

**RULES
OF THE
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF INSURANCE**

**CHAPTER 0780-01-85
MARKET CONDUCT ANNUAL STATEMENT FILING REQUIREMENTS**

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0780-01-85-.01 PURPOSE.

The purpose of this Chapter is to set forth the manner in which insurers licensed in the State of Tennessee, except those that write only accident and health insurance, file market conduct annual statements with the commissioner in order to foster nationwide consistency in market conduct oversight.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.

0780-01-85-.02 SCOPE.

Every insurer authorized to do business under the provisions of Title 56, that is required to file annual statements pursuant to T.C.A. §§ 56-1-501, 56-44-102, or otherwise by law, with the exception of those that write only accident and health insurance, must file market conduct annual statements in the manner provided by this Chapter.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.

0780-01-85-.03 AUTHORITY.

This Chapter is promulgated by the commissioner pursuant to 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.

0780-01-85-.04 DEFINITIONS.

- (1) "Commissioner" means the commissioner of the Tennessee Department of Commerce and Insurance.
- (2) "Department" means the Tennessee Department of Commerce and Insurance.
- (3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (4) "NAIC" means the National Association of Insurance Commissioners.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.

0780-01-85-.05 MARKET CONDUCT ANNUAL STATEMENT.

- (1) Every insurer with a certificate of authority in this State, with the exception of those that write only accident and health insurance, shall electronically file with the commissioner its market conduct annual statement, as authorized by T.C.A. § 56-8-107, in accordance with the filing instructions published by the NAIC.
- (2) For purposes of this chapter, the market conduct annual statement filing is not complete until it has been received by the commissioner, in either hard copy or electronic form, as designated by the commissioner.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.

0780-01-85-.06 CONFIDENTIAL MATERIALS.

All testimony, documents and other information submitted pursuant to Rule 0780-01-85-.05, and all records and documents maintained pursuant to Rule 0780-01-85-.05 shall be privileged and shall not be disclosed pursuant to T.C.A. § 10-7-503 or 56-1-602, nor shall they be admissible as evidence in any civil proceeding not brought by the commissioner. The commissioner, within the commissioner's discretion, may share the documents and information with other state or federal agencies, or with any law enforcement authority.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.

0780-01-85-.07 VIOLATIONS AND PENALTIES.

Any insurer that fails to make and file its market conduct annual statement in the form and time provided by Rule 0780-01-85-.05 shall be subject to the applicable penalties provided for by T.C.A. § 56-2-305, as well as such other sanctions provided for by law.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. §§ 56-2-305 and 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.

0780-01-85-.08 SEVERABILITY.

If any provision of this Chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the Chapter and the application of such provision to other persons or circumstance shall not be affected thereby. To this end, the provisions of this chapter are declared severable.

Authority: 2009 Public Acts, Chapter 383 and T.C.A. § 56-8-107. **Administrative History:** Original rule filed August 13, 2014; effective November 11, 2014.