

Notice of Rulemaking Hearing  
Department of Commerce and Insurance  
Insurance Division

There will be a hearing before the Insurance Division of the Department of Commerce and Insurance ("Division") to consider the promulgation of amendments of rules in Chapter 0780-1-33, pursuant to Tenn. Code Ann. § 56-1-701. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-204, and will take place in Conference Room A, Fifth Floor, of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243 at 10:00 a.m. CST on the 19<sup>th</sup> day of November, 2002.

Any individuals with disabilities who wish to participate in these proceedings should contact the Division to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243 at (615) 741-2176.

For a copy of this notice of rulemaking hearing, please contact Kevin C. Bartels, Staff Attorney, at (615) 741-2199.

Substance of Proposed Rules

Chapter 0780-1-33

Rules and Regulations Covering  
Life Insurance Advertising

Amendments

Chapter 0780-1-33 Rules and Regulations Covering Life Insurance Advertising is amended by deleting the title and all the language contained therein and by substituting instead the following language so that, as amended, the new title and rules shall read as set forth below.

Rules Covering the Advertisement of Life Insurance Products.

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Authority: Tenn. Code Ann. §§ 56-2-301 and 56-3-508.

0780-1-33-.01 Purpose. The purpose of this Chapter is to set forth minimum standards and guidelines to assure a full and truthful disclosure to the public of all material and relevant information in the advertising of life insurance policies, including annuity contracts.

Authority: Tenn. Code Ann. §§ 56-2-301 and 56-3-508.

Rule 0780-1-33-.02 Definitions.

- (1) For the purpose of these rules, the following definitions shall apply:
  - (a) "Advertisement" means any written, verbal or electronic communication disseminated to any person through any medium that is intended to generate public interest in life insurance or annuities or in an insurer, or that is intended to induce any person to inquire about, purchase, increase, modify, reinstate, or retain a policy including:
    1. Descriptive and/or illustrative material of an insurer used in any medium;
    2. Descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations, electronic communications, and form letters;
    3. Material used for the recruitment, training, and education of an insurer's sales personnel, insurance producers, solicitors, and brokers which is designated to be used or is used to induce the public to purchase, increase, modify, reinstate, or retain a policy;
    4. Prepared sales talks, presentations, and material for use by sales personnel, insurance producers, solicitors, and brokers; and
    5. Internet web sites, email and all other information that is disseminated by an insurer through electronic means
  - (b) "Advertisement" shall not include:
    1. Written communications or materials used within an insurer's own organization and not intended for dissemination to the public;
    2. Written or oral communications with policyholders other than material urging policyholders to purchase, increase, modify, reinstate, or retain a policy;
    3. Any general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged; provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.
  - (c) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.
  - (d) "Commissioner" means the Commissioner of the Tennessee Department of Commerce and Insurance and/or his/her designee.

- (e) "Insurer" shall have the same meaning as defined in Tenn. Code Ann., Title 56, Chapter 6, Part 1.
- (f) "Insurance producer" shall have the same meaning as defined in Tenn. Code Ann., Title 56, Chapter 6, Part 1.
- (g) "Medium" means any medium upon which information can be stored, recorded, or retrieved, and includes, without limitation, any book, pamphlet, periodical, letter, note, memorandum, report, photograph, videotape, audiotape, computer disk, or any other written, typed, reported, transcribed, punched, taped, filmed, electronically or magnetically stored information, or graphic matter, however produced or reproduced.
- (h) "Person" means an individual or business entity.
- (i) "Policy" means a policy, plan, certificate, contract, agreement, statement of coverage, rider, or endorsement which provides for life insurance or annuity benefits.
- (j) "Policyholder" means a person who owns a policy.
- (k) "Prominently display" means that such items, text or graphical material required to be prominently disclosed in advertisements subject to this chapter shall be placed at the beginning of each page, section or segment within such advertisements and shall be in a font size of no less than 12 points and shall, where practicable, be underlined, italicized, or placed in boldface type.

Authority: Tenn. Code Ann. §§ 56-2-301, 56-3-508 and Tenn. Pub. Acts 2002, ch. 798, § 3.

0780-1-33-.03 Applicability.

- (1) These rules shall apply to any life insurance or annuity advertisement intended for dissemination in this state.
- (2) Every insurer shall establish and at all times maintain a system of control over the content, form, and method of dissemination of all advertisements of its policies. All such advertisements shall be the responsibility of the insurer.

Authority: Tenn. Code Ann. §§ 56-2-301 and 56-3-508.

Rule 0780-1-33-.04 Form and Content of Advertisements.

- (1) Advertisements disseminated by an insurer and/or insurance producer shall be truthful and not misleading in fact or by implication or omission. The form and content of an advertisement of a policy shall be sufficiently complete and clear so as to avoid deception. The advertisement(s) shall not have the capacity or tendency to mislead or deceive. Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the Commissioner from the overall impression that the advertisement may be reasonably expected to create upon a person of average education and/or intelligence within the segment of the public to whom it is directed.

- (2) No advertisement disseminated by an insurer and/or insurance producer shall use the terms “investment”, “investment plan”, “founder’s plan”, “charter plan”, “expansion plan”, “profit”, “11 profits”, “profit sharing”, “interest plan”, “savings”, “savings plan”, or other similar terms in connection with a policy in a context or under such circumstances or conditions as to have the capacity or tendency to mislead a purchaser or prospective purchaser of such policy to believe that s/he will receive, or that it is possible that s/he will receive, something other than a policy or some benefit not available to other persons of the same class and equal expectation of life.

Authority: Tenn. Code Ann. §§ 56-2-301, 56-3-508 and Tenn. Pub. Acts 2002, ch. 798, § 13.

0780-1-33-.05 Disclosure Requirements.

- (1) The information required to be disclosed by this Chapter shall not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading to any person.
- (2) No advertisement shall omit material information or use words, phrases, statements, references, or illustrations if such omission or such use has the capacity, tendency, or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of any policy benefit payable, loss covered, premium payable, or state or federal tax consequences. The fact that the policy offered is made available to a prospective policyholder for inspection prior to consummation of the sale, or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.
- (3) In the event an advertisement uses “Non-Medical”, “No Medical Examination Required”, or similar terms where issue is not guaranteed, such terms shall also indicate that issuance of the policy may depend upon the prospective policyholder’s answers to the health questions. The fact that the issue of the insurance contract may depend upon the prospective policyholder’s answers to the health questions shall be prominently displayed.
- (4) An advertisement shall not use as the name or title of a life insurance policy or an annuity any phrase which does not include the words “life insurance” or “annuity” unless accompanied by other language clearly indicating it is life insurance or an annuity.
- (5) An advertisement shall prominently display and describe the type of policy advertised.
- (6) An advertisement of an insurance policy marketed by direct response techniques shall not state or imply that because there is no insurance producer or commission paid thereto that there will be a cost saving to prospective policyholders unless such statement is objectively and factually accurate. No such cost savings may be stated or implied without such justification.
- (7) An advertisement for a policy containing graded or modified benefits shall prominently display any limitation of benefits. If the premium is level and coverage decreases or increases with age or duration, such fact shall be prominently displayed.
- (8) An advertisement for a policy with non-level premiums shall prominently display the premium changes.
- (9) Dividends.
  - (a) An advertisement shall not utilize or describe dividends in a manner which is misleading or has the capacity or a tendency to mislead.

- (b) An advertisement shall not falsely or inaccurately state or imply that the payment or amount of dividends is guaranteed. If dividends are illustrated, they must be based on the insurer's current dividend scale and the illustration must contain a statement to the effect that they are not to be construed as guarantees or estimates of dividends to be paid in the future.
- (c) An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains:
  - 1. the benefits or coverage that would be provided at such future time; and
  - 2. the terms and conditions upon which such benefits would be assured.
- (10) An advertisement shall not state that a purchaser of a policy will share in or receive a stated percentage or portion of the earnings on the general account assets of the company.
- (11) Testimonials or Endorsements by Third Parties.
  - (a) Testimonials of third parties used in advertisements must be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced. In using a testimonial, the insurer makes as its own all of the statements contained therein, and such statements are subject to all the provisions of these rules.
  - (b) If the individual making a testimonial or an endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee, or otherwise, or receives any benefit directly or indirectly other than required union scale wages, such fact shall be prominently displayed in the advertisement.
  - (c) An advertisement shall not falsely or inaccurately state or imply that an insurer or a policy has been approved or endorsed by a group of individuals, society, association, or other organization.
  - (d) An insurer shall prominently display any proprietary relationship between itself and an organization described, mentioned, or referred to in any advertisement for life insurance. If the organization so described, mentioned or referred to is managed by the insurer, or receives any payment or other consideration from the insurer for making such endorsement or testimonial, such fact shall also be prominently displayed in the advertisement.
- (12) An advertisement shall not contain statistical information relating to any insurer or policy unless it accurately reflects all relevant facts concerning how such statistical information was compiled. The source of any such statistics used in an advertisement shall be identified therein.

- (13) Introductory, Initial or Special Offers and Enrollment Periods.
- (a) An advertisement of an individual policy or combination of such policies shall not state or imply that such policy or combination of such policies is an introductory, initial, or special offer, or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless the advertisement is accurate and complete with respect to any terms or conditions of such offers. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its method of marketing its policies.
  - (b) An advertisement shall not state or imply that only a specific number of policies will be sold, or that a time is fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy.
  - (c) An advertisement shall not offer a policy which utilizes a reduced initial premium rate in a manner which overemphasizes the availability and the amount of the reduced initial premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol which refers the reader to that specific portion of the advertisement which contains the full rate schedule for the policy being advertised.
  - (d) An enrollment period during which a particular insurance policy may be purchased on an individual basis shall not be offered within this state unless there has been a lapse of not less than three (3) months between the close of the immediately preceding enrollment period for the same policy and the opening of the new enrollment period. The advertisement shall indicate the date by which the applicant must mail the application, which shall be not less than ten (10) days and not more than forty (40) days from the date that such enrollment period is advertised for the first time. This rule applies to all advertisements by an insurer.
  - (e) This rule does not apply to the use of termination or cutoff date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his request.
  - (f) This rule does not apply to solicitations of employees or members of a particular group or association which otherwise would be eligible under specific provisions of the Insurance Code for group, blanket or franchise insurance.
  - (g) In cases where an insurance product is marketed on a direct mail basis to prospective policyholders by reason of some common relationship with a sponsoring organization, this rule shall be applied separately to each such sponsoring organization.
- (14) An advertisement of a particular policy shall not falsely state or imply that prospective policyholders shall become members of a special class, group, or quasi-group and as such enjoy special rates, dividends, or underwriting privileges.

- (15) An advertisement shall not make unfair or incomplete comparisons of policies, benefits, dividends, or rates of other insurers. An advertisement shall not falsely or unfairly describe other insurers, their policies, services, or methods of marketing.

Authority: Tenn. Code Ann. §§ 56-3-508, 56-2-301 and Tenn. Pub. Acts 2002, ch. 798, § 3.

Rule 0780-1-33-.06 Unfair Methods of Competition.

- (1) The following acts and practices are defined herein as unfair trade practice or fraud, as provided in Tenn. Code Ann., Title 56, Chapter 6, Part 1 and are hereby prohibited in connection with the sale, solicitation, or negotiation of life insurance by an insurer and/or insurance producer:
- (a) Making any statement, whether in oral, written or electronic form, relating to the growth of the life insurance industry or to the tax status of insurers in a context which would reasonably be understood to interest a prospect in the purchase of shares of stock in an insurer rather than in the purchase of a life insurance policy.
  - (b) Making any statement, whether in oral, written or electronic form, which reasonably gives rise to the inference that the insured will enjoy a status common to a stockholder or will acquire a stock ownership interest in the insurer by virtue of purchasing the policy.
  - (c) Providing a policyholder with any premium receipt book, policy jacket, return envelope, or other printed or electronically disseminated material containing references to the company's "Investment Department", "Insured Investment Department" or similar terminology, in such a manner as to imply that the policy was sold or issued or is serviced by the investment department of the insurer.
  - (d) Stating, whether in oral, written or electronic form, that each stockholder of an insurer is given the right to purchase or allocate a specific number of policies.
  - (e) Stating, whether in oral, written or electronic form, that policyholders who act as "centers of influence" for an insurer in that capacity will share in the insurer's surplus earnings in some manner not available to other policyholders of the same class.
  - (f) Stating or implying, whether in oral, written or electronic form, that the principal amounts payable under coupons represent interest, earnings, return on investment, or anything other than policy benefits, the cost of which is included in the total premium.
  - (g) Describing premium payments in language, whether in oral, written or electronic form, which states the premium payment is a "deposit", unless:
    - 1. the payment establishes a debtor-creditor relationship between the insurer and the policyholder; or
    - 2. the term is used in conjunction with the word "premium" in such manner as to clearly indicate the true character of the payment.
  - (h) Including, in sales kits and sales presentations, proposed answers to a prospect's questions as to whether life insurance is being sold, which avoid a clear and unequivocal statement that life insurance is the subject matter of the solicitation, whether such answers are in oral, written or electronic form.

- (i) Stating, whether in oral, written or electronic form, that an insured is guaranteed certain benefits if the policy is allowed to lapse, without making an objectively complete and factually accurate explanation of the non-forfeiture benefits.
  - (j) Using dollar amounts in advertisements that are not in relation to guaranteed values and properly projected dividend figures.
  - (k) Stating, whether in oral, written or electronic form, that a policy provides certain features which are not found in any other insurance policies, unless such policy features are clearly and prominently indicated in the contract for such policy.
  - (l) Making any statement, whether in oral, written or electronic form, regarding an insurance policy that cannot be verified by reference to the policy contract itself, or a specimen copy of the policy being described, or to the insurer's officially published rate book and dividend illustrations.
  - (m) Stating, whether in oral, written or electronic form, that life insurance is "loss proof" or "depression proof"; provided that paragraph (13) of Rule 0780-1-33-.06 shall not be construed to prohibit statements that life insurance benefits (other than dividends) are guaranteed by the insurer regardless of economic conditions.
  - (n) Making any statement, whether in oral, written or electronic form, that an insurer receives a profit as a result of policy lapses or surrenders.
  - (o) Making comparisons, whether in oral, written or electronic form, to the past experience of other insurers as a means of projecting possible experience of the insurer to whom an application is being submitted on behalf of a policyholder.
- (2) The following acts and practices, if committed by an insurer, may be considered by the Commissioner, pursuant to Tenn. Code Ann. §§ 56-8-103 and 56-8-108, when determining if such insurer has engaged in a trade practice which is an unfair method of competition or an unfair or deceptive act or practice in the business of insurance and are herein specifically described, without limitation, as instances of False Information and Advertising, as defined by Tenn. Code Ann. § 56-8-104(1).
- (a) Making any statement, whether in oral, written or electronic form, relating to the growth of the life insurance industry or to the tax status of insurers in a context which would reasonably be understood to interest a prospect in the purchase of shares of stock in an insurer rather than in the purchase of a life insurance policy.
  - (b) Making any statement, whether in oral, written or electronic form, which reasonably gives rise to the inference that the insured will enjoy a status common to a stockholder or will acquire a stock ownership interest in the insurer by virtue of purchasing the policy.
  - (c) Providing a policyholder with any premium receipt book, policy jacket, return envelope, or other printed or electronically disseminated material containing references to the company's "Investment Department", "Insured Investment Department," or similar terminology, in such a manner as to imply that the policy was sold or issued or is serviced by the investment department of the insurer.

- (d) Stating, whether in oral, written or electronic form, that each stockholder of an insurer is given the right to purchase or allocate a specific number of policies.
- (e) Stating, whether in oral, written or electronic form, that policyholders who act as “centers of influence” for an insurer in that capacity will share in the insurer’s surplus earnings in some manner not available to other policyholders of the same class.
- (f) Stating or implying, whether in oral, written or electronic form, that the principal amounts payable under coupons represent interest, earnings, return on investment, or anything other than policy benefits, the cost of which is included in the total premium.
- (g) Describing premium payments in language, whether in oral, written or electronic form, which states the premium payment is a “deposit”, unless:
  - 1. the payment establishes a debtor-creditor relationship between the insurer and the policyholder; or
  - 2. the term is used in conjunction with the word “premium” in such manner as to clearly indicate the true character of the payment.
- (h) Including, in sales kits and sales presentations, proposed answers to a prospect’s questions as to whether life insurance is being sold, which avoid a clear and unequivocal statement that life insurance is the subject matter of the solicitation, whether such answers are in oral, written or electronic form.
- (i) Stating, whether in oral, written or electronic form, that an insured is guaranteed certain benefits if the policy is allowed to lapse, without making an objectively complete and factually accurate explanation of the non-forfeiture benefits.
- (j) Using dollar amounts in advertisements that are not in relation to guaranteed values and properly projected dividend figures.
- (k) Stating, whether in oral, written or electronic form, that a policy provides certain features which are not found in any other insurance policies, unless such policy features are clearly and prominently indicated in the contract for such policy.
- (l) Making any statement, whether in oral, written or electronic form, with regard to an insurance policy that cannot be verified by reference to the policy contract itself, or a specimen copy of the policy being described, or to the insurer’s officially published rate book and dividend illustrations.
- (m) Stating, whether in oral, written or electronic form, that life insurance is “loss proof” or “depression proof”; provided that paragraph (13) of Rule 0780-1-33-.06 shall not be construed to prohibit statements that life insurance benefits (other than dividends) are guaranteed by the insurer regardless of economic conditions.
- (n) Making any statement, whether in oral, written or electronic form, that an insurer receives a profit as a result of policy lapses or surrenders.
- (o) Making comparisons, whether in oral, written or electronic form, to the past experience of other insurers as a means of projecting possible experience of the insurer to whom an application is being submitted on behalf of a policyholder.

Authority: Tenn. Code Ann. §§ 56-2-301, 56-3-508, 56-8-113 and Tenn. Pub. Acts 2002, ch. 798, § 13.

0780-1-33-.07 Identity of Insurer.

- (1) The name of the insurer shall be clearly identified, and if any specific individual policy is advertised it shall be identified either by form number or other appropriate description. An advertisement shall not use a trade name, any insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol, or other device or reference without disclosing the name of the insurer, if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the insurer or create the impression that any company other than the insurer would have any responsibility for the financial obligation under a policy.
- (2) No advertisement shall use any combination of words, symbols, or physical materials which by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols, or physical materials used by governmental programs of agencies or otherwise appear to be of such a nature that it tends to mislead prospective insurers into believing that the solicitation is in some manner connected with any such governmental program or agency.

Authority: Tenn. Code Ann. §§ 56-2-301 and 56-3-508.

0780-1-33-.08 Statements About An Insurer. An advertisement shall not contain statements, pictures, or illustrations which are false or misleading, in fact or by implication, with respect to the assets, liabilities, insurance in force, corporate structure, financial condition, age, or relative position of the insurer in the insurance business. An advertisement shall not contain a recommendation by any commercial rating system unless it clearly defines the scope and extent of the recommendation.

Authority: Tenn. Code Ann. §§ 56-2-301, 56-3-508 and Tenn. Pub. Acts 2002, ch. 798, § 3.

0780-1-33-.09 Records Required.

- (1) Each insurer shall maintain at its home or principal office a complete file containing a specimen copy of every printed, published, or prepared advertisement of its individual policies and specimen copies of typical printed, published, or prepared advertisements of its blanket, franchise, and group policies, hereafter disseminated in this state, with a notation indicating the manner and extent of distribution and the form number of any policy advertised. Such file shall be subject to inspection by this department. All such advertisements shall be maintained in said file for a period of either four years or until the filing of the next regular report on examination of the insurer, whichever is the longer period of time.
- (2) Each insurer subject to the provisions of these rules shall file with this department with its Annual Statement a certificate of compliance executed by an authorized officer of the insurer wherein it is stated that to the best of his knowledge, information, and belief the advertisements which were disseminated by the insurer in this state during the preceding statement year, or during the portion of such year when these rules were in effect, complied or were made to comply in all respects with the provisions of these rules and the Insurance Laws of this state as implemented and interpreted by this Chapter.

Authority: Tenn. Code Ann. §§ 56-2-301 and 56-3-508.

Rule 0780-1-33-.10 Prior Approval of Advertising Required.

- (1) Upon the Commissioner's request and upon a written finding by the Commissioner of a violation of this Chapter by an insurer, an insurer shall, prior to use, file for approval every advertisement or solicitation to be disseminated in written or electronic form which it intends to use in connection with the solicitation of a contract of insurance in the State of Tennessee.
- (2) For the purpose of subparagraph (a) of paragraph (1) of this Rule, "prior to its use" shall mean the filing of such advertising material at least thirty (30) days prior to its use by an insurer or insurance producer.
- (3) Approval of an insurer's advertisement or solicitation to purchase insurance shall be granted by the Department if the Commissioner or his/her designee finds that:
  - (a) The advertisement or solicitation filed by the insurer with the Commissioner pursuant to this rule substantially conforms to the requirements of this Chapter and any other applicable provisions of the Tennessee Insurance Law, as amended, at Tenn. Code Ann. § 56-1-101, *et seq.*
  - (b) Such approval is in the public interest and shall not constitute a detriment to Tennessee policyholders.

Authority: Tenn. Code Ann. §§ 56-2-301, 56-3-508 and Tenn. Pub. Acts 2002, ch. 798, § 13.

Rule 0780-1-33-.11 Penalties.

- (1) Any violation by an insurer, insurance producer, or person of any provision of this Chapter shall constitute an unfair method of competition and unfair or deceptive act or practice in the business of insurance in this State and, if committed by an insurer, may be considered by the Commissioner, pursuant to Tenn. Code Ann. §§ 56-8-103 and 56-8-108, when determining if such insurer has engaged in a trade practice which is an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.
- (2) Any violation of this Chapter by any insurer, insurance producer, or person shall subject such insurer, insurance producer and/or person to any and all the penalties and sanctions provided by the Tennessee Insurance Law, as amended, at Tenn. Code Ann. §§ 56-1-101, *et seq.*, which shall include the assessment of civil penalties and/or the denial, suspension or revocation of an insurance producer's license or an insurer's certificate of authority.

Authority: Tenn. Code Ann. §§ 56-2-301, 56-3-508, 56-8-113 and Tenn. Pub. Acts 2002, ch. 798, § 13.

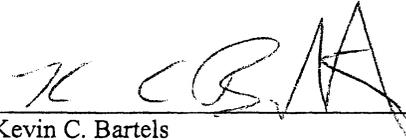
Legal Contact and/ or party who will approve final copy for publication:

Kevin C. Bartels  
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Office of Legal Counsel  
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25<sup>th</sup> Floor Tennessee Tower  
312 Eighth Avenue, North  
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615-741-2199

Contact for disk acquisition:

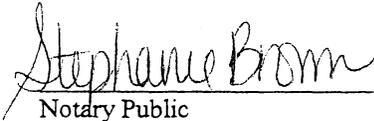
Kevin C. Bartels  
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312 Eighth Avenue, North  
Nashville, Tennessee 37243  
615-741-2199

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Commissioner of Commerce and Insurance.



Kevin C. Bartels  
Staff Attorney

Subscribed and sworn to before me this the 30 day of September, 2002.



Notary Public

My commission expires: 1/22/06

The notice of rulemaking set out herein was properly filed in the Department of State on the 30<sup>th</sup> day of September, 2002.



Riley C. Darnell  
Secretary of State

BY: Shawna Gaw

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SECRET