



Consumer's Guide to Understanding Annuities

This guide should be used primarily to help you make choices when buying an annuity and to help you understand annuities as a source of retirement income.

Wisconsin Office of the Commissioner of Insurance

101 E. Wilson Street, P.O. Box 7873, Madison, WI 53707-7873

p: 608-266-3585 | p: 1-800-236-8517 | f: 608-266-9935

ociinformation@wisconsin.gov | oci.wi.gov

Disclaimer

This guide is intended as a general overview of current law in this area but is not intended as a substitute for legal advice in any particular situation. You may want to consult your attorney about your specific rights. Publications are updated annually unless otherwise stated and, as such, the information in this publication may not be accurate or timely in all instances. Publications are available on OCI's website at oci.wi.gov/Publications. If you need a printed copy of a publication, use the online order form (oci.wi.gov/Pages/Consumers/Order-a-Publication.aspx) or call 1-800-236-8517. One copy of this publication is available free of charge to the general public. All materials may be printed or copied without permission.

File a Complaint

If you have a specific complaint about your insurance, refer it first to the insurance company or agent involved. If you do not receive satisfactory answers, contact the Office of the Commissioner of Insurance (OCI).

- Reach out to OCI (1-800-236-8517, ocicomplaints@wisconsin.gov) to speak with our staff. If sending an email, please indicate your name and phone number.
- File a complaint with OCI. You can file a complaint online at oci.wi.gov/complaints. If you would like to file your complaint by mail, visit oci.wi.gov/complaints, email ocicomplaints@wisconsin.gov, or call 1-800-236-8517 for a form.

Contents

Introduction.....	2
What is an Annuity?	3
How Premiums are Paid	3
When Benefits are Paid.....	3
How the Money is Invested	4
Fixed Annuities.....	4
Variable Annuities.....	4
Annuity Contract Features.....	4
Typical Charges and Adjustments	4
Interest Rates.....	5
Surrender Rights.....	6
Benefits.....	6
Replacing Your Annuity	7
Retirees and Annuities	7
Wisconsin’s Best Interest Law.....	8
Taxes.....	8
How Much Should I Buy?.....	8
Things to Consider Before You Buy.....	9
Selecting an Agent or Insurance Company	9
Financial Strength of Company	9
Wisconsin Insurance Security Fund	10
Problems with Insurance?.....	10
Glossary.....	10

Introduction

This publication should be used primarily to help you make choices when buying an [annuity](#) and to help you understand annuities as a source of retirement income.

To increase financial security in retirement, more and more people are including annuities in their financial planning. When considering the purchase of an annuity, it is important to understand the different types of annuities, how annuities work, the contractual features of the [policy](#), and the benefits, as well as risks, in order to choose the kind of annuity to best fit your retirement needs.

Please note: annuities are complex and cannot be fully discussed here. You may want to consult your accountant or financial planner when deciding if an annuity will meet your retirement needs.

What is an Annuity?

An annuity is a written contract, typically between you and a life [insurance](#) company, in which the insurance company makes a series of regularly spaced payments to you in return for a [premium](#) or premiums you have paid. An annuity is not life insurance. A life insurance policy provides benefits to your family if you die. An annuity helps you accumulate money for future income needs. An annuity is not a savings account or savings certificate, and it should not be bought for short-term purposes. The most appropriate use for income payments from an annuity contract is to fund your retirement. Only an annuity can pay an income that can be guaranteed to last as long as you live.

There are three participants in an annuity contract: the owner, the [annuitant](#), and the beneficiary.

The owner is the purchaser of the annuity, pays the premiums, and has the right to surrender the annuity. The owner is also responsible for any taxes due upon surrender or payout and is usually the person who names the contract's beneficiary.

The annuitant is the person whose age and life expectancy is going to be used to calculate the benefits of the annuity and who will receive the annuity payments. Usually, the annuitant and the owner are the same person, but it is not required.

The beneficiary receives the death benefit upon the annuitant's death, either in a single payment or multiple payments over time.

How Premiums are Paid

An annuity may be either a single premium or a multiple premium contract.

Single premium contracts require you to fully fund the annuity contract in one single premium payment. You cannot add additional money to the account.

Multiple premium contracts allow an annuity to be funded by using premium payments over a period of time. There are two kinds of multiple premium contracts—flexible and scheduled. A flexible premium contract lets you pay as much as you want, whenever you want, within set limits. A scheduled premium contract spells out the amount and frequency of your premium payments.

When Benefits are Paid

An annuity may be either **immediate** or **deferred**. If you want to begin receiving income immediately, consider an immediate annuity. Immediate annuities, usually purchased with a single premium, provide income payments starting no later than one year after you pay the premium. The reason for buying an immediate annuity is to obtain immediate income for retirement.

If you are years away from retirement, consider a deferred annuity. Deferred annuities provide income payments, often starting many years later. Deferred annuities have an accumulation period, which is the time between when you start paying premiums and when income payments start. The main reason for buying a deferred annuity is to accumulate money on a tax-deferred basis, which can then provide an income later.

How the Money is Invested

There are two basic types of annuity contracts—fixed and variable. At the time you buy an annuity contract, you will select between a fixed or variable. This determines how earnings are credited in your contract.

Fixed Annuities

A **fixed annuity** provides fixed-dollar income payments backed by guarantees in the contract. During the accumulation period of a fixed deferred annuity, your money (less any applicable charges) earns interest rates set by the insurance company spelled out in the annuity contract. Every fixed annuity has a current interest rate and a minimum guaranteed interest rate. The company guarantees it will pay no less than a minimum rate of interest. During the payout period, the amount of each income payment to you is generally set when the payments start and will not change.

An **indexed annuity** is a type of fixed annuity, but its returns are based upon the performance of a market index, such as the Standard & Poor's 500 Composite Stock Price Index (the S&P 500), the Dow Jones Industrial Average (DJIA), or the National Association of Securities Dealers Automated Quotations (NASDAQ), which measures how the market or part of the market performs. Over the time period defined in your annuity contract, only a portion of the performance of a market index adds interest to your annuity. Participation [rates](#), cap rates, or spread rates are terms used to describe the amount of interest added to your annuity.

The annuity's principal investment is protected from losses in the market, while gains add to the annuity's returns. These types of annuity contracts are complex, and the amount of interest credited and when it gets credited to your annuity will vary depending on the particular contract.

Variable Annuities

A **variable annuity** offers a range of investment or funding options. During the accumulation period of a variable annuity, the insurance company puts your premiums, less any applicable charges, into a separate account. You decide how the company will invest those premiums depending on how much risk you want to take. You may put your premium into a stock, bond, or other account, with no guarantees, or into a fixed account, with a minimum guaranteed interest rate. During the payout period of a variable annuity, the amount of each income payment to you may be fixed (set at the beginning) or variable (changing with the value of the investments in the separate account).

Remember, you, the owner, or annuitant; bear the investment [risk](#) as the value of the variable annuity increases or decreases based upon the investment performance of the security. For this reason, you should be certain the annuity purchased is suitable for your needs and investment tolerance.

Read your annuity contract carefully when you receive it. Ask your insurance agent or insurance company to explain anything you do not understand. If you cannot get answers to your questions, call the Office of the Commissioner of Insurance (OCI) at 1-800-236-8517.

Annuity Contract Features

The value of your annuity consists of premiums you have paid, less charges, plus interest credited. This value is used to calculate the amount of benefits you will receive. Charges, interest, surrender rights, and benefits are explained below.

Typical Charges and Adjustments

There are many types and amounts of charges. Companies may refer to these charges by different names. Some annuities are "front-loaded," which means most of the costs to the company are charged to you in the beginning. Some are "back-loaded," which means most of these costs are charged to you later. Others spread their charges

evenly throughout the life of the annuity. Some charges will be fixed by the contract while some may be changed by the company from time to time.

Before buying an annuity, you should know all the charges you will pay and when you will pay them. Also, you should understand how these charges might affect the actual amount of money that will accumulate from your premium payments. A typical contract might contain one or more of the following types of charges:

Percentage of Premium Charge

This charge, often called a "load," is deducted from each premium before any interest is added. The percentage may reduce after the contract has been in force for a certain number of years or after the total premiums paid have reached a certain level.

Contract Fee

This is a flat dollar amount charged either once or annually.

Market Value Adjustment

Some annuity contracts have a market value adjustment feature. A market value adjustment (MVA) could increase or decrease your annuity's account value, cash surrender value, and/or death benefit value if you withdraw money from your annuity account. In general, if interest rates are lower when you withdraw money than they were when you purchased the annuity, the MVA could increase the amount you could take from your annuity. If interest rates are higher than when you purchased the annuity, the MVA could reduce the amount you could take from your annuity. Every MVA calculation is different, so read your contract for details.

Transaction Fee

This is a fixed charge per premium payment or other transactions, such as transfers or withdrawals.

Surrender Charge

This charge is a percentage of the value of the contract or premiums paid and is incurred when you terminate or withdraw an amount, usually greater than 10% annually, from the contract before the end of a specified time (often 10 years). It decreases annually over the specified time, encouraging a longer-term investment.

Interest Rates

During the accumulation period, your money, less any applicable charges, earns interest at rates changing from time to time. Usually, these rates will be entirely up to the insurance company.

Current Interest Rate

The rate the company chooses to credit your contract at a particular time. The company guarantees it will not change for a given time period.

Initial Rate

The insurance company may credit the interest rate for a set period of time after you purchase the annuity. The initial rate in some contracts may be higher than it will be later, often called a bonus rate.

Renewal Rate

Rate credited by the company after the end of a set time period. The contract tells how the company will set the renewal rate, which may be tied to an external reference or index.

Minimum Guaranteed Rate

The minimum guaranteed interest rate is the lowest rate your annuity will earn and is stated in the contract.

Multiple Interest Rates

Some annuity contracts apply different interest rates to each premium you pay or to premiums you pay during different time periods.

Other annuity contracts may have two or more accumulated values funding different benefit options. These accumulated values may use different interest rates. You get only one of the accumulated values, depending on which benefit you choose.

Surrender Rights

Most annuities allow you to surrender your annuity for its cash or accumulated value or withdraw a portion of the value if income payments have not yet started. However, a surrender charge may be deducted from the amount surrendered or withdrawn. This charge is usually a percentage of the accumulated value of the contract, premiums paid, or portion withdrawn.

Surrender charges usually apply to surrenders or withdrawals you take during a stated number of years after you purchase your annuity. Surrender charges may gradually decrease each year the contract remains in force. Sometimes annuities waive withdrawal charges in certain situations, such as death, confinement in a nursing home, or terminal illness.

Your annuity may also have a limited, free withdrawal feature letting you withdraw, for example, 10% of your contract value annually without a surrender charge.

There may be certain tax penalties for early surrenders. Be sure you understand any tax implications before surrendering an annuity contract.

Benefits

Annuity contracts provide several benefits. One of the most important benefits of the annuity is the ability to use the value built up during the accumulation period to provide a lump sum payment or to make income payments during the payout period. Income payments are usually made monthly, but you may choose to receive them less often. The size of the income payments is based on the accumulated value in your annuity and the annuity's benefit rate in effect when income payments start. The benefit rate usually depends on your age, sex, and the annuity payment option. While the annuity income benefit is the primary benefit, other benefits are also important. Some of the more important ones are described below.

Companies may offer various income payment options. You (the owner) or another person you name may choose the option. Make sure your agent goes over each option with you thoroughly, so you choose the most appropriate option for your needs. It is very important to understand once a payout option is chosen and you start receiving payments that option cannot be changed.

The most commonly available annuity income options are:

Life Only

The annuity income benefit is paid for your life only. There are no further payments to anyone after your death.

Life with Period Certain

The annuity income benefit is paid for as long as you are alive. The company guarantees to make payments for a set number of years, even if you die. If you die before the end of the period referred to as the "period certain," the annuity will be paid to your beneficiary for the rest of that period. A typical period certain is 10 or 20 years. If you live longer than the "period certain," you will continue to receive payments until you die. Since the period certain feature is an added benefit, each income payment is smaller than in a life-only option.

Joint and Survivor

The annuity income benefit is paid as long as either you or your beneficiary are alive. You may choose to decrease the

amount of the payments after the first death. Since the survivor feature is an added benefit, each income payment is smaller than in a life-only option.

Death Benefit

Most contracts provide, if you die before the annuity payments start, the contract value will be paid to your beneficiary. Some contracts provide that the death benefit will be the total premiums paid if that amount is greater than the value of the contract at death.

Waiver of Premium

Some companies offer a benefit which will pay premiums for you if you become disabled. A charge is incurred for this benefit.

Replacing Your Annuity

Replacement occurs when a person purchases new life insurance or an annuity and the person's existing life insurance or an annuity has been, may possibly be, or will be lapsed, surrendered, or all or a portion of the existing policy's cash or loan value is used in connection with the purchase of new life insurance or an annuity. If you have an existing life insurance policy or annuity contract when you purchase a new life insurance policy or annuity, Wisconsin regulations require you to receive and sign an Important Notice form providing information concerning replacement transactions. If the new contract is with a different insurance company, the new company must notify the existing insurance company of the possible replacement. The existing company is required to send you a letter advising you of your right to receive information regarding your existing policy or contract values, including an in-force illustration or policy summary.

Remember, if you replace an existing annuity, you may lose a portion of the annuity's value through surrender charges or penalties. It is likely you will also be subject to a new surrender period before you can withdraw money from the new contract without a penalty. Unless you plan to hold the annuity for a significant amount of time, you may be better off keeping the annuity you already have.

Replacement may or may not be in your best interest. Consider making a careful comparison of the costs and benefits of your existing policy and the new policy. Ask the company or agent that sold you your existing policy to provide you with information concerning your existing policy.

Once you have received the replacement annuity policy, you have 30 days to decide if you want to keep it. During this **"free look" period**, you can return the policy to the agent or company for a full refund of your initial premium. Read your annuity contract carefully when you receive it. Ask your insurance agent or insurance company to explain anything you do not understand. If you decide to cancel your new policy during the free look period, there is no legal requirement for the previous insurance company to reinstate your former annuity policy. If you have additional questions, call OCI at: 1-800-236-8517.

Retirees and Annuities

One of the reasons for buying an annuity is to increase financial security in retirement. An annuity purchase may not be the best choice for people who are close to retirement or who have already retired.

The tax consequences and long holding periods necessary to make a deferred or variable annuity attractive are investment options that probably do not make sense for retirees.

Choose a qualified financial advisor or an insurance agent you trust to help you decide if an annuity is the right choice for you. Seniors are often targeted by financial scams. If it looks too good to be true, it probably is.

Wisconsin's Best Interest Law

Under Wisconsin's Best Interest law, insurance companies and agents offering annuity products to consumers are required to exercise reasonable diligence, care, and skill to obtain information from a consumer about their financial status, tax status, investment objectives, and other information reasonably appropriate for determining whether the annuity is in the best interest of the consumer before making an annuity recommendation. An insurance company or agent may not make a recommendation resulting in the purchase or exchange of an annuity unless they have followed all obligations for the best interest of the consumer based on disclosed information.

Taxes

Under current federal law, annuities receive special tax treatment. Income or tax on annuities is deferred, which means you are not taxed on the interest your money earns while it stays in the annuity. Tax-deferred accumulation is not the same as tax-free accumulation. An advantage of tax deferral is the tax bracket you are in when you receive annuity income payments may be lower than the one you are in during the accumulation period. You will also be earning interest on the accumulation value, rather than paying taxes on it during this phase. Most states' tax laws on annuities follow federal law.

Your annuity payment consists of two parts: premiums paid in and interest earned on those premium payments during the accumulation period. The premium payments are paid with your income that has already been taxed, while the interest portion of the annuity payment is taxable when you take it out. You may also have to pay a 10% tax penalty if you withdraw money from your annuity before age 59 ½. The Internal Revenue Code also has rules about distributions after the death of a contract holder.

Annuities are a way to accumulate money to be used at some future date to enhance income. **Remember**, when you begin to withdraw money from the annuity, you must then pay taxes on your gain.

Another point to remember is that, at the time of total withdrawal of funds, which most often occurs upon the death of the annuitant/owner, the entire gain in the annuity is subject to income taxes when received by the beneficiary.

For example, you own a deferred annuity into which you originally deposited \$50,000, and now it is worth \$70,000. When your beneficiary receives the annuity, income taxes will be due on the \$20,000 gain.

Annuities used to fund certain employee pension benefit plans [those under Internal Revenue Code Sections 401(a), 401(k), 403(b), 457, or 414] defer taxes on plan contributions as well as on interest or investment income. Within the limits set by the law, you can use pretax dollars to make payments to the annuity. When you take money out, it will be taxed.

You can also use annuities to fund traditional and Roth Individual Retirement Accounts (IRAs) under Internal Revenue Code Section 408. If you buy an annuity to fund an IRA, you will receive a disclosure statement describing the tax treatment.

How Much Should I Buy?

Before you decide to buy an annuity, ask yourself these questions:

- Depending on my needs or age, is this annuity right for me? Taking money out of an annuity may mean you pay taxes. Also, while it is sometimes possible to transfer the value of an older annuity into a new annuity, the new annuity may have a new schedule for charges that could mean new expenses you must pay directly or indirectly.

- How much annuity income will I need in addition to my social security, pension, savings, and any other income or investment sources?
- Will I need an income only for myself or also for someone else?
- How much can I afford to pay in premiums?
- How will the annuity contract fit in with my total financial planning?
- How long can I leave money in the annuity?
- When will I need income payments?
- Does the annuity let me get the amount of money necessary when I need it?

Things to Consider Before You Buy

- Do not buy the first contract you are offered. Take your time. Shop around.
- Compare contract summaries and policy benefits for similar contracts from several companies. Choose the one that best fits your needs at the most favorable premium rate.
- Ask questions. Your annuity contract may represent a considerable investment and may significantly impact your family's future.
- Be certain you understand the effect of all charges and penalties you may incur under the contract.
- If you are buying an annuity for an IRA or another tax deferred retirement program, make sure you are eligible. Also, make sure you understand any restrictions connected with the program. Ask your accountant about any potential tax consequences.

Selecting an Agent or Insurance Company

Generally, insurance is sold directly through an insurance company via an agent or broker. An independent agent may represent more than one insurance company. An exclusive or captive agent sells solely for one insurance company or group of related insurance companies.

Verify that the agent or company you choose to do business with is licensed in Wisconsin. All companies and agents doing business in Wisconsin are required to be licensed by OCI. To find out if a company or agent is licensed in Wisconsin, visit OCI's website at oci.wi.gov or call 1-800-236-8517.

Do Not Pay Cash. When you purchase an annuity, make your check or money order payable to the insurance company, **not the agent** and be sure to get a receipt.

Financial Strength of Company

An annuity is only as sound as the insurance company issuing it. Financial strength and ability to meet financial obligations to policyholders is very important.

Independent organizations such as A.M. Best, Standard & Poor's, Moody's, Fitch Ratings and others publish financial ratings. The ratings used by these agencies represent the organization's opinions of an insurance company's financial condition and its ability to meet its obligations to policyholders. These rating organizations do not rate the quality of the company's policies, practices, agents, or service. Consider checking with at least two organizations to evaluate a company's strength. If you want to check on an insurance company's financial stability, you may call OCI at 1-800-236-8517 or check with your insurance agent.

Wisconsin Insurance Security Fund

Every state has a safety net to protect insurance consumers from financial loss in the rare instance a company becomes insolvent. This safety net is called a “guaranty fund.” The guaranty funds are established by state law. They pay [claims](#) of policyholders and other claimants of an insolvent insurance company. Money to pay the claims comes from assessments made against all insurance companies that are members of the guaranty fund.

In Wisconsin, the fund is called the Wisconsin Insurance Security Fund (“Fund”). The Fund is created by state law and is funded by assessments of insurance companies licensed to do business in Wisconsin. In general, the Fund protects residents for most claims of licensed companies in liquidation. The Fund should not be relied upon to eliminate all risks of loss to consumers due to insurance company insolvency. Some types of policies may not be fully covered, and significant delays often occur in settling obligations in cases of liquidation.

Questions about the coverage and limitations of the Fund may be addressed to:

Wisconsin Insurance Security Fund

2820 Walton Commons Lane, Suite 135

Madison, WI 53718-6797

(608) 242-9473

(844) 344-5484 Toll-Free

wisconsin@wisf-madison.org

wilifega.org

Problems with Insurance?

If you have a problem with your insurance, first check with your agent or with the company that sold you the policy. If you do not get satisfactory answers from the agent or company, contact OCI. OCI investigates complaints to determine if any insurance laws have been violated. If so, OCI may take action against the agent or company involved. These actions include imposing fines, suspending, or revoking licenses.

To file a complaint online or to print a complaint form, go to oci.wi.gov/complaints. Make sure you include detailed information about your insurance problem. Be certain you have included the correct name of the insurance company from which you bought the policy. Many companies have very similar names. Listing the wrong name may delay the investigation of your complaint.

For more information, see Insurance Complaints and Administrative Actions on OCI’s website at oci.wi.gov/Pages/Consumers/PI-030.aspx or call OCI at 1-800-236-8517 to request a copy.

Glossary

Accumulation phase: The time-period where all premiums are paid into the annuity and the money grows tax-deferred.

Agent: A person licensed by a state insurance department who solicits, sells, services, or negotiates insurance contracts on behalf of one or more insurance companies.

Annuitant: A person who receives benefit payments from an annuity.

Annuitize: A method of receiving annuity benefits through a series of income payments for life or some other defined time-period.

Annuity: A written contract with a life insurance company that guarantees income for life or some other defined period in exchange for premiums paid in.

Application: A statement of information made by a person applying for insurance. Information gathered helps the insurance company assess whether the risk presented by the applicant is acceptable.

Back loaded: Company expenses charged at the time benefits begin.

Beneficiary: The named person in the annuity contract who receives benefit payments if the annuitant dies.

Current interest rate: The interest rate an insurance company promises to pay for a specified time-period, based on the prevailing interest rates in the economy.

Death benefit: The annuity benefits paid to the beneficiary upon the death of the contract owner or annuitant.

Fixed annuity: An annuity contract guaranteeing a minimum rate of interest, during the accumulation phase of a deferred annuity.

Free-look period: A period specified in the contract during which you can decide whether to keep an annuity or return it for a full refund of your premium. In Wisconsin you have 30 days in which to return a contract after you have received it if you replaced an existing contract.

Front load: Company expenses charged at the beginning of a premium payment period.

Guaranteed interest rate: A minimum interest rate specified in a fixed annuity. The actual rate the insurance company credits your contract at any given time may be higher but can never be lower.

Immediate annuity: An annuity contract in which annuity payouts begin immediately or within one year.

Indexed annuity: A contract combining a guaranteed minimum interest rate with earnings linked to performance of a market index, such as the Standard & Poor's 500 Composite Stock Price Index (the S&P 500), the Dow Jones Industrial Average (DJIA), or the National Association of Securities Dealers Automated Quotations (NASDAQ).

Initial interest rate: The interest rate the insurance company may credit for a set time-period after you purchase an annuity. The annuity contract will specify how long the initial interest rate is guaranteed.

Interest: The fees bonding issuers, banks, and other financial institutions pay for the use of borrowed money.

Joint and survivor annuity: An annuity that continues income payments as long as one annuitant remains alive; the payment amount may be reduced after one annuitant dies.

Period certain: An income option offered by an annuity where the contract owner can select to receive periodic payments for a specified time period. The payout amount is determined by contract value and length of the period selected.

Premium: The money you pay to the insurance company to fund an annuity contract.

Replacement: Occurs when a person purchases new life insurance or an annuity and the person's existing life insurance or an annuity has been, may be, or will be lapsed, surrendered, or all or a portion of the existing policy's cash or loan value is used to purchase new life insurance or a new annuity.

Surrender charge: A fee the insurance company will charge you if you cash in (surrender) an annuity before the contract has been in force for a stated number of years or if you make a withdrawal larger than specified in the contract.

Tax-deferral: Taxes on earnings are postponed until any earnings are withdrawn from the annuity.

Variable annuity: An annuity contract allowing you to allocate premium among several investment portfolios (sub-accounts). The policy's contract value can fluctuate in accordance with performance of the underlying investments.

Withdrawal privilege: A provision in many annuity contracts allowing you to withdraw a set percentage of your contract value without paying a surrender charge. Any withdrawal may be subject to taxes and penalties.