

State of Utah
Administrative Rule Analysis
 Revised November 2021

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment ___; Repeal <u>x</u> ; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R590-182	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:
R590-182. Risk Based Capital Instructions
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being repealed in compliance with Executive Order 2021-12. During the review of this rule, the department determined that the rule was no longer necessary and should be repealed.
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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The rule is being repealed. The provisions referenced in the rule are already in force in Title 31A, Insurance Code. As such, the rule is unnecessary and should properly be repealed.

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 The rule is being repealed and had no fee associated with it.
B) Local governments:
There is no anticipated cost or savings to local governments. The rule is being repealed and had no fee associated with it.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The rule is being repealed and had no fee associated with it.
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 The rule is being repealed and had no fee associated with it.
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 <i>agency</i>):

There is no anticipated cost or savings to any other persons. The rule is being repealed and had no fee associated with it.

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 rule is being repealed and there is no cost to comply.

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	Subsection 31A-17-601(17)	

Incorporations by Reference Information

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

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

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

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

	Second Incorporation

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

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until (mm/dd/yyyy):	01/31/2022	
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):	02/07/2022
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): 12/08/2021

~~**[R590. Insurance, Administration.**~~

~~**R590 182. Risk Based Capital Instructions.**~~

~~**R590 182 1. Authority.**~~

~~_____ This rule is promulgated pursuant to the general rulemaking authority granted the commissioner by Section 31A 2 201 and the specific authority granted by Subsection 31A 17 601(7).~~

~~**R590 182 2. Scope.**~~

~~_____ This rule applies to all health organizations, as defined in Subsection 31A 17 601(3), to all life or accident and health insurers, as defined in Subsection 31A 17 601(4), and to all property and casualty insurers, as defined in Subsection 31A 17 601(5) required by Subsections 31A 17 602(1) or 31A 17 610(1)(a) to file risk based capital reports (RBC).~~

~~**R590 182 3. Rule.**~~

~~_____ A. The instructions contained in Subsection 31A 17 602(2) shall be used by life or accident and health insurers in preparing and filing RBC reports.~~

~~_____ B. The instructions contained in Subsection 31A 17 602(3) shall be used by property and casualty insurers in preparing and filing RBC reports.~~

~~_____ C. The instructions contained in Subsection 31A 17 602(4) shall be used by health organizations in preparing and filing RBC reports.~~

~~**R590 182 4. 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 this rule and its application to other persons or circumstances are not affected.~~

~~**KEY: insurance**~~

~~**Date of Enactment or Last Substantive Amendment: April 18, 2002**~~

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

~~**Authorizing, and Implemented or Interpreted Law: 31A 17 601(4)]**~~

