

TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Texas Department of Insurance

Rule Transfer

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 3

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Current Rules Title 28. Insurance Part 1. Texas Department of Insurance Chapter 3. Life, Accident, and Health Insurance and Annuities	Move to Title 28. Insurance Part 1. Texas Department of Insurance Chapter 4. Life and Annuity
Subchapter NN. Consumer Notices for Life Insurance Policy and Annuity Contract Replacements	Subchapter C. Consumer Notices for Life Insurance Policy and Annuity Contract Replacements
§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.
Subchapter B. Individual Life Insurance Policy Form Checklist and Affirmative Requirements	Subchapter F. Individual Life Insurance Policy Form Checklist and Affirmative Requirements
§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.
Subchapter D. Indeterminate Premium Reduction Policies	Subchapter J. Indeterminate Premium Reduction Policies
§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.
Subchapter CC. Standards for Acceleration-of-Life-Insurance Benefits for Individual and Group Policies and Riders	Subchapter K. Standards for Acceleration-of-Life-Insurance Benefits for Individual and Group Policies and Riders
§3.4301. Purpose; Severability.	§4.1101. Purpose; Severability.
§3.4302. Acceleration-of-Life-Insurance: Scope of Benefits.	§4.1102. Acceleration-of-Life-Insurance: Scope of Benefits.
§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.
§3.4307. Limitations on Reduction of Cash Values.	§4.1107. Limitations on Reduction of Cash Values.
§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.
§3.4311. Unfair, Discriminatory or Deceptive Practices Prohibited.	§4.1111. Unfair, Discriminatory or Deceptive Practices Prohibited.
§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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Subchapter II. Insurance Sold in Connection with Prepaid Funeral Contracts	Subchapter L. Insurance Sold in Connection with Prepaid Funeral Contracts
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§3.9002. Joint Memorandum of Understanding.	§4.1202. Joint Memorandum of Understanding.
Subchapter I. Variable Life Insurance	Subchapter O. Variable Life Insurance
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§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.
§3.804. Insurance Contract and Filing Requirements.	§4.1504. Insurance Contract and Filing Requirements.
§3.805. Reserve Liabilities for Variable Life Insurance.	§4.1505. Reserve Liabilities for Variable Life Insurance.
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§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.
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§3.811. Savings Clause.	§4.1511. Savings Clause.
Subchapter J. Required Reinstatement Relating to Mental Incapacity of the Insured for Individual Life Policies Without Nonforfeiture Benefits	Subchapter P. Required Reinstatement Relating to Mental Incapacity of the Insured for Individual Life Policies Without Nonforfeiture Benefits
§3.901. Purpose and Scope.	§4.1601. Purpose and Scope.
§3.902. Applicability.	§4.1602. Applicability.
§3.903. Severability.	§4.1603. Severability.
§3.904. Definitions.	§4.1604. Definitions.
§3.905. Eligibility Requirements.	§4.1605. Eligibility Requirements.
§3.906. Payment of Past Due Premiums.	§4.1606. Payment of Past Due Premiums.
§3.907. Coverage Dates Back to Date of Lapse.	§4.1607. Coverage Dates Back to Date of Lapse.
§3.908. Exceptions to Reinstatement.	§4.1608. Exceptions to Reinstatement.
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§3.910. Reinstatement Procedures.	§4.1610. Reinstatement Procedures.
§3.911. Reduced Benefits.	§4.1611. Reduced Benefits.
§3.912. Form Filing Procedures.	§4.1612. Form Filing Procedures.
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§3.703. Qualifications of Insurer To Issue Variable Annuities.	§4.2103. Qualifications of Insurer To Issue Variable Annuities.
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§3.1603. Commissioner Discretion.	§4.2803. Commissioner Discretion.
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