

**State of Utah**  
**Administrative Rule Analysis**  
 Revised May 2020

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

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	3110	
<b>Building:</b>	State Office Building	
<b>Street address:</b>	450 N. State St.	
<b>City, state:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
Insurance Department Fee Payment Rule
<b>3. Purpose of the new rule or reason for the change</b> (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 rule is being amended to make changes to the Department's captive fee structure.
<b>4. Summary of the new rule or change:</b>
The amendments change the cost of an initial captive insurer license dependent on the month it is filed and changes the annual license renewal amount. Additionally, fees for an industrial insured captive are increased and separated from other captive types to better reflect the additional time and expertise necessary to regulate them.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The Insurance Department is increasing its annual captive license fee by \$2,250 a year. With 381 captive licensees currently, this will result in the Department collecting an additional \$857,250 in annual revenue.
<b>B) Local governments:</b>
There is no anticipated cost or savings to local governments. The fee relates to captive insurers only and has no bearing on any other parties.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
A very small number of captives operating in Utah have employees. Of the 381 currently licensed captives, fewer than 20 are estimated to have 1-49 employees. These captives will have a cost increase of \$2,250 for their annual license fees, resulting in an aggregate cost increase of less than \$45,000 annually.

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

There is no anticipated cost or savings to non-small businesses. No captives operating in Utah have more than 50 employees.

**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**):

Most captives operating in Utah have no employees. Of the 381 currently licensed captive, an estimated 362 have no employees. These captives will have a cost increase of \$2,250 for their annual license fees, resulting in an aggregate cost increase of \$814,500 annually.

**F) Compliance costs for affected persons:**

Any person that forms and runs a captive insurer in Utah will be required to pay an additional \$2,250 for their annual renewal cost. Captive legislation was initially passed in 2003 with the license fee amount of \$5,000. After nearly 20 years in existence Utah has yet to increase rates; the proposed increase to \$7,250 will not result in undue hardship to captive insurers and will keep Utah as one of, if not the most, price competitive captive domicile in the nation. Fees will be prorated for the last five months of the fiscal year starting in February by \$1,000 for each following month. This will help potential new captive formations in those months to complete the licensing processing in the month they're ready rather than waiting until July to avoid a full double payment of the license fee, as renewal payments are due by July 1 every year regardless of when the captive initially formed.

**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**

<b>Fiscal Cost</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$137,750	\$145,000	\$152,250
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$2,624,500	\$2,762,250	\$2,900,000
<b>Total Fiscal Cost</b>	<b>\$2,762,250</b>	<b>\$2,907,250</b>	<b>\$3,052,250</b>
<b>Fiscal Benefits</b>			
State Government	\$2,762,250	\$2,907,250	\$3,052,250
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$2,762,250</b>	<b>\$2,907,250</b>	<b>\$3,052,250</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The head of the Insurance Department, Tanji J. Northrup, 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 has not increased the cost of a captive insurer license in 20 years, despite the increasing costs of regulating them. Utah is one of the nation's most price competitive domiciles for captives and the proposed licensing fee structure will not pose an undue hardship on captives.

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

Tanji J. Northrup, Interim 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):**

Subsection 31A-3-103(3)		

**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
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**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
<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Date Issued</b>	
<b>Issue, or version</b>	

**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.)

<b>A) Comments will be accepted until (mm/dd/yyyy):</b>	02/16/2021	
<b>B) A public hearing (optional) will be held:</b>		
<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
01/19/2021	10:00 AM	Teleconference Only due to COVID-19 restrictions. Contact sgooch@utah.gov for details.

**10. This rule change MAY become effective on (mm/dd/yyyy):** 02/23/2021

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.

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer	<b>Date (mm/dd/yyyy):</b>	12/30/2020
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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) any person engaged in the business of insurance in Utah;
  - (b) any person holding an insurance license in Utah;
  - (c) any applicant for a license, registration, certificate, or other similar filing; and
  - (d) any person requesting any service provided by the department for which a fee is required.

#### **R590-102-3. Definitions.**

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

- (1) "Admitted insurer" includes fraternal, health, health maintenance organization, life, limited health plan, motor club, non-profit health service, property and casualty, title insurer, 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 Sections 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. It does not include a captive cell or an industrial insured 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 a penalty for late payment or non-payment; or
    - (ii) required information must be received by the department without incurring a penalty 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 a license, registration, certificate, or other filing or service provided by the Insurance Department.
- (6) "Full-line agency" includes a 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 a bail bond producer and a limited-line producer.
- (9) "Limited-line individual" includes a bail bond agent, limited-lines producer, and customer service representative.
- (10) "Other organization" includes a home warranty, joint underwriter, purchasing group, rate service organization, risk retention group, service contract provider, and health discount program.
- (11) "Non-electronic 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) "Non-electronic 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) "Non-electronic payment" means a payment that must be manually entered by the department because the payment was submitted by check, money order, or other physical medium when the department has provided an electronic payment process and stated the electronic process is the preferred process for receiving a payment.
- (14) "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 Sections R590-102-5 through R590-102-~~24~~25 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) A check 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) Any late fee or other penalty 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) A credit card may be used to pay any fee due to the department.

(B) A credit card payment that is dishonored will not constitute payment of the fee and any action taken based on the payment will be voided.

(C) A late fee or other penalty 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) Any payer or purchaser desiring to use this method must contact the department for the proper routing and transit information.

(B) A payment that is made in error to another agency or that is 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) Any late fee or other penalty 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) Fees enumerated in this rule are non-refundable.

(b) Overpayments of fees are refundable.

(c) A request for a return of an overpayment must be submitted in writing.

(5) A non-electronic processing fee described in Section R590-102-21 will be assessed for a particular service if the department has established an electronic process for that service.

(6) Any annual or biennial license fee, service fee, or assessment described in this rule is for services the department will provide during the year and is paid in advance of providing the services.

(7) An electronic commerce dedicated fee described in Section R590-102-~~23~~24 may be added to the fees required by Sections R590-102-5 through 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; and

(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; and

(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 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; and

(d) applications for:

(i) stock solicitation permit;

(ii) public offering filing, but not an SEC filing;

(iii) an SEC filing;

(iv) private placement offering; and

(v) individual license to solicit in accordance with the stock solicitation permit.

(4) Annual service fee:

(a) Due 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 company's prior year annual statement on file with the National Association of Insurance Commissioners and the department.

(d) Fee schedule:

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

(ii) more than \$0 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) initial filing of producer or agency appointment with an insurer;
  - (vii) termination of producer or agency appointment with an insurer;
  - (viii) report filing;
  - (ix) rate filing; and
  - (x) form filing.
- (5) Actual costs plus overhead expenses incurred during an examination of an insurer shall be paid by the examined insurer by the due date on the invoice.

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

- (1) Annual license fees:
  - (a) initial, due with application - \$1,000;
  - (b) renewal, due by the due date on the invoice - \$500;
  - (c) late renewal, due for any renewal payment paid after the due date on the invoice - \$550; and
  - (d) reinstatement, due with application - \$1,000.
- (2) The annual license fee includes the following services for which no additional fee is required:
  - (a) filing of power of attorney; and
  - (b) filing of registered agent.

**R590-102-7. Other Organization Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$250;
  - (b) renewal, due by the due date on the invoice - \$200;
  - (c) late renewal, due for any renewal paid after the due date on the invoice - \$250; and
  - (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 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.

**R590-102-8. Captive Insurer Fees.**

- (1) Initial license application, due with license application - \$200.
- (2) Actual costs incurred by the department during the initial license application review shall be paid by the captive insurer by the due date on the invoice.
- (3) Annual license fees:
  - (a) initial, due by the due date on the invoice [~~-\$5,000;~~];
    - (i) for a license date in the months of July through January - \$7,250;
    - (ii) for a license date in the month of February - \$6,250;
    - (iii) for a license date in the month of March - \$5,250;
    - (iv) for a license date in the month of April - \$4,250;
    - (v) for a license date in the month of May - \$3,250; and
    - (vi) for a license date in the month of June - \$2,250;
  - (b) renewal, due by the due date on the invoice - ~~[\$5,000]~~7,250;
  - (c) late renewal, due for any renewal paid after the due date on the invoice - ~~[\$5,050]~~7,300; and
  - (d) reinstatement, due with application for reinstatement - ~~[\$5,050]~~7,300.
- (4) Actual costs plus overhead expenses incurred during an examination of a captive insurer shall be paid by the examined captive insurer by the due date on the invoice.

**R590-102-9. Captive Cell Fees.**

- (1) Initial license application, due with license application - \$200.
- (2) Actual costs incurred by the department during the initial license application review shall be paid by the captive insurer by the due date on the invoice.
- (3) Annual license fees:
  - (a) initial, without proration, due by the due date on the invoice - \$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 due date on the invoice - \$1,050.

**R590-102-10. Industrial Insured Captive Fees.**

- (1) Initial license application, due with license application - \$1,000.
- (2) Actual costs incurred by the department during the initial license application review shall be paid by the industrial insured captive by the due date on the invoice.
- (3) Annual license fees:
  - (a) initial, due by the due date on the invoice:
    - (i) for a license date in the months of July through January - \$25,000; and
    - (ii) for a license date in the months of February through June - \$20,000;
  - (b) renewal, due by the due date on the invoice - \$25,000;
  - (c) late renewal, due for any renewal paid after the due date on the invoice - \$25,500; and
  - (d) reinstatement, due with application for reinstatement - \$25,500.
- (4) Actual costs plus overhead expenses incurred during an examination of an industrial insured captive shall be paid by the examined industrial insured captive by the due date on the invoice.

**R590-102-11. 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 due date on the invoice - \$350; and
  - (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.
- (3) Actual costs plus overhead expenses incurred during an examination of a viatical settlement provider shall be paid by the examined viatical settlement provider by the due date on the invoice.

**R590-102-~~11~~12. 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 due date on the invoice - \$2,050; and
    - (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 due date on the invoice - \$1,050; and
    - (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 due date on the invoice - \$1,050; and
    - (iv) reinstatement, due with reinstatement application - \$1,050.

**R590-102-~~12~~13. Individual Resident and Non-Resident License Fees, Other Than Individual Navigators.**

- (1) Biennial full-line license fees:
  - (a) initial, due with application - \$70;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$70; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$120.
- (2) Biennial limited-line license fees:
  - (a) initial, due with application - \$45;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$45; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$95.
- (3) Other fees:
  - (a) addition of producer classification or line of authority to individual producer license, due with request for additional classification or line of authority - \$25; and
  - (b) title insurance product or service approval for dual licensed title licensee form filing, due with filing - \$25.
- (4) The biennial 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.

**R590-102-~~13~~14. Individual Navigator Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$35;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$35; and

- (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$60.
- (2) The annual 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.

**R590-102-[44]15. Agency License Fees, Other than Navigator or Bail Bond Agencies.**

- (1) Biennial resident and non-resident full-line agency and limited-line agency license fees:
  - (a) initial, due with application - \$75;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$75; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$125.
- (2) Biennial resident title agency license fees:
  - (a) initial, due with application - \$100;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$100; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$150.
- (3) Addition of producer classification or line of authority to agency license, due with request for additional classification or line of authority - \$25.
- (4) The biennial 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) initial filing of producer designation to agency license;
  - (e) termination of producer designation to agency license;
  - (f) filing of amendment to agency license; and
  - (g) filing of power of attorney.

**R590-102-[45]16. Navigator Agency Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$40;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$40; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$65.
- (2) The annual 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) initial filing of producer designation to agency license;
  - (e) termination of producer designation to agency license;
  - (f) filing of amendment to agency license; and
  - (g) filing of power of attorney.

**R590-102-[46]17. Bail Bond Agency Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$250;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$250; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$300.
- (2) The annual 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) initial filing of producer designation to agency license;
  - (e) termination of producer designation to agency license;
  - (f) filing of amendment to agency license; and
  - (g) filing of power of attorney.

**R590-102-[47]18. Continuing Care Provider Fees.**

- (1) Annual registration fee:
  - (a) initial, due with application - \$6,900;
  - (b) renewal, due by the due date on the invoice - \$6,900; and
  - (c) reinstatement, due with application for reinstatement - \$6,950.
- (2) Annual disclosure statement fee:
  - (a) initial, due with application - \$600; and
  - (b) renewal, due with annual renewal disclosure statement - \$600.

**R590-102-[48]19. Pharmacy Benefit Manager Licensing Fees.**

- (1) Annual license fee:
  - (a) initial, due with application - \$1,000;



- (b) renewal, due by the due date on the invoice - \$1,000;
- (c) late renewal, due for any renewal paid after the due date on the invoice - \$1,050; and
- (d) reinstatement, due with application for reinstatement - \$1,000.

**R590-102-~~19~~20. Guaranteed Asset Protection Provider Fees.**

- (1) Annual provider registration fee:
  - (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 due date on the invoice - \$1,050.
- (2) Annual retail seller assessment:
  - (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-~~20~~21. Continuing Education Fees.**

- (1) Annual license fee:
  - (a) initial, due with application - \$250;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$250; and
  - (c) reinstatement 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-~~21~~22. Non-Electronic Processing or Payment Fees.**

- (1) Non-electronic filing processing fee. Assessed on a non-electronic filing, due with each non-electronic filing or by the due date on the invoice - \$5.
- (2) Non-electronic application processing fee. Assessed on a non-electronic application, due with each non-electronic application or by the due date on the invoice - \$25.
- (3) Non-electronic payment processing fee. Assessed on a non-electronic payment, due with each non-electronic payment or by the due date on the invoice - \$25.

**R590-102-~~22~~23. Dedicated Fees.**

The following are fees dedicated to specific uses:

- (1) Fraud assessment:
  - (a) annual assessment as calculated under Section 31A-31-108 and stated in the invoice, due by the due date on the invoice; and
  - (b) late fee, due for any fraud assessment fee paid after the due date on the invoice - \$50.
- (2) Title insurance regulation assessment: annual assessment 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 Recovery, Education, and Research Fund assessment:
    - (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; and
    - (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; and
      - (iv) Band D, more than \$20 million - \$500.
  - (4) Health insurance actuarial review assessment: annual assessment as calculated under Section 31A-30-115 and stated in the invoice, due by the due date on the invoice.
  - (5) Code book fees:
    - (a) code book, due at time of purchase or by invoice due date - \$57; and
    - (b) mailing fee, due at time of purchase or by invoice due date if book is to be mailed to purchaser - \$3.
  - (6) Fingerprint fees, due with application for individual license:
    - (a) Bureau of Criminal Investigation (BCI) - \$15; and
    - (b) Federal Bureau of Investigation (FBI) - \$13.25.

**R590-102-~~23~~24. 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, renewal, or reinstatement application - \$75;
  - (b) captive insurer and industrial insured captive, due with the initial, 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, renewal, or reinstatement application - \$50;
  - (d) continuing education provider, due with the initial, renewal, or reinstatement application - \$20;
  - (e) agency, due with the initial, renewal, or reinstatement application - \$10; and
  - (f) individual, due with the initial, 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; and
  - (b) rate and form filing database access to an electronic public rate and form filing, due at time of service or by the due date on the invoice:
    - (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; and

- (B) each additional 30 minutes of access time or fraction thereof, including the assistance of staff during that time - \$45; and
- (iii) additional DVD - \$2.

**R590-102-~~24~~25. Other Fees.**

- (1) Photocopy fee - \$0.50 per page.
- (2) Complete annual statement copy fee - \$40 per statement.
- (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; and
  - (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; and
      - (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; and
      - (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-~~25~~26. Severability.**

If any provision of this rule, R590-102, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule ~~which~~ that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

**KEY: insurance fees**

**Date of Enactment or Last Substantive Amendment: August 10, 2020**

**Notice of Continuation: December 12, 2016**

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