

State of Utah
Administrative Rule Analysis
Revised June 2022

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment _x_; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Rule or Section Number:

R590-258

Filing ID: Office Use Only

Agency Information

1. Department:	Insurance
Agency:	Administration
Room number:	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 persons:

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: R590-258. Email Address Requirement
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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule): The majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting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. Other changes make the language of the rule more clear and remove the Penalties section because penalties are already provided for in statute. 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) 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	\$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	FY2023	FY2024	FY2025
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

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 46-4-501	

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	
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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:		01/03/2023
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:	01/10/2023
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 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:	11/04/2022

R590. Insurance, Administration.

R590-258. Email Address Requirement.

R590-258-1. Authority.

This rule is promulgated ~~pursuant to Subsection 31A-2-201(3), which authorizes the commissioner to adopt rules to implement the provisions of Title 31A, Insurance Code; Section 31A-23a-412, which requires licensees to provide the department with current contact information; and Subsection 46-4-501(1), which authorizes state governmental agencies to make rules relating to electronic transactions and records]~~ by the commissioner pursuant to Sections 31A-2-201 and 46-4-501.

R590-258-2. Purpose and Scope.

(1) The purpose of this rule is to require a ~~person who is~~ licensed or registered ~~[person]~~ with the commissioner, or should be licensed or registered ~~with the commissioner,~~ to have a current valid email address on file with the commissioner ~~[in order]~~ to:

- (a) improve the accuracy, reliability, and promptness of communication[s] between the department and any licensed or registered person ~~[to whom the rule applies];~~
- (b) reduce mailing expense; and
- (c) promote paperless interaction with a licensed or registered person.

(2) This rule applies to ~~[an individual, agency, provider, insurer, and other organization]~~ a person who is licensed or registered by the commissioner, or should be licensed or registered with the commissioner, to do business in Utah.

R590-258-3. Definitions.

Terms used in this rule are defined in Section 31A-1-301.

R590-258-4. Requirement to Submit and Maintain a Valid Email Address.

~~[(4) A person to whom this rule applies]~~ (1) A person who is licensed or registered with the commissioner, or should be licensed or registered with the commissioner, shall submit to, and maintain with, the commissioner ~~[a valid business email address]~~ one or more valid business email addresses where the person can receive from the department, communication ~~[which includes]~~ including:

- (a) a general notification;
- (b) a license renewal notice;
- (c) a billing invoice;
- (d) a consumer complaint;
- (e) a request for information; or
- (f) other correspondence.

(2) A licensed or registered person ~~[to whom this rule applies must]~~ shall confirm that the spam filter for ~~[the]~~ an email address required in Subsection (1) will accept email correspondence from the department.

(3) Correspondence sent by the department to ~~[the]~~ an email address required in Subsection (1) shall be considered received by the person.

(4) A change of email address shall be submitted electronically at no cost to the licensed or registered person[?].

(a) ~~[an]~~ An individual or agency licensee shall submit the change at <http://www.sircon.com/utah> or <http://www.nipr.com/> ~~[; and]~~.

(b) ~~[a]~~ A licensed or registered person, other than an individual or agency licensee, shall[?] submit the change at <http://clr.utah.gov/>.

~~R590-258-4. Penalties.~~

~~————— A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.~~

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R590-258-5. Severability.

If any provision of this rule, Rule R590-258, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule which 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, email address requirement

Date of Enactment or Last Substantive Amendment: November 23, 2020

Notice of Continuation: September 1, 2020

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 46-4-501