

State of Utah
Administrative Rule Analysis
Revised June 2022

NOTICE OF CHANGE IN PROPOSED RULE		
Title No. - Rule No. - Section No.		
Rule or Section Number:	R590-102	Filing ID: Office Use Only
Date of Previous Publication:	01/15/2023	

Agency Information

1. Department:	Insurance	
Agency:	Administration	
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Building:	Taylorsville State Office Building	
Street address:	4315 S. 2700 W.	
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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. Reason for this change (Why is the agency submitting this filing?):
The rule is being updated to add two fees that were approved by the legislature in SB 8, State Agency Fees and Internal Service Fund Rate Authorization and Appropriations, passed during the 2023 General Session, and a reference to the same bill in the session laws. It is important to note that while this rule will result in a decrease in state revenue, it also provides another path for a dormant captive or dormant captive cell to stay in Utah. Without this rule, a dormant captive or dormant captive cell would have to choose either to pay the full renewal fee or to cease operations in Utah. The fees are a win-win, in that it allows the state to still collect some revenue while allowing dormant captives to stay in Utah for a lower cost.
4. Summary of this change (What does this filing do?):
The change adds a dormancy certificate renewal fee to Subsections R590-102-8 and R590-102-9. It also adds a line in the Authority section to reference Chapter 487, Laws of Utah 2023, which is where the fees are codified in statute.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This rule will result in a decrease in state revenue; however, the amount of the aggregate cost is difficult to say because the number of captives and captive cells in the state may vary from year to year. In 2023, there are 11 dormant captives in Utah. Multiplying those 11 dormant captives against the \$2,500 captive dormancy certificate renewal fee will result in \$27,500 in aggregate fees. However, those captives would have paid the full \$7,250 captive renewal fee (\$79,750 in aggregate) without this separate dormancy renewal fee. The result is a \$52,250 decrease in state revenue in 2023. In 2023, there are 0 dormant captive cells in Utah. Multiplying those 0 dormant captive cells against the \$500 captive cell dormancy certificate renewal fee will result in \$0 in aggregate fees. However, a hypothetical dormant captive cell would have paid the full \$1,000 captive cell renewal fee without this separate dormancy renewal fee.

Adding the aggregate revenue decreases of \$52,250 and \$0 results in a total state revenue decrease of \$52,250 in 2023.

For the Regulatory Impact Summary Table in Section 5G, we have liberally estimated an increase of 1 dormant captive and 1 dormant captive cell annually.

B) Local government:

There is no anticipated cost or savings to local government. These fees apply to captives and captive cells, and do not apply to local government in any way.

C) Small businesses ("small business" means a business employing 1-49 persons):

In Utah, all dormant captives or captive cells are small businesses, and a captive or captive cell will see a cost savings as a result of this rule. However, the aggregate savings is difficult to say because the number of captives and captive cells in the state may vary from year to year.

In 2023, there are 11 dormant captives in Utah. Multiplying those 11 dormant captives against the \$2,500 captive dormancy certificate renewal fee will result in \$27,500 in aggregate fees. However, those captives would have paid the full \$7,250 captive renewal fee (\$79,750 in aggregate) without this separate dormancy renewal fee. The result is a \$52,250 savings for captives in 2023.

In 2023, there are 0 dormant captive cells in Utah. Multiplying those 0 dormant captive cells against the \$500 captive cell dormancy certificate renewal fee will result in \$0 in aggregate fees. However, a hypothetical dormant captive cell would have paid the full \$1,000 captive cell renewal fee without this separate dormancy renewal fee.

Adding the aggregate savings of \$52,250 and \$0 results in a total savings of \$52,250 for captives in 2023.

For the Regulatory Impact Summary Table in Section 5G, we have liberally estimated an increase of 1 dormant captive and 1 dormant captive cell 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. All dormant captives and captive cells in Utah are small businesses.

E) Persons other than small businesses, non-small businesses, or 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. These fees apply to captives and captive cells, and do not apply to any other persons in any way.

F) Compliance costs for affected persons:

Affected persons will pay a different amount depending on the license type they are renewing. A dormant captive will pay \$2,500 annually and a captive cell will pay \$500 annually as a result of this rule.

However, it is important to note that the purpose of these dormancy certificate renewal fees is a cost-saving measure for captives and captive cells that are dormant in Utah.

Complying with this rule will result in \$4,750 annual savings for a dormant captive and \$500 annual savings for a dormant captive cell.

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	FY2023	FY2024	FY2025
State Government	\$52,250	\$57,500	\$62,750
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$52,250	\$57,500	\$62,750
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$52,250	\$57,500	\$62,750
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$52,250	\$57,500	\$62,750
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

6. 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

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

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*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
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*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. 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: **06/14/2023**

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

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

9. This rule change MAY become effective on: **06/21/2023**

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-303. 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 Steve Gooch, Public Information Officer **Date:** **05/01/2023**

R590. Insurance, Administration.**R590-102. Insurance Department Fee Payment Rule.****R590-102-1. Authority.**

(1) This rule is promulgated by the commissioner pursuant to Sections 31A-2-201 and 31A-3-103.

(2) The fees in this rule are set according to Section 63J-1-504, including information on fees approved in Chapter 487, Laws of Utah 2023.

R590-102-2. Purpose and Scope.

(1) The purpose of this rule 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) 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.

Terms used in this rule are defined in Sections 31A-1-301 and 63G-4-106. Additional terms are defined as follows:

(1) "Captive insurance company" means the same as under Section 31A-37-102.

(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.

(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 department.

(4) "Electronic payment" means a credit card or automated clearinghouse payment.

(5) "Other organization" includes a home warranty, joint underwriter, purchasing group, rate service organization, risk retention group, service contract provider, and health discount program.

(6) "Medicare prescription drug plan insurer" means an insurer that offers exclusively Medicare Part D coverage.

(7) "Received" 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 pickup 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) Due Date. A fee payable to the department not included in Sections R590-102-5 through R590-102-24 is due when service is requested or by the due date on the invoice.

(2) Payment.

(a) A processing fee will be added to a non-electronic payment if the department provides an electronic payment process.

(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.

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

(c) Cash. The department is not responsible for a cash payment that is lost or misdelivered before a receipt is issued.

(d) Electronic Payment.

(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 under Section 31A-3-401 if other states or countries impose higher fees.

(4) Refund.

(a) A fee enumerated in this rule is non-refundable.

(b) An overpayment of a fee is refundable.

(c) A request for a refund of an overpayment shall be submitted in writing.

(5) 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 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 Fees.

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

(a) initial license application, due with license 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; and

(d) reinstatement, due with application for reinstatement -- \$1,000.

(2) Other license fees for a certificate of authority:

(a) amendment, 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 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:

(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;

(iii) SEC filing;

(iv) private placement offering; and

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

(4) Annual service fee.

(a) 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 insurer's prior year annual statement on file with the 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 -- \$700;

(iii) \$1 million but less than \$3 million -- \$1,100;

(iv) \$3 million but less than \$6 million -- \$1,550;

(v) \$6 million but less than \$11 million -- \$2,100;

(vi) \$11 million but less than \$15 million -- \$2,750;

(vii) \$15 million but less than \$20 million -- \$3,500; and

(viii) \$20 million or more -- \$4,350.

(e) The annual service fee includes the following services:

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

(ii) filing 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) 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 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:
 - (a) filing a power of attorney; and
 - (b) filing of registered agent.

R590-102-7. Other Organization Fees.

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

R590-102-8. Captive 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 insurance company by the due date on the invoice.
- (3) Annual license fees:
 - (a) initial, due by the due date on the invoice -- \$7,250;
 - (b) renewal, due by the due date on the invoice -- \$7,250;
 - (c) late renewal, due for any renewal paid after the due date on the invoice -- \$7,300; ~~and~~
 - (d) reinstatement, due with application for reinstatement -- \$7,300; and
 - (e) dormancy certificate renewal -- \$2,500.
- (4) Actual costs plus overhead expenses incurred during an examination of a captive insurance company shall be paid by the examined captive 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 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; and
 - (d) dormancy certificate renewal -- \$500.

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:
 - (i) rate filing;
 - (ii) form filing;
 - (iii) report filing; and
 - (iv) service contract filing.
- (3) Actual costs plus overhead expenses incurred during an examination of a life settlement provider shall be paid by the examined 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 license fees:
 - (a) initial, due with application -- \$70;
 - (b) renewal, due with renewal application -- \$70; and
 - (c) reinstatement, due with application for reinstatement -- \$120.
- (2) Biennial limited line license fees:
 - (a) initial, due with application -- \$45;
 - (b) renewal, due with renewal application -- \$45; and
 - (c) reinstatement, 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:
 - (a) issuing a letter of certification;
 - (b) issuing a letter of clearance;
 - (c) 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, due with renewal application -- \$35; and
 - (c) reinstatement, due with application for reinstatement -- \$60.
- (2) The annual license fee includes the following services:
 - (a) issuing a letter of certification;
 - (b) issuing a letter of clearance;
 - (c) issuing a duplicate license; and
 - (d) individual continuing education services.

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

- (1) Biennial resident and non-resident agency and limited line agency license fees:
 - (a) initial, due with application -- \$75;
 - (b) renewal, due with renewal application -- \$75; and
 - (c) reinstatement, due with application for reinstatement -- \$125.
- (2) Biennial resident title agency license fees:
 - (a) initial, due with application -- \$100;
 - (b) renewal, due with renewal application -- \$100; and
 - (c) reinstatement, 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:
 - (a) issuing a letter of certification;
 - (b) issuing a letter of clearance;
 - (c) issuing a duplicate license;
 - (d) initial filing of a producer's designation to an agency license;
 - (e) terminating a producer' designation to an agency license;
 - (f) filing an amendment to an agency license; and
 - (g) filing a power of attorney.

R590-102-15. Navigator Agency Fees.

- (1) Annual license fees:
 - (a) initial, due with application -- \$40;
 - (b) renewal, due with renewal application -- \$40; and
 - (c) reinstatement, due with application for reinstatement -- \$65.
- (2) The annual license fee includes the following services:
 - (a) issuing a letter of certification;
 - (b) issuing a letter of clearance;
 - (c) issuing a duplicate license;

- (d) initial filing of a producer's designation to an agency license;
- (e) terminating a producer's designation to an agency license;
- (f) filing an amendment to an agency license; and
- (g) filing a power of attorney.

R590-102-16. Bail Bond Agency Fees.

- (1) Annual license fees:
 - (a) initial, due with application -- \$250;
 - (b) renewal, due with renewal application -- \$250; and
 - (c) reinstatement, due with application for reinstatement -- \$300.
- (2) The annual license fee includes the following services:
 - (a) issuing a letter of certification;
 - (b) issuing a letter of clearance;
 - (c) issuing a duplicate license;
 - (d) initial filing of a producer's designation to an agency license;
 - (e) terminating a producer's designation to an agency license;
 - (f) filing an amendment to an agency license; and
 - (g) filing 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 assessment, due for a retail seller assessment paid after the due date on the invoice -- \$100.

R590-102-20. Continuing Education Fees.

- (1) Annual license fee:
 - (a) initial, due with application -- \$250;
 - (b) renewal, due with renewal application -- \$250; and
 - (c) reinstatement, 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, due with each non-electronic filing or by the due date on the invoice -- \$5.
- (2) Non-electronic paper application processing fee, due with each non-electronic paper application or by the due date on the invoice -- \$25.
- (3) Non-electronic payment processing fee, due with each non-electronic payment or by the due date on the invoice -- \$25.

R590-102-22. Dedicated Fees.

The fees listed in this section are dedicated to specific uses.

- (1) Fraud assessment:
 - (a) annual assessment under Section 31A-31-108, due by the due date on the invoice -- per invoice; and
 - (b) late fee, due for a fraud assessment fee paid after the due date on the invoice -- \$50.
- (2) Annual title insurance regulation assessment: annual assessment under Section 31A-23a-415 and Rule R592-10, 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 insurance producer:
 - (i) initial, due with application -- \$15; and
 - (ii) renewal, due with renewal application -- \$15;
 - (b) agency title insurance producer, due with the initial application -- \$1,000; and

- (c) annual agency title 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 under Section 31A-30-115 as appropriated by the legislature, due by the due date on the invoice -- per invoice.
- (5) Code book fee:
 - (a) code book, due at time of purchase or by the due date on the invoice -- \$57; and
 - (b) mailing fee, due at time of purchase or by the due date on the invoice -- \$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 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 fee for 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.

R590-102-24. Other Fees.

- (1) Photocopy fee -- \$0.50 per page.
- (2) Complete annual statement copy fee -- \$40 per statement.
- (3) Accepting service of legal process -- \$10.
- (4) Production of information 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 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 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) 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: 2023

Notice of Continuation: December 8, 2021

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