

**TITLE 50: INSURANCE**  
**PART 1451 VARIABLE CONTRACTS**  
**CHAPTER I: DEPARTMENT OF INSURANCE**

**Section 1451.60 Contracts Providing for Variable Benefits**

- d) Any variable annuity contract delivered or issued for delivery in this State shall stipulate the investment increment factors to be used in computing the dollar amount of variable benefits or other variable contractual payments or values thereunder, and may guarantee that expense and/or mortality results shall not adversely affect such dollar amounts. In the case of an individual variable annuity contract under which the expense and mortality results may adversely affect the dollar amount of benefits, the expense and mortality factors shall be stipulated in the contract.
  - 1) In computing the dollar amount of variable benefits or other contractual payments or values under an individual variable annuity contract:
    - A) The annual net investment increment assumption shall not exceed 5%, except with the approval of the Director;
    - B) To the extent that the level of benefits may be affected by future mortality results, the mortality factor shall be determined from the 1983 Table "a" or any modification of that table not having a lower life-expectancy at any age, or, if approved by the Director, from another table.
  - 2) "Expense," as used in subsection (d) of this Section, may exclude some or all taxes, as stipulated in the contract.