

State of Utah
Administrative Rule Analysis
 Revised May 2020

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.):	R590-258	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:		
Agency:	Insurance Department	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N. State St.	
City, state:	Salt Lake City, UT 84114	
Mailing address:	PO Box 146901	
City, state, zip:	Salt Lake City, UT 84114-6901	
Contact person(s):		
Name:	Phone:	Email:
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
Email Address Requirement
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
The rule is being amended to remove an outdated reference to a defunct program, remove the enforcement date, update the severability clause, and make a small number of clerical changes.
4. Summary of the new rule or change:
A reference to the Utah Health Exchange is being removed because that program is no longer in operation, the enforcement date is being removed because the rule is currently in force, the severability clause is being updated to reflect the Insurance Department's current preferred language, and a small number of clerical changes are being made to promote clarity in the rule.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to the state budget. The changes are merely clean-up amendments that do not create or remove requirements.
B) Local governments:
There is no anticipated cost or savings to local governments. The changes are merely clean-up amendments that do not apply to 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 merely clean-up amendments that do not create or remove requirements.

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 merely clean-up amendments that do not create or remove requirements.

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 merely clean-up amendments that do not create or remove requirements.

F) Compliance costs for affected persons:

There are no compliance costs for any affected persons. The changes are merely clean-up amendments that do not create or remove requirements, and as such have no attendant costs.

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	FY2021	FY2022	FY2023
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

H) Department head approval of regulatory impact analysis:

The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

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

The above analysis represents the Insurance Department's best estimate of the fiscal impact that this rule may have on businesses.

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

Todd E. Kiser, Insurance Commissioner

Citation Information

7. 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):

Subsection 31A-2-201(3)	Section 31A-23a-412	Subsection 46-4-501(1)

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. 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 (mm/dd/yyyy): 11/16/2020

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): 11/23/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, 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.

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	Date (mm/dd/yyyy):	09/29/2020
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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.

R590-258-2. Purpose and Scope.

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

(a) improve the accuracy, reliability, and promptness of communications between the department and ~~[those persons]~~ any person to whom the rule applies;

(b) reduce mailing expense; and

(c) promote paperless interaction with a licensed or registered person; ~~and~~

~~_____ (d) support the Utah Health Exchange].~~

(2) ~~[Scope.]~~ This rule applies to an individual, agency, provider, insurer, and other organization licensed or registered by the commissioner to do business in Utah.

R590-258-3. Requirement to Submit and Maintain a Valid Email Address.

(1) A person to whom this rule applies shall submit to, and maintain with, the commissioner a valid business email address where the person can receive from the department, communication which includes ~~[, but is not limited to]:~~

(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 person to whom this rule applies must confirm that the spam filter for the email address required in Subsection (1) ~~[above]~~ will accept email correspondence from the department.

(3) Correspondence sent by the department to the email address required in Subsection (1) ~~[above]~~ 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 individual or agency licensee shall submit the change at <http://www.sircon.com/utah> or <http://www.nipr.com/>; and

(b) 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.

R590-258-5. ~~Enforcement Date.~~

~~_____ The commissioner will begin enforcing this rule 45 days from the rule's effective date.~~

~~R590-258-6. Severability.~~

~~[If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.] 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: September 8, 2010

Notice of Continuation: September 4, 2015

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