

NOTICE OF  
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Corrections

**Form Corrections Requested :** 05/02/2019: Thank you for your submission. Please list the House or Senate Bill number that made the change in Box 4. Thanks, Nancy Lancaster, 801-538-3218 0 **Due Date:** 05/03/2019

Agency Information

1. Agency: Insurance - Administration  
 Room no.: 3110  
 Building: STATE OFFICE BLDG  
 Street address 1: 450 N MAIN ST  
 Street address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-1201  
 Mailing address 1: PO BOX 146901  
 Mailing address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Steve Gooch	801-538-3803	801-538-3829	sgooch@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 43693 Date filed: 05/01/2019 10:13 PM  
 State Admin Rule Filing Key: 161159  
 Utah Admin. Code ref. (R no.): R 590 - 238 - 4  
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):  
 Annual Reporting Requirements

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:  
 The change is being made to comply with a statutory amendment that was enacted during the 2019 General Session via House Bill 55, Insurance Amendments.

## Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.  
No

## Rule Summary

6. Summary of the rule or change:

Before the 2019 General Session, Subsection 31A-37-501(2)(a) required the signature of one executive officer on a captive insurance company's annual report. Under the 2019 amendment that was included in HB 55, at least two executive officers and a captive insurance company manager or his or her representative must sign. The proposed rule change eliminates the requirement that one executive officer sign and adds a requirement that two executive officers and a captive insurance company's manager or his or her representative must sign.

## Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

## A) State budget:

Affected: No

There is no anticipated cost or savings to the state budget. These changes do not alter the Insurance Department's workload and will not result in any change to the budget.

## B) Local government:

Affected: No

There is no anticipated cost or savings to local governments. This rule governs the interactions between the Insurance Department (Department) and its licensees, and does not involve local governments in any way.

## C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

There is no anticipated cost or savings to small businesses. The only change is to the people who must sign a captive insurer's annual report.

## D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("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 only change is to the people who must sign a captive insurer's annual report.

## Compliance Cost Information

8. Compliance costs for affected persons:

There are no compliance costs for any affected persons. The only change is to the people who must sign a captive insurer's annual report.

## Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

After conducting a thorough analysis, it was determined that this rule change will not result in a fiscal impact to businesses.

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

Todd E. Kiser, Commissioner

## Citation Information

10. 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) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :  
 Section 31A-37-106

Section 31A-2-201

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):  
 Publisher:  
 Date Issued:  
 Issue, or version:  
 ISBN Number:  
 ISSN Number:  
 Cost of Incorporated Reference:  
 Adds, updates, removes:

Comments

12. 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.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 06/14/2019  
 B) A public hearing (optional) will be held:  
 On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 06/21/2019  
 NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, 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.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):  
 captive insurance

File Information

15. Attach an RTF document containing the text of this rule change (filename):  
 There is a document associated with this rule filing.

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 Authorization

Agency head or designee, and title:

Steve Gooch Information  
Specialist

Date (mm/dd/yyyy): 05/01/2019