

State of Utah
Administrative Rule Analysis
 Revised June 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.):	R590-117	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:
R590-117. Valuation of Liabilities
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being changed in compliance with Executive Order 2021-12. During the review of this rule, the department discovered a number of minor issues that needed to be amended.
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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):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 majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting standards. Others are changes to make the language of the rule more clear, and the Severability section is being updated to use the department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the department functions.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.
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. The changes are largely clerical in nature, and will not affect non-small businesses.

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

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

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

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

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 not result in a fiscal impact to businesses. — 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	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
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-17-402	

Incorporations by Reference Information

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

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

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	

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

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

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy):	11/01/2021	
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

10. This rule change MAY become effective on (mm/dd/yyyy):	11/08/2021
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 *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee, and title:	Steve Gooch, Public Information Officer	Date (mm/dd/yyyy):	09/08/2021
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R590. Insurance, Administration.

R590-117. Valuation of Liabilities.

R590-117-1. Authority.

This rule is ~~adopted~~ promulgated by the commissioner pursuant to ~~Subsection~~ Sections 31A-2-201~~(3), which authorizes rules to implement the Insurance Code, and Section~~ and 31A-17-402~~, which requires the commissioner to adopt a rule specifying which liabilities shall be reported by insurers and the methods for their evaluation~~.

R590-117-2. Purpose and Scope.

~~[A-](1)~~ The purpose of this rule is to:

~~(a) define statutory liabilities; and~~

~~(b) establish a hierarchy of statutory requirements and accounting standards for the valuation of a liability~~ ~~comply with the statutory requirement of Section 31A-17-402, to adopt a rule for the valuation of insurer liabilities. The values established under this rule shall be used to determine compliance with other financial requirements of the Insurance Code~~.

~~[B-](2)~~ This rule ~~shall apply to all persons~~ applies to any person transacting insurance business under ~~the Utah~~ Title 31A, Insurance Code.

R590-117-3. Definitions.

~~[In addition to the definitions of]~~ Terms used in this rule are defined in Section 31A-1-301. Additional terms are defined as follows~~;~~ the following definition shall apply for the purposes of this rule:

~~[A-](1)~~ "Liabilities" shall include reserves for payment of future obligations.

R590-117-4. ~~[Rule]~~Reported Liabilities and Valuation Hierarchy.

~~[A. Liabilities to be reported.]~~(1) Reported liabilities include:

~~[1.]~~(a) ~~[All liabilities specifically]~~any liability provided for or contemplated by the annual statement blank or other reporting form prescribed by the commissioner under Section 31A-2-202[-]; and

~~[2.]~~(b) ~~[Any other liabilities]~~any other liability known to the reporting insurer, except ~~[liabilities]~~a liability specifically exempted or precluded by the reporting form.

~~[B. Evaluation of liabilities.]~~(2) The value[s] of a reported liability[ies] shall be computed ~~[in accordance with]~~according to the first applicable method, in ascending order, from the following list~~[-, in ascending order]~~:

~~[1. in accordance with]~~(a) a specific provision of ~~[the Utah]~~Title 31A, Insurance Code~~[-, Title 31A; or]~~;

~~[2. in accordance with a specific Insurance Department rule, noted as superseding this general rule, or, in the absence thereof,]~~(b) a department rule that supersedes Rule R590-117;

~~[3. in accordance with another provision of the Utah Code; or~~

~~_____ 4. in accordance with]~~(c) a procedure[s] adopted or recommended by the National Association of Insurance Commissioners;~~[-or]~~

~~[5. in accordance with]~~(d) generally accepted accounting principles; or

~~[6. in accordance with values as would be established by]~~(e) values a prudent person would establish and are accepted by the commissioner.

R590-117-5. ~~[Separability]~~Severability.

~~[If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances will not be affected.]~~If any provision of this rule, Rule R590-117, 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 companies, rules and procedures

Date of Enactment or Last Substantive Amendment: 1987

Notice of Continuation: January 26, 2017

Authorizing, and Implemented or Interpreted Law: 31A-17-402