

Chapter 245

(Senate Bill 227)

AN ACT concerning

Insurance – Principle–Based Reserves

FOR the purpose of altering the exemptions that the Maryland Insurance Commissioner may provide to certain domestic insurance companies from certain reserve requirements; authorizing the Commissioner to exempt a certain domestic insurance company from certain requirements if the company meets certain principle–based reserve exemption criteria; repealing certain exemptions to certain reserve requirements; and generally relating to insurance companies and required reserves.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 5–317

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Insurance

5–317.

(a) The Commissioner may exempt a specific product form or product line of a domestic company that holds a certificate of authority issued by the Commissioner and is doing business only in the State from the requirements of § 5–313 of this subtitle if:

- (1) the Commissioner has issued an exemption in writing to the company;
 - (2) the exemption has not been revoked in writing by the Commissioner;
- and
- (3) the company computes reserves:

(i) using assumptions and methods used before the operative date of the valuation manual; and

(ii) in accordance with any requirements established by the Commissioner by regulation.

(b) (1) A company that is granted an exemption under subsection (a) of this section is subject to § 5–201 of this title and §§ 5–302 through 5–312 of this subtitle.

(2) With respect to a company that is granted an exemption under subsection (a) of this section, any reference to § 5–313 of this subtitle found in § 5–201.1 of this title and §§ 5–302 through 5–312 of this subtitle is not applicable.

(c) The Commissioner may exempt a domestic company that holds a certificate of authority issued by the Commissioner and is doing business in the State from the requirements of §§ 5–314 and 5–315 of this subtitle if[:

(1) the domestic company has less than \$500,000,000 of ordinary life premiums and, if the domestic company is a member of a group of life insurers, the group has combined ordinary life premiums of less than \$1,000,000,000;

(2) (i) the domestic company reported total adjusted capital of at least 450% of the authorized control level risk–based capital in the most recent risk–based capital report; and

(ii) the appointed actuary has provided an unqualified opinion on the reserves for the prior calendar year; and

(3) any universal life insurance policies with secondary guarantees issued or assumed by the domestic company with an issue date on or after the operative date of the valuation manual do not exceed 5% of the total in–force reserves for the domestic company] **THE COMPANY MEETS THE LIFE PRINCIPLE–BASED RESERVES EXEMPTION CRITERIA IN THE VALUATION MANUAL.**

(d) For purposes of subsection (c) of this section, ordinary life premiums are measured as direct premium plus reinsurance assumed from an unaffiliated company, as reported in the annual statement for the prior calendar year.

(e) (1) A domestic company that meets the requirements of subsection (c) of this section shall:

(i) compute reserves:

1. using assumptions and methods used before the operative date of the valuation manual; and

2. in accordance with any requirements established by the Commissioner in regulation; and

(ii) file, before July 1 of each year, a statement with the Commissioner certifying that the domestic company meets the requirements of subsection (c) of this section for the current calendar year based on premiums and other values from the financial statements for the prior calendar year.

(2) Before September 1 of each year, the Commissioner may reject a statement filed under paragraph (1)(ii) of this subsection and require a domestic company to comply with the valuation manual requirements for life insurance reserves.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.