

191—48.6(508E) Reporting requirements.

48.6(1) On March 1 of each calendar year, the secretary and either the president or the vice president of each viatical settlement provider licensed in this state shall make a report under oath of all viatical settlement transactions in which the viator is a resident of this state and for all states in the aggregate that contains the following information for the previous calendar year:

- a.* For viatical settlements contracted during the reporting period:
 - (1) Date of viatical settlement contract;
 - (2) Viator's state of residence at the time of the contract;
 - (3) Mean life expectancy, in months, of the insured at time of contract;
 - (4) Face amount of policy viaticated;
 - (5) Net death benefit viaticated;
 - (6) Estimated total premiums to keep policy in force for mean life expectancy;
 - (7) Net amount paid to viator;
 - (8) Source of policy (B-Broker; D-Direct Purchase; SM-Secondary Market);
 - (9) Type of coverage (I-Individual; G-Group);
 - (10) Within the contestable or suicide period, or both, at the time of viatical settlement (yes or no);
 - (11) If the insured is diagnosed as terminally or chronically ill, the general disease classification applicable to such insured; and
 - (12) Type of funding (I-Institutional; P-Private).
- b.* For viatical settlements in which death of the insured has occurred during the reporting period:
 - (1) Date of viatical settlement contract;
 - (2) Viator's state of residence at the time of the contract;
 - (3) Mean life expectancy, in months, of the insured at time of contract;
 - (4) Net death benefit collected;
 - (5) Total premiums paid to maintain the policy (WP-Waiver of Premium; NA-Not Applicable);
 - (6) Net amount paid to viator;
 - (7) If the insured was diagnosed as terminally or chronically ill, the general disease classification applicable to such insured;
 - (8) Date of death of insured;
 - (9) Amount of time, in months, between date of contract and date of death of insured;
 - (10) Difference between the number of months that passed between the date of contract and the date of death of insured and the mean life expectancy in months as determined by the reporting company;
- c.* Name and address of each viatical settlement broker through whom the reporting company purchased a policy from a viator who resided in this state at the time of contract;
- d.* Number of policies reviewed and rejected; and
- e.* Number of policies purchased from persons other than a viator (on the secondary market) as a percentage of total policies purchased.

48.6(2) On or before March 1 of each year, the secretary and either the president or the vice president of each viatical settlement provider licensed in this state shall make a report under oath of the following or shall provide the following documentation:

- a.* That the viatical settlement provider has at all times maintained books and records in compliance with generally accepted accounting principles;
- b.* That the viatical settlement provider has obtained and furnished to the commissioner either:
 - (1) A copy of the current year's audited financial statement; or
 - (2) At the commissioner's discretion, a copy of the current year's consolidated annual audited financial statement with a financial guarantee from the provider's ultimate controlling person; and
- c.* That the viatical settlement provider has maintained fidelity bonds on each officer and director in the amount of \$100,000.