



STATE OF NEW YORK
INSURANCE DEPARTMENT
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November 20, 2007

First Amendment to Regulation 149 (11 NYCRR 42)

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Introduction

The Notice of Adoption of the First Amendment to Regulation 149 is scheduled to be published in the New York State Register on December 5, 2007. Prior to December 5, 2007 the text of the amendment is available prior to December 5, 2007 on the Department's website in the [Regulations - Proposed](#) section. Starting December 5, 2007 the text will be available in the [Regulations - Recent Final Adoptions](#) Section.

The amendment is to be effective January 1, 2008.

Policy Form Submissions Prior to January 1, 2008.

A number of companies have inquired as to whether the Department would accept policy form submissions prior to the effective date of the amended regulation. Such submissions are acceptable. The submission must:

1. include in the "Re" of the submission letter in bold the words "Amended Regulation 149 Submission";
2. include a specific statement in the submission letter that the forms will not be used prior to January 1, 2008; and
3. if you are amending a previously approved policy form advise as to the change(s) being made pursuant to the amended regulation.

Filing Methods

All filing methods for making policy form submissions are available however we strongly encourage the use of the Circular Letter No .6 (2004) certified process for making these submissions in order to receive an approval prior to January 1, 2008.

Approval Letters Prior to January 1, 2008.

Any approval letters for these submissions dated prior to January 1, 2008 will indicate that the effective date of the approval is January 1, 2008.

Amending Existing Policies on or After January 1, 2008 to Increase Termination Age.

We have also received inquiries as to whether existing term policies can be amended to raise the termination from age 80 to a higher age. The Department finds this acceptable, as the policy owner can still terminate the coverage at age 80 simply by not paying the premium. Such endorsement or amendment to the policy must be submitted to the Department for approval prior to use.

Such amendment or endorsement must still comply with Subpart 42-2 of Regulation 149 and must indicate the premiums for the higher age to the same extent the premiums were disclosed in the policy.