

**WEST VIRGINIA  
SECRETARY OF STATE  
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ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Insurance Commissioner TITLE NUMBER: 114

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 69

TITLE OF RULE BEING PROPOSED: Recognition of the 2001 CSO Mortality Table For Use In  
Determining Minimum Reserve Liabilities and Nonforfeiture  
Benefits

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 357

SECTION 64-7-2(f), PASSED ON April 9, 2005

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: May 6, 2005

  
Authorized Signature

PROMULGATION HISTORY

WEST VIRGINIA INSURANCE COMMISSION

TITLE

RECOGNITION OF THE 2001 CSO MORTALITY TABLE FOR USE IN  
DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE  
BENEFITS

TITLE 114, SERIES 69

6/30/04	Notice of Comment Period Filed
7/30/04	Last Date Comments Were Received
8/26/04	Agency Approved Legislative Rule Filed
12/05/04	Date Reviewed by Legislative Rule-Making Review Committee
5/06/05	Filing Date
5/06/05	Effective Date

**114CSR69**

**LEGISLATIVE RULE  
INSURANCE COMMISSIONER**

**SERIES 69  
RECOGNITION OF THE 2001 CSO MORTALITY TABLE  
FOR USE IN DETERMINING MINIMUM RESERVE  
LIABILITIES AND NONFORFEITURE BENEFITS**

Section

- 114-69-1. General.
- 114-69-2. Definitions.
- 114-69-3. 2001 CSO Mortality Table.
- 114-69-4. Conditions.
- 114-69-5. Applicability of the 2001 CSO Mortality Table to WV 114CSR68.
- 114-69-6. Gender-Blended Tables.
- 114-69-7. Separability.

114CSR69

FILED

LEGISLATIVE RULE  
INSURANCE COMMISSIONER

2005 MAY -6 P 4: 00

SERIES 69

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**RECOGNITION OF THE 2001 CSO MORTALITY TABLE  
FOR USE IN DETERMINING MINIMUM RESERVE  
LIABILITIES AND NONFORFEITURE BENEFITS**

**§114-69-1. General.**

1.1. Scope. -- The purpose of this rule is to recognize, permit and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with W. Va. Code §§33-7-9(d)(1)(C)(iii) and 33-13-30(4c)(h)(vii) and subsections 4.1' and 4.2 of WV 114CSR68.

1.2. Authority. -- This rule is promulgated pursuant to the authority of W. Va. Code §§33-2-10 and 33-7-9(d)(1)(C)(iii).

1.3. Filing Date. -- May 6, 2005.

1.4. Effective Date. -- May 6, 2005.

**§114-69-2. Definitions.**

2.1. "2001 CSO Mortality Table" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the National Association of Insurance Commissioners (NAIC) in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC (2nd Quarter 2002)*. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

2.2. "2001 CSO Mortality Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2.3. "2001 CSO Mortality Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

2.4. "Composite mortality tables" means mortality tables with rates of mortality that do

not distinguish between smokers and nonsmokers.

2.5. "Smoker and nonsmoker mortality tables" means mortality tables with separate rates of mortality for smokers and nonsmokers.

**§114-69-3. 2001 CSO Mortality Table.**

3.1. At the election of the company for any one or more specified plans of insurance and subject to the conditions stated in this rule, the 2001 CSO Mortality Table may be used as the minimum standard for policies issued on or after the effective date of this rule and before the date specified in subsection 3.2 of this rule to which W. Va. Code §§33-7-9(d)(1)(C)(iii) and 33-13-30(4c)(h)(vii) and subsections 4.1 and 4.2 of WV 114CSR68 are applicable. If the company elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes.

3.2. Subject to the conditions stated in this rule, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which W. Va. Code §§33-7-9(d)(1)(C)(iii) and 33-13-30(4c)(h)(vii) and subsections 4.1 and 4.2 of WV 114CSR68 are applicable.

**§114-69-4. Conditions.**

4.1. For each plan of insurance with separate rates for smokers and nonsmokers an insurer may use:

a. Composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits;

b. Smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by W. Va. Code §33-7-9(k) and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits; or

c. Smoker and nonsmoker mortality to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

4.2. For plans of insurance without separate rates for smokers and nonsmokers the composite mortality tables shall be used.

4.3. For the purpose of determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, the 2001 CSO Mortality Table may, at the option of the company for each plan of insurance, be used in its ultimate or select and ultimate form, subject to the restrictions of WV 114CSR68 and section 5 of this rule relative to use of the select and ultimate form.

4.4. When the 2001 CSO Mortality Table is the minimum reserve standard for any plan for a company, the actuarial opinion in the annual statement filed with the commissioner shall be based on an asset adequacy analysis as specified in section 4 of WV 114CSR41. A commissioner may exempt a company from this requirement if it only does business in this state and in no other state.

**§114-69-5. Applicability of the 2001 CSO Mortality Table to WV 114CSR68.**

5.1. The 2001 CSO Mortality Table may be used in applying WV 114CSR68 in the following manner, subject to the transition dates for use of the 2001 CSO Mortality Table set forth in subsections 3.1 and 3.2 of this rule:

a. Paragraph 2, subdivision b, subsection 2.2 of WV 114CSR68: The net level reserve premium is based on the ultimate mortality rates in the 2001 CSO Mortality Table.

b. Subsection 3.2 of WV 114CSR68: All calculations are made using the 2001 CSO Mortality Rate, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in subdivision d of this subsection. The value of " $qx+k+t-1$ " is the valuation mortality rate for deficiency reserves in policy year  $k+t$ , but using the unmodified select mortality rates if modified select mortality rates are used in the computation of deficiency reserves.

c. Subsection 4.1 of WV 114CSR68: The 2001 CSO Mortality Table is the minimum standard for basic reserves.

d. Subsection 4.2 of WV 114CSR68: The 2001 CSO Mortality Table is the minimum standard for deficiency reserves. If select mortality rates are used, they may be multiplied by X percent for durations in the first segment, subject to the conditions specified in paragraphs 1 through 9 of subdivision c of subsection 4.2. In demonstrating compliance with those conditions, the demonstrations may not combine the results of tests that utilize the 1980 CSO Mortality Table with those tests that utilize the 2001 CSO Mortality Table, unless the combination is explicitly required by rule or necessary to be in compliance with relevant Actuarial Standards of Practice.

e. Subsection 5.3 of WV 114CSR68: The valuation mortality table used in determining the tabular cost of insurance shall be the ultimate mortality rates in the 2001 CSO Mortality Table.

f. Subdivision d, subsection 5.5 of WV 114CSR68: The calculations specified in subsection 5.5 shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

g. Subdivision d, subsection 5.6 of WV 114CSR68: The calculations specified in subsection 5.6 shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

h. Subdivision b, subsection 5.7 of WV 114CSR68: The calculations specified in subsection 5.7 shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

i. Paragraph 2, subdivision a, subsection 6.1 of WV 114CSR68: The one-year valuation premium shall be calculated using the ultimate mortality rates in the 2001 CSO Mortality Table.

5.2. Nothing in this section shall be construed to expand the applicability of WV 114CSR68 to include life insurance policies exempted under subsection 2.2 of that rule.

**§114-69-6. Gender-Blended Tables.**

6.1. For any ordinary life insurance policy delivered or issued for delivery in this state on and after the effective date of this rule, that utilizes the same premium rates and charges for male and female lives or is issued in circumstances where applicable law does not permit distinctions on the basis of gender, a mortality table that is a blend of the 2001 CSO Mortality Table (M) and the 2001 CSO Mortality Table (F) may, at the option of the company for each plan of insurance, be substituted for the 2001 CSO Mortality Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits. No change in minimum valuation standards is implied by this subsection of the rule.

6.2. The company may choose from among the blended tables developed by the American Academy of Actuaries CSO Task Force and adopted by the NAIC in December 2002.

6.3. It shall not, in and of itself, be a violation of article eleven, chapter thirty-three of the West Virginia Code (W. Va. Code §§33-11-1 et seq.) for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

**§114-69-7. Separability.**

7.1. If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances shall not be affected.