

**David Leifer**

Vice President & Senior Associate General Counsel

(202) 624-2128 t

[davidleifer@acli.com](mailto:davidleifer@acli.com)

October 2, 2023

Director Judith L. French and Commissioner Troy Downing  
Co-Chairs, NAIC E-Commerce (H) Working Group

Via email to Olivea Myers ([omyers@naic.org](mailto:omyers@naic.org))

Re: NAIC E-Commerce (H) Working Group's Revised E-Commerce Framework

Dear Director French and Commissioner Downing:

The American Council of Life Insurers (ACLI)<sup>1</sup> appreciates the chance to provide feedback to the E-Commerce (H) Working Group on its revised E-Commerce Framework. Because the revised Framework does not vary greatly from the prior iteration, we have attached our previous comment letter (dated March 23, 2023) for easy reference. We think this feedback remains relevant, and above all ACLI wants to reiterate our willingness to be a resource in the Working Group's efforts to complete their charge to examine e-commerce laws and regulations and work toward meaningful, unified recommendations.

As we and others have advocated, a focus on e-signatures/e-delivery of documents should be a priority. While the federal E-SIGN law does mandate certain protocols for electronic business, state insurance laws frequently add, in our view, unnecessary complications and uncertainty that does not benefit consumers. A uniform streamlined approach is far preferable. And while changes to E-SIGN may be difficult, ACLI has argued that a small modification granting state regulators the same flexibility as federal regulators in this space is a desirable and likely achievable goal.

We also have several suggestions relevant to the Revised Framework immediately below.

American Council of Life Insurers | 101 Constitution Ave, NW, Suite 700 | Washington, DC 20001-2133

<sup>1</sup> The American Council of Life Insurers (ACLI) is the leading trade association driving public policy and advocacy on behalf of the life insurance industry. 90 million American families rely on the life insurance industry for financial protection and retirement security. ACLI's member companies are dedicated to protecting consumers' financial wellbeing through life insurance, annuities, retirement plans, long-term care insurance, disability income insurance, reinsurance, and dental, vision and other supplemental benefits. ACLI's 280 member companies represent 94 percent of industry assets in the United States.

<sup>2</sup> <https://fitsmallbusiness.com/online-shopping-statistics/#:~:text=According%20to%20Statista%20figures%2C%20more,to%20291.2%20million%20by%2025>

<sup>3</sup> <https://www.raydiant.com/blog/state-of-consumer-behavior-2022>

<sup>4</sup> [https://portal.equitable.com/appentry/EDoxRedirect?node\\_id=A2020082700016](https://portal.equitable.com/appentry/EDoxRedirect?node_id=A2020082700016)

Under Item (2) E-Notices, we suggest flagging a number of items including: E-Commerce (H) Working Group  
11/20/23

- Greater Consumer Responsibility to keep carriers informed of updated email addresses proactively-- Insurers have always struggled with returned paper mail. What's different with e-notices is that an Insured can change their primary email, not let the insurer know, the email we've been authorized to use is still valid. There won't be a bounce back: how would the insurer know without affirmative notice from the Insured? Unlike residential addresses that insurers can research and correct when there's return paper mail, there is no similar research tool for email addresses.
- Lapse/Termination Notices-- similar concerns arise here, and it may be appropriate to consider added disclosures that specify that the Insured must keep insurers informed of their contact info as all correspondence will be sent electronically.
- Proof of Delivery-- ACLI believes that the presumption of delivery if email is not returned as undeliverable should be universal. Anything the Working Group can do to promote this (majority) practice would be welcome.
- Replacement Questions-- we agree with is entry, one issue that may be added here is the affect on census enrolled cases when there is no actual enrollment event and no application. This usually arises with guaranteed issue, employer-paid products.

Under Item (3) Policies:

- ACLI supports the description regarding enrollment in group coverages—Especially when the topic is employer-paid coverage and it is guaranteed issue, there is no reason for different rules in different jurisdictions. Policy delivery to an employer/group policyholder is an arm's length transaction and should be streamlined in terms of e-delivery, e-consent, etc. These coverages involve a master policy that is heavily negotiated.

We also ask that the Working Group not lose sight of regulatory modernizations that improve processes. For example, online, proctored producer licensing examinations have been successful, as has wider acceptance of regulatory e-signatures. Some of these items reflect accommodations made as a result of the COVID pandemic, and others have occurred simply as a result of technological advancements. The Working Group can play an integral role in cataloging and promoting these changes to the benefit of all stakeholders in our industry.

Thank you and the Working Group members again for your excellent efforts on behalf of the insurance industry as we pursue the shared goal of advancing innovation in ways that protect consumers and enhance their experience.

Sincerely,



David M. Leifer  
Vice President & Senior Associate General Counsel



**Electronically Submitted to [omyers@naic.org](mailto:omyers@naic.org)**

October 6, 2023

To: NAIC E-Commerce Working Group (the “Working Group”)

**Re: Draft Updated Framework**

On behalf of our members, the Insured Retirement Institute (IRI)<sup>1</sup> appreciates the opportunity to provide comments on the Updated Framework put together by the Working Group following responses to its State Laws Survey and comments received on an initial draft in Spring 2023. We support the Working Group’s efforts to outline the responses received from states, and to capture the feedback from interested parties on the top e-commerce issues facing the industry. While the current draft of the framework is a good summary and starting point, it’s unclear how states would use it for guidance going forward. We urge the Working Group to work towards developing a final work product, consistent with the Working Group’s adopted charges, that would be beneficial for regulators, industry, and consumers. As such, we would like to share the following recommendations/comments for the Working Group to consider:

First, IRI members continue to recommend that the Working Group draft a Model Bulletin or Guidance to address many of the issues outlined in the Framework. Our members support either a model bulletin or model guidance to give confidence that operating in the modern world is consistent with their regulatory obligations and to support innovation within the industry. We believe it would be most helpful for this bulletin or guidance to address the following items<sup>2</sup>:

- a) Support for the need to modernize/revise the affirmative consumer consent and reasonable demonstration requirements in the Uniform Electronic Transactions Act (UETA) and Electronic Signatures in Global and National Commerce Act (E-Sign).
- b) Support for utilization of an electronic signature as opposed to a “wet signature” whenever possible and as a default method.

---

<sup>1</sup> The Insured Retirement Institute (IRI) is the leading association for the entire supply chain of insured retirement strategies, including life insurers, asset managers, and distributors such as broker-dealers, banks and marketing organizations. IRI members account for more than 95 percent of annuity assets in the U.S., include the top 10 distributors of annuities ranked by assets under management, and are represented by financial professionals serving millions of Americans. IRI champions retirement security for all through leadership in advocacy, awareness, research, and the advancement of digital solutions within a collaborative industry community.

<sup>2</sup> Please see IRI’s comment letter dated March 29, 2023, on the initial framework draft for more details surrounding these items.

- c) Clarification that all annuity-related disclosures and notices under NAIC model regulations do not require wet signatures or initials and may be delivered electronically.

Second, IRI recommends that the Working Group encourage adoption of NAIC model regulations and commit to working with states to seek uniform standards when it comes to various forms, documents, and other online materials, as noted in the Framework. We'd also request that the Working Group ensure that any Market Conduct Guidelines appropriately indicate that electronic delivery and signatures are sufficient to meet these requirements.

Finally, while we do not think the current draft of the framework is sufficient to provide guidance to the states, nor do we think it should be a final work product of the Working Group, we agree that is important to have a summary that captures the current state and outlines the key issues. To this end, we support further refinement of the framework, including removal of issues that are being addressed in other NAIC groups, such as "Use of Artificial Intelligence" or other areas where duplication is noted. Additionally, it might be helpful to note areas where states have taken innovative approaches to modernization, so that this could be used to inform any future guidance that is developed.

In conclusion, we are appreciative of the work done thus far, and we hope the Working Group continues the effort to provide meaningful guidance to help insurers support digital efforts that are now expected by many consumers when interacting with a business. When it comes time to begin work on the Model Bulletin or Guidance, we look forward to providing what we hope will be constructive, meaningful feedback. We'd also be happy to proactively assist with drafting some of the language, if the Working Group would find that helpful.

On behalf of IRI and our members, thank you again for the opportunity to provide these comments. We would be happy to discuss further with you and look forward to continued collaboration and partnership with the Working Group.

Sincerely,

*Sarah E. Wood*

Sarah Wood  
Director, State Policy & Regulatory Affairs  
Insured Retirement Institute  
[swood@irionline.org](mailto:swood@irionline.org)

## Northwestern Mutual Comments

### E-Commerce (H) Working Group Framework

In 2021, the E-Commerce (H) Working Group sent a survey to the states asking what exceptions to state laws or regulations were implemented during the pandemic that allowed electronic commerce, electronic transactions, and electronic communications to take place when in-person methods were not possible. The survey also asked whether any of these exceptions had expired, had been rescinded or were made permanent either by legislation or through department action.

The Working Group also sent a survey to insurers and industry stakeholders asking them to identify any specific technologies, communications, transactions or any other forms and methods of electronic commerce that may currently impede their ability to conduct business electronically, in part because many of the exceptions to state law or regulation that were put in place during the pandemic may no longer be in effect.

After receiving and discussing the survey results, the Working Group organized the responses into a format best suited for consideration going forward. That format organizes the areas of concern into the following five broad categories: (1) e-signature; (2) e-notices; (3) policy issues; (4) claims; and (5) a general “other” category.

The purpose of this Framework is memorialize the insights gained through that initial survey project and in subsequent engagement with industry representatives. Furthermore, this document hopes to advise regulators on e-commerce laws and regulations and provide uniform guidance on various e-commerce topics. When reviewing this Framework, please note that for opt-in/opt-out of electronic notifications and transactions, ERISA and other relevant federal laws could preempt state laws in the health and life context.

Additional consideration may need to be given to the various contexts in which the regulatory requirements that follow are enacted. For instance, Departments using the guidance that follows may find it necessary to have differing requirements based on the type of consumer impacted (i.e., individuals vs. businesses).

**Northwestern Mutual Comments**

**(1) E-SIGNATURE**

The first category is e-signature. The Uniform Electronic Transactions Act (UETA) defines electronic signature or e-signature as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” The topics in the e-signature category are wet signatures, remote online notarizations (e-notary or RON), and elimination or minimization of notarization requirements.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Wet Signatures	A wet signature is created when an individual physically marks a document, as opposed to e-signature, which happens electronically	Allow affirmative opt-out for e-signatures, make opt-in the default	No conscious decision made for e-signature by consumer	Add opt-in clauses to applications and policies to allow for e-signatures and e-notices	Employee training; may require amending existing state laws; consent to e-signature limited to per transaction

Overall, industry supports the use of e-signatures. However, the Center for Economic Justice does not believe opt-in should be the default due to the possibility that consumers could consent to terms and conditions that they might not be aware of.

**Commented [A1]:** This concern can be mitigated by ensuring the signer is provided access to the document during and following the e-sig ceremony.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Remote Online Notarizations (E-Notary or RON)	A remote online notarization generally allows a signer to personally appear before the notary using audio-visual technology instead of being physically present in the same location as the notary	Remaining states should all adopt some form of RON	Could create doubt regarding signature authenticity	Issue bulletin(s) or change(s) in interpretation that RON meets notary requirements	Employee training; may require amending existing state laws; consent to e-signature limited to per transaction

Overall, industry supports the use of remote online notarizations or (“RON”). The Center for Economic Justice agrees with the condition that consumers are provided with clear disclosures regarding the safeguards and potential dangers of using RON.

**Northwestern Mutual Comments**

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Eliminate/Minimize Notarization Requirements	There is the potential to eliminate or minimize notarization requirements that may present unnecessary regulatory barriers	Statutory modifications and policy updates to clarify where notarization is still required	Notarizing signatures helps guarantee that the signature is authentic	Survey states asking whose statutes require notarization and why these are necessary	May require amending existing state laws; State legislature and/or Governor disagreeing with doing so

There is general support for eliminating notarization requirements. However, the Center for Economic Justice emphasized the importance of specific guidelines for fraud detection and prevention to maintain the integrity of the notarization transaction and urged that consumers should be informed of these safeguards.

**Northwestern Mutual Comments**

**(2) E-NOTICES**

The second category is e-notices. This category examines the electronic delivery of insurance documents, including the electronic delivery of notices (or e-notices). The topics in the e-notices category are wet signatures, lapse/termination notices, proof of delivery, and replacement questions (life).

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Wet Signatures	A wet signature is created when an individual physically marks a document, as opposed to e-signature which happens electronically	Allow affirmative opt-out for e-signatures, make opt-in the default	Many consumers still want applications, policies and correspondence on paper and will refuse opt-out	Amend UETA and/or insurance specific statutes, laws, rules, bulletins; differentiate between two types of insurers and establish e-insurers/product (opt-out) and historically paper (opt-in)	UETA much broader than just insurance; may require amending existing state laws

**Commented [A2]:** Why not include the same ACLI position as below:

However, the American Council of Life Insurers do not agree with creating a differentiation between e-insurers and paper insurers because all insurers have the capability deliver notices in both paper and digital means.

Overall, industry supports the use of e-signatures. However, the Center for Economic Justice does not believe opt-in should be the default due to the possibility that consumers could consent to terms and conditions that they might not be aware of.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Lapse/Termination Notices	This topic focuses on the electronic delivery of lapse/termination notices to policyholders	Make electronic communication equal to First class mail; modify UETA and state laws allowing for delivery electronically	Many consumers still want applications, policies and correspondence on paper and will refuse opt-out	Bulletin, regulation or statute to allow for e-delivery any time communication must be sent <a href="#">if valid client email is known</a> ; differentiate between two types of insurers and establish e-insurers/product (opt-out) and historically paper (opt-in)	UETA much broader than just insurance; may require amending existing <a href="#">federal E-SIGN</a> and state laws



**Northwestern Mutual Comments**

Overall, industry supports the use of electronic lapse/termination notices. However, the Center for Economic Justice notes that consumers should have to **affirmatively opt in annually** due to the importance of such notices and changes can occur over time, including a change in an email address.

**Commented [A3]:** This is overly burdensome for both the consumer and industry. Presuming valid opt-in, lapse notices should be given the same standing as any other notice required to be sent.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Proof of Delivery	This topic focuses on how an insurer may demonstrate the successful electronic delivery of an <b>insurance document</b>	Allow for presumption of delivery if email is not returned as undeliverable	Property and casualty statutes in many states are different and require different notices	Bulletin, regulation or statute to allow for e-delivery any time communication must be sent; differentiate between two types of insurers and establish e-insurers/product (opt-out) and historically paper (opt-in)	May require amending existing state laws; State legislature and/or Governor disagreeing with doing so

**Commented [A4]:** Too broad. Policies? Notices? Billings statements? Proxies? Delivery is usually presumed under notice and access models for eDelivery.

Industry overall supports the use of e-delivery any time a communication must be sent by an insurer to the insured. However, the American Council of Life Insurers do not agree with **creating** a differentiation between e-insurers and paper insurers because all insurers have the capability deliver notices in both paper and digital means.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
<b>Replacement Questions (Life)</b>	If a policyholder is contemplating purchasing a life insurance policy or annuity contract and discontinuing or changing an existing policy or contract, Model #613 requires the applicant to initial if he or she does not want notice read aloud	Revise replacement model, allow replacement questions and disclosures to be part of a digital application process	Model #613 requires producer to leave the original or copy of all sales materials at time of application; also requires electronic sales materials be provided in printed form no later than time of policy/contract delivery	Do all states have the most up-to-date model? Or does industry want the entire model revised?	NAIC must compile which version of the model each state has adopted; possible that few states have adopted updated model with others not realizing their version is outdated

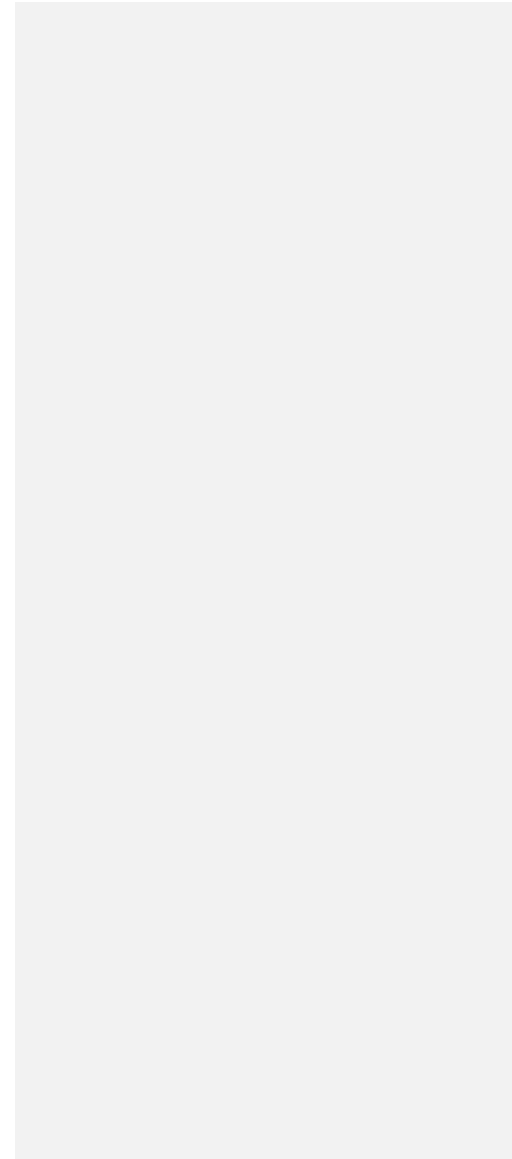
**Commented [A5]:** What about requirements for the "Important Notice" to be given in paper, even if eDelivered?

Overall, industry supports the use of replacement questions. However, the Center for Economic Justice emphasizes the need for consumer protection in the digital application process. They recommend that consumers receive access to the exact text of the questions and answers for their review and documentation. Additionally, they express

**Northwestern Mutual Comments**

concern about potential misrepresentation and misinterpretation of information involved in the replacement decision, making regulatory oversight of digital interfaces essential.

The Insured Retirement Institute supports modernization of model regulations for annuity-related disclosures and notices but believes that replacement questions could be addressed through a Model Bulletin or Guidance instead. They also request that any Market Conduct Guidelines clearly indicate that electronic delivery and signatures meet the requirements.



**Northwestern Mutual Comments**

**(3) POLICIES**

The third category is policies. This category focuses on the insurance policy. The topics in this category are state variations in policy requirements, regulations that include content or filing requirements of enrollment forms, re-delivery requirement of replacement notices in paper form if initially provided electronically, enrollment in employer group coverage, UETA exclusion of delivery of notices of cancellation or termination of life insurance benefits, and anti-rebating laws.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
State Variations in Policy Requirements	The industry raised concerns that minor variations in insurance policy requirements limit its ability to do business online and require excessive expense to create unique code for each state	Make uniform requirements for issues such as replacement question language, fraud warnings and marketing disclosures that do not materially affect consumer protections		Encourage uniform adoption of NAIC model regulations	

Overall, industry supports the use of uniform policy requirements that would limit its ability to do business online. However, the Center for Economic Justice supports uniform disclosure requirements, but only if they include substantial and effective consumer protections.

**Commented [A6]:** That do "not" limit??

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Regulations that include content or filing requirements of enrollment forms	The industry raised this topic particularly as it relates to enrollment in employer group insurance coverages	Forms or applications may each have different legal requirements depending on the type of policy and/or state; need uniformity		Each electronic application must be approved prior to use by the Department; all changes must be approved	

The Center for Economic Justice suggests that the lack of enrollment form uniformity among the states should not be a high priority for the E-Commerce Working Group.

**Northwestern Mutual Comments**

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Re-delivery requirement of replacement notices in paper form if initially provided electronically	The industry raised concerns that some states require delivery of the replacement notice in paper form for life and annuity sales	This unnecessarily duplicates the effort required by the insurer; eliminate any state law requirement that requires paper delivery			May require amending existing state laws; consumers would have to affirmatively opt-out of electronic communications

**Commented [A7]:** Noted in my comments to section above. Why is this in the "policy" section? It's a "notice".

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Enrollment in Employer Group Coverage	This topics centers on enrollment in employer group coverages, particularly as it relates to various employer policyholder and/or vendor electronic enrollment platforms		Product filings can be very complex; different state disclosure, signature or delivery requirements; age-based requirements		Complexity of filings; forms within a policy or contract may differ on what can/cannot be shared electronically; e-delivery requirements are difficult to implement due to state variations

The American Council for Life Insurers stated that the proposed solution does not properly address the issue.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
UETA excludes delivery of notices of cancellation or termination of life insurance benefits	Similar to the lapse/termination notices topic in the e-notices category above, this topic focuses on the electronic delivery of notices of cancellation or termination of life insurance benefits	Identify which states still have these requirements; amend state law to remove exclusion			

The Insured Retirement Institute supports e-delivery of documents as the default option, allowing consumers to opt-out of e-delivery if they prefer paper documents. They believe that this approach is aligned with increasing consumer expectations for electronic transactions and provides the tools regulators and insurers need in order to identify

**Commented [A8]:** Again, unclear why included in this section. How is this a "policy" and not a "notice"? Blurs distinctions that could be meaningful in terms of permitted v prohibited deliveries.

**Northwestern Mutual Comments**

and deter fraud. The Insured Retirement Institute expresses concern about the proposed differentiation between e-insurers and paper insurers, which may create unnecessary complexity and potential impediments to uniform modernization. They also stress that differentiation could provide some insurers with an unfair competitive advantage or cause confusion among consumers.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Anti-Rebating Laws	Recently, the NAIC approved amendments to the Unfair Trade Practices Model Law regarding anti-rebating. The industry raised concerns that jurisdictions have not yet adopted the amendments.	Prior request to amend Unfair Trade Practices Model Law		Encourage adoption of the newest language contained in the Unfair Trade Practices Model Law	

**Commented [A9]:** Why is this included? To permit the use of incentives to encourage insureds to opt in to eDelivery (e.g., CA prohibition)?

**Northwestern Mutual Comments**

**(4) CLAIMS**

The fourth category is claims. This category focuses on insurance claims. The topics in the claims category are claims processing and minimize/modernize licensing requirements related to claims adjustment.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Claims Processing	After a policyholder reports a loss, the use of drones may help expedite the processing of the insurance claim	Allow for the use of drones		Express statutory or regulatory authority for the use of such technology	Concern for accuracy

The Center for Economic Justice expressed concerns about the use of drones for claims processing, citing data privacy and digital rights issues. They believe insurers should obtain upfront consent from consumers for the use of data and include drone use provisions in policy forms, which would allow regulators to review and approve the terms of such use. The Center for Economic Justice emphasized the need for clear guidelines and guardrails to ensure that the use of drones does not result in unfair terms or practices.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Minimize/Modernize licensing requirements related to claims adjustment	The industry raised the potential opportunity to minimize/modernize licensing requirements related to claims adjustment.			Amend statutes to allow digital adjustment of claims; eliminate licensing requirements or provide option for a business license (as opposed to individual licenses); allow online licensing courses; allow fingerprints submitted in one state to be valid in all states for a set amount of time	

### **Northwestern Mutual Comments**

The American Council of Life Insurers strongly supports the proposed industry solutions to modernize licensing requirements related to claims adjustment including allowing online licensing courses, utilizing fingerprints across multiple jurisdictions, and providing additional licensing options. They believe that these changes would help support diversity, equity, and inclusion initiatives within both the NAIC and the life insurance industry.

The Center for Economic Justice expressed reservations about the proposal to eliminate licensing requirements for adjusters. They believe that licensing adjusters is important for a variety of reasons and question whether the E-Commerce Working Group is the appropriate forum for discussing adjuster licensing proposals.

**Northwestern Mutual Comments**

**(5) OTHER**

The fifth category is other. This category focuses on other topics that did not fit into any of the four categories above. The topics in the other category are the use of artificial intelligence, different design element requirements for forms/documents and online materials, advertising approval, and the use of telematics.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Use of Artificial Intelligence	Artificial intelligence is a technology that enables computer systems to accomplish tasks that typically require a human’s intelligent behavior. The use of AI has increased exponentially across all industries, including the insurance industry.	Statutory modifications expressly providing for use of this technology			Duplication of H Committee work

The Center for Economic Justice opposes the industry request for statutory modifications that would allow for the use of artificial intelligence in insurance. They express concern about how artificial intelligence is defined within the Framework and suggest that more efforts are needed to address the widespread concern about insurer use of artificial intelligence and “big data.”

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Different design element requirements for forms/documents and online materials	The industry raised concerns regarding the various requirements across the states for forms/documents and online materials.	Various requirements across the states are difficult to implement	Document design/website/font size/formatting rules differ	NAIC should work with states to seek uniform standards; standards would allow companies to follow well-defined rules and departments to enforce violations	



**Northwestern Mutual Comments**

The American Council of Life Insurers supports the Framework’s proposed solution for addressing different design element requirements for forms/documents and online materials. They also emphasize the need to avoid duplicating the efforts of other NAIC workstreams and encourage the working group to remain focused on the core issues hindering e-commerce modernization.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Advertising Approval	The industry raised concerns regarding states’ review and approval of long-term care insurance advertising materials.	Different states mandate department reviews and approval of advertising materials related to LTC; make them uniform, take departments out of the business of editing company documents	How many states require these filings and how many are exempt?	NAIC should work with states to seek uniform standards	Duplication of Long-Term Care Task Force work

The Center for Economic Justice opposes the proposal to reduce regulatory oversight of long-term care insurance disclosures.

Topic	Explanation of Topic	Industry Request	Concern With Industry Request	Possible Solutions	Possible Complications
Use of Telematics	Telematic devices measure elements of interest to underwriters, including miles driven, time of day, and where the vehicle is driven. Like AI, the use of telematics has increased	Statutory modifications expressly providing for use of this technology for underwriting and rating purposes			Compliance reviews and internal controls; duplication of H Committee work

**Northwestern Mutual Comments**

	exponentially across the insurance industry.				
--	--	--	--	--	--

The Center for Economic Justice believes that effective regulation is crucial for the use of telematics in the insurance industry to protect consumer digital rights and privacy. They argue that a blanket authorization of the use of this technology is unreasonable and that there should be regulations in place to ensure the symmetric use of telematics data by insurers and consumers. The Center for Economic Justice further emphasizes the importance of protecting consumers from unwanted and unapproved uses of telematics data in order to improve consumer confidence in new technologies.

The Consumer Federation of America opposes the inclusion of telematics in the discussion of exceptions to state laws and regulations implemented during the pandemic. They argue that telematics was first initiated in the 1990s and should be addressed by subject-matter working groups, with ample public notice and opportunity for insights and comments from consumer advocates. The federation also disagrees with the industry request for statutory modifications expressly providing for the use of telematics for underwriting and rating.

