

State of Utah
Administrative Rule Analysis
 Revised November 2021

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 ID (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	Suite 2300	
Building:	Taylorsville State Office Building	
Street address:	4315 S. 2700 W.	
City, state and zip:	Taylorsville, UT 84129	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R590-102. Insurance Department Fee Payment Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being changed to update the fees for a captive insurance company and to comply with Executive Order 2021-12.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The most significant change is an update to the fees paid by a captive insurance company. The majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting standards and make the language of the rule more clear.
Virtual Meeting ID: June 7, 2022, 2:00 PM meet.google.com/ggj-ohvi-gff Phone: 254-826-9801 PIN: 491 471 998#

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There are 340 companies holding a captive insurance company license in Utah. Each of these companies will pay an additional \$1,125 at renewal. This will result in the Department collecting an additional \$382,500 in annual revenue. Additionally, there are 10 captives in dormancy that pay half the normal renewal fee, for an additional \$5,625 to the Department annually.
B) Local governments:
There is no anticipated cost or savings to local governments. The majority of changes are clerical in nature, and the fee increase will not affect any local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):

Only a very small number of captives operating in Utah have employees. Of the 340 currently licensed captives, fewer than 20 are estimated to have 1-49 employees. These captives will have a cost increase of \$1,125 for their annual license fees, resulting in an aggregate cost increase of less than \$22,500 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 340 currently licensed captives, an estimated 320 have no employees. These captives will have a cost increase of \$1,125 for their annual license fees, resulting in an aggregate cost increase of \$360,000.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

A captive insurance company doing business in Utah will pay \$1,125 more annually for its license.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposed rule amendment will result in an additional annual cost of \$1,125 to each affected party as a result of this rule. However, an insurer is required to have a minimum of \$250,000 of unimpaired capital to form and maintain a captive in Utah; the additional \$1,125 a year will not be fiscally burdensome. Despite the increase, Utah will remain one of the nation's most cost competitive domiciles for captives. Due to a number of new policies at the federal level, the captive industry is seeing a lot of uncertainty nationwide. The level of uncertainty is sufficient to make it impossible to estimate how the next two years will look. Recent years have seen a significant number of new captives, a significant number of closures, and both in the same year. We believe the most accurate estimate is to assume a status quo for the next few years while the federal policies settle. — Jonathan T. Pike, Insurance Commissioner

6. A) 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	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$22,500	\$22,500	\$22,500
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$365,625	\$365,625	\$365,625
Total Fiscal Cost	\$388,125	\$388,125	\$388,125
Fiscal Benefits			
State Government	\$388,125	\$388,125	\$388,125
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$388,125	\$388,125	\$388,125
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Commissioner of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 31A-2-201	Section 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; <i>if none, leave blank</i>):	
	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; <i>if none, leave blank</i>):	
	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. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until (mm/dd/yyyy):	06/14/2022	
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
06/07/2022	02:00 PM	See details above in Box 4

10. This rule change MAY become effective on (mm/dd/yyyy):	06/21/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

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 <i>Utah State Bulletin</i> and delaying the first possible effective date.		
Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date (mm/dd/yyyy): 05/02/2022

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]~~ promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-3-103.

R590-102-2. Purpose and Scope.

- (1) The purpose[s] of this rule ~~are~~ is 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]~~ This 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]~~ Terms used in this rule are defined in Sections 31A-1-301 and 63G-4-106. Additional terms are defined as follows:

- ~~(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.]~~ "Captive insurance company" means the same as under Section 31A-37-102.
- ~~(4)~~ (2) "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)~~ (3) "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]~~ department.
- (4) "Electronic payment" means a credit card or automated clearinghouse payment.
- ~~(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)~~ (5) "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.]~~
- (6) "Medicare prescription drug plan insurer" means an insurer that offers exclusively Medicare Part D coverage.
- ~~(14)~~ (7) "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]~~ Due Date. A fee payable to the department not included in Sections R590-102-5 through R590-102-24 ~~[shall be]~~ is due when service is requested~~[, if applicable, otherwise.]~~ or by the due date on the invoice.
- (2) Payment.
 - (a) A ~~[non electronic payment]~~ processing fee will be added to a non-electronic payment ~~[when]~~ if the department ~~[has provided]~~ provides 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 person will be charged all fees associated with a dishonored 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) A dishonored check will not constitute payment of the fee for which the check was issued and any action taken based on the payment will be voided.

(iv) ~~Any~~ A late fee or [other] penalty resulting from [the voided action] a voided check will apply until proper payment is [made] received.

~~(iv) A check payment that is dishonored is a violation of this rule.~~

(c) Cash. The department is not responsible for ~~un-receipted~~ a cash payment that is lost or misdelivered prior to a receipt being issued.

(d) Electronic Payment.

~~(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.~~

(i) An electronic payment may be used to pay any fee due to the department.

(ii) A person will be charged all fees associated with a dishonored electronic payment.

(iii) A dishonored electronic payment will not constitute payment of the fee for which the electronic payment was issued and any action taken based on the payment will be voided.

(iv) A late fee or penalty resulting from a voided electronic payment will apply until proper payment is received.

(3) Retaliation. The fees enumerated in this rule are not subject to retaliation ~~in accordance with~~ under Section 31A-3-401 if other states or countries impose higher fees.

(4) Refund[s].

(a) ~~Fees~~ A fee enumerated in this rule [are] is non-refundable.

(b) ~~Overpayments of fees are~~ An overpayment of a fee is refundable.

(c) A request for a ~~return~~ refund of an overpayment ~~must~~ shall 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]~~ A payment made in error to another agency or that is not deposited into the department's account will not constitute payment and any action taken based on the payment will be voided.

(6) An~~[y]~~ 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 may be added to the fees required by Sections R590-102-5 through R590-102-20.

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

(1) Annual license fees for a certificate of authority:

(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 for a certificate of authority:

(a) ~~certificate of authority~~ amendment[s], 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) ~~E~~ 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 a 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[s].

(a) ~~Due~~ The annual service fee is due by the due date on the invoice.

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

(c) The annual service fee is based on the Utah premium as shown in the ~~company's~~ insurer's prior year annual statement on file with the ~~National Association of Insurance Commissioners~~ NAIC and the department.

(d) Fee schedule based on premium volume:

(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]~~ a power of attorney;
 - (iii) filing of registered agent;
 - (iv) affixing the commissioner's seal and certifying any paper;
 - (v) filing of authorization to appoint and remove agents;
 - (vi) initial filing of a producer's or agency's appointment with an insurer;
 - (vii) ~~[termination of]~~ terminating a producer's or agency's 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-]~~ and Reinsurer 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]~~ a power of attorney; and
 - (b) filing of registered agent.

R590-102-7. Other Organization Fees.

- (1)~~(a)~~ Annual license fees:
 - ~~[(a)]~~(i) initial, due with application -- \$250;
 - ~~[(b)]~~(ii) renewal, due by the due date on the invoice -- \$200;
 - ~~[(c)]~~(iii) late renewal, due for any renewal paid after the due date on the invoice -- \$250; and
 - ~~[(d)]~~(iv) reinstatement, due with application for reinstatement -- \$250.
- ~~[(e)]~~(b) 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]~~ a power of attorney;
 - (ii) filing of registered agent;~~[-and]~~
 - (iii) rate~~[-]~~ filing;
 - ~~_____~~(iv) form~~[-]~~ filing;
 - ~~_____~~(v) report~~[-or-]~~ filing; and
 - ~~_____~~(vi) service contract filing.

R590-102-8. Captive ~~[Insurer-]~~ Insurance Company 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-]~~ insurance company by the due date on the invoice.
- (3) Annual license fees:
 - (a) initial, due by the due date on the invoice -- ~~[\$6,125]~~7,250;
 - (b) renewal, due by the due date on the invoice -- ~~[\$6,125]~~7,250;
 - (c) late renewal, due for any renewal paid after the due date on the invoice -- ~~[\$6,130]~~7,300; and
 - (d) reinstatement, due with application for reinstatement -- ~~[\$6,130]~~7,300.
- (4) Actual costs plus overhead expenses incurred during an examination of a captive ~~[insurer-]~~ insurance company shall be paid by the examined captive ~~[insurer-]~~ insurance company 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-]~~ insurance company 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. 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]~~:

- ~~(i) rate[-] filing;~~
- ~~(ii) form[-] filing;~~
- ~~(iii) report[-,or-] filing; and~~
- ~~(iv) service contract filing.~~

(3) Actual costs plus overhead expenses incurred during an examination of a ~~[vital-]~~life settlement provider shall be paid by the examined ~~[vital-]~~life settlement provider by the due date on the invoice.

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 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. 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]~~issuing a letter of certification;
 - (b) ~~[issuance of]~~issuing a letter of clearance;
 - (c) ~~[issuance of]~~issuing a duplicate license; and
 - (d) individual continuing education services.

R590-102-13. 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]~~issuing a letter of certification;
 - (b) ~~[issuance of]~~issuing a letter of clearance;
 - (c) ~~[issuance of]~~issuing a duplicate license; and
 - (d) individual continuing education services.

R590-102-14. Agency License Fees, Other ~~[t]~~han Navigator or Bail Bond ~~[Agencies]~~Agency.

- (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]issuing a letter of certification;
 - (b) [issuance of]issuing a letter of clearance;
 - (c) [issuance of]issuing a duplicate license;
 - (d) initial filing of a producer's designation to an agency license;
 - (e) [termination of]terminating a producer's designation to an agency license;
 - (f) filing [of]an amendment to an agency license; and
 - (g) filing [of]a power of attorney.

R590-102-15. 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]issuing a letter of certification;
 - (b) [issuance of]issuing a letter of clearance;
 - (c) [issuance of]issuing a duplicate license;
 - (d) initial filing of a producer's designation to an agency license;
 - (e) [termination of]terminating a producer's designation to an agency license;
 - (f) filing [of]an amendment to an agency license; and
 - (g) filing [of]a power of attorney.

R590-102-16. 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]issuing a letter of certification;
 - (b) [issuance of]issuing a letter of clearance;
 - (c) [issuance of]issuing a duplicate license;
 - (d) initial filing of a producer's designation to an agency license;
 - (e) [termination of]terminating a producer's designation to an agency license;
 - (f) filing [of]an amendment to an agency license; and
 - (g) filing [of]a power of attorney.

R590-102-17. 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.

R590-102-18. 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. 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 a[ny] retail seller assessment fee paid after the due date on the invoice -- \$50.

R590-102-20. 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. 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 paper application processing fee[~~Assessed on a non-electronic application~~], due with each non-electronic paper 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. Dedicated Fees.

The ~~following are~~ fees listed in this section are 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 -- per invoice; and
 - (b) late fee, due for a[ny] fraud assessment fee paid after the due date on the invoice -- \$50.
- (2) [~~Title~~] Annual 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 -- per invoice.
- (3) Annual Title Recovery, Education, and Research Fund assessment under Section 31A-41-202:
 - (a) individual title [~~licensee applicant for initial license or renewal license~~] insurance producer:
 - (i) initial, due with [~~the initial application or the renewal~~] application -- \$15; and
 - (ii) renewal, due with renewal application -- \$15;
 - (b) agency title [~~licensee applicant~~] insurance producer, due with the initial application -- \$1,000; and
 - (c) annual agency title [~~licensee~~] insurance producer 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 -- per invoice.
- (5) Code book fee[s]:
 - (a) code book, due at time of purchase or by the due date on the invoice[~~due date~~] -- \$57; and
 - (b) mailing fee, due at time of purchase or by the due date on the 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. 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~~] insurance company, 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[~~(-), for example, accident and health, life and annuity, or property~~] and casualty[?];
 - (ii) each line of insurance accessed is charged the following fees:
 - (A) a base fee, which entitles the user to 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) each additional DVD -- \$2.

R590-102-24. Other Fees.

- (1) Photocopy fee -- \$0.50 per page.
- (2) Complete annual statement copy fee -- \$40 per statement.
- (3) ~~[Fee for a]~~Accepting service of legal process -- \$10.
- (4) ~~[Fees for p]~~Production of information list[s] ~~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 ~~[D]~~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 to 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]~~ researches and enters a 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]~~ Removing an administrative disciplinary action from a state-controlled website available to the public, due with application -- \$185.

R590-102-25. 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 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 Last Change: 2022~~[May 24, 2021]~~

Notice of Continuation: December 8, 2021

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

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