

State of Utah
Administrative Rule Analysis
 Revised December 2019

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment _x_; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R590-102	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:		
Agency:	Insurance Department	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N. State St.	
City, state, zip:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
Insurance Department Fee Payment Rule
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The Legislature passed HB 370 during the 2019 General Session, which requires pharmacy benefit managers to be licensed by the Insurance Department. The rule is being amended to include licensing fees for pharmacy benefit managers.
4. Summary of the new rule or change:
The change adds licensing fees for pharmacy benefit managers, renumbers subsequent sections, and updates the severability section of the rule to reflect the Department's current language.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The administrative cost to the State of processing licenses for pharmacy benefit managers is expected to be approximately \$250 per year.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes only affect the relationship between the Insurance Department and its licensees.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. Pharmacy benefit managers are generally larger businesses with more than 50 employees. If any small-business pharmacy benefit managers enter Utah's market, they will have the same costs as larger businesses. Those costs are the \$1,000 application and renewal fees and whatever nominal business costs they incur when applying and renewing. The Insurance Department expects that the pharmacy benefit managers that apply will by and large be large.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The cost to obtain and renew a pharmacy benefit manager license is an annual \$1,000 fee. Non-small businesses may also incur administrative costs when applying for or renewing a license. The Department cannot estimate what those costs may be, but they are expected to be nominal.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost or savings to any other persons. The changes only affect the relationship between the Insurance Department and its licensees.

F) Compliance costs for affected persons:

The cost to obtain and renew a pharmacy benefit manager is an annual \$1,000 fee.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$250	\$250	\$250
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$36,000	\$37,000	\$38,000
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$36,250	\$37,250	\$38,250
Fiscal Benefits			
State Government	\$36,000	\$37,000	\$38,000
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$36,000	\$37,000	\$38,000
Net Fiscal Benefits	\$(250)	\$(250)	\$(250)

H) Department head approval of regulatory impact analysis:

The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Insurance Department expects to license 36 pharmacy benefit managers in FY2020. At a cost of \$1,000 per license, the total impact to non-small businesses will be \$36,000, and the cost to the State will be approximately \$250 to process those licenses. The Insurance Department does not have enough data at this time to accurately forecast the next two fiscal years. However, we expect to license at least one company in each of the next two fiscal years.

B) Name and title of department head commenting on the fiscal impacts:

Todd E. Kiser, Insurance Commissioner

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

31A-3-103		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 03/02/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
01/22/2020	11:00 AM	3110E State Office Building, Salt Lake City, UT 84114

10. This rule change MAY become effective on (mm/dd/yyyy): 03/09/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Steve Gooch	Date (mm/dd/yyyy):	01/15/2020
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R590. Insurance, Administration.

R590-102. Insurance Department Fee Payment Rule.

R590-102-1. Authority.

This rule is adopted pursuant to Subsection 31A-3-103(3), which requires the commissioner to publish the schedule of fees approved by the legislature and to establish deadlines for payment of each of the various fees.

R590-102-2. Purpose and Scope.

- (1) The purposes of this rule are to:
 - (a) publish the schedule of fees approved by the legislature;
 - (b) establish fee deadlines; and
 - (c) disclose this information to licensees and the public.
- (2) The rule applies to:
 - (a) all persons engaged in the business of insurance in Utah;
 - (b) all licensees;
 - (c) applicants for licenses, registrations, certificates, or other similar filings; and
 - (d) all persons requesting services provided by the department for which a fee is required.

R590-102-3. Definitions.

In addition to the definitions in Title 31A, the following definitions shall apply for the purposes of this rule:

- (1) "Admitted insurers" include: fraternal, health, health maintenance organization, life, limited health plan, motor club, non-profit health service, property-casualty, title insurers, and a prescription drug plan.
- (2) "Agency" means:
 - (a) a person, other than an individual, including a sole proprietorship by which a natural person does business under an assumed name; and
 - (b) an insurance organization required to be licensed under Subsections 31A-23a-301, 31A-25-207, and 31A-26-209.
- (3) "Captive insurer" includes association captive, branch captive, industrial insured captive, pure captive, sponsored captive, and special purpose financial captive.
- (4) "Deadline" means the final date or time:
 - (a) imposed by:
 - (i) statute;
 - (ii) rule; or
 - (iii) order, and
 - (b) by which
 - (i) a payment must be received by the department without incurring penalties for late payment or non-payment; or
 - (ii) required information must be received by the department without incurring penalties for late receipt or non-receipt.
- (5) "Fee" means an amount set by the commissioner, by statute, or by rule and approved by the legislature for licenses, registrations, certificates, and other filings and services provided by the Insurance Department.
- (6) "Full-line agency" includes producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.
- (7) "Full-line individual" includes a producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.
- (8) "Limited-line agency" includes bail bond and limited-line producer.
- (9) "Limited-line individual" includes bail bond agent, limited-lines producer and customer service representative.
- (10) "Other organizations" include: home warranty, joint underwriter, purchasing group, rate service organization, risk retention group, service contract provider and health discount program.
- (11) "Paper application" means an application that must be manually entered into the department's database because the application was submitted by paper, facsimile, or email when the department has provided an electronic application process and stated the electronic process is the preferred process for receiving an application.
- (12) "Paper filing" means a filing that must be manually entered into the department's database because the filing was submitted by paper, facsimile, or email when the department has provided an electronic filing process and stated the electronic process is the preferred process for receiving a filing.
- (13) "Received by the department" means:
 - (a) the date delivered to and stamped received by the department, if delivered in person;
 - (b) the postmark date, if delivered by mail;
 - (c) the delivery service's postmark date or pick-up date, if delivered by a delivery service; or
 - (d) the received date recorded on an item delivered, if delivered by:
 - (i) facsimile;
 - (ii) email; or

- (iii) another electronic method; or
- (e) a date specified in:
 - (i) a statute;
 - (ii) a rule; or
 - (iii) an order.

R590-102-4. General Instructions.

- (1) Any fee payable to the department not included in Subsections R590-102-5 through ~~[23]~~24, shall be due when service is requested, if applicable, otherwise by the due date on the invoice.
 - (2) Payment.
 - (a) A non-electronic payment processing fee will be added to a payment when the department has provided an electronic payment process and stated the electronic process is the preferred process for receiving a payment.
 - (b) Check.
 - (i) Checks shall be made payable to the Utah Insurance Department.
 - (ii) A check that is dishonored in the process of the collection will not constitute payment of the fee for which it was issued and any action taken based on the payment will be voided.
 - (iii) Late fees and other penalties, resulting from the voided action will apply until proper payment is made.
 - (iv) A check payment that is dishonored is a violation of this rule.
 - (c) Cash. The department is not responsible for un-receipted cash that is lost or misdelivered.
 - (d) Electronic.
 - (i) Credit Card.
 - (A) Credit cards may be used to pay any fee due to the department.
 - (B) Credit card payments that are dishonored will not constitute payment of the fee and any action taken based on the payment will be voided.
 - (C) Late fees and other penalties, resulting from the voided action, will apply until proper payment is made.
 - (D) A credit card payment that is dishonored is a violation of this rule.
 - (ii) Automated clearinghouse (ACH).
 - (A) Payers or purchasers desiring to use this method must contact the department for the proper routing and transit information.
 - (B) Payments that are made in error to another agency or that are not deposited into the department's account will not constitute payment of the fee and any action taken based on the payment will be voided.
 - (C) Late fees and other penalties resulting from the voided action will apply until proper payment is made.
 - (D) An ACH payment that is dishonored is a violation of this rule.
 - (3) Retaliation. The fees enumerated in this rule are not subject to retaliation in accordance with Section 31A-3-401 if other states or countries impose higher fees.
 - (4) Refunds.
 - (a) All fees in this rule are non-refundable.
 - (b) Overpayments of fees are refundable.
 - (c) Requests for return of overpayments must be in writing.
 - (5) A non-electronic processing fee will be assessed for a particular service if the department has established an electronic process for that service. See R590-102-~~[20]~~21.

R590-102-5. Admitted Insurer and Prescription Drug Plan Fees.

- (1) Annual license fees:
 - (a) certificate of authority, initial license application - due with license application: \$1,000;
 - (b) certificate of authority - renewal - due by the due date on the invoice: \$300;
 - (c) certificate of authority - late renewal - due for any renewal paid after the date on the invoice: \$350;
 - (d) certificate of authority - reinstatement - due with application for reinstatement: \$1,000.
- (2) Other license fees:
 - (a) certificate of authority - amendments - due with request for amendment: \$250;
 - (b)(i) Form A - application for merger, acquisition, or change of control, due with filing: \$2,000.
 - (ii) Expenses incurred for consultant services necessary to evaluate a Form A will be charged to the applicant and due by the due date on the invoice;
 - (c) redomestication filing - due with filing: \$2,000; and
 - (d) application for organizational permit for mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes - due with application: \$1,000.
- (3) The annual initial or annual renewal license fee includes the following licensing services for which no additional fee is required:
 - (a) filing annual statement and report of Utah business - due annually on March 1;
 - (b) filing holding company registration statement - Form B;
 - (c) filing application for material transactions between affiliated companies - Form D;
 - (d) application for: stock solicitation permit, public offering filing, but not an SEC filing; an SEC filing; private placement offering;

and

(e) application for individual license to solicit in accordance with the stock solicitation permit.

(4) Annual service fee:

(a) Due annually by the due date on the invoice.

(b) A prescription drug plan is exempted from payment of a service fee.

(c) The fee is based on the Utah premium as shown in the latest annual statement on file with the National Association of Insurance Commissioners and the department. Fee calculation example: the 2004 annual service fee calculation will use the Utah premium shown in the December 31, 2003 annual statement.

(d) Fee schedule:

(i) \$0 premium volume: no service fee;

(ii) more than \$zero but less than \$1 million in premium volume: \$700;

(iii) \$1 million but less than \$3 million in premium volume: \$1,100;

(iv) \$3 million but less than \$6 million in premium volume: \$1,550;

(v) \$6 million but less than \$11 million in premium volume: \$2,100;

(vi) \$11 million but less than \$15 million in premium volume: \$2,750;

(vii) \$15 million but less than \$20 million in premium volume: \$3,500; and

(viii) \$20 million or more in premium volume: \$4,350.

(e) The annual service fee includes the following services for which no additional fee is required:

(i) filing of amendments to articles of incorporation, charter, or bylaws;

(ii) filing of power of attorney;

(iii) filing of registered agent;

(iv) affixing commissioner's seal and certifying any paper;

(v) filing of authorization to appoint and remove agents;

(vi) filing of producer/agency appointment with an insurer - initial;

(vii) filing of producer/agency appointment with an insurer - termination;

(viii) report filing, all lines of insurance;

(ix) rate filing, all lines of insurance; and

(x) form filing, all lines of insurance.

(f) The annual service fee is for services that the department will provide for an admitted insurer during the year. The fee is paid in advance of providing the services.

(5) Other fees:

(a) e-commerce fee: see R590-102-[22]23; and

(b) insurer examination costs reimbursements from examined insurers - due by due date on the invoice: actual costs plus overhead expense.

R590-102-6. Foreign Surplus Lines Insurer, Accredited Reinsurer, Certified Reinsurer, Trusteed Reinsurer, and Employee Welfare Fund Administrative/Service Fees.

(1) Initial Fee - due with application: \$1,000.

(2) Annual Fee - due annually by the due date on the invoice: \$500;

(3) Late annual payment - due for any annual payment paid after the due date on the invoice: \$550;

(4) Reinstatement - due with application: \$1,000.

(5) The annual fee includes the following services for which no additional fee is required and is paid in advance:

(a) filing of power of attorney; and

(b) filing of registered agent.

(6) E-commerce fee: see R590-102-[22]23.

R590-102-7. Other Organization Fees.

(1) Annual license fee:

(a) initial - due with application: \$250;

(b) renewal - due annually by the due date on the invoice: \$200;

(c) late renewal - due for any renewal paid after the date on the invoice: \$250;

(d) reinstatement - due with application for reinstatement: \$250;

(e) The annual other organization initial or renewal fee includes the risk retention group annual statement filing - due annually on March 1.

(2) Annual service fee - due annually by the due date on the invoice: \$200.

(a) The annual service fee includes the following services for which no additional fee is required:

(i) filing of power of attorney;

(ii) filing of registered agent; and

(iii) rate, form, report or service contract filing.

(b) The annual service fee is for services that the department will provide during the year. The fee is paid in advance of providing

the services.

- (3) E-commerce fee: see R590-102-~~22~~23.

R590-102-8. Captive Insurer Fees.

- (1) Initial license application - due with license application: \$200.
- (2) Initial license application review - due by the due date on the invoice: actual costs incurred by the department to review the application.
- (3) Annual license fees:
 - (a) initial - due by the due date on the invoice: \$5,000;
 - (b) renewal - due by the due date on the invoice: \$5,000;
 - (c) late renewal - due for any renewal paid after the date on the invoice: \$5,050;
 - (d) reinstatement - due with application for reinstatement: \$5,050.
- (4) Other fees:
 - (a) e-commerce fee: see R590-102-~~22~~23; and
 - (b) examination costs reimbursements from examined captive insurers - due by due date on the invoice: actual costs plus overhead expense.

R590-102-9. Captive Cell Fees.

- (1) Initial license application - due with license application: \$200.
- (2) Initial license application review - due by the due date on the invoice: actual costs incurred by the department to review the application.
- (3) Annual license fees:
 - (a) initial - due by the due date on the invoice: \$1,000;
 - (b) renewal - due by the due date on the invoice: \$1,000;
 - (c) late renewal - due for any renewal paid after the date on the invoice: \$1,050.

R590-102-10. Life Settlement Provider Fees.

- (1) Annual license fees:
 - (a) initial - due with application: \$1,000;
 - (b) renewal - due by the due date on the invoice: \$300;
 - (c) late renewal - due for any renewal paid after the date on the invoice: \$350;
 - (d) reinstatement - due with reinstatement application: \$1,000.
- (2) Annual service fee - due by the due date on the invoice: \$600.
 - (a) The annual service fee includes the following service for which no additional fee is required: rate, form, report or service contract filing.
 - (b) The annual service fee is for services that the department will provide during the year. The fee is paid in advance of providing the services.
- (3) Other fees:
 - (a) e-commerce fee: see R590-102-~~22~~23; and
 - (b) examination costs reimbursements from examined viatical settlement providers - due by due date on the invoice: actual costs plus overhead expense.

R590-102-11. Professional Employer Organization (PEO) Fees.

- (1) Annual license fees:
 - (a) PEO - not certified by an assurance organization:
 - (i) initial - due with application: \$2,000;
 - (ii) renewal - due by the due date on the invoice: \$2,000;
 - (iii) late renewal - due for any renewal paid after the date on the invoice: \$2,050;
 - (iv) reinstatement - due with reinstatement application: \$2,050;
 - (b) PEO - certified by an assurance organization:
 - (i) initial - due with application: \$2,000;
 - (ii) renewal - due by the due date on the invoice: \$1,000;
 - (iii) late renewal - due for any renewal paid after the date on the invoice: \$1,050;
 - (iv) reinstatement - due with reinstatement application: \$1,050;
 - (c) PEO - small operator:
 - (i) initial - due with application: \$2,000;
 - (ii) renewal - due by the due date on the invoice: \$1,000;
 - (iii) late renewal - due for any renewal paid after the date on the invoice: \$1,050;
 - (iv) reinstatement - due with reinstatement application: \$1,050.
- (5) E-commerce fee: see R590-102-~~22~~23.

R590-102-12. Individual Resident and Non-Resident License Fees, Other Than Individual Navigators.

- (1) Biennial resident and non-resident full-line individual initial license or renewal fee:
 - (a) initial license fee - due with application: \$70;
 - (b) renewal license fee if renewed prior to license expiration date - due with renewal application: \$70;
 - (c) reinstatement license fee if inactive license is reinstated within one year following the license expiration date - due with application for reinstatement: \$120.
- (2) Biennial resident and non-resident limited-line individual initial or renewal license fee:
 - (a) initial license fee - due with application: \$45;
 - (b) renewal license fee if renewed prior to license expiration date - due with renewal application: \$45;
 - (c) reinstatement license fee if inactive license is reinstated within one year following the license expiration date - due with application for reinstatement: \$95.
- (3) Other license fees: addition of producer classification or line of authority to individual producer license - due with request for additional classification or line of authority: \$25.
- (4) The biennial initial and renewal full-line producer and limited-line producer fee includes the following services for which no additional fee is required:
 - (a) issuance of letter of certification;
 - (b) issuance of letter of clearance;
 - (c) issuance of duplicate license;
 - (d) individual continuing education services.
- (5) The biennial initial and renewal individual license fee includes services the department will provide during the year. The fee is paid in advance of providing the services.
- (6) Other fees:
 - (a) e-commerce fee: see R590-102-~~22~~23; and
 - (b) title insurance product or service approval for dual licensed title licensee form filing fee - due with filing: \$25.

R590-102-13. Individual Navigator.

- (1) Individual navigator per annual license period:
 - (a) initial license fee - due with application: \$35;
 - (b) renewal license fee if renewed prior to license expiration date - due with renewal application: \$35;
 - (c) reinstatement license fee if inactive license is reinstated within one year following the license expiration date - due with application for reinstatement: \$60.
- (2) The annual initial and renewal individual license fee includes the following services for which no additional fee is required:
 - (a) issuance of letter of certification;
 - (b) issuance of letter of clearance;
 - (c) issuance of duplicate license; and
 - (d) individual continuing education services.
- (3) The annual initial and renewal individual license fee includes will provide during the year. The fee is paid in advance of providing the services.
- (4) E-commerce fee: see R590-102-~~22~~23.

R590-102-14. Agency License Fees, Other than Navigator or Bail Bond Agencies.

- (1) Biennial resident and non-resident agency initial or renewal license for a full-line agency and for a limited-line agency:
 - (a) initial license fee - due with application: \$75;
 - (b) renewal license fee if renewed prior to license expiration date - due with renewal application: \$75;
 - (c) reinstatement license fee if inactive license is reinstated within one year following the license expiration date - due with application for reinstatement: \$125;
 - (d) resident title license:
 - (i) initial license fee - due with application: \$100;
 - (ii) renewal license fee, if renewed prior to license expiration date - due with renewal application: \$100.
 - (iii) reinstatement license fee, if reinstated within one year following the license inactivation date - due with application for reinstatement: \$150.
- (2) Other license fees: addition of producer classification or line of authority to agency license - due with request for additional classification or line of authority: \$25.
- (3) The biennial initial and renewal agency license fee includes the following services for which no additional fee is required:
 - (a) issuance of letter of certification;
 - (b) issuance of letter of clearance;
 - (c) issuance of duplicate license;
 - (d) filing of producer designation to agency license - initial;
 - (e) filing of producer designation to agency license - termination;

- (f) filing of amendment to agency license; and
- (g) filing of power of attorney.
- (4) E-commerce fee: see R590-102-~~22~~23.

R590-102-15. Navigator Agency.

- (1) Navigator agency per annual license period:
 - (a) initial license fee - due with application: \$40;
 - (b) renewal license fee if renewed prior to license expiration date - due with renewal application: \$40;
 - (c) reinstatement license fee if inactive license is reinstated within one year following the license expiration date - due with application for reinstatement: \$65.
- (2) The annual initial and renewal agency license fee includes the following services for which no additional fee is required:
 - (a) issuance of letter of certification;
 - (b) issuance of letter of clearance;
 - (c) issuance of duplicate license;
 - (d) filing of producer designation to agency license - initial;
 - (e) filing of producer designation to agency license - termination;
 - (f) filing of amendment to agency license; and
 - (g) filing of power of attorney.
- (3) E-commerce fee: see R590-102-~~22~~23.

R590-102-16. Bail Bond Agency.

- (1) Annual bail bond agency per annual license period:
 - (a) initial license fee - due with application: \$250;
 - (b) renewal license fee if renewed prior to license expiration date - due with renewal application: \$250;
 - (c) reinstatement license fee if inactive license is reinstated within one year following the license expiration date - due with application for reinstatement: \$300.
- (2) The annual initial and renewal agency license fee includes the following services for which no additional fee is required:
 - (a) issuance of letter of certification;
 - (b) issuance of letter of clearance;
 - (c) issuance of duplicate license;
 - (d) filing of producer designation to agency license - initial;
 - (e) filing of producer designation to agency license - termination;
 - (f) filing of amendment to agency license; and
 - (g) filing of power of attorney.
- (3) E-commerce fee: see R590-102-~~22~~23.

R590-102-17. Continuing Care Provider.

- (1) Annual registration fee:
 - (a) initial - due with application: \$6,900;
 - (b) renewal - due by the due date on the invoice: \$6,900;
 - (c) reinstatement - due with application for reinstatement: \$6,950.
- (2) Disclosure statement:
 - (a) initial - due with application: \$600;
 - (b) renewal - due with annual renewal disclosure statement: \$600.
- (3) E-commerce fee: see R590-102-~~22~~23.

R590-102-18. Pharmacy Benefit Manager Licensing.

- (1) Annual pharmacy benefit manager license fee:
 - (a) initial license fee due on the date of the application: \$1,000;
 - (b) renewal – due by the due date on the invoice with renewal application: \$1,000;
 - (c) late renewal – due for any renewal paid after the date on the invoice: \$1,050;
 - (d) reinstatement – due on the date of application: \$1,000.
- (2) E-commerce fee: see R590-102-23.

R590-102-19. Guaranteed Asset Protection.

- (1) Annual guaranteed asset protection provider registration fee per annual period:
 - (a) initial - due with application: \$1,000;
 - (b) renewal - due by the due date on the invoice: \$1,000; and
 - (c) late renewal - due for any renewal paid after the date on the invoice: \$1,050.
- (2) Annual guaranteed asset protection retail seller assessment per annual period:

- (a) annual assessment - due by the due date on the invoice: \$50; and
- (b) late fee - due for any retail seller assessment fee paid after the due date on the invoice: \$50.

R590-102-[19]20. Continuing Education Fees.

- (1) Annual continuing education provider license fees per annual license period:
 - (a) initial license fee - due with application: \$250;
 - (b) renewal license fee if renewed prior to license expiration date - due with renewal application: \$250;
 - (c) reinstatement license fee if inactive license is reinstated within one year following the license expiration date - due with application for reinstatement: \$300.
- (2) Continuing education course post-approval fee - due with request for approval: \$5 per credit hour, minimum fee \$25.

R590-102-[20]21. Non-electronic Processing or Payment Fees.

- (1) Non-electronic filing processing fee - assessed on a non-electronic filing when the department has provided an electronic filing process and stated the electronic process is the preferred process for receiving a filing - due with each paper non-electronic filing or by the due date on the invoice: \$5.
- (2) Non-electronic application processing fee - assessed on a non-electronic application when the department has provided an electronic application process and stated the electronic process is the preferred process for receiving an application - due with each paper non-electronic application or by the due date on the invoice: \$25.
- (3) Non-electronic payment processing fee - assessed on a non-electronic payment when the department has provided an electronic payment process and stated the electronic process is the preferred process for receiving a payment - due with each non-electronic payment or by the due date on the invoice: \$25.

R590-102-[21]22. Dedicated Fees.

The following are fees dedicated to specific uses:

- (1)(a) annual fraud assessment fee as calculated under Section 31A-31-108 and stated in the invoice - due by the due date on the invoice;
- (b) late fee - due for any fraud assessment fee paid after the due date on the invoice: \$50;
- (2) annual title insurance regulation assessment fee as calculated under Section 31A-23a-415 and Rule R592-10 and stated in the invoice - due by the due date on the invoice;
- (3) annual title assessment for the Title Recovery, Education, and Research Fund fee:
 - (a) individual title licensee applicant for initial license or renewal license - due with the initial application or the renewal application: \$15;
 - (b) agency title licensee applicant - due with the initial application: \$1,000;
 - (c) annual agency title licensee assessment based on annual written title insurance premium - due by the due date on the invoice:
 - (i) Band A: \$0 to \$1 million: \$125;
 - (ii) Band B: more than \$1 million to \$10 million: \$250;
 - (iii) Band C: more than \$10 million to \$20 million: \$375;
 - (iv) Band D: more than \$20 million: \$500;
- (4)(a) relative value study book fee - due when book purchased or by invoice due date: \$10;
- (b) annual health insurance actuarial review assessment fee as calculated under Section 31A-30-115 and stated in the invoice - due by the due date on the invoice;
- (5)(a) code book - due when book purchased or by invoice due date: \$57;
- (b) mailing fee for books - due if book is to be mailed to purchaser: \$3;
- (6) fingerprint fee - due with application for individual license:
 - (a) Bureau of Criminal Investigation (BCI): \$15; and
 - (b) Federal Bureau of Investigation (FBI): \$13.25;
- (7) annual health insurance actuarial review assessment fee as calculated under Section 31A-30-115 and stated in the invoice - due by the due date on the invoice.

R590-102-[22]23. Electronic Commerce Dedicated Fees.

- (1) Electronic commerce, e-commerce, and internet technology services fee:
 - (a) admitted insurer and surplus lines insurer - due with the initial, annual, renewal, or reinstatement application: \$75;
 - (b) captive insurer - due with the initial, annual renewal, or reinstatement application: \$250;
 - (c) other organization including professional employer organization, continuing care provider, pharmacy benefit manager and life settlement provider - due with the initial, annual renewal, or reinstatement application: \$50;
 - (d) continuing education provider - due with the initial, annual renewal, or reinstatement application: \$20;
 - (e) agency - due with the initial, biennial renewal, or reinstatement application: \$10; and
 - (f) individual - due with the initial, biennial renewal, or reinstatement application: \$5.
- (2) Database access fees:
 - (a) information accessed through an electronic portal set up for that purpose - due when the department's database is accessed to

input or acquire data: \$3 per transaction;

(b) rate and form filing database access to an electronic public rate and form filing:

(i) a separate fee is assessed per line of insurance accessed (accident and health, life and annuity, or property-casualty);

(ii) each line of insurance accessed is charged the following fees:

(A) a base fee, which entitles the user up to 30 minutes of access, the assistance of staff during that time, and one DVD: \$45;

(B) each additional 30 minutes of access time or fraction thereof, including the assistance of staff during that time: \$45;

(iii) additional DVD: \$2;

(iv) payment due at time of service or by the due date on the invoice.

R590-102-~~23~~24. Other Fees.

(1) Photocopy fee - per page: \$0.50.

(2) Complete annual statement copy fee - per statement: \$40.

(3) Fee for accepting service of legal process: \$10.

(4) Fees for production of information lists regarding licensees or other information that can be produced by list:

(a) printed list, if the information is already in list format and only needs to be printed or reprinted: \$1 per page;

(b) electronic list compiled by accessing information stored in the Department's database:

(i) a separate fee is assessed for each list compiled;

(ii) each list is assessed one or more of the following fees:

(A) a base fee, which entitles the requestor up to 30 minutes of staff time to draft the information query, compile the information, prepare a CD, and prepare a CD for mailing to the requestor -- due with request for information: \$50;

(B) each additional 30 minutes or fraction thereof to draft the information query, compile the information, prepare a CD, and prepare a CD for mailing to the requestor - due by the due date on the invoice: \$50;

(iii) additional CD - due by the due date on the invoice: \$1.

(5) Returned check fee: \$20.

(6) Workers compensation loss cost multiplier schedule: \$5.

(7) Address correction fee - assessed when department has to research and enter new address for a licensee - due by the due date on the invoice: \$35.

(8) Independent Review Organization. Initial application fee - due with application: \$250.

(9) Withdrawal from writing a line of insurance or reducing total annual premium volume by 75% or more - due with plan of orderly withdrawal submission: \$50,000.

(10) Administrative disciplinary action removal from public access on Insurance Department controlled website - due with application: \$185.

R590-102-~~24~~25. Severability.

If any provision or clause of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance fees

Date of Enactment or Last Substantive Amendment: March 26, 2019

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Authorizing, and Implemented or Interpreted Law: 31A-3-103