



## Certification Page Regular and Emergency Rules

Revised May 2014

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

### 1. General Information

a. Agency/Board Name Insurance Department			
b. Agency/Board Address 106 East 6th Avenue		c. City Cheyenne	d. Zip Code 82001
e. Name of Contact Person Heather Canarecci		f. Contact Telephone Number 307-777-6916	
g. Contact Email Address heather.canarecci1@wyo.gov			h. Adoption Date November 24, 2014
i. Program General Agency Board or Commission Rules			

### 2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted: **Senate File SF0016**

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed  
*(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
43	Wyoming Life and Health Insurance Guaranty Association Notice		<input checked="" type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d.  The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:	September 16, 2014
b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office:	September 16, 2014
c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General:	September 16, 2014

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
b. A public hearing was held on the proposed rules. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

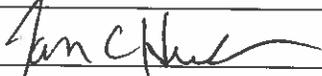
If "Yes:"	Date:	Time:	City:	Location:

**5. Final Filing of Rules**

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:	November 24, 2014
b. Date on which final rules were sent to the Legislative Service Office:	November 24, 2014
c. Date on which a PDF of the final rules was electronically sent to the Secretary of State:	November 24, 2014

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual <i>(Blue ink as per Rules on Rules, Section 7)</i>	
Printed Name of Signatory	Tom C. Hirsig
Signatory Title	Commissioner
Date of Signature	November 24, 2014

**7. Governor's Certification**

I have reviewed these rules and determined that they:	
<ol style="list-style-type: none"> <li>1. Are within the scope of the statutory authority delegated to the adopting agency;</li> <li>2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,</li> <li>3. Are necessary and that I concur in the finding that they are an emergency.</li> </ol>	
Therefore, I approve the same.	
Governor's Signature	
Date of Signature	

**Attorney General:** 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

**LSO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to [Criss.Carlson@wyoleg.gov](mailto:Criss.Carlson@wyoleg.gov): clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SOS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

**DEPARTMENT OF INSURANCE**

**STATE OF WYOMING**

**IN THE MATTER OF THE PROPOSED, )**  
**REGULATION – CHAPTER 43 OF THE )**  
**WYOMING DEPARTMENT OF INSURANCE ) Docket No. 14-67**  
**RULES AND REGULATIONS - )**  
**WYOMING LIFE AND HEALTH )**  
**INSURANCE GUARANTY )**  
**ASSOCIATION )**

**STATEMENT OF PRINCIPAL REASONS**

**FOR**

**AMENDMENTS TO CHAPTER 43 OF WYOMING INSURANCE DEPARTMENT  
REGULATION**

**WYOMING LIFE AND HEALTH INSURANCE**  
**GUARANTY ASSOCIATION NOTICE**

The amendments to this chapter entitled Wyoming Life and Health Insurance Guaranty Association Notice are to require coverage limit changes as provided by Senate File SF0016 enacted during the 2014 budget session of the 62<sup>nd</sup> Legislature in the notice insurers are required to provide to consumers. This bill changes coverages to up to a maximum of \$500,000 for each individual as well as adding additional exclusions from coverage.

CHAPTER 43  
WYOMING LIFE AND HEALTH INSURANCE  
GUARANTY ASSOCIATION NOTICE

**Section 1. Authority**

This regulation is issued pursuant to the authority vested in the Wyoming Insurance Commissioner under W.S. 26-2-110 and W.S. 26-42-116 of the Wyoming Insurance Code and W.S. 16-3-101, et seq. of the Wyoming Administrative Procedure Act.

**Section 2. Purpose**

The purpose of this regulation is to implement Chapter 42 of the Wyoming Insurance Code, also known as the Wyoming Life and Health Insurance Guaranty Association Act.

**Section 3. Applicability and Scope**

This regulation applies to every member insurer in the Wyoming Life and Health Insurance Guaranty Association as defined in W.S. 26-42-102(a)(vii).

**Section 4. Notices**

Pursuant to W.S. 26-42-116 the Insurance Commissioner hereby promulgates this regulation in order to establish the form and content of the disclaimer (Appendix A), the summary document describing the general purposes and current limitations of the Association (Appendix A), and the notice required to be used when a policy is not covered by the Guaranty Association (Appendix A).

Appendix A is to be used by each insurer and shall be given to each insured either prior to or at the time of delivery of the policy or contract. If the policy is not covered by the Association, no insurer or agent shall deliver a policy or contract unless the insurer or agent prior to or at the time of delivery gives the policyholder or contract holder the appropriate notice as found in Appendix A, which clearly discloses that the policy is not covered by the Association.

Appendix A contains an address and telephone number for the Wyoming Life and Health Insurance Guaranty Association and for the Wyoming Insurance Department. Should the address or telephone number change, the Wyoming Life and Health Insurance Guaranty Association will send written notice to each member insurer.

**Section 5. Separability**

Any section or provision of this regulation held by a court to be invalid or unconstitutional shall not affect the validity of any other section or provision of this regulation.

Section 6. **Effective Date**

This regulation shall be effective sixty (60) days after filing with the Secretary of State.

## Appendix A

### **NOTICE OF PROTECTION PROVIDED BY WYOMING LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION**

This notice provides a **brief summary** of the Wyoming Life and Health Insurance Guaranty Association (“the Association”) and the protection it provides for policyholders. This safety net was created under Wyoming law, which determines who and what is covered and the amounts of coverage.

The Association was established to provide protection in the unlikely event that your life, annuity or health insurance company becomes financially unable to meet its obligations and is taken over by its Insurance Department. If this should happen, the Association will typically arrange to continue coverage and pay claims, in accordance with Wyoming law, with funding from assessments paid by other insurance companies.

The basic protections provided by the Association are:

- Life Insurance
  - \$300,000 in death benefits
  - \$100,000 in cash surrender or withdrawal values
- Health Insurance
  - \$300,000 in hospital, medical and surgical insurance benefits or major medical insurance
  - \$300,000 in disability insurance benefits
  - \$300,000 in disability income insurance
  - \$300,000 in long-term care insurance benefits
  - \$100,000 in other types of health insurance benefits
- Annuities
  - \$250,000 in withdrawal and cash values

The maximum amount of protection for each individual, regardless of the number of policies or contracts, is \$500,000

**Note: Certain policies and contracts may not be covered or fully covered.** For example, coverage does not extend to any portion(s) of a policy or contract that the insurer does not guarantee, such as certain investment additions to the account value of a variable life insurance policy or a variable annuity contract. There are also various residency requirements and other limitations under Wyoming law.

#### EXCLUSIONS FROM COVERAGE

Persons holding such policies are *not* protected by this Association if:

- they are eligible for protection under the laws of another state (this may occur when the insolvent insurer was incorporated in another state whose guaranty association protects insureds who live outside that state);
- the insurer was not authorized to do business in this state;
- their policy was issued by a fraternal benefit society, a mandatory state pooling plan, a stipulated premium insurance company, a local mutual burial association, a mutual assessment company, or similar plan in which the policy-holder is subject to future assessments, or by an insurance exchange.

The Association also does not provide coverage for:

- any policy or portion of a policy which is not guaranteed by the insurer or for which the individual has assumed the risk, such as a variable contract sold by prospectus;
- any policy of reinsurance (unless an assumption certificate was issued pursuant to the reinsurance policy of contract);
- interest rate yields that exceed an average rate or interest earned on an equity indexed policy;
- dividends;
- credits given in connection with the administration of a policy by a group contract holder;
- annuity contracts issued by a nonprofit insurance company exclusively for the benefit of nonprofit educational institutions and their employees;
- unallocated annuity contracts (which give rights to group contract holders, not individuals);
- any plan or program of an employer or association that provides life, health or annuity benefits to its employees or members to the extent the plan is self-funded or uninsured;
- an obligation that does not arise under the express written terms of the policy or contract;
- Medicare supplement plans.

To learn more about the above protections, protections relating to group contracts or retirement plans, and all exclusions from coverage, please visit the Association's website at [wyoming.lhiga.com](http://wyoming.lhiga.com) or contact:

Wyoming Life and Health  
Insurance Guaranty Association  
P.O. Box 36009  
Denver, CO 80236-0009  
Phone: (303) 292-5022  
Toll Free: (888) 959-4091  
Fax: (303) 292-4663  
Website: [wyoming.lhiga.com](http://wyoming.lhiga.com)  
Email: [jkeldorf@aol.com](mailto:jkeldorf@aol.com)

Wyoming Department of Insurance  
106 East 6<sup>th</sup> Avenue  
Cheyenne, WY 82002

Phone: (307) 777-7401  
Toll Free: (800) 438-5768  
Fax: (307) 777-2446  
Website: [doi.wyo.gov](http://doi.wyo.gov)  
Email: [wyinsdep@wyo.gov](mailto:wyinsdep@wyo.gov)

**Insurance companies and agents are not allowed by Wyoming law to use the existence of the Association or its coverage to encourage you to purchase any form of insurance. When selecting an insurance company, you should not rely on Association coverage. If there is any inconsistency between this notice and Wyoming law, then Wyoming law will control.**

CHAPTER 43  
WYOMING LIFE AND HEALTH INSURANCE  
GUARANTY ASSOCIATION NOTICE

Section 1. **Authority**

This regulation is issued pursuant to the authority vested in the Wyoming Insurance Commissioner under W.S. 26-2-110 and W.S. 26-42-116 of the Wyoming Insurance Code and W.S. 16-3-101, et seq. of the Wyoming Administrative Procedure Act.

Section 2. **Purpose**

The purpose of this regulation is to implement Chapter 42 of the Wyoming Insurance Code, also known as the Wyoming Life and Health Insurance Guaranty Association Act.

Section 3. **Applicability and Scope**

This regulation applies to every member insurer in the Wyoming Life and Health Insurance Guaranty Association as defined in W.S. 26-42-102(a)(vii).

Section 4. **Notices**

Pursuant to W.S. 26-42-116 the Insurance Commissioner hereby promulgates this regulation in order to establish the form and content of the disclaimer (Appendix A), the summary document describing the general purposes and current limitations of the Association (Appendix A), and the notice required to be used when a policy is not covered by the Guaranty Association (Appendix A).

Appendix A is to be used by each insurer and shall be given to each insured either prior to or at the time of delivery of the policy or contract. If the policy is not covered by the Association, no insurer or agent shall deliver a policy or contract unless the insurer or agent prior to or at the time of delivery gives the policyholder or contract holder the appropriate notice as found in Appendix A, which clearly discloses that the policy is not covered by the Association.

Appendix A contains an address and telephone number for the Wyoming Life and Health Insurance Guaranty Association and for the Wyoming Insurance Department. Should the address or telephone number change, the Wyoming Life and Health Insurance Guaranty Association will send written notice to each member insurer. ~~Upon receipt of an updated notice, each insurer shall deliver an updated notice to each policyholder or contract holder to whom the insurer sent a previous notice, found in appendix A.~~

Section 5. **Separability**

Any section or provision of this regulation held by a court to be invalid or unconstitutional shall not affect the validity of any other section or provision of this regulation.

Section 6. **Effective Date**

This regulation shall be effective ~~upon~~ sixty (60) days after filing with the Secretary of State.

Appendix A

**NOTICE OF  
CONCERNING COVERAGE  
PROTECTION PROVIDED BY LIMITATIONS AND EXCLUSIONS UNDER  
THE  
WYOMING LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION  
GUARANTY ASSOCIATION ACT**

This notice provides a **brief summary** of the Wyoming Life and Health Insurance Guaranty Association (“the Association”) and the protection it provides for policyholders. This safety net was created under Wyoming law, which determines who and what is covered and the amounts of coverage.

The Association was established to provide protection in the unlikely event that your life, annuity or health insurance company becomes financially unable to meet its obligations and is taken over by its Insurance Department. If this should happen, the Association will typically arrange to continue coverage and pay claims, in accordance with Wyoming law, with funding from assessments paid by other insurance companies. Residents of Wyoming who purchase life insurance, annuities or health insurance should know that the insurance companies licensed in this state to write these types of insurance are members of the Wyoming Life and Health Insurance Guaranty Association. The purpose of this association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its obligations. If this should happen, the Guaranty Association will assess its other member insurance companies for the money to pay the claims of insured persons who live in this state and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the Guaranty Association is not unlimited, however. And, as noted in the box below, this protection is not a substitute for consumers' care in selecting companies that are well managed and financially stable.

The basic protections provided by the Association are:

• Life Insurance

- \$300,000 in death benefits
- \$100,000 in cash surrender or withdrawal values

• Health Insurance

- \$300,000 in hospital, medical and surgical insurance benefits or major medical insurance
- \$300,000 in disability insurance benefits

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- ▲ ○ \$300,000 in disability income insurance
- ▲ ○ \$300,000 in long-term care insurance benefits
- ▲ ○ \$100,000 in other types of health insurance benefits
- ▲ ● Annuities
  - \$250,000 in withdrawal and cash values

The maximum amount of protection for each individual, regardless of the number of policies or contracts, is \$500,000

**Note: Certain policies and contracts may not be covered or fully covered.** For example, coverage does not extend to any portion(s) of a policy or contract that the insurer does not guarantee, such as certain investment additions to the account value of a variable life insurance policy or a variable annuity contract. There are also various residency requirements and other limitations under Wyoming law.

### EXCLUSIONS FROM COVERAGE

However, persons holding such policies are *not* protected by this Association if:

- they are eligible for protection under the laws of another state (this may occur when the insolvent insurer was incorporated in another state whose guaranty association protects insureds who live outside that state);
- the insurer was not authorized to do business in this state;
- their policy was issued by a fraternal benefit society, a mandatory state pooling plan, a stipulated premium insurance company, a local mutual burial association, a mutual assessment company, or similar plan in which the policy-holder is subject to future assessments, or by an insurance exchange.

The Association also does not provide coverage for:

- any policy or portion of a policy which is not guaranteed by the insurer or for which the individual has assumed the risk, such as a variable contract sold by prospectus;
- any policy of reinsurance (unless an assumption certificate was issued pursuant to the reinsurance policy of contract);
- interest rate yields that exceed an average rate or interest earned on an equity indexed policy;

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• dividends;

• credits given in connection with the administration of a policy by a group contract holder;

• annuity contracts issued by a nonprofit insurance company exclusively for the benefit of nonprofit educational institutions and their employees;

• unallocated annuity contracts (which give rights to group contract holders, not individuals);

• any plan or program of an employer or association that provides life, health or annuity benefits to its employees or members to the extent the plan is self-funded or uninsured;

• an obligation that does not arise under the express written terms of the policy or contract;

• Medicare supplement plans.

To learn more about the above protections, protections relating to group contracts or retirement plans, and all exclusions from coverage, please visit the Association's website at [wyoming.lhiga.com](http://wyoming.lhiga.com) or contact:

<u>Wyoming Life and Health</u>	<u>Wyoming Department of Insurance</u>
<u>Insurance Guaranty Association</u>	<u>106 East 6<sup>th</sup> Avenue</u>
<u>P.O. Box 36009</u>	<u>Cheyenne, WY 82002</u>
<u>Denver, CO 80236-0009</u>	
<u>Phone: (303) 292-5022</u>	<u>Phone: (307) 777-7401</u>
<u>Toll Free: (888) 959-4091</u>	<u>Toll Free: (800) 438-5768</u>
<u>Fax: (303) 292-4663</u>	<u>Fax: (307) 777-2446</u>
<u>Website: <a href="http://wyoming.lhiga.com">wyoming.lhiga.com</a></u>	<u>Website: <a href="http://doi.wyo.gov">doi.wyo.gov</a></u>
<u>Email: <a href="mailto:jkelldorf@aol.com">jkelldorf@aol.com</a></u>	<u>Email: <a href="mailto:wyinsdep@wyo.gov">wyinsdep@wyo.gov</a></u>

**Insurance companies and agents are not allowed by Wyoming law to use the existence of the Association or its coverage to encourage you to purchase any form of insurance. When selecting an insurance company, you should not rely on Association coverage. If there is any inconsistency between this notice and Wyoming law, then Wyoming law will control.**

~~The Wyoming Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in Wyoming. You should not~~

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~~rely on coverage by the Wyoming Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy.~~

~~Coverage is NOT provided for your policy or any portion of it that is not guaranteed by the insurer or for which you have assumed the risk, such as a variable contract sold by prospectus.~~

~~Insurance companies or their agents are required by law to give or send you this notice. However, insurance companies and their agents are prohibited by law from using the existence of the guaranty association for the purpose of sales or to induce you to purchase any kind of insurance policy.~~

~~The Wyoming Life and Health Insurance Guaranty Association  
P.O. Box 36009  
Denver, CO 80236-0009  
(866) 638-2602~~

~~State of Wyoming  
Department of Insurance  
106 East 6<sup>th</sup> Avenue  
Cheyenne, Wyoming 82002-0400  
(800) 438-5768 (in Wyoming) or  
(307) 777-7401~~

~~The state law that provides for this safety net coverage is called the Wyoming Life and Health Insurance Guaranty Association Act. Below is a brief summary of this law's coverages, exclusions and limits. This summary does not cover all provisions of the law; nor does it in any way change anyone's rights or obligations under the act or the rights or obligations of the guaranty association.~~

#### ~~COVERAGES~~

~~Generally, individuals will be protected by the Wyoming Life and Health Insurance Guaranty Association if they live in this state and hold a life or health insurance contract, or an annuity, or if they are insured under a group insurance contract, issued by a member insurer. The beneficiaries, payees or assignees of insured persons are protected as well, even if they live in another state.~~

#### ~~EXCLUSIONS FROM COVERAGES~~

~~However, persons holding such policies are not protected by this Association if:~~

~~• they are eligible for protection under the laws of another state (this may occur when the insolvent insurer was incorporated in another state whose guaranty association protects insureds who live outside that state);~~

~~• the insurer was not authorized to do business in this state;~~

~~• their policy was issued by a fraternal benefit society, a mandatory state pooling plan, a stipulated premium insurance company, a local mutual burial association, a mutual assessment company, or similar plan in which the policy holder is subject to future assessments, or by an insurance exchange.~~

~~The Association also does not provide coverage for:~~

~~• any policy or portion of a policy which is not guaranteed by the insurer or for which the individual has assumed the risk, such as a variable contract sold by prospectus;~~

~~• any policy of reinsurance (unless an assumption certificate was issued);~~

~~• interest rate yields that exceed an average rate;~~

~~• dividends;~~

~~• credits given in connection with the administration of a policy by a group contract holder;~~

~~• annuity contracts issued by a nonprofit insurance company exclusively for the benefit of nonprofit educational institutions and their employees;~~

~~• unallocated annuity contracts (which give rights to group contract holders, not individuals);~~

~~• any plan or program of an employer or association that provides life, health or annuity benefits to its employees or members to the extent the plan is self funded or uninsured.~~

#### LIMITS ON AMOUNT OF COVERAGE

~~The act also limits the amount the Association is obligated to pay out: The Association cannot pay more than what the insurance company would owe under a policy or contract. Also, for any one insured life, the Association will pay a maximum of \$300,000—no matter how many policies and contracts there were with the same company, even if they provided different types of coverages. Within this overall \$300,000 limit, the Association will not pay more than \$100,000 in cash surrender values for life insurance policies, \$300,000 for basic hospital, medical and surgical insurance or major medical insurance, \$300,000 for disability insurance, disability income insurance and long term care insurance, \$100,000 for coverages not defined as disability insurance or disability income insurance or basic hospital medical and surgical insurance or major medical insurance or long term care insurance, including any net cash surrender and net cash withdrawal~~

~~values, \$250,000 in present value of annuity benefits including net cash surrender and net cash withdrawal values, or \$300,000 in life insurance death benefits—again, no matter how many policies and contracts there were with the same company, and no matter how many different types of coverages.~~