

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$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

*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 for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses**

This proposed new rule is not expected to have any fiscal impacts on large businesses revenues or expenditures, because it only concerns the relationship between the Insurance Department and individual prospective insurance licensees.

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

**"Non-small business" means a business employing 50 or more persons; "small business" means a business employing fewer than 50 persons.

R590. Insurance Department, Administration.

R590-278. Consent Requests Under 18 U.S.C. § 1033(e)(2).

R590-278-1. Authority.

This rule is adopted pursuant to the following:

(1) Subsection 31A-2-201(3) that authorizes the commissioner to make rules to implement the provisions of Title 31A; and

(2) Subsection 31A-23a-111(5)(b) that authorizes the commissioner to act in compliance with the federal Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. § 1033.

R590-278-2. Consent Request Made by Filing Request for Agency Action.

(1) A request under 18 U.S.C. § 1033(e)(2) for the commissioner's written consent to engage or participate in the business of insurance shall be initiated by filing a request for agency action. The form "Request for Agency Action Re: 18 U.S.C. § 1033(e)(2)", available on the department's website, shall be used to make the request. After completion, the form shall be filed as directed in Sections R590-160-5 or R590-160-5.5

(2) A request for agency action under this rule is a request for a formal adjudicative proceeding and is governed by the relevant provisions of the Utah Administrative Procedures Act, Title 63G, Chapter 4, and Section R590-160.

R590-278-3. Hearing on Request for Agency Action.

(1) A presiding officer shall conduct a hearing on the merits of a request for agency action under this rule.

(2) After the hearing, the presiding officer shall submit to the commissioner the record of the proceeding, recommended findings of fact and conclusions of law, and a recommended order.

(3) The commissioner shall issue final Findings of Fact and Conclusions of Law and a final Order which constitute final agency action that is not subject to agency review.

(4) A party may seek judicial review of the final agency action as provided in the Utah Administrative Procedures Act, Title 63G, Chapter 4.

R590-278-4. Determining Consent Request.

Written consent may be granted if, in the commissioner's sole discretion, a preponderance of the evidence shows that the petitioner is trustworthy to engage or participate in the business of insurance. The following are relevant to that determination:

(1) Any materially false or misleading statement or omission in the request for agency action;

(2) The nature, severity and number of the petitioner's crimes;

(3) The petitioner's age at the time the crimes were committed;

(4) The lengths of the sentences;

(5) The length of time since the petitioner's most recent conviction;

(6) The petitioner's rehabilitation, including evidence of counseling, community service, completion of probation, and payment of restitution, fines and interest if applicable;

(7) Any reference letter;

(8) The presence of any fact or circumstance in the petitioner's current life that may have motivated the petitioner to commit crime in the past;

(9) Any unpaid judgment; or

(10) Information received from the National Association of Insurance Commissioners and any insurance regulatory official.

R590-278-5. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity may 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.