

Content

Title :	Regulations Governing Business Solicitation, Policy Underwriting and Claim Adjusting of Insurance Enterprises
Date :	2023.07.07
Legislative :	Amended on 7 July 2023 per Order No. Jin-Guan-Bao-Shou-Zi-11201408251 of the Financial Supervisory Commission
Content :	<p>Article 6</p> <p>The internal business solicitation system and procedure of an insurance enterprise shall contain and explicitly specify at least the following particulars:</p> <ol style="list-style-type: none"><li>1. Qualifications of sales representatives, the types of insurance they may solicit, their on-the-job training, rewards and disciplines, and rights and obligations. On-the-job training includes the insurance enterprises requiring sales representatives to attend annual training on fair treatment of customers over 65 years of age.</li><li>2. Management measures regarding performance review that links the commissions received by sales representatives to risk exposure and duration of commission payment, solicitation quality, and solicitation dispute.</li><li>3. Management measures regarding collection of premiums, and requisition of blank conditional receipts or renewal receipts, time of premium collection and turn-in by sales representatives.</li><li>4. Rules to be complied with by sales channel and the characteristics of such sales channel.</li><li>5. Matter concerning the applicant and the insured that a sales representative should know well, including at least the following:<ol style="list-style-type: none"><li>(1) Basic information:<ol style="list-style-type: none"><li>a. Basic information of the applicant and the insured (including at least name, sex/gender, date of birth, Citizen's ID No., and contact information; in the case of a juristic person, its name, representative, address and contact phone number);</li><li>b. Relationship between the applicant and the insured, and that between the insured and the beneficiary; and</li><li>c. If the insurance contract is produced in digital insurance policy format, the insurance enterprise shall at least obtain the mobile phone number, email, or other contact method of the applicant and insured deemed as sufficient by the competent authority for transmitting digital documents.</li><li>d. Other basic information required by the competent authority.</li></ol></li><li>(2) Whether the applicant and the insured meet underwriting requirements?</li><li>(3) The purpose and the needs of the applicant and the insured purchasing insurance.</li><li>(4) Source of funding for payment of insurance premiums.</li><li>(5) Evaluating whether customers over 65 years of age have the ability to distinguish situations that are disadvantageous to his or her rights and interests as an insured. However, the preceding provision does not apply if the characteristics of the insurance product are not found to have potential effects and disadvantages on customers over 65 years of age following an evaluation in accordance with Subparagraph 7, Article 6 of the Regulations Governing Pre-sale Procedures for Insurance Products.</li></ol></li><li>6. Product suitability policy, including at least the following:<ol style="list-style-type: none"><li>(1) The applicant understands fully that the premium he/she has paid is for purchasing an insurance product.</li><li>(2) The type of insurance, insured amount and premium expense of the applicant are commensurate with his/her actual needs.</li><li>(3) If the applicant purchases a foreign currency denominated insurance product, understand the applicant's exchange rate risk tolerance.</li><li>(4) If the applicant wants to purchase an investment-linked insurance product, consider the applicant's suitability and risk tolerance, source of</li></ol></li></ol>

funding for payment of insurance premiums, and make sure that the applicant understands that he/she is at his/her own risk with regard to investment gain or loss from the investment-linked product, and do not offer the applicant any product that is beyond his/her financial means or unsuitable for the applicant.

7. The obligation of a sales representative to fill out a solicitation report honestly, which shall include at least the following:

- (1) The course of solicitation;
- (2) The applicant and insured's annual income from work and other income;
- (3) Whether the applicant and insured have other commercial insurance and whether customers have terminated contracts, taken out loans, or taken out policy loans in the three months before purchasing the insurance.
- (4) The main sources of household income;
- (5) Whether the designated beneficiary in case of death of the insured is spouse, direct relative or heir apparent, and whether their order of succession and proportion of entitlement conform to related provisions of the Succession Law of the Civil Code; and if not, explain why;
- (6) For cases where the customer is over 65 years of age, the report shall state whether the customer has the ability to distinguish situations that are disadvantageous to his or her rights and interests as an insured, reasons why the insurance products is suitable for the customer, and evaluation record. However, the preceding provision does not apply if the characteristics of the insurance product are not found to have potential effects and disadvantages on customers over 65 years of age following an evaluation in accordance with Subparagraph 7, Article 6 of the Regulations Governing Pre-sale Procedures for Insurance Products.
- (7) Other information that will facilitate underwriting evaluation.

8. An insurance enterprise or its sales representatives who solicit insurance business shall not engage in any of the following acts:

- (1) Solicit insurance business using people without the qualification of insurance solicitor.
- (2) Solicit business from an applicant or an insured by means of unfair discrimination, improper rebate, or any other inappropriate reduction of insurance premium.
- (3) Solicit business by means of exaggerated or false publicity or advertising, by making inappropriate comparison of the policies of different insurers, or by other inappropriate means.
- (4) Induce the customer to rescind or terminate contracts or pay the premium by a loan or a policy loan.
- (5) Solicit business using printed materials, advertising, introduction pamphlet, product description, recommendations and other materials that have not been consented or approved by the insurance enterprise.
- (6) Instigate the applicant or the insured to violate the obligation to inform, or use illicit means to instigate an applicant to cancel his/her policy, switch insurer, reduce the amount insured, pay up the premium, extend the policy, or obtain a policy loan.
- (7) The recipient of commission payment differs from the solicitor indicated in the insurance application.
- (8) Divert the use of premiums or embezzle the premiums.
- (9) Fail to identify the suitability of policy to the applicant or the insured, including providing customers over 65 years of age unsuitable insurance products.
- (10) Pay or collect remuneration for recommending customers to apply for loans. However, this restriction does not apply to sales representatives that have not solicited insurance products to the same customer in the three months before and after the loan application date.
- (11) Engage in other practices that impair the rights and/or interests of the applicant, the insured or the beneficiary.

9. An insurance enterprise shall ask insurance agents that solicit insurance business on its behalf and their sales representatives to observe the following provisions:

- (1) To comply with the Regulations Governing the Administration of Insurance Agents, Regulations Governing the Supervision of Insurance Solicitors and insurance agency contract signed with the insurance enterprise.
- (2) Aside from provisions on rewards and disciplines as provided in

Subparagraph 1 of this paragraph and provisions on performance review linking commissions to risk exposure and duration of commission payment as provided in Subparagraph 2 of this paragraph, to comply with matters specified in Subparagraphs 1 ~ 8 of this paragraph and the insurance agency contract.

10. When selling insurance products with surrender value (excluding small amount whole life insurance, group annuity insurance, and accident insurance with an insurance period of less than three years) to customers over 65 years of age, insurance enterprises shall, after obtaining the customer's consent, maintain the record of selling process by audio or video means, or retain the trail of relevant operating process using electronic equipment. Appropriate unit or managerial personnel shall double-check such record or trail and confirm the product suitability for the customer. The methods for processing the aforementioned audio or video recording or records retained with electronic equipment shall be established by the Life Insurance Association of the Republic of China and such methods shall also be reported to the competent authority for recordation.

11. Records of the sales process retained in audio or video recordings or records retained with electronic equipment according to the preceding subparagraph shall include at least the following items and they shall be kept for at least five years from the expiry of the insurance contract or five years from the date the decision of non-underwriting is finalized.

(1) The soliciting sales representative must show his/her certified registration license and provide information on his/her company and his/her authorization to solicit insurance product.

(2) Inform the customer of the name of the insurance product, name of the insurance company, the relationship between the solicitor and the insurance company, payment period, and payment amount.

(3) Explain the contents of important provisions, exclusions, and contents of the recommendations.

(4) Explain the customer's right to rescind the contract.

(5) Ask the customer whether the customer understands the amount of insurance premiums to be paid each year and verify whether the customer can afford the insurance premiums.

(6) If the insurance product purchased by the customer is an investment-linked insurance product, the sales representative must explain the investment risks of the product, important contents of insurance product prospectus, related expenses for the insurance policy (including insurance cost), and the method of collection. He/she must also ask whether the customer understands the possible losses under less favorable conditions and confirm whether the customer can tolerate such losses.

12. When a customer purchases an insurance product requiring policy value reserve (excluding small-amount whole-life insurance and accident insurance with an insurance period of less than three years), health insurance product, or mortgage life insurance product that pays survival benefits, the insurance enterprise shall observe the following provisions:

(1) The insurance enterprise shall assign a staff from non-sales channels to conduct phone call, video call or remote interview to inform or confirm with the customer the following matters after the insurance contract is sold but before underwriting is approved. The insurance enterprise shall also save the phone interview recording or the audio or video recording of the video call or remote interview for future inspection, and safekeep the recording for at least five years after the expiry of the insurance contract or five years from the date the decision of not to underwrite the policy is finalized:

a. Where the customer's source of fund for premium payment is the termination of an insurance contract, loan or policy loan, the customer should be confirmed or informed of the following matters:

I. Confirmation of compliance with provisions specified in Subparagraph 5, Subparagraph 6, and Subparagraph 8.

II. For customers whose source of funding for insurance premiums payment is a loan or a policy loan, the customer must be clearly informed of related risks caused by the financial leverage operations and the maximum amount of potential losses.

III. For customers whose source of funding for insurance premiums payment is

the termination of a contract, the customer must be clearly informed of related losses of interests in insurance contracts as a result of the insurance purchase after the termination of the contract.

b. For customers over 65 years of age, the staff should ask questions gently around possible disadvantages of the insurance product the customer has purchased to confirm that the customer understands the potential effects and disadvantages on the customer associated with the characteristics of the insurance product. However the preceding provision does not apply if the characteristics of the insurance product are not found to have potential effects and disadvantages on customers over 65 years of age following an evaluation in accordance with Subparagraph 7, Article 6 of the Regulations Governing Pre-sale Procedures for Insurance Products.

(2) If insurance brokers or insurance agents have conducted phone call, video call or remote interview of their customers in accordance with Article 33-1 of the Regulations Governing Insurance Brokers or Article 33-1 of the Regulations Governing Insurance Agents, insurance enterprises need not conduct phone call, video call or remote interview of such customers regarding the same matters in accordance with the preceding item.

13. Other matters to be complied with as prescribed by the competent authority.

An insurance enterprise shall ask insurance brokers it does business with to observe the following provisions:

1. To comply with the Regulations Governing the Administration of Insurance Brokers and the contract signed with the insurance enterprise.

2. May not introduce insurance products to applicants by offering premium discount or other illicit incentives.

3. May not induce the customer to rescind or terminate contracts or use loans or policy loans to pay insurance premiums. Must understand whether the source of funding for the payment of insurance premiums is a terminated insurance contract, loan, or policy loan.

4. May not engage in any practice that impairs the rights and/or interests of the applicant, the insured or the beneficiary.

The provisions of Subparagraph 7, Paragraph 1 hereof do not apply to the solicitation of non-life insurance business.

The content of solicitation report specified in Subparagraph 7, Paragraph 1 hereof do not apply to the solicitation of microinsurance business. Insurance companies may establish their own content based on their internal risk management considerations.

#### Article 18

The Regulations shall be in force on the date of its promulgation, except for the effect date of the articles amended on August 28, 2020 to be in force on October 1, 2020, the articles amended on March 29, 2022 to be in force on October 1, 2022 and the articles amended on July 7, 2023 to be in force on October 1, 2023.