

**R590. Insurance, Administration.**

**R590-102. Insurance Department Fee Payment Rule.**

**R590-102-1. Authority.**

This rule is adopted pursuant to Subsection 31A-3-103(3), which requires the commissioner to publish the schedule of fees approved by the legislature and to establish deadlines for payment of each of the various fees.

**R590-102-2. Purpose and Scope.**

- (1) The purposes of this rule are to:
  - (a) publish the schedule of fees approved by the legislature;
  - (b) establish fee deadlines; and
  - (c) disclose this information to licensees and the public.
- (2) The rule applies to:
  - (a) any person engaged in the business of insurance in Utah;
  - (b) any person holding an insurance license in Utah;
  - (c) any applicant for a license, registration, certificate, or other similar filing; and
  - (d) any person requesting any service provided by the department for which a fee is required.

**R590-102-3. Definitions.**

In addition to the definitions in Title 31A, Insurance Code, the following definitions shall apply for the purposes of this rule:

- (1) "Admitted insurer" includes fraternal, health, health maintenance organization, life, limited health plan, motor club, non-profit health service, property and casualty, title insurer, and a prescription drug plan.
- (2) "Agency" means:
  - (a) a person, other than an individual, including a sole proprietorship by which a natural person does business under an assumed name; and
  - (b) an insurance organization required to be licensed under Sections 31A-23a-301, 31A-25-207, and 31A-26-209.
- (3) "Captive insurer" includes association captive, branch captive, industrial insured captive, pure captive, sponsored captive, and special purpose financial captive. It does not include a captive cell.
- (4) "Deadline" means the final date or time:
  - (a) imposed by:
    - (i) statute;
    - (ii) rule; or
    - (iii) order; and
  - (b) by which:
    - (i) a payment must be received by the department without incurring a penalty for late payment or non-payment; or
    - (ii) required information must be received by the department without incurring a penalty for late receipt or non-receipt.
- (5) "Fee" means an amount set by the commissioner, by statute, or by rule, and approved by the legislature for a license, registration, certificate, or other filing or service provided by the Insurance Department.
- (6) "Full-line agency" includes a producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third-party administrator.
- (7) "Full-line individual" includes a producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third-party administrator.
- (8) "Limited-line agency" includes a bail bond producer and a limited-line producer.
- (9) "Limited-line individual" includes a bail bond agent, limited-lines producer, and customer service representative.
- (10) "Other organization" includes a home warranty, joint underwriter, purchasing group, rate service organization, risk retention group, service contract provider, and health discount program.
- (11) "Non-electronic application" means an application that must be manually entered into the department's database because the application was submitted by paper, facsimile, or email when the department has provided an electronic application process and stated the electronic process is the preferred process for receiving an application.
- (12) "Non-electronic filing" means a filing that must be manually entered into the department's database because the filing was submitted by paper, facsimile, or email when the department has provided an electronic filing process and stated the electronic process is the preferred process for receiving a filing.
- (13) "Non-electronic payment" means a payment that must be manually entered by the department because the payment was submitted by check, money order, or other physical medium when the department has provided an electronic payment process and stated the electronic process is the preferred process for receiving a payment.
- (14) "Received by the department" means:
  - (a) the date delivered to and stamped received by the department, if delivered in person;
  - (b) the postmark date, if delivered by mail;
  - (c) the delivery service's postmark date or pick-up date, if delivered by a delivery service; or
  - (d) the received date recorded on an item delivered, if delivered by:
    - (i) facsimile;
    - (ii) email; or
    - (iii) another electronic method; or

- (e) a date specified in:
  - (i) a statute;
  - (ii) a rule; or
  - (iii) an order.

**R590-102-4. General Instructions.**

- (1) Any fee payable to the department not included in Sections R590-102-5 through R590-102-24 shall be due when service is requested, if applicable, otherwise by the due date on the invoice.
- (2) Payment.
  - (a) A non-electronic payment processing fee will be added to a payment when the department has provided an electronic payment process and stated the electronic process is the preferred process for receiving a payment.
  - (b) Check.
    - (i) A check shall be made payable to the Utah Insurance Department.
    - (ii) A check that is dishonored in the process of the collection will not constitute payment of the fee for which it was issued and any action taken based on the payment will be voided.
    - (iii) Any late fee or other penalty resulting from the voided action will apply until proper payment is made.
    - (iv) A check payment that is dishonored is a violation of this rule.
  - (c) Cash. The department is not responsible for un-receipted cash that is lost or misdelivered.
  - (d) Electronic.
    - (i) Credit card.
      - (A) A credit card may be used to pay any fee due to the department.
      - (B) A credit card payment that is dishonored will not constitute payment of the fee and any action taken based on the payment will be voided.
      - (C) A late fee or other penalty resulting from the voided action will apply until proper payment is made.
      - (D) A credit card payment that is dishonored is a violation of this rule.
    - (ii) Automated clearinghouse (ACH).
      - (A) Any payer or purchaser desiring to use this method must contact the department for the proper routing and transit information.
      - (B) A payment that is made in error to another agency or that is not deposited into the department's account will not constitute payment of the fee and any action taken based on the payment will be voided.
      - (C) Any late fee or other penalty resulting from the voided action will apply until proper payment is made.
      - (D) An ACH payment that is dishonored is a violation of this rule.
- (3) Retaliation. The fees enumerated in this rule are not subject to retaliation in accordance with Section 31A-3-401 if other states or countries impose higher fees.
- (4) Refunds.
  - (a) Fees enumerated in this rule are non-refundable.
  - (b) Overpayments of fees are refundable.
  - (c) A request for a return of an overpayment must be submitted in writing.
- (5) A non-electronic processing fee described in Section R590-102-21 will be assessed for a particular service if the department has established an electronic process for that service.
- (6) Any annual or biennial license fee, service fee, or assessment described in this rule is for services the department will provide during the year and is paid in advance of providing the services.
- (7) An electronic commerce dedicated fee described in Section R590-102-23 may be added to the fees required by Sections R590-102-5 through R590-102-20.

**R590-102-5. Admitted Insurer and Prescription Drug Plan Fees.**

- (1) Annual license fees:
  - (a) certificate of authority initial license application, due with license application - \$1,000;
  - (b) certificate of authority renewal, due by the due date on the invoice - \$300;
  - (c) certificate of authority late renewal, due for any renewal paid after the date on the invoice - \$350; and
  - (d) certificate of authority reinstatement, due with application for reinstatement - \$1,000.
- (2) Other license fees:
  - (a) certificate of authority amendments, due with request for amendment - \$250;
  - (b)(i) Form A application for merger, acquisition, or change of control, due with filing - \$2,000; and
  - (ii) Expenses incurred for consultant services necessary to evaluate a Form A will be charged to the applicant and due by the due date on the invoice;
    - (c) redomestication filing, due with filing - \$2,000; and
    - (d) application for organizational permit for mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes, due with application - \$1,000.
- (3) The annual license fee includes the following licensing services for which no additional fee is required:
  - (a) filing annual statement and report of Utah business, due annually on March 1;
  - (b) filing holding company registration statement, Form B;

- (c) filing application for material transactions between affiliated companies, Form D; and
- (d) applications for:
  - (i) stock solicitation permit;
  - (ii) public offering filing, but not an SEC filing;
  - (iii) an SEC filing;
  - (iv) private placement offering; and
  - (v) individual license to solicit in accordance with the stock solicitation permit.
- (4) Annual service fee:
  - (a) Due by the due date on the invoice.
  - (b) A prescription drug plan is exempted from payment of a service fee.
  - (c) The fee is based on the Utah premium as shown in the company's prior year annual statement on file with the National Association of Insurance Commissioners and the department.
  - (d) Fee schedule:
    - (i) \$0 premium volume - no service fee;
    - (ii) more than \$0 but less than \$1 million in premium volume - \$700;
    - (iii) \$1 million but less than \$3 million in premium volume - \$1,100;
    - (iv) \$3 million but less than \$6 million in premium volume - \$1,550;
    - (v) \$6 million but less than \$11 million in premium volume - \$2,100;
    - (vi) \$11 million but less than \$15 million in premium volume - \$2,750;
    - (vii) \$15 million but less than \$20 million in premium volume - \$3,500; and
    - (viii) \$20 million or more in premium volume - \$4,350.
  - (e) The annual service fee includes the following services for which no additional fee is required:
    - (i) filing of amendments to articles of incorporation, charter, or bylaws;
    - (ii) filing of power of attorney;
    - (iii) filing of registered agent;
    - (iv) affixing commissioner's seal and certifying any paper;
    - (v) filing of authorization to appoint and remove agents;
    - (vi) initial filing of producer or agency appointment with an insurer;
    - (vii) termination of producer or agency appointment with an insurer;
    - (viii) report filing;
    - (ix) rate filing; and
    - (x) form filing.
- (5) Actual costs plus overhead expenses incurred during an examination of an insurer shall be paid by the examined insurer by the due date on the invoice.

**R590-102-6. Foreign Surplus Lines Insurer, Accredited Reinsurer, Certified Reinsurer, Trusteed Reinsurer, and Employee Welfare Fund Administrative/Service Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$1,000;
  - (b) renewal, due by the due date on the invoice - \$500;
  - (c) late renewal, due for any renewal payment paid after the due date on the invoice - \$550; and
  - (d) reinstatement, due with application - \$1,000.
- (2) The annual license fee includes the following services for which no additional fee is required:
  - (a) filing of power of attorney; and
  - (b) filing of registered agent.

**R590-102-7. Other Organization Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$250;
  - (b) renewal, due by the due date on the invoice - \$200;
  - (c) late renewal, due for any renewal paid after the due date on the invoice - \$250; and
  - (d) reinstatement, due with application for reinstatement - \$250.
- (e) The annual other organization initial or renewal fee includes the risk retention group annual statement filing, due annually on March 1.
- (2) Annual service fee, due by the due date on the invoice - \$200.
  - (a) The annual service fee includes the following services for which no additional fee is required:
    - (i) filing of power of attorney;
    - (ii) filing of registered agent; and
    - (iii) rate, form, report, or service contract filing.

**R590-102-8. Captive Insurer Fees.**

- (1) Initial license application, due with license application - \$200.

(2) Actual costs incurred by the department during the initial license application review shall be paid by the captive insurer by the due date on the invoice.

(3) Annual license fees:

- (a) initial, due by the due date on the invoice - \$6,125;
- (b) renewal, due by the due date on the invoice - \$6,125;
- (c) late renewal, due for any renewal paid after the due date on the invoice - \$6,130; and
- (d) reinstatement, due with application for reinstatement - \$6,130.

(4) Actual costs plus overhead expenses incurred during an examination of a captive insurer shall be paid by the examined captive insurer by the due date on the invoice.

**R590-102-9. Captive Cell Fees.**

(1) Initial license application, due with license application - \$200.

(2) Actual costs incurred by the department during the initial license application review shall be paid by the captive insurer by the due date on the invoice.

(3) Annual license fees:

- (a) initial, without proration, due by the due date on the invoice - \$1,000;
- (b) renewal, due by the due date on the invoice - \$1,000; and
- (c) late renewal, due for any renewal paid after the due date on the invoice - \$1,050.

**R590-102-10. Life Settlement Provider Fees.**

(1) Annual license fees:

- (a) initial, due with application - \$1,000;
- (b) renewal, due by the due date on the invoice - \$300;
- (c) late renewal, due for any renewal paid after the due date on the invoice - \$350; and
- (d) reinstatement, due with reinstatement application - \$1,000.

(2) Annual service fee, due by the due date on the invoice - \$600.

(a) The annual service fee includes the following service for which no additional fee is required: rate, form, report, or service contract filing.

(3) Actual costs plus overhead expenses incurred during an examination of a viatical settlement provider shall be paid by the examined viatical settlement provider by the due date on the invoice.

**R590-102-11. Professional Employer Organization (PEO) Fees.**

(1) Annual license fees:

(a) PEO not certified by an assurance organization:

- (i) initial, due with application - \$2,000;
- (ii) renewal, due by the due date on the invoice - \$2,000;
- (iii) late renewal, due for any renewal paid after the due date on the invoice - \$2,050; and
- (iv) reinstatement, due with reinstatement application - \$2,050.

(b) PEO certified by an assurance organization:

- (i) initial, due with application - \$2,000;
- (ii) renewal, due by the due date on the invoice - \$1,000;
- (iii) late renewal, due for any renewal paid after the due date on the invoice - \$1,050; and
- (iv) reinstatement, due with reinstatement application - \$1,050.

(c) PEO small operator:

- (i) initial, due with application - \$2,000;
- (ii) renewal, due by the due date on the invoice - \$1,000;
- (iii) late renewal, due for any renewal paid after the due date on the invoice - \$1,050; and
- (iv) reinstatement, due with reinstatement application - \$1,050.

**R590-102-12. Individual Resident and Non-Resident License Fees, Other Than Individual Navigators.**

(1) Biennial full-line license fees:

- (a) initial, due with application - \$70;
- (b) renewal if renewed prior to license expiration date, due with renewal application - \$70; and
- (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$120.

(2) Biennial limited-line license fees:

- (a) initial, due with application - \$45;
- (b) renewal if renewed prior to license expiration date, due with renewal application - \$45; and
- (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$95.

(3) Other fees:

- (a) addition of producer classification or line of authority to individual producer license, due with request for additional classification or line of authority - \$25; and
- (b) title insurance product or service approval for dual licensed title licensee form filing, due with filing - \$25.
- (4) The biennial license fee includes the following services for which no additional fee is required:
  - (a) issuance of letter of certification;
  - (b) issuance of letter of clearance;
  - (c) issuance of duplicate license; and
  - (d) individual continuing education services.

**R590-102-13. Individual Navigator Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$35;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$35; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$60.
- (2) The annual license fee includes the following services for which no additional fee is required:
  - (a) issuance of letter of certification;
  - (b) issuance of letter of clearance;
  - (c) issuance of duplicate license; and
  - (d) individual continuing education services.

**R590-102-14. Agency License Fees, Other than Navigator or Bail Bond Agencies.**

- (1) Biennial resident and non-resident full-line agency and limited-line agency license fees:
  - (a) initial, due with application - \$75;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$75; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$125.
- (2) Biennial resident title agency license fees:
  - (a) initial, due with application - \$100;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$100; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$150.
- (3) Addition of producer classification or line of authority to agency license, due with request for additional classification or line of authority - \$25.
- (4) The biennial license fee includes the following services for which no additional fee is required:
  - (a) issuance of letter of certification;
  - (b) issuance of letter of clearance;
  - (c) issuance of duplicate license;
  - (d) initial filing of producer designation to agency license;
  - (e) termination of producer designation to agency license;
  - (f) filing of amendment to agency license; and
  - (g) filing of power of attorney.

**R590-102-15. Navigator Agency Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$40;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$40; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$65.
- (2) The annual license fee includes the following services for which no additional fee is required:
  - (a) issuance of letter of certification;
  - (b) issuance of letter of clearance;
  - (c) issuance of duplicate license;
  - (d) initial filing of producer designation to agency license;
  - (e) termination of producer designation to agency license;
  - (f) filing of amendment to agency license; and
  - (g) filing of power of attorney.

**R590-102-16. Bail Bond Agency Fees.**

- (1) Annual license fees:
  - (a) initial, due with application - \$250;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$250; and

(c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$300.

(2) The annual license fee includes the following services for which no additional fee is required:

- (a) issuance of letter of certification;
- (b) issuance of letter of clearance;
- (c) issuance of duplicate license;
- (d) initial filing of producer designation to agency license;
- (e) termination of producer designation to agency license;
- (f) filing of amendment to agency license; and
- (g) filing of power of attorney.

**R590-102-17. Continuing Care Provider Fees.**

- (1) Annual registration fee:
  - (a) initial, due with application - \$6,900;
  - (b) renewal, due by the due date on the invoice - \$6,900; and
  - (c) reinstatement, due with application for reinstatement - \$6,950.
- (2) Annual disclosure statement fee:
  - (a) initial, due with application - \$600; and
  - (b) renewal, due with annual renewal disclosure statement - \$600.

**R590-102-18. Pharmacy Benefit Manager Licensing Fees.**

- (1) Annual license fee:
  - (a) initial, due with application - \$1,000;
  - (b) renewal, due by the due date on the invoice - \$1,000;
  - (c) late renewal, due for any renewal paid after the due date on the invoice - \$1,050; and
  - (d) reinstatement, due with application for reinstatement - \$1,000.

**R590-102-19. Guaranteed Asset Protection Provider Fees.**

- (1) Annual provider registration fee:
  - (a) initial, due with application - \$1,000;
  - (b) renewal, due by the due date on the invoice - \$1,000; and
  - (c) late renewal, due for any renewal paid after the due date on the invoice - \$1,050.
- (2) Annual retail seller assessment:
  - (a) annual assessment, due by the due date on the invoice - \$50; and
  - (b) late fee, due for any retail seller assessment fee paid after the due date on the invoice - \$50.

**R590-102-20. Continuing Education Fees.**

- (1) Annual license fee:
  - (a) initial, due with application - \$250;
  - (b) renewal if renewed prior to license expiration date, due with renewal application - \$250; and
  - (c) reinstatement if inactive license is reinstated within one year following the license expiration date, due with application for reinstatement - \$300.
- (2) Continuing education course post-approval fee, due with request for approval - \$5 per credit hour, minimum fee \$25.

**R590-102-21. Non-Electronic Processing or Payment Fees.**

- (1) Non-electronic filing processing fee. Assessed on a non-electronic filing, due with each non-electronic filing or by the due date on the invoice - \$5.
- (2) Non-electronic application processing fee. Assessed on a non-electronic application, due with each non-electronic application or by the due date on the invoice - \$25.
- (3) Non-electronic payment processing fee. Assessed on a non-electronic payment, due with each non-electronic payment or by the due date on the invoice - \$25.

**R590-102-22. Dedicated Fees.**

The following are fees dedicated to specific uses:

- (1) Fraud assessment:
  - (a) annual assessment as calculated under Section 31A-31-108 and stated in the invoice, due by the due date on the invoice; and
  - (b) late fee, due for any fraud assessment fee paid after the due date on the invoice - \$50.
- (2) Title insurance regulation assessment: annual assessment as calculated under Section 31A-23a-415 and Rule R592-10 and stated in the invoice, due by the due date on the invoice.
- (3) Annual Title Recovery, Education, and Research Fund assessment:

(a) individual title licensee applicant for initial license or renewal license, due with the initial application or the renewal application - \$15;

(b) agency title licensee applicant, due with the initial application - \$1,000; and

(c) annual agency title licensee assessment based on annual written title insurance premium, due by the due date on the invoice:

(i) Band A, \$0 to \$1 million - \$125;

(ii) Band B, more than \$1 million to \$10 million - \$250;

(iii) Band C, more than \$10 million to \$20 million - \$375; and

(iv) Band D, more than \$20 million - \$500.

(4) Health insurance actuarial review assessment: annual assessment as calculated under Section 31A-30-115 and stated in the invoice, due by the due date on the invoice.

(5) Code book fees:

(a) code book, due at time of purchase or by invoice due date - \$57; and

(b) mailing fee, due at time of purchase or by invoice due date if book is to be mailed to purchaser - \$3.

(6) Fingerprint fees, due with application for individual license:

(a) Bureau of Criminal Investigation (BCI) - \$15; and

(b) Federal Bureau of Investigation (FBI) - \$13.25.

#### **R590-102-23. Electronic Commerce Dedicated Fees.**

(1) Electronic commerce, e-commerce, and internet technology services fee:

(a) admitted insurer and surplus lines insurer, due with the initial, renewal, or reinstatement application - \$75;

(b) captive insurer, due with the initial, renewal, or reinstatement application - \$250;

(c) other organization including professional employer organization, continuing care provider, pharmacy benefit manager and life settlement provider, due with the initial, renewal, or reinstatement application - \$50;

(d) continuing education provider, due with the initial, renewal, or reinstatement application - \$20;

(e) agency, due with the initial, renewal, or reinstatement application - \$10; and

(f) individual, due with the initial, renewal, or reinstatement application - \$5.

(2) Database access fees:

(a) information accessed through an electronic portal set up for that purpose, due when the department's database is accessed to input or acquire data - \$3 per transaction; and

(b) rate and form filing database access to an electronic public rate and form filing, due at time of service or by the due date on the invoice:

(i) a separate fee is assessed per line of insurance accessed (accident and health, life and annuity, or property-casualty);

(ii) each line of insurance accessed is charged the following fees:

(A) a base fee, which entitles the user up to 30 minutes of access, the assistance of staff during that time, and one DVD - \$45; and

(B) each additional 30 minutes of access time or fraction thereof, including the assistance of staff during that time - \$45; and

(iii) additional DVD - \$2.

#### **R590-102-24. Other Fees.**

(1) Photocopy fee - \$0.50 per page.

(2) Complete annual statement copy fee - \$40 per statement.

(3) Fee for accepting service of legal process - \$10.

(4) Fees for production of information lists regarding licensees or other information that can be produced by list:

(a) printed list, if the information is already in list format and only needs to be printed or reprinted - \$1 per page; and

(b) electronic list compiled by accessing information stored in the Department's database:

(i) a separate fee is assessed for each list compiled;

(ii) each list is assessed one or more of the following fees:

(A) a base fee, which entitles the requestor up to 30 minutes of staff time to draft the information query, compile the information, prepare a CD, and prepare a CD for mailing to the requestor, due with request for information - \$50; and

(B) each additional 30 minutes or fraction thereof to draft the information query, compile the information, prepare a CD, and prepare a CD for mailing to the requestor, due by the due date on the invoice - \$50; and

(iii) additional CD, due by the due date on the invoice - \$1.

(5) Returned check fee - \$20.

(6) Workers compensation loss cost multiplier schedule - \$5.

(7) Address correction fee, assessed when department has to research and enter new address for a licensee, due by the due date on the invoice - \$35.

(8) Independent review organization initial application fee, due with application - \$250.

(9) Withdrawal from writing a line of insurance or reducing total annual premium volume by 75% or more, due with plan of orderly withdrawal submission - \$50,000.

(10) Administrative disciplinary action removal from public access on Insurance Department controlled website, due with application - \$185.

**R590-102-25. Severability.**

If any provision of this rule, R590-102, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that 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 fees**

**Date of Enactment or Last Substantive Amendment: May 24, 2021**

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

**Authorizing, and Implemented or Interpreted Law: 31A-3-103**