 500 James Robertson Parkway, Davy Crockett Tower, Twelfth Floor, Nashville, Tennessee 37243, and (615) 741-2199.

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
0780-01-85	Market Conduct Annual Statement Filing Requirements
Rule Number	Rule Title
0780-01-85-.01	Purpose.
0780-01-85-.02	Scope.
0780-01-85-.03	Authority.
0780-01-85-.04	Definitions.
0780-01-85-.05	Market conduct annual statement.
0780-01-85-.06	Violations and penalties.
0780-01-85-.07	Severability.

Chapter 0780-01-85
Market Conduct Annual Statement Filing Requirements

New Rules

0780-01-85-.01 Purpose.
0780-01-85-.02 Scope.
0780-01-85-.03 Authority.
0780-01-85-.04 Definitions.
0780-01-85-.05 Market conduct annual statement.
0780-01-85-.06 Violations and penalties.
0780-01-85-.07 Severability.

0780-01-85-.01 Purpose.

The purpose of this Chapter is to set forth the manner in which insurers licensed in the State of Tennessee, except those that only write only accident and health insurance, file market conduct annual statements with the commissioner in order to foster nationwide consistency in market conduct oversight.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

0780-01-85-.02 Scope.

Every insurer authorized to do business under the provisions of Title 56, that is required to file annual statements pursuant to T.C.A. § 56-1-501, 56-44-102, or otherwise by law, with the exception of those that write only accident and health insurance, must file market conduct annual statements in the manner provided by this Chapter.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

0780-01-85-.03 Authority.

This Chapter is promulgated by the commissioner pursuant to 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

0780-01-85-.04 Definitions.

- (1) "Commissioner" means the commissioner of the Tennessee Department of Commerce and Insurance.
- (2) "Complaint" means any written or documented oral communication primarily expressing a grievance, meaning an expression of dissatisfaction.
- (3) "Department" means the Tennessee Department of Commerce and Insurance.

- (4) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (5) "NAIC" means the National Association of Insurance Commissioners.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

0780-01-85-.05 Market conduct annual statement.

- (1) Every insurer with a certificate of authority in this State, with the exception of those that write only accident and health insurance, shall electronically file with the commissioner its market conduct annual statement, as authorized by Tenn. Code Ann. § 56-8-107, in accordance with the filing instructions published by the NAIC.
- (2) For purposes of this chapter, the market conduct annual statement filing is not complete until it has been received by the commissioner, in either hard copy or electronic form, as designated by the commissioner.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

0780-01-85-.06 Confidential Materials.

All testimony, documents and other information submitted pursuant to Rule 0780-01-XX, and all records and documents maintained pursuant to Rule 0780-01-XX shall be privileged and shall not be disclosed pursuant to T.C.A. § 10-7-503 or 56-1-602, nor shall they be admissible as evidence in any civil proceeding not brought by the commissioner. The commissioner, within the commissioner's discretion, may share the documents and information with other state or federal agencies, or with any law enforcement authority.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

0780-01-85-.07 Violations and penalties.

Any insurer that fails to make and file its market conduct annual statement in the form and time provided by Rule 0780-01-XX shall be subject to the applicable penalties provided for by T.C.A. § 56-2-305, as well as such other sanctions provided for by law.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. §§ 56-2-305 and 56-8-107.

0780-01-85-.08 Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the Chapter and the application of such provision to other persons or circumstance shall not be affected thereby. To this end, the provisions of this chapter are declared severable.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

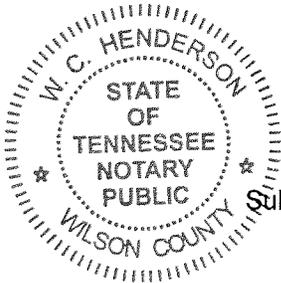
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 08/23/13

Signature: *[Handwritten Signature]*

Name of Officer: Tony Greer

Title of Officer: Chief Counsel for Insurance and TennCare Oversight



Subscribed and sworn to before me on: August 23, 2013

Notary Public Signature: *W.C. Henderson*

My commission expires on: Sept 19, 2013

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Filed with the Department of State on: 8/23/13

Tre Hargett
Tre Hargett
Secretary of State

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