



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Department of Insurance			
b. Agency/Board Address 106 E. 6th Avenue		c. City Cheyenne	d. Zip Code 82001
e. Name of Agency Liaison Heather Canarecci		f. Agency Liaison Telephone Number 307-777-6916	
g. Agency Liaison Email Address heather.canarecci1@wyo.gov			h. Adoption Date October 31, 2016
i. Program General			

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	New	Amended	Repealed
15	Regulation Governing Risk Retention	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16	Regulation Governing Insurance Company Appointments of Producers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	Regulation Governing Closed Blocks of Business	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23	Regulation Governing Uninsured Motorist Endorsements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26	Adjustment of Damages to Dwelling Roofs Under Homeowners Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
31	Policy Fee Premium Regulations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
41	Scope of Pool Coverage & Schedule of Benefits by the Wyoming Health Insurance Pool	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
43	Wyoming Life and Health Guaranty Association Notice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
68	Opt-Out Provisions of the Interstate Insurance Product Regulation Compact (IIPRC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. State Government Notice of Intended Rulemaking

- a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:
- approved as to form by the Registrar of Rules; and
 - provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A
- b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:


c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **October 31, 2016**
- b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: **October 31, 2016**
- c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Tom Glause
Signatory Title	Insurance Commissioner
Date of Signature	October 31, 2016

7. Governor's Certification

- I have reviewed these rules and determined that they:
1. Are within the scope of the statutory authority delegated to the adopting agency;
 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

CHAPTER 15
REGULATION GOVERNING RISK RETENTION

Section 1. Authority

These rules and regulations governing risk retention and purchasing groups are adopted pursuant to W.S. §§ 26-2-110 and 26-36-101 et seq.

Section 2. Definitions

As used in these rules and regulations:

(a) "authorized" and "admitted" means an insurer authorized by a subsisting certificate of authority issued by the commissioner to transact insurance in this state;

(b) "liability insurance coverage" means liability insurance policy or endorsement forms under which a liability risk retention group or liability insurer may undertake to indemnify a liability risk retention group or liability purchasing group member;

(c) "unauthorized" and "non-admitted" means not authorized to transact insurance in this state by a subsisting certificate of authority issued by the commissioner.

Section 3. REGISTRATION, NOTICE AND INFORMATIONAL FILINGS

(a) **Foreign Liability Risk Retention Group Registration**

(i) Any risk retention group chartered in a state other than Wyoming, before offering liability insurance on any risk located, resident or to be performed in this state, shall register with the commissioner, on forms the commissioner designates, sworn to by the president or chief executive officer and the secretary of the risk retention group pursuant to W.S. § 26-36-105.

(b) **Purchasing Group Notice of Intent**

(i) Any purchasing group which intends to do business in this state, before soliciting any member to insure through the group any risk located, resident or to be performed in this state, shall furnish notice of its intent to do business to the commissioner, sworn to by the party who, under the organizational plan of the group, has authority to bind the group by signature, on forms the commissioner designates, providing such information and documentation as the commissioner shall require pursuant to W.S. § 26-36-109.

(c) **Appointment of Commissioner as Agent for Service of Process**

(i) Any risk retention group filing its registration or risk purchasing group filing its notice of intent to do business unless otherwise exempted under W.S. § 26-36-109(b), shall submit

to the commissioner, contemporaneously with filing its registration or notice of intent, a statement of registration irrevocably appointing the commissioner as its agent for the purpose of receiving legal documents and service of process, in the form designated by the commissioner.

(d) **Updates and Amendments**

(i) Any registered risk retention group or risk purchasing group shall notify the commissioner in writing within thirty (30) days of any changes to the information contained on the registration form or notice of intent form. The commissioner may request additional information and documentation as necessary. No such request shall delay the effective date of the notice.

(ii) On or before March 1 of each year, each registered risk retention group and risk purchasing group shall file a sworn affidavit by the party authorized to file a registration or notice of intent to do business, certifying to the commissioner the accuracy of the information on file or as amended, and as to its continued intent to be registered and do business.

Section 4. ELIGIBILITY AND CONDITIONS FOR PROCUREMENT

(a) **Group Location**

For the purposes of Section Four of these rules and regulations a liability purchasing group shall be deemed located or situated in the state where it is domiciled.

(b) **Direct Production**

Any registered risk retention group in this state which utilizes brokers or agents in soliciting, negotiating, procuring or providing liability insurance for its members located or resident in this state shall do so only through brokers or agents licensed in this state. Nothing herein shall be construed to prevent a risk retention group from soliciting, negotiating, procuring or providing liability insurance for its members located or resident in this state directly through its officers, directors, owners, partners, trustees, or full-time salaried employees not licensed as a broker or agent in this state.

(i) Any registered purchasing group in this state which utilizes brokers or agents in soliciting, negotiating, procuring, or providing liability insurance for its members located or resident in this state shall do so only through brokers or agents licensed in this state. Nothing herein shall be construed to prevent a purchasing group from soliciting, negotiating, procuring or providing liability insurance for its members located or resident in this state through an insurer admitted in the state in which the purchasing group is located on a direct basis through the purchasing group's officers, directors, owners, partners, trustees, or full-time salaried employees not licensed as a broker or agent in this state.

Section 5. TAXES

(a) Liability Risk Retention Group Taxes

Each risk retention group shall file with the commissioner a report of all premiums paid to it for risks insured by it located, resident or to be performed within or properly allocated to this state in a form the commissioner prescribes and requires pursuant to the provisions of W.S. § 26-4-103 and W.S. § 26-36-105(d).

(b) Purchasing Group Taxes

Premium taxes and taxes on premiums paid for coverage of risks resident or located in this state by a purchasing group or any member of the purchasing groups shall be:

(i) Imposed at the same rate and subject to the same interest, fines and penalties as that applicable to premium taxes and taxes on premiums paid for similar coverage from a similar insurance source by other insureds; and

(ii) Paid first by such insurance source, and if not by such source by the agent or broker for the purchasing group, and if not by such agent or broker then by the purchasing group, and if not by such purchasing group then by each of its members.

Section 6. Tax Delinquency

If an insurer, liability risk retention group or risk retention broker agent does not pay the tax on or before March 31 of the year in which due, in accordance with the Wyoming Risk Retention Act and these rules and regulations, the tax is delinquent, and the commissioner may enforce payment thereof by the seizure, distraint and sale of any of the insurer's, the liability risk retention group's or the risk retention broker agent's property within Wyoming.

Section 7. EFFECTIVE DATE

These rules and regulations become effective upon filing with the Secretary of State.

CHAPTER 15
REGULATION GOVERNING RISK RETENTION

~~PART 1—GENERAL PROVISIONS~~

Section 1. ~~Section 1.1.~~ **Authority**

These rules and regulations governing ~~liability~~ risk retention and purchasing groups are adopted pursuant to ~~Section 16-3-102 through Section 16-3-106 of the Wyoming Administrative Procedures Act, W.S. Section §§ 26-2-110 and 26-36-101 et seq. of the Wyoming Insurance Code and Section 26-36-115 of the Wyoming Risk Retention Act.~~

~~Section 1.2.~~ **Purpose**

~~The Wyoming Risk Retention Act became effective May 22, 1987. It was intended to be consistent with and complementary to the Federal Liability Risk Retention Act of 1986. These rules and regulations are intended to carry out the provisions of the Wyoming Risk Retention Act as they pertain to registrations, notices and informational filings for liability risk retention and purchasing groups, the licensing of risk retention broker agents soliciting for liability risk retention and purchasing groups and the allocation of premium and payment of premium taxes for risks insured by or through liability risk retention and purchasing groups as allowable under and not in conflict with the Federal Liability Risk Retention Act of 1986.~~

Section 2. ~~Section 1.3.~~ **Definitions**

As used in these rules and regulations:

(a) ~~(a)~~—"authorized to transact insurance in this state" and "admitted" means an insurer authorized by a subsisting certificate of authority issued by the commissioner to transact insurance in this state;

~~(b)~~—"commissioner" means the insurance commissioner of the State of Wyoming;

~~(c)~~—"Federal Liability Risk Retention Act of 1986" means that federal legislation which authorized qualified individuals or organizations to form special association insurance captives or to join together to purchase liability insurance on a group basis enacted as 15 U.S.C. Section 3901, et seq.;

(b) ~~(d)~~—"liability insurance coverage" means liability insurance policy or endorsement forms under which a liability risk retention group or liability insurer may undertake to indemnify a liability risk retention group or liability purchasing group member ~~against liability arising from similar hazards or risk contingencies including but not limited to those liability insurance coverages commonly referred to in the industry as products-completed operations liability, liquor liability, hospital professional liability, physicians, surgeons, and dentists liability, lawyers professional liability, elevator liability, storekeepers liability, governmental entity general~~

~~liability, public officials errors and omissions, school board errors and omissions, directors and officers errors and omissions, oil field general liability, day care general liability, outfitters and guides general liability, recreational area liability, long haul truckers liability, garage liability, pollution liability, etc.;~~

~~—(e)—"liability purchasing group" means any group meeting the requirements of a purchasing group contained in the Wyoming Risk Retention Act;~~

~~—(f)—"liability risk retention group" means any group meeting the requirements of a risk retention group contained in the Wyoming Risk Retention Act;~~

~~—(g)—"risk retention broker agent" means any individual, firm or corporation appointed by a liability purchasing group or liability risk retention group for the purpose of providing insurance to the members of the liability purchasing group or liability risk retention group;~~

(c) ~~(h)~~—"unauthorized" and "non-admitted" means not authorized to transact insurance in this state by a subsisting certificate of authority issued by the commissioner.

~~—(i)—"Wyoming Insurance Code" means Title 26 of the Wyoming Statutes Annotated, 1976 Revised Edition which regulates the business of insurance in the State of Wyoming; and~~

~~—(j)—"Wyoming Risk Retention Act" means Chapter 36 of the Wyoming Insurance Code which regulates the business of liability in the State of Wyoming as authorized by the Federal Liability Risk Retention Act of 1986.~~

~~—Section 1.4. —Penalty for Violations~~

~~The violation of these rules and regulations is punishable under Sections 26-1-107, 26-2-112, 26-3-116, 26-4-105, 26-9-130, 26-9-136, 26-11-119, 26-13-116, 26-13-202, and 26-36-112 of the Wyoming Insurance Code.~~

Section 3. ~~—PART 2—~~REGISTRATION, NOTICE AND INFORMATIONAL FILINGS

(a) ~~Section 2.1.—~~Foreign Liability Risk Retention Group Registration

(i) ~~(a)~~—Any ~~liability~~ risk retention group chartered in a state other than Wyoming and not holding a subsisting certificate of authority issued by the commissioner of the State of Wyoming, before offering liability insurance ~~as a liability risk retention group~~ on any risk located, resident or to be performed in this state, shall register with the commissioner, on forms the commissioner designates ~~and furnishes~~, sworn to by the president or chief executive officer and the secretary of the ~~liability~~ risk retention group ~~providing such~~ pursuant to ~~Section~~ W.S. § 26-36-105 ~~of the Wyoming Risk Retention Act.~~

~~(b)—Any liability risk retention group chartered in a state other than Wyoming and not holding a~~

~~subsisting certificate of authority issued by the commissioner of the State of Wyoming which has registered with the commissioner pursuant to Section 3(d) of the Federal Liability Risk Retention Act of 1986 or Section 26-36-105 of the Wyoming Risk Retention Act prior to the effective date of these rules and regulations shall comply with subsection a. of this section by registering in the form prescribed by subsection a. of this section on or before July 1, 1988.~~

~~(b) Section 2.2.—**Liability Purchasing Group Notice of Intent**~~

~~(i) (a) —Any **liability** purchasing group which intends to do business in this state, before soliciting any member to insure through the group any **liability** risk located, resident or to be performed in this state, shall furnish notice of its intent to do business to the commissioner, sworn to by the **president, chief executive officer, secretary, partner, trustee or such other officer or** party who, under the organizational plan of the group, has authority to bind the group **with his** signature, on forms the commissioner designates **and furnishes**, providing such information and documentation as the commissioner shall require pursuant to **Section W.S. § 26-36-109 of the Wyoming Risk Retention Act.**~~

~~—(b) —Any liability purchasing group which has filed with the commissioner its notice of intent to do business pursuant to Section 4(d)(1) of the Federal Liability Risk Retention Act of 1986 or Section 26-36-109 of the Wyoming Risk Retention Act prior to the effective date of these rules and regulations shall comply with subsection a. of this section by registering in the form prescribed by subsection a. of this section on or before July 1, 1988.~~

~~(c) Section 2.3.—**Appointment of Commissioner as Agent for Service of Process**~~

~~(i) (a) —Any **liability** risk retention group, filing its ~~registration~~ **registration or risk purchasing group filing its notice of intent** to do business ~~as a liability risk retention group in this state pursuant to Section 3(d) of the Federal Liability Risk Retention Act of 1986, Section 26-36-105 of the Wyoming Risk Retention Act or Section 2.1 of these rules and regulations, and any liability purchasing group, not~~ **unless** otherwise exempted under **Section W.S. § 26-36-109(b)** of the Wyoming Risk Retention Act and subsection c. of this section, ~~filing its notice of intent to do business as a liability purchasing group in this state, pursuant to Section 4(d)(1) of the Federal Liability Risk Retention Act of 1986, Section 26-36-109 of the Wyoming Risk Retention Act or Section 2.2 of these rules and regulations,~~ shall submit to the commissioner, contemporaneously with filing its ~~regulation~~ **registration** or notice of intent, a statement of registration irrevocably appointing the commissioner as its agent for the purpose of receiving legal documents and service of process, in the form ~~substantially similar to that contained in subsection b. of this section~~ **designated by the commissioner.**~~

~~(i) (b) —The statement of registration appointing the commissioner as agent for the purpose of receiving legal documents and service of process, required in subsection a. of this section, shall be in substantially the following form with the appropriate information included:~~

~~REGISTRATION OF APPOINTMENT OF AGENT FOR SERVICE OF PROCESS~~

~~KNOW ALL MEN BY THESE PRESENTS:~~

The _____ (name of group) _____, a
liability _____
[risk retention] [purchasing] group authorized to transact liability insurance under the Federal
Liability Risk Retention Act of 1986 and Chapter 36 of the Wyoming Insurance Code, domiciled
in the State of _____ And whose principal place of business is located at
_____ (city) _____ (state) _____ (zip)
does hereby constitute, designate and appoint the Insurance Commissioner of the State of
Wyoming, and his successors in office, as its true and lawful agent to receive legal documents and
service of process issued against said liability [risk retention] [purchasing] group in the State of
Wyoming. This appointment shall be irrevocable, shall be binding upon the group, and its
successors in interest, as to the assets and liabilities of the group and shall remain in full force and
effect for so long as there is in force any contract or certificate insuring any member [of the
liability risk retention group] [of the liability purchasing group] in the State of Wyoming or any
obligation of the group arising out of its transactions in the State of Wyoming.

The liability [risk retention] [purchasing] group hereby designates the following person as
the person to whom legal documents and process against it served shall be forwarded by the
Insurance Commissioner:

(name) _____, _____ (title) _____

(company or group name), _____, _____ (street address) _____

(city) _____, _____ (state) _____ (zip) _____

~~IN WITNESS WHEREOF~~, the said liability [risk retention] [purchasing] group has caused
this appointment to be duly executed this _____ day of _____
; _____
19____.

(name of group)

BY:

[President, Chife Executive Officer, Secretary, Partner,
Trustee, SEAL _____ or title of the officer or party who under the
organization of the _____ group has authority to bind the group with his
signature].

State of _____)
) ss
County of _____)

The foregoing instrument was acknowledged and executed before me this
day of _____, 19__.

Notary Public

SEAL

My commission expires: _____

~~_____ (e) _____ Nothing in this section shall apply in the case of a liability purchasing group:~~

~~_____ (i) _____ Which was domiciled before April 1, 1986, and is domiciled on and after October 27, 1986 in any state of the United States;~~

~~_____ (ii) _____ Which before October 27, 1986 purchased insurance from an insurance carrier licensed in any state, and since October 27, 1986 purchased its insurance from an insurance carrier licensed in any state;~~

~~_____ (iii) _____ Which was a liability purchasing group under the requirements of the Product Liability Risk Retention Act of 1981 before October 27, 1986; and~~

~~_____ (iv) _____ which does not purchase insurance that was not authorized for purposes of an exemption under that act, as in effect before October 27, 1986.~~

(d) **Section 2.4. Updates and Amendments**

(i) ~~(a) _____ Any liability registered risk retention group or risk purchasing group; which has registered with the commissioner and provided him information pursuant to Section 26-36-105 of the Wyoming Risk Retention Act and Section 2.1 of these rules and regulations, shall notify the commissioner in writing within thirty (30) days of any changes in its operations to the information contained on the registration form or notice of intent form, which result in the registration then on file containing false, inaccurate or misleading information, including the solicitation or writing of any liability insurance coverage in addition to that for which it is registered, so as to correct such false, inaccurate, or misleading information. The commissioner may request such additional information and documentation pertaining to such notice as he deems necessary, provided, however, No such request shall delay the effective date of the notice.~~

~~_____ (b) _____ Any liability purchasing group, which filed with the commissioner a notice of intent to do business and provided him information pursuant to Section 26-36-109 of the Wyoming Risk Retention Act and Section 2.2 of these rules and regulations, shall notify the commissioner in writing within thirty (30) days of any changes in its operations, which result in the notice of intent~~

~~to do business then on file containing false, inaccurate or misleading information, including the solicitation or writing of any liability insurance coverage in addition to that for which it has notified the commissioner, so as to correct such false, inaccurate or misleading information. The commissioner may request such additional information and documentation pertaining to such notice as he deems necessary provided, however, no such request shall delay the effective date of the notice.~~

~~(ii) (c) — Any liability risk retention group, which has registered with the commissioner and provided him information pursuant to Section 26-36-105 of the Wyoming Risk Retention Act and Section 2.1 of these rules and regulations, and any liability purchasing group, which has filed with the commissioner a notice of intent to do business and provided him information pursuant to Section 26-36-109 of the Wyoming Risk Retention Act and Section 2.2 of these rules and regulations, on~~On ~~or before March 1 of each year, each registered risk retention group and risk purchasing group shall file~~by ~~a sworn affidavit of by the officer or party qualified and authorized to file an original registration or notice of intent to do business, shall certify~~certifying ~~to the commissioner as to the continued accuracy of the information on file or as amended by notice filed pursuant to subsections a. or b. of this section, and as to its continued intent to be registered and do business in this state.~~

~~—Section 2.5.—~~ **Policy Form Approval**

~~No insurance policy or contract form, or application form if written application is required and is made a part of the policy to contract, or printed rider or endorsement form or form of renewal certificate shall be delivered or issued for delivery to any liability purchasing group domiciled in this state, or any member thereof, by any insurer authorized to transact insurance in this state unless the form is filed with and approved by the commissioner pursuant to the provisions of Chapter 15 of the Wyoming Insurance Code pertaining to insurance contract as they shall apply to the liability purchasing group.~~

~~—~~ **PART 3 — BROKER AGENTS**

~~—Section 3.1.—~~ **License Requirement**

~~No person, resident or nonresident in this state, shall act as or hold himself out in this state to be a risk retention broker agent for a liability risk retention group, or liability purchasing group which solicits members for the purpose of selling liability insurance coverage, purchases liability insurance coverage for group members located within this state or otherwise does business in this state unless then licensed as such under these rules and regulations.~~

~~—Section 3.2.—~~ **Exceptions to License Requirement**

~~Risk retention broker agent for the purpose of licensing does not include:~~

- ~~(a) — Any officer, director, owner, partner, trustee or full-time salaried employee~~

~~of a liability risk retention group or liability purchasing group;~~

~~——(b)—— Any officer, director, owner, partner, or full time salaried employee of a professional management firm employed by a liability risk retention group or liability purchasing group as an independent contractor to manage the operations of the liability risk retention group or liability purchasing group; or~~

~~——(c)—— Any telemarketing or mass mailing organization or any radio or television station or network or, newspaper or magazine publisher or distributor which makes statements or carries advertisements for a liability risk retention group or liability purchasing group to the extent only general, non-risk specific information is given concerning the Federal Liability Risk Retention Act, the Wyoming Liability Risk Retention Act and the liability risk retention group or liability purchasing group and no application for insurance is received, no underwriting information is taken, and no insurance rate or premium is quoted or collected.~~

~~——Section 3.3.—— **Qualifications for License**~~

~~The commissioner shall not issue, continue, or permit to exist any risk retention broker agent license except in compliance with these rules and regulations and any individual applying for or holding such a license shall:~~

~~——(a)—— Be an adult under the laws of his state of domicile;~~

~~——(b)—— If representing a liability purchasing group registered with the commissioner, have been appointed risk retention broker agent by the liability purchasing group, subject to issuance of the license;~~

~~——(c)—— If representing a liability risk retention group, have been appointed risk retention broker agent by the liability risk retention group, subject to issuance of the license;~~

~~——(d)—— If representing an insurer doing business with a liability purchasing group having members in this state, have been appointed risk retention broker agent by the insurer, subject to issuance of the license;~~

~~——(e)—— Be competent, trustworthy, financially responsible and of good reputation; and~~

~~——(f)—— Pass any written examination required for license by the commissioner under Chapter 9 of the Wyoming Insurance Code.~~

~~——Section 3.4.—— **Licensing of Firm or Corporation**~~

~~——(a)—— A firm or corporation may be licensed as a risk retention broker agent. Each general partner and each other individual authorized to act for the firm and each individual authorized to act for the corporation shall be named in the license or registered with the commissioner and shall qualify as through an individual licensee; and~~

~~——(b)——The licensee shall promptly notify the commissioner of any changes among its members, directors, officers and other individuals designated in or registered as to the license.~~

~~——Section 3.5.——~~ **Application for License**

~~——(a)——Application for a risk retention broker agent license shall be made to the commissioner on a form he shall prescribe which shall comply with the provisions of Section 26-9-108 of the Wyoming Insurance Code, applicable to an agent's license and shall be signed and sworn to by the applicant before a notary public or other person authorized by law to take acknowledgment of deeds and shall be accompanied by a written appointment by the liability purchasing group, liability risk retention group or insurer for the position or kind of insurance specified in the application; and~~

~~——(b)——Any surplus line broker or casualty insurance agent licensed in this state shall be deemed qualified to act as a risk retention broker agent and shall submit application for licensure as a risk retention broker agent on a form prescribed by the commissioner reflecting that previous application for license has been filed with the commissioner and containing a written appointment by the liability purchasing group, liability risk retention group or insurer for the position or kind of insurance specified in the application.~~

~~——Section 3.6.——~~ **Fee**

~~——(a)——Each application shall be accompanied by the applicable license fee, appointment fee and examination fee in the amounts specified in Section 26-4-101 of the Wyoming Insurance Code for a resident casualty agent; and~~

~~——(b)——The commissioner shall charge and the licensee shall pay a full additional license fee for each individual exceeding one (1) named in or registered as to the license issued to a firm or corporation.~~

~~——Section 3.7.——~~ **Written Examination**

~~——(a)——The commissioner shall require each applicant for license as a risk retention broker agent unless exempted therefrom under Section 3.8 of these rules and regulations to take a written examination as to his competence to act as a risk retention broker agent; and~~

~~——(b)——If the applicant is a firm or corporation, the examination shall be taken by each individual who is to be named in or registered as to the license.~~

~~——Section 3.8.——~~ **Exemption from Examination Requirement**

No examination is required of:

~~——(a)——Any applicant for license who was licensed in this state as a risk retention broker agent, casualty insurance agent or surplus line broker, other than a temporary license,~~

within the twelve (12) months immediately preceding the date of application, unless the previous license was revoked, suspended or continuation thereof refused by the commissioner; and

~~——(b)—— Any applicant for license who is licensed in their state of domicile as a casualty insurance agent or surplus line broker, other than a temporary license, on the date of application, if the insurance supervisory official of their state of domicile certifies that the applicant is licensed as a resident agent or surplus line broker in that state, is in good standing and has complied with that state's qualification standards therefor.~~

~~——Section 3.9.—— **Risk Retention Broker Agent Bond**~~

~~Prior to issuance of an appointment as a risk retention broker agent for any unauthorized liability risk retention group or unauthorized insurer, the applicant shall file with the commissioner, and shall keep in force or as long as such an appointment remains in effect, a bond in favor of the State of Wyoming in the penal sum of one thousand dollars (\$1000.00), with an authorized corporate surety the commissioner approves, conditioned that he will conduct business under his risk retention broker agent license in accordance with the Wyoming Risk Retention Act and these rules and regulations and that he will promptly remit the taxes in the manner prescribed in Part Five of these rules and regulations. Any risk retention broker agent licensed as a surplus line broker in the State of Wyoming and maintaining a bond pursuant to Section 26-11-114 of the Wyoming Insurance Code or previously appointed by an unauthorized liability risk retention group or unauthorized insurer and maintaining a bond pursuant to this section shall not be subject to any additional bond requirement. The aggregate liability of the surety for any claims on the bond shall not exceed the penal sum of the bond. The bond shall not be terminated unless not less than thirty (30) days prior written notice thereof is given to the licensee and filed with the commissioner.~~

~~——Section 3.10.—— **License Continuation or Termination**~~

~~Each risk retention broker agent license shall continue in force, subject to the payment of an annual continuation fee by midnight on March 31, of each year until expired, suspend, revoked or otherwise terminated, as provided for an agent license by Section 26-9-117 of the Wyoming Insurance Code.~~

~~——Section 3.11.—— **License Suspension or Revocation**~~

~~——(a)—— The commissioner may suspend or revoke any risk retention broker agent license for any applicable cause for which a general lines agent's license may be suspended or revoked.~~

~~——(b)—— The procedures provided by Chapter 9 of the Wyoming Insurance Code for suspension or revocation of licenses apply to suspension or revocation of a risk retention broker agent's license.~~

~~——Section 3.12.—— **Appointment of Commissioner as Agent for Service of Process**~~

~~Application for and acceptance of a risk retention broker agent license under these rules and regulations by any person not a resident of this state constitutes the irrevocable appointment of the commissioner as the agent of the licensee for the acceptance of service of process issued in this state in any action or proceeding against the licensee arising out of the licensing or any transaction under the license.~~

~~—Section 3.13.—**General Licensing Provisions**~~

~~To the extent the general provisions of Chapter 9 of the Wyoming Insurance Code as they pertain to agents are not inconsistent with the Federal Liability Risk Retention Act of 1986, the Wyoming Risk Retention Act and these rules and regulations, those general provisions shall apply to risk retention broker agents.~~

Section 4. ELIGIBILITY AND CONDITIONS FOR PROCUREMENT

~~—PART 4—**ELIGIBILITY AND CONDITIONS FOR PROCUREMENT**~~

(a) ~~Section 4.1.—**Group Location**~~

For the purposes of ~~Part~~ Section Four of these rules and regulations a liability purchasing group shall be deemed located or situated in the state where it is domiciled.

~~—Section 4.2.—**Exportability**~~

~~Any risk retention broker agent licensed in this state and any liability risk retention group or liability purchasing group registered in this state pursuant to Chapter 36 of the Wyoming Insurance Code and these rules and regulations operating as a direct producer in this state may procure and provide liability insurance for liability risk retention group or liability purchasing group members located in this state without regard to any requirement that a diligent effort be made to procure and provide such liability insurance from among insurers authorized to transact that kind and class of insurance in this state and without regard to any advantage which might be secured for such members regarding a lower premium rate or terms of the insurance contract.~~

~~—Section 4.3.—**Risk Retention Broker Agency Memorandum**~~

~~Any risk retention broker agent effecting insurance on any risk located, resident or to be performed within or properly allocated to this state with an unauthorized liability risk retention group or unauthorized insurer, pursuant to the Federal Liability Risk Retention Act of 1986, the Wyoming Risk Retention Act, and these rules and regulations, shall file with the commissioner a bordereau memorandum in a form the commissioner prescribes or accepts, setting forth the facts concerning the placement of such insurance so as to identify the coverage and the tax payable to the state relative thereto pursuant to Section 26-11-106(b) of the Wyoming Insurance Code.—The risk retention broker agent shall file this bordereau with the commissioner on or before March 31 of each year in which the premium or consideration is due.—Any risk retention broker agent may contract with the unauthorized liability risk retention group or unauthorized insurer or with a~~

~~liability purchasing group for which it acts to provide for the unauthorized liability risk retention group, the unauthorized insurer or the liability purchasing group filing this bordereau on behalf of the risk retention broker agent in accordance with this section, provided the risk retention broker agent notifies the commissioner of such delegation and files with the commissioner a copy of the contract authorizing such alternative method of filing prior to the effective date of such delegation.~~

~~(b) Section 4.4.—Direct Production~~

~~(a) —Any liability-registered risk retention group ~~required to register~~ in this state pursuant to Section 3(d) of the Federal Liability Risk Retention Act of 1986, Section 26-36-105 of the Wyoming Risk Retention Act or Section 2.1 of these rules and regulations which utilizes risk retention broker agent brokers or agents in soliciting, negotiating, procuring or providing liability insurance for its members located or resident ~~within~~ in this state shall do so only through risk retention broker agent brokers or agents licensed in this state, pursuant to Chapters 9, 11 and 36 of the Wyoming Insurance Code and those rules and regulations, provided, however, ~~n~~ Nothing herein shall be construed to prevent ~~such a liability~~ a risk retention group from soliciting, negotiating, procuring or providing liability insurance for its members located or resident ~~within~~ in this state directly through its officers, directors, owners, partners, trustees, or full-time salaried employees not ~~so~~ licensed as a broker or agent in this state.~~

~~(i) (b) —Any liability-registered purchasing group ~~required to file notice of its intent to do business~~ in this state pursuant to Section 4(d)(1) of the Federal Liability Risk Retention Act of 1986, Section 26-36-109 of the Wyoming Risk Retention Act or Section 2.2 of these rules and regulations which utilizes risk retention broker agent brokers or agents in soliciting, negotiating, procuring, or providing liability insurance for its members located or resident ~~within~~ this state shall do so only through risk retention broker agent brokers or agents licensed in this state, pursuant to Chapters 9, 11 and 36 of the Wyoming Insurance Code and these rules and regulations, provided, however, ~~n~~ Nothing herein shall be construed to prevent ~~such a liability~~ a purchasing group from soliciting, negotiating, procuring or providing liability insurance for its members located or resident ~~within~~ this state through an insurer admitted in the state in which the liability purchasing group is located on a direct basis through the liability purchasing group's officers, directors, owners, partners, trustees, or full-time salaried employees not licensed as a broker or agent as risk retention broker agents in this state.~~

~~—Section 4.5.—Insurance Purchasing by Liability Purchasing Group~~

~~A liability purchasing group may not purchase liability insurance covering risks located, resident or to be performed within or properly allocated to this state from a liability risk retention group that is not chartered in a state or from an insurer not admitted in the state in which the liability purchasing group is located unless the purchase is effected through a licensed agent or broker acting pursuant to the surplus line laws and regulations of the state in which the liability purchasing group is located.~~

~~—Section 4.6.—Solicitation by Nonresident~~

~~Notwithstanding the provisions of Section 26-9-133(b) of the Wyoming Insurance Code or any treaty entered into by the commissioner and the insurance supervisory official of any other state pursuant to Section 26-9-133(e) of the Wyoming Insurance Code to the contrary, any risk retention broker agent licensed in this state by the commissioner shall have the right under his license to solicit Wyoming liability risk retention group and Wyoming liability purchasing group business and members in Wyoming on behalf of the liability risk retention group or liability purchasing group by which he is appointed.~~

~~—Section 4.7.—~~ **Guaranty Association**

~~Any liability purchasing group risk located, resident or to be performed within this state insured under a policy issued by an insurer, not a liability risk retention group authorized to transact insurance in this state shall be subject to the provisions of Chapter 31 of the Wyoming Insurance Code pertaining to the Wyoming Insurance Guaranty Association as they shall apply.~~

Section 5. PART 5—TAXES

~~(a) Section 5.1.—~~ **Admitted Liability Risk Retention Group Taxes**

~~(a) — Each liability risk retention group authorized or formerly authorized to transact insurance in this state shall file with the commissioner on or before March 1 each year, or within any extended period the commissioner grants, not to exceed thirty (30) days, a report of all premiums paid to it for risks insured by it located, resident or to be performed within or properly allocated to this state in a form the commissioner prescribes and requires of all authorized and formerly authorized insurers in this state pursuant to the provisions of Section W.S. § 26-4-103 and W.S. § 26-36-105(d) of the Wyoming Insurance Code and shall specifically identify and report on behalf of its risk retention broker agent broker or agents, in a form the commissioner prescribes, that portion of its total premiums for Wyoming liability risks which have been placed by or allocated to any risk retention broker agent broker or agent.~~

~~(ii) (i) (b) — Each liability risk retention group authorized or formerly authorized to transact insurance in this state at the same time the report in subsection a. of this section is filed, shall pay to the state treasurer through the commissioner for the privilege of transacting business in this state, a tax upon its net Wyoming premiums and net Wyoming considerations as required of all authorized and formerly authorized insurers in this state pursuant to Section 26-4-103 of the Wyoming Insurance Code for risks located, resident or to be performed within this state or properly allocated to this state at a rate of two and one-half percent (2 1/2%) subject to any credit allowed against its tax liability pursuant to Section 26-4-104 of the Wyoming Insurance Code.~~

~~—Section 5.2. —Non-Admitted Liability Risk Retention Group Taxes~~

~~—(a) — Each liability risk retention group, not authorized or formerly authorized to transact insurance in this state, which has registered with the commissioner and has transacted business in this state pursuant to Section 3(d) of the Federal Liability Risk Retention Act, Section 26-36-105 of the Wyoming Risk Retention Act and Section 2.1 of these rules and regulations, shall file with the commissioner on or before March 1 each year, or within any extended period the commissioner grants, not to exceed thirty (30) days, a report of all premiums paid to it for risks insured by it located, resident or to be performed within or properly allocated to this state in a form the commissioner prescribes and requires of all authorized and formerly authorized insurers in this state pursuant to Section 26-4-103 of the Wyoming Insurance Code and shall specifically identify and report on behalf of its risk retention broker agentrisk retention broker or agents, in a form the commissioner prescribes, that portion of its total premiums for Wyoming liability risks which have been placed by or allocated to any such risk retention broker agentrisk retention broker or agent.~~

~~—(b) — To the extent a liability risk retention group not authorized or formerly authorized to transact insurance in this state, which has registered with the commissioner and has transacted business in this state pursuant to Section 3(d) of the Federal Liability Risk Retention Act, Section 26-36-105 of the Wyoming Risk Retention Act and Section 2.1 of these rules and regulations, has utilized risk retention broker agentrisk retention broker or agents licensed in this state to transact insurance in this state, a tax shall be reported and paid, in a form the commissioner prescribes, on or before March 1 each year, or within any extended period the commissioner grants, not to exceed thirty (30) days, by the risk retention broker agentrisk retention broker or agents, through the liability risk retention group reporting and paying on their behalf, to the state treasurer through the commissioner, on the net Wyoming premiums and net Wyoming considerations for risks located, resident or to be performed within or properly allocated to this state, at a rate of two and one-half percent (2 1/2%) pursuant to Section 26-4-103 of the Wyoming Insurance Code and Section 26-36-105(d) of the Wyoming Risk Retention Act.~~

~~—(c) — To the extent a liability risk retention group not authorized or formerly authorized to transact insurance in this state, which has registered with the commissioner and has transacted business in this state pursuant to Section 3(d) of the Federal Liability Risk Retention Act, Section 26-36-105 of the Wyoming Risk Retention Act and Section 2.1 of these rules and regulations, has not utilized risk retention broker agentrisk retention broker or agents licensed in this state to transact insurance in this state, a tax shall be reported and paid in a form the commissioner prescribes, on or before March 1 each year, or within any extended period the commissioner grants, not to exceed thirty (30) days, by the liability risk retention group to the state treasurer through the commissioner on the net Wyoming premiums and net Wyoming considerations for risks located, resident or to be performed or properly allocated to this state at a rate of two and one-half percent (2 1/2%) pursuant to Section 26-4-103 of the Wyoming Insurance Code and Section 26-36-105(d) of the Wyoming Risk Retention Act.~~

(b)

(c) ~~Section 5.3. — Admitted Insurer's Risk Purchasing Group Taxes~~

~~Each insurer authorized and formerly authorized to transact insurance in this state, which provides insurance for members of a liability purchasing group on risks located, resident or to be performed in this state, at the same time it files its report required pursuant to Section 26-4-104(a) of the Wyoming Insurance Code, shall file with the commissioner a specific report of all premiums paid to it for liability purchasing group risks insured by it located, resident or to be performed within and properly allocated to this state in a form the commissioner prescribes. Premium taxes and taxes on premiums paid for coverage of risks resident or located in this state by a purchasing group or any member of the purchasing groups shall be:~~

~~(i) Imposed at the same rate and subject to the same interest, fines and penalties as that applicable to premium taxes and taxes on premiums paid for similar coverage from a similar insurance source by other insureds; and~~

~~(ii) Paid first by such insurance source, and if not by such source by the agent or broker for the purchasing group, and if not by such agent or broker then by the purchasing group, and if not by such purchasing group then by each of its members.~~

~~Section 5.4. —~~

~~— Non-Admitted Insurer's Risk Purchasing Group Taxes~~

~~(a) — Each insurer not authorized or formerly authorized transact insurance in this state which provides insurance for members of a liability purchasing group on risks located, resident or to be performed in this state, shall file with the commissioner on or before March 1 each year, or within any extended period the commissioner grants, not to exceed thirty (30) days, a report of all premiums paid to it during the immediately preceding calendar year for liability purchasing group risks insured by it located, resident or to be performed in this state in a form the commissioner prescribes and requires of all authorized and formerly authorized insurers in this state pursuant to Section 26-4-103 of the Wyoming Insurance Code and shall specifically identify and report on behalf of its risk retention broker agents, in a form the commissioner prescribes, that portion of its total premiums for Wyoming liability risks which have been placed by or allocated to any risk retention broker agent.~~

~~(b) — To the extent an insurer not authorized or formerly authorized to transact insurance in this state has utilized risk retention broker agents licensed in this state to insure liability purchasing group risks located, resident or to be performed within or properly allocated to this state, a surplus line tax shall be reported and paid in a form the commissioner prescribes, on or before March 1 each year, or with any extended period the commissioner grants, not to exceed thirty (30) days, by the risk retention broker agent, through the insurer reporting and paying on their behalf, to the state treasurer through the commissioner, on the net Wyoming premiums and net Wyoming considerations received during the immediately preceding calendar year for risks located, resident or to be performed within or properly allocated to this state at a rate of three percent (3%) as required of all surplus line insurance sold in this state pursuant to Section 26-11-118 of the Wyoming Insurance Code.~~

~~(d) (c) — To the extent an insurer not authorized or formerly authorized to transact insurance in this state has not utilized risk retention broker agents licensed in this state when insuring liability purchasing group risks located, resident or to be performed within or properly allocated to this state, a surplus line tax shall be reported and paid in a form the commissioner prescribes, on or before March 1 each year, or within any extended period the commissioner grants, not to exceed thirty (30) days, by the insurer to the state treasurer through the commissioner on the net Wyoming premiums and net Wyoming considerations received during the immediately preceding calendar year for risks located, resident or to be performed within or properly allocated to this state at a rate of three percent (3%) as required of all surplus line insurance sold in this state pursuant to Section 26-11-118 of the Wyoming Insurance Code.~~

Section 6. Section 5.5. Tax Delinquency

(i) (a) If an insurer, liability risk retention group or risk retention broker agent does not pay the tax on or before March 31 of the year in which due, in accordance with the Wyoming Risk Retention Act and these rules and regulations, the tax is delinquent, and the commissioner may enforce payment thereof by the seizure, distraint and sale of any of the insurer's, the liability risk retention group's or the risk retention broker agent's property within Wyoming.

~~(b) — If a risk retention broker agent fails to remit through an unauthorized insurer or unauthorized liability risk retention group the tax due on the business of an unauthorized insurer or unauthorized liability risk retention group prior to April 1 after the tax is due, and if in the commissioner's opinion the failure is without just cause, the risk retention broker agent is liable for a twenty five dollar (\$25.00) fine for each day of delinquency commencing with April 1 of the year for which the tax is due.~~

Section 7. ~~PART 6 — SEVERABILITY AND EFFECTIVE DATE~~

~~Section 6.1. — Severability~~

~~If any provision of these rules and regulations or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of these rules and regulations and the application of such provision to other persons and circumstances shall not be affected thereby.~~

~~Section 6.2. — Effective Date~~

These rules and regulations become effective ~~on May 1, 1988~~ [upon filing with the Secretary of State.](#)

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 15 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-26

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 15 of the Wyoming Insurance Department Regulations

Wyoming Statutes § 26-36-101, et seq., known collectively as the Risk Retention Act (“the Act”), was signed into law in 1987. Among other things, the Act was designed to provide guidance on the formulation and regulation of Risk Retention Groups in the state of Wyoming. Chapter 15 of the Wyoming Insurance Department Regulations was promulgated shortly after the effective date of the Act on May 1, 1988, and has not been substantially modified since that time. The Wyoming Insurance Department has amended Chapter 15 to clarify the wording in an attempt to reduce any ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor’s directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 15 have resulted in a reduction of words in the regulation from approximately 6,274

words in the prior version to approximately 1020 words in the amended version. This represents a reduction of approximately 83%.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 15 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-26**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 15 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the creation of Chapter 15 of the Wyoming Insurance Department Regulations.

CHAPTER 16
REGULATION GOVERNING
INSURANCE COMPANY APPOINTMENTS OF PRODUCERS

Section 1. Authority

These regulations governing the company appointments of producers are promulgated pursuant to the authority granted by W.S. §§ 26-2-110, 26-9-213 and 26-9-217.

Section 2. Definitions

(a) “Appointment” means a notification filed with the insurance department that an insurer has established an agency relationship with a producer.

(b) “Appointment continuation” means continuation of a company’s existing appointment based on payment of the required fee without submission of an appointment form.

(c) For purposes of this regulation, “producer” means insurance producer as defined by W.S. § 26-1-102(xxxv), and includes title agents as defined in W.S. § 26-23-303(a)(xix).

(d) “Termination for cause” means an insurer has ended its agency relationship with a producer for one of the reasons set forth in W.S. § 26-9-211(a) or that the producer has been found by a court, governmental body or self-regulatory organization authorized by law to have engaged in any of the activities set forth in W.S. § 26-9-211(a).

Section 3. Producer Appointment

(a) Prior to submitting a notice of appointment, the appointing insurer shall verify that the producer is licensed and qualified to sell all products the producer sells for that insurer.

(b) Each insurer appointing a title agent in Wyoming shall, at the time the request for title agent license is submitted, file with the commissioner a notice of producer appointment in a form acceptable to the commissioner.

(c) An insurer may file a notice of appointment electronically by accessing links to vendors through the Department’s website. If an insurer cannot file a request electronically, then the insurer may file a paper form.

Section 4. Continuation and Termination

(a) Annually, each insurer will receive notice of the amount owed for continuation of appointments pursuant to W.S. §§ 26-9-213(e) and 26-4-101(a). The amount owed may not be altered or amended. Annually, on or before March 31, each insurer shall pay the amount owed for the continuation of appointment fee. Failure to pay the amount owed for the continuation of appointment fee on or before March 31 as required shall result in the termination of the insurer’s producer appointments.

(b) Each insurer terminating a producer appointment for any reason shall file with the commissioner a notice of producer appointment termination. The notice of termination should be filed electronically by accessing links to the vendors through the department's website. An insurer may file a paper form if they cannot file electronically.

(c) If any insurer terminates a producer appointment for cause, it must submit a completed Termination for Cause form and supporting documentation in accordance with W.S. § 26-9-214.

Section 5. Effective Date

(a) These rules and regulations shall become effective upon filing with the Secretary of State.

CHAPTER 16
REGULATION GOVERNING
INSURANCE COMPANY APPOINTMENTS OF PRODUCERS

Section 1. Authority

~~These rules and~~ These regulations governing the company appointments of producers are promulgated pursuant to the authority granted by ~~Wyo. Stat.~~ W.S. §§ 26-2-110, 26-9-213 and 26-9-217 ~~of the Wyoming Insurance Code and the Wyoming Administrative Procedure Act (Wyo. Stat. § 16-3-101, et seq.).~~

~~Section 2.~~ Purpose

~~(a) The purpose of these rules and regulations is to establish a procedure for adding, terminating and continuing an insurance producer's company appointment.~~

~~Section 3.~~ Section 2. Definitions

(a) "Appointment" means a notification filed with the insurance department that an insurer has established an agency relationship with a producer.

(b) "Appointment continuation" means continuation of a company's existing appointment based on payment of the required fee without submission of an appointment form.

(c) For purposes of this regulation, "producer" means insurance producer as defined by W.S. § 26-1-102(xxxv), and includes title agents as defined in ~~Wyo. Stat.~~ W.S. § 26-23-303(a)(xix).

(d) "Termination for cause" means an insurer has ended its agency relationship with a producer for one of the reasons set forth in ~~Wyo. Stat.~~ W.S. § 26-9-211(a) or that the producer has been found by a court, governmental body or self-regulatory organization authorized by law to have engaged in any of the activities set forth in ~~Wyo. Stat.~~ W.S. § 26-9-211(a).

~~Section 4.~~ Section 3. Producer Appointment

~~(a) Each insurer appointing a producer in this state shall within 15 days from the date the agency contract is executed or the first insurance application is submitted file with the commissioner a notice of producer appointment in a form acceptable to the commissioner.~~ Prior to submitting a notice of appointment, the appointing insurer shall verify that the producer is licensed and qualified to sell all products the producer sells for that insurer.

~~(b) Notwithstanding subsection (a), e~~ Each insurer appointing a title agent in ~~this state~~ Wyoming shall, at the time the request for title agent license is submitted, file with the commissioner a notice of producer appointment in a form acceptable to the commissioner.

(c) An insurer may file a notice of appointment electronically by accessing links to vendors through the Department's website, ~~at <http://insurance.state.wy.us>.~~ If an insurer cannot file a request electronically, then the insurer may file a paper form.

~~(d) — Failure to timely file appointment requests pursuant to Section 4(a) may subject an insurer to sanctions under Wyo. Stat. § 26-1-107.~~

Section 5. — Perpetual Appointment

~~(a) Every producer appointment made by an insurer pursuant to the provisions of the Wyoming Insurance Code and these rules and regulations shall be permanent and remain in effect perpetually, subject to the payment of an annual continuation fee as specified in Wyo. Stat. § 26-4-101, until terminated by the appointing insurer or appointed producer, by failure to pay such continuation fee as provided by these rules and regulations or by cancellation or revocation of the producer's license.~~

Section 6. Section 4. Continuation and Termination

~~(a) Annually, prior to a minimum of thirty (30) days prior to March 31, the commissioner will generate provide and deliver to for each insurer will receive notice an invoice and will which includes a list of all active continuing appointments of the amount owed for continuation of appointments pursuant to W.S. § 26-9-213(e) and 26-4-101(a). to be continued. The invoice—The amount owed may not be altered or, amended. —or used for appointing or terminating producers.—Annually, on or before March 31, each insurer shall return to the commissioner the invoice accompanied by payment of pay the amount owed for the annual continuation of appointment fee. —as specified in Wyo. Stat. W.S. § 26-4-101.— Failure to pay the amount owed submit the proper for the continuation of appointment fee on or before March 31 as required shall result in the termination of the insurer's producer appointments.~~

~~(b) Each insurer terminating a producer appointment for any reason shall file with the commissioner a notice of producer appointment termination in a form acceptable to the commissioner. An insurer may file a—The notice of termination should be filed electronically by accessing links to the vendors through the department's website at. If an insurer cannot file a request electronically, then the—An insurer may file a paper form if they cannot file electronically.~~

~~(c) If any insurer terminates a producer appointment for cause, the insurer it must submit a completed Termination for Cause form and written—supporting documentation in accordance with Wyo. Stat. W.S. § 26-9-214.~~

Section 7. — Separability

~~(a) — If any provision of these rules and regulations or application thereof to any person or circumstance is for any reason held to be invalid, the remainder of these rules and regulations and the application thereof to other persons and circumstances shall not be affected thereby.~~

Section 8. Section 5. Effective Date

~~(a) These rules and regulations shall become effective upon filing with the Secretary of State.~~

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 16 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-27

STATEMENT OF PRINCIPAL REASONS

FOR

The amendment of Chapter 16 of the Wyoming Insurance Department Regulations

Wyoming statute § 26-9-213 regarding the appointment of insurance producers was enacted in 2001, and amended in 2004. The Wyoming Insurance Department promulgated Chapter 16 of the Wyoming Insurance Department Rules and Regulations to provide further instruction and clarification regarding the appointment of insurance producers. The Current version of Chapter 16 was effective on August 11, 2006. The Wyoming Insurance Department has amended Chapter 16 to clarify the wording in an attempt to reduce any ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 16 have resulted in a reduction of words in the regulation from approximately 727

words in the prior version to approximately 454 words in the amended version. This represents a reduction of approximately 37%.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 16 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-27**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 16 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the creation of Chapter 65 of the Wyoming Insurance Department Regulations.

CHAPTER 22
REGULATION GOVERNING CLOSED BLOCKS OF BUSINESS

Section 1. Authority

This regulation governing closed blocks of business is promulgated by the authority of and pursuant to the Wyoming Insurance Code W.S. §§ 26-2-110 and 26-39-101 et. seq.

Section 2. Definitions

"Like Insureds" for the purposes of W.S. § 26-39-103 shall mean those insureds who:

(a) Are of the same underwriting risk classification as designated or approved by the Wyoming Insurance Commissioner; and

(b) Are insured under disability insurance policies providing the same type of coverage. Each of the following coverages shall be deemed a type of coverage:

- (i) Hospital-surgical expense coverage;
- (ii) Major medical expense coverage;
- (iii) Hospital indemnity coverage;
- (iv) Disability income coverage;
- (v) Accident only coverage;
- (vi) Specified disease coverage;
- (vii) Medicare supplement coverage;
- (viii) Mortgage disability coverage;
- (ix) Long-term care coverage;
- (x) Short-term non-renewable coverage; and
- (xi) Such other coverages as designated or approved by the Commissioner.

Section 3. Closed Blocks

An insurer will be presumed to have closed a block of business in Wyoming pursuant to W.S. § 26-39-102(a)(ii), if the insurer has not marketed or sold a new contract in Wyoming in that block of business during the preceding calendar year.

Section 4. Reporting Requirements

On or before March 1 of each year, any insurer who has sold an individual group or blanket disability contract or certificate, excluding credit disability insurance as defined in W.S. § 26-21-102(a)(ii), in Wyoming in the past calendar year shall submit a report containing the following information:

- (a) A listing for the preceding calendar year of all blocks of business which still have Wyoming insureds as policy or certificate holders within each block as well as an indication as to whether each block has been closed according to the standard set forth in Section 3 of this regulation;
- (b) A listing of the number of insureds on the first and last days of the reporting year in each block, and the number of insureds added or canceled from that block during reporting year.
- (c) Such other information as the Insurance Commissioner deems necessary.

Section 5. Effective Date

This regulation becomes effective immediately upon filing with the Secretary of State.

CHAPTER 22
REGULATION GOVERNING CLOSED BLOCKS OF BUSINESS

Section 1. ~~Section 1.~~ **Authority**

This regulation governing closed blocks of business is promulgated by the authority of and pursuant to the Wyoming ~~Administrative Procedure Act W.S. 16-3-101 et. seq. and the Wyoming Insurance Code W.S. §§ 26-2-110, W.S. 26-2-116 and supplements and defines W.S. and 26-39-101 et. seq. of the Insurance Code.~~

~~Section 2.~~ **Scope**

~~This regulation shall apply to those insurers who are within the scope of W.S. 26-39-101 et seq.~~

Section 2. ~~Section 3.~~ **Definitions**

~~As used in these regulations:~~

~~(a)~~ "Like Insureds" for the purposes of W.S. § 26-39-103 shall mean those insureds who:

~~(a)~~ ~~(i)~~ Are of the same underwriting risk classification as designated or approved by the Wyoming Insurance Commissioner; and

~~(b)~~ ~~(ii)~~ Are insured under disability insurance policies providing the same type of coverage. Each of the following coverages shall be deemed a type of coverage:

~~(i)~~ ~~(A)~~ Hospital-surgical expense coverage;

~~(ii)~~ ~~(B)~~ Major medical expense coverage;

~~(iii)~~ ~~(C)~~ Hospital indemnity coverage;

~~(iv)~~ ~~(D)~~ Disability income coverage;

~~(v)~~ ~~(E)~~ Accident only coverage;

~~(vi)~~ ~~(F)~~ Specified disease coverage;

~~(vii)~~ ~~(G)~~ Medicare supplement coverage;

~~(viii)~~ ~~(H)~~ Mortgage disability coverage;

~~(ix)~~ ~~(I)~~ Long-term care coverage;

~~(x) (J)~~ Short-term non-renewable coverage; and

~~(xi) (K)~~ Such other coverages as designated or approved by the Commissioner.

~~(b) "Person" shall have the meaning set forth in W.S. 26-1-102(a)(xx).~~

Section 3. ~~Section 4.~~ **Closed Blocks**

An insurer will be presumed to have closed a block of business in Wyoming pursuant to W.S. § 26-39-102(a)(ii), if the insurer ~~no longer offers for sale any individual, group or blanket disability insurance contracts in Wyoming from a particular block of business and~~ has not marketed or sold a new contract in Wyoming in that block of business during the preceding calendar year.

Section 4. ~~Section 5.~~ **Reporting Requirements**

On or before March 1 of each year, any insurer who has sold an individual group or blanket disability contract or certificate, excluding credit disability insurance as defined in W.S. § 26-21-102(a)(ii), in Wyoming in the past calendar year shall submit a report containing the following information:

~~(a) (a)~~ A listing for the preceding calendar year of all blocks of business which still have Wyoming insureds as policy or certificate holders within each block as well as an indication as to whether each block has been closed according to the standard set forth in Section ~~4-3~~ of this regulation;

~~(b) (b)~~ A listing of the number of insureds at the beginning on the first and last days of the ~~calendar-reporting~~ year in each block, and the number of insureds added or canceled from that block during ~~the year and the number of insureds at the end of the calendar year in each block~~ reporting year.

~~(c) (c)~~ Such other information as the Insurance Commissioner deems necessary ~~to fulfill his duties under the Wyoming Insurance Code.~~

~~Section 6.~~ **Violations**

~~Any person who violates any provision of this regulation or files false or fraudulent information required under Section 5, shall be punishable in accordance with W.S. 26-1-107 and, in addition, may have any license or certificate of authority issued by this Department suspended or revoked pursuant to W.S. 26-9-136 and W.S. 26-3-116.~~

~~Section 7.~~ **Severability**

~~If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of these rules and regulations and the application~~

~~of such provision to other persons and circumstances shall not be affected thereby.~~

Section 5. ~~Section 8.~~ Effective Date

(i) This regulation becomes effective immediately upon filing with the Secretary of State.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 22 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-25

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 22 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 22 of its Rules and Regulations in 1990, and it has not been substantially modified since that time. The DOI has amended Chapter 22 to address and clarify the wording of this regulation to remove or avoid any existing ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 22 have resulted in a reduction of words in the regulation from approximately 555 words in the prior version to approximately 361 words in the amended version. This represents a reduction of approximately 35%

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 22 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-25**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 22 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the amendment of the Wyoming Insurance Department Regulations.

CHAPTER 23
REGULATION GOVERNING UNINSURED MOTORIST ENDORSEMENTS

Section 1. ~~Section 1.~~—Authority

These rules and regulations ~~governing the policy provisions employed in various uninsured motorist endorsements circulated within the State of Wyoming~~ supplement ~~Section W.S. § 26-15-113 § 26-2-110 and W.S. § 26-15-101 et. seq.~~ of the Wyoming Insurance Code ~~and the Wyoming Uninsured Motorists' Act W.S. § 31-10-101, et. seq.~~ They are promulgated by authority of and pursuant to ~~W.S. § the Wyoming Administrative Procedures Act (Sections 16-3-101 et seq.) and to Sections 26-2-110 and 26-2-125 of the Wyoming Insurance Code.~~

~~Section 2.~~—Purpose

~~The purpose of these rules is to assure that uninsured motorist coverages issued and circulated with the State of Wyoming do not conflict with or otherwise unlawfully restrict the minimum coverages required by the Wyoming Uninsured Motorists Act, Section 31-10-101 W.S. 1977. Further, their purpose is to prevent the circulation of uninsured motorist policy forms in Wyoming which contain ambiguous, misleading, or inconsistent language, or which deceptively affect the risk purported to be assumed in the general coverage of the contract.~~

~~Section 3.~~—Applicability

~~These rules shall apply to any casualty insurer who circulates automobile liability insurance in the State of Wyoming.~~

Section 2. ~~Section 4.~~—"Other" Insurance Clauses

~~In all instances where~~ If the an insured holds more than one policy of uninsured motorists insurance or is entitled to recover under more than one policy of uninsured motorists insurance, for which separate premiums have been paid, the extent of this coverage will be the combined coverages under all policies, and actual damages sustained by the insured will be recoverable to the full extent of the combined limits of all such policies. Such recovery, however, will not exceed the minimum requirements for coverage under ~~Section W.S. § 31-9-102 —W.S. 1977,~~ as to all other policies except the primary policy. The primary policy shall be construed to mean that policy which provides the coverage for the insured automobile involved in the accident.

Section 3. ~~Section 5.~~—Reduction of Uninsured Motorists Coverage by Sums Paid Under Automobile Medical Coverage, Bodily Injury Coverage, and Workmen's Compensation

(a) ~~(a)~~—In no instance shall the ~~benefits~~ Benefits payable under uninsured motorists coverage shall not be reduced ~~on account by~~ of payments made under any other section of the policy, including, but not limited to, sums paid under automobile medical coverage and bodily

injury liability coverage, where actual damages exceed the policy limits of the uninsured motorists coverage. Payment under the policy may Only only be reduced when total proven or undisputed damages incurred by the insured do not exceed the policy limits of the uninsured motorists coverage. ~~may payments made under other provisions of the policy be used to reduce uninsured motorist benefits.~~

(b) ~~(b)~~ ~~In no instance shall the b~~Benefits payable under uninsured motorists coverage shall not be reduced by amounts paid under ~~Workmen's~~ Worker's Compensation legislation.

Section 4. ~~Section 6.~~ **Hit-and-Run Coverage**

(a) ~~(a)~~ ~~In no instance shall u~~Uninsured motorist endorsements ~~which that~~ provide coverage against bodily injury inflicted by a hit-and-run motorist shall not restrict such coverage to injuries which result from actual physical contact with the hit-and-run vehicle.

(b) ~~(b)~~ ~~If a policy contains Any language which requires requiring~~ the insured to report a hit-and-run accident to a police officer or the Department of Motor Vehicles within 24 hours a specific timeframe after the ~~occurrence of the accident,~~ the policy shall be amended shall also include ~~to read~~ the phrase, "within 24 hours after the occurrence of the accident or as soon thereafter as is practicable under the circumstances."

(c) ~~(e)~~ ~~If a policy contains Any language which requiring requires the an~~ insured to file with the insurer a statement or oath within a specific timeframe ~~30 days~~ after the accident ~~shall have been reported~~ the policy shall also be amended to include the phrase read "and at the request of the insurer shall have filed a statement of oath within 30 days after request for the same is made by the insurer."

Section 5. ~~Section 7.~~ **Defining an Uninsured Automobile**

(a) ~~(a)~~ ~~The definition of an uninsured automobile shall not include a provision that states the unauthorized use of a motor vehicle owned by a federal, state or local governmental agency is excluded.~~ ~~All uninsured motorist coverages must delete from policy forms circulated within the State of Wyoming any language which excludes from the definition of an uninsured automobile any motor vehicle owned by a state or local governmental agency and any federal vehicle where its use is unauthorized.~~

(b) ~~(b)~~ Any uninsured motorists coverage ~~circulated within the State of Wyoming which that~~ excludes from the ~~definition of an~~ uninsured automobile definition any land motor vehicle or trailer while located for use as a residence or premises shall be amended to read "This exclusion shall not apply to mobile recreational vehicles while being used for normal and ordinary purposes."

Section 6. ~~Section 8.~~ **Consent to Sue Clause**

~~In no instance shall any u~~Uninsured motorists coverage ~~circulated within the State of Wyoming shall not~~ contain any policy language which ~~requires~~forbids the insured ~~to~~to obtain written consent of the insurer to prosecute initiate an action against an uninsured motorist ~~without the written consent of the insurer.~~ The insurer, ~~however,~~ shall be entitled to a copy of the complaint and summons ~~forthwith in the event the insured decides to initiate a lawsuit.~~

Section 7. ~~Section 9.~~—Mandatory Arbitration Clause

~~In no instance shall any uninsured~~Uninsured motorists coverage ~~circulated within the State of Wyoming shall not~~ contain a mandatory arbitration clause. ~~by which the insured is required to arbitrate an insurance claim in the event of disagreement with his insurer, nor shall any such clause require that the results of An arbitration are binding on the~~ clause shall not require that the decision is binding on the parties without the right of appeal unless the parties ~~themselves~~ agree to be so bound by a separate written agreement.

Section 8. ~~Section 10.~~—Benefits in Excess of ~~Actual Damages~~ **Not to be Inferred**

~~Notwithstanding any other section of this regulation, no p~~Payments ~~shall not will~~ be required under uninsured motorists coverage which would result in duplicate payment for the same elements of loss or payment in excess of damages sustained.

Section 9. Effective Date:

This regulation is effective immediately upon filing with the Secretary of State.

CHAPTER 23
REGULATION GOVERNING UNINSURED MOTORIST ENDORSEMENTS

Section 1. Authority

These rules and regulations supplement W.S. § 26-2-110 and W.S. § 26-15-101 et. seq. of the Wyoming Insurance Code and the Wyoming Uninsured Motorists' Act W.S. § 31-10-101, et. seq.

Section 2. "Other" Insurance Clauses

If an insured holds more than one policy of uninsured motorists insurance or is entitled to recover under more than one policy of uninsured motorists insurance, for which separate premiums have been paid, the extent of this coverage will be the combined coverages under all policies, and actual damages sustained by the insured will be recoverable to the full extent of the combined limits of all such policies. Such recovery, however, will not exceed the minimum requirements for coverage under W.S. § 31-9-102, as to all other policies except the primary policy. The primary policy shall be construed to mean that policy which provides the coverage for the insured automobile involved in the accident.

Section 3. Reduction of Uninsured Motorists Coverage by Sums Paid Under Automobile Medical Coverage, Bodily Injury Coverage, and Worker's Compensation

(a) Benefits payable under uninsured motorists coverage shall not be reduced by payments made under any other section of the policy, including, but not limited to, sums paid under automobile medical coverage and bodily injury liability coverage, where actual damages exceed the policy limits of the uninsured motorists coverage. Payment under the policy may only be reduced when total proven or undisputed damages incurred by the insured do not exceed the policy limits of the uninsured motorists coverage.

(b) Benefits payable under uninsured motorists coverage shall not be reduced by amounts paid under Worker's Compensation.

Section 4. Hit-and-Run Coverage

(a) Uninsured motorist endorsements that provide coverage against bodily injury inflicted by a hit-and-run motorist shall not restrict such coverage to injuries which result from actual physical contact with the hit-and-run vehicle.

(b) If a policy contains language requiring the insured to report a hit-and-run accident to a police officer or the Department of Motor Vehicles within a specific timeframe after the accident, the policy shall also include the phrase, " or as soon thereafter as is practicable under the circumstances."

(c) If a policy contains language requiring an insured to file with the insurer a statement or oath within a specific timeframe after the accident the policy shall also include the phrase "after request for the same is made by the insurer."

Section 5. Defining an Uninsured Automobile

(a) The definition of an uninsured automobile shall not include a provision that states the unauthorized use of a motor vehicle owned by a federal, state or local governmental agency is excluded.

(b) Any uninsured motorists coverage that excludes from the uninsured automobile definition any land motor vehicle or trailer while located for use as a residence or premises shall be amended to read "This exclusion shall not apply to mobile recreational vehicles while being used for normal and ordinary purposes."

Section 6. Consent to Sue Clause

Uninsured motorists coverage shall not contain any policy language which requires the insured to obtain written consent of the insurer to initiate an action against an uninsured motorist. The insurer shall be entitled to a copy of the complaint and summons.

Section 7. Mandatory Arbitration Clause

Uninsured motorists coverage shall not contain a mandatory arbitration clause. An arbitration clause shall not require that the decision is binding on the parties without the right of appeal unless the parties agree to be so bound by a separate written agreement.

Section 8. Benefits in Excess of Damages

Payments shall not be required under uninsured motorists coverage which would result in duplicate payment for the same elements of loss or payment in excess of damages sustained.

Section 9. Effective Date:

This regulation is effective immediately upon filing with the Secretary of State.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 23 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-28

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 23 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 23 of its Rules and Regulations in 1975, and it has not been substantially modified since that time. The DOI has amended Chapter 23 to address and clarify the wording of this regulation to remove or avoid any existing ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 23 have resulted in a reduction of words in the regulation from approximately 880 words in the prior version to approximately 639 words in the amended version. This represents a reduction of approximately 28%

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 23 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-28**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 23 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the amendment of the Wyoming Insurance Department Regulations.

CHAPTER 26
REGULATION GOVERNING ADJUSTMENT OF DAMAGES TO
DWELLING ROOFS UNDER HOMEOWNERS' POLICIES

Section 1. Authority

These rules and regulations governing the adjustment of roof damage under Homeowners' Policies marketed in the State of Wyoming are initiated to supplement W.S. § 26-15-113. They are promulgated by authority of and pursuant to the W.S. §§16-3-101 through 16-3-115 and W.S. §§ 26-2-110 and 26-2-125.

Section 2. Adjustment Practices

If the shingles are obsolete and there is partial damage, i.e., a full slope of the roof, it shall be construed that the full roof has been damaged and adjustment shall be made on that basis.

Section 3. Effective Date

This regulation shall become effective upon filing with the Secretary of State.

CHAPTER 26
REGULATION GOVERNING ADJUSTMENT OF DAMAGES TO
DWELLING ROOFS UNDER HOMEOWNERS' POLICIES

Section 1. ~~Section 1.~~ **Authority**

These rules and regulations governing the adjustment of roof damage under Homeowners' Policies marketed in the State of Wyoming are initiated to supplement ~~Section W.S. § 26-15-113 of the Wyoming Insurance Code.~~ They are promulgated by authority of and pursuant to the ~~Wyoming Administrative Procedure Act (W.S. Sections 16-3-101 through 16-3-115) and Sections W.S. §§ 26-2-110 and 26-2-125 of the Wyoming Insurance Code.~~

~~Section 2.~~ **Purpose**

~~The purpose of these rules is to establish acceptable adjustment practices in the settlement of roof damages under Homeowners' Policies.~~

~~Section 3.~~ **Applicability**

~~These rules shall apply to casualty or property insurers who market Homeowners' Insurance in the State of Wyoming.~~

Section 2. ~~Section 4.~~ **Adjustment Practices**

If the shingles are obsolete and there is partial damage, i.e., a full slope of the roof, it shall be construed that the full roof has been damaged and adjustment shall be made on that basis.

Section 3. ~~Section 5.~~ **Effective Date**

This regulation shall become effective ~~on January 1, 1983~~ [upon filing with the Secretary of State.](#)

~~Section 6.~~ **Repealer**

~~The regulations of 6 October 1977 governing adjustment of damages to dwelling roofs under Homeowners' Policies are repealed as of the effective date of these regulations.~~

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 26 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-29

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 26 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 26 of its Rules and Regulations in 1982, and it has not been substantially modified since that time. The DOI has amended Chapter 26 to address and clarify the wording of this regulation to remove or avoid any existing ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 26 have resulted in a reduction of words in the regulation from approximately 199 words in the prior version to approximately 118 words in the amended version. This represents a reduction of approximately 41%

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 26 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-29**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 26 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the amendment of the Wyoming Insurance Department Regulations.

CHAPTER 26
REGULATION GOVERNING ADJUSTMENT OF DAMAGES TO
DWELLING ROOFS UNDER HOMEOWNERS' POLICIES

Section 1. Authority

These rules and regulations governing the adjustment of roof damage under Homeowners' Policies marketed in the State of Wyoming are initiated to supplement W.S. § 26-15-113. They are promulgated by authority of and pursuant to the W.S. §§16-3-101 through 16-3-115 and W.S. §§ 26-2-110 and 26-2-125.

Section 2. Adjustment Practices

If the shingles are obsolete and there is partial damage, i.e., a full slope of the roof, it shall be construed that the full roof has been damaged and adjustment shall be made on that basis.

Section 3. Effective Date

This regulation shall become effective upon filing with the Secretary of State.

CHAPTER 26
REGULATION GOVERNING ADJUSTMENT OF DAMAGES TO
DWELLING ROOFS UNDER HOMEOWNERS' POLICIES

Section 1. ~~Section 1.~~ **Authority**

These rules and regulations governing the adjustment of roof damage under Homeowners' Policies marketed in the State of Wyoming are initiated to supplement ~~Section W.S. § 26-15-113 of the Wyoming Insurance Code.~~ They are promulgated by authority of and pursuant to the ~~Wyoming Administrative Procedure Act (W.S. Sections 16-3-101 through 16-3-115)~~ and ~~Sections W.S. §§ 26-2-110 and 26-2-125 of the Wyoming Insurance Code.~~

~~Section 2.~~ **Purpose**

~~The purpose of these rules is to establish acceptable adjustment practices in the settlement of roof damages under Homeowners' Policies.~~

~~Section 3.~~ **Applicability**

~~These rules shall apply to casualty or property insurers who market Homeowners' Insurance in the State of Wyoming.~~

Section 2. ~~Section 4.~~ **Adjustment Practices**

If the shingles are obsolete and there is partial damage, i.e., a full slope of the roof, it shall be construed that the full roof has been damaged and adjustment shall be made on that basis.

Section 3. ~~Section 5.~~ **Effective Date**

This regulation shall become effective ~~on January 1, 1983~~ [upon filing with the Secretary of State.](#)

~~Section 6.~~ **Repealer**

~~The regulations of 6 October 1977 governing adjustment of damages to dwelling roofs under Homeowners' Policies are repealed as of the effective date of these regulations.~~

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 26 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-29

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 26 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 26 of its Rules and Regulations in 1982, and it has not been substantially modified since that time. The DOI has amended Chapter 26 to address and clarify the wording of this regulation to remove or avoid any existing ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 26 have resulted in a reduction of words in the regulation from approximately 199 words in the prior version to approximately 118 words in the amended version. This represents a reduction of approximately 41%

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 26 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-29**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 26 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the amendment of the Wyoming Insurance Department Regulations.

CHAPTER 31
POLICY FEE--PREMIUM REGULATION

Section 1. **Authority**

This regulation is promulgated by authority of W.S. §§ 26-2-110, 26-3-102, 26-4-103 and 16-3-101 et. seq.

Section 2. **Applicability**

This regulation shall apply to all direct insurance written in this State.

Section 3. **Definition of Policy Fee**

A policy fee means any sum of money by whatever name called that is directly or indirectly, collected from an insured, by an insurer or its insurance agent or broker as a consideration for insurance, which sum of money is added to the premium the insured would otherwise pay. A policy fee shall not be interpreted to include the cost of medical examinations required by a life insurer pursuant to W.S. § 26-13-121(b), nor shall it include sums collected for taxes by surplus lines brokers.

Section 4. **Premium Tax**

Any policy fee collected or charged shall be included in an insurer's premium income and the appropriate premium tax shall be paid pursuant to W.S. §§ 26-3-102 and 26-4-103. Such tax shall be paid by the insurer and shall not be charged to any individual insured, agent or broker.

Section 5. **Effective Date**

This regulation shall become effective upon filing with the Secretary of State.

CHAPTER 31
POLICY FEE--PREMIUM REGULATION

Section 1. ~~Section 1.~~ **Authority**

This regulation is promulgated by authority of W.S. [§§ 26-2-110, 26-3-102, 26-4-103](#) and ~~pursuant to the terms and provisions of the Wyoming Administrative Procedure Act, W.S. 16-3-101 et. seq.~~

~~Section 2.~~ **Purpose**

~~This regulation is promulgated to ensure disclosure of all costs of insurance, to make certain that all sums collected as consideration for insurance are properly taxed.~~

Section 2. ~~Section 3.~~ **Applicability**

This regulation shall apply to all direct insurance written in this State.

Section 3. ~~Section 4.~~ **Definition of Policy Fee**

~~As used herein, a~~ policy fee means any sum of money by whatever name called [that is directly or indirectly](#), collected from an insured, ~~directly or indirectly~~, by an insurer or its insurance agent or broker as a consideration for insurance, which sum of money is added to the premium the insured would otherwise pay. A policy fee shall not be interpreted to include the cost of medical examinations required by a life insurer pursuant to W.S. [§ 26-13-121\(b\)](#), nor shall it include sums collected for taxes by surplus lines brokers.

Section 4. ~~Section 5.~~ **Premium Tax**

-Any policy fee collected or charged shall be included in an insurer's premium income and the appropriate premium tax shall be paid ~~thereon~~ [pursuant to W.S. §§ 26-3-102 and 26-4-103](#). Such tax shall be paid by the insurer and shall not be charged to any individual insured, agent or broker.

~~Section 6.~~ **Penalties**

~~Any violation of the provisions of this regulation shall subject the violator, or the principal of said violator or both to the sanctions provided by W.S. 26-1-107, or revocations or suspensions of licenses or both.~~

~~Section 7.~~ **Severability Clause**

~~If any of the applications or provisions of this regulation are held invalid, the invalidity shall not affect other applications or provisions of this regulation which can be given effect without the invalid applications or provisions, and to this end this regulation is severable.~~

Section 5. ~~Section 8.~~ **Effective Date**

This regulation shall become effective ~~on 1 July 1979~~ [upon filing with the Secretary of](#)

| [State.](#)

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 31 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-30

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 31 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 31 of its Rules and Regulations in 1979, and it has not been substantially modified since that time. The DOI has amended Chapter 31 to address and clarify the wording of this regulation to remove or avoid any existing ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 31 have resulted in a reduction of words in the regulation from approximately 316 words in the prior version to approximately 195 words in the amended version. This represents a reduction of approximately 38%

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 31 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-30**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 31 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the amendment of the Wyoming Insurance Department Regulations.

Chapter 41
SCOPE OF POOL COVERAGE AND SCHEDULE OF BENEFITS
OFFERED BY WYOMING HEALTH INSURANCE POOL

Section 1. **Authority**

This regulation is issued pursuant to the authority vested in the Wyoming Insurance Commissioner under W.S. §§ 26-2-110, 26-43-106 and 16-3-101, et seq.

Section 2. **Eligibility**

(a) A "resident" of the state for purposes of eligibility for pool coverage shall mean:

(i) Any individual person who occupies a dwelling in this state and has a present intent to make this state his home.

(ii) The pool administrator shall consider the following factors as indicating intent to remain in this state:

(A) Whether the applicant (or his custodial parent in the case of a minor) is registered to vote in this state;

(B) Whether the applicant (or his custodial parent in the case of a minor) has applied for or received a Wyoming driver's license;

(C) Whether the minor children of the applicant are enrolled to attend school in this state;

(D) If the applicant is of school age, then whether the applicant is enrolled to attend school in this state; and

(E) Whether the applicant (or his custodial parent in the case of a minor) has applied for or currently receives service in his name from any public utility at a dwelling within this state.

(iii) Any applicant currently occupying a dwelling in this state and meeting any two or more of the above-listed criteria shall be considered a resident eligible for pool coverage.

(iv) Any applicant denied pool coverage due to the administrator's determination of resident status shall have a right to appeal the administrator's determination in the manner set forth in the Plan of Operation for the pool.

Section 3. **Pool Coverage and Schedule of Benefits**

The general benefit features for an insured of the pool are set forth in the Wyoming Health Insurance Pool Summary of Benefit Features, located at <http://doi.wyo.gov>.

Section 4. **Effective Date**

This regulation shall become effective upon filing with the Secretary of State.

Chapter 41
SCOPE OF POOL COVERAGE AND SCHEDULE OF BENEFITS
OFFERED BY WYOMING HEALTH INSURANCE POOL

Section 1. ~~Section 1.~~ **Authority**

This regulation is issued pursuant to the authority vested in the Wyoming Insurance Commissioner under W.S. §§ 26-2-110, ~~and W.S. 26-43-106 of the Wyoming Insurance Code and W.S. 16-3-101, et seq., of the Wyoming Administrative Procedure Act.~~

~~Section 2.~~ ~~Section 2.~~ **Purpose**

~~The purpose of this regulation is to set forth the scope of pool coverage and schedule of benefits offered by the Wyoming Health Insurance Pool.~~

~~Section 3.~~ Section 2. ~~Section 3.~~ **Eligibility**

(a) ~~(a)~~ A "resident" of the state for purposes of eligibility for pool coverage shall mean:

(i) ~~(i)~~ Any individual person who occupies a dwelling in this state and has a present intent to make this state his home.

(ii) ~~(ii)~~ The pool administrator shall consider the following factors as indicating intent to remain in this state:

(A) ~~(A)~~ Whether the applicant (or his custodial parent in the case of a minor) is registered to vote in this state;

(B) ~~(B)~~ Whether the applicant (or his custodial parent in the case of a minor) has applied for or received a Wyoming driver's license;

(C) ~~(C)~~ Whether the minor children of the applicant are enrolled to attend school in this state;

(D) ~~(D)~~ If the applicant is of school age, then whether the applicant is enrolled to attend school in this state; and

(E) ~~(E)~~ Whether the applicant (or his custodial parent in the case of a minor) has applied for or currently receives service in his name from any public utility at a dwelling within this state.

(iii) ~~(iii)~~ Any applicant currently occupying a dwelling in this state and meeting any two or more of the above-listed criteria shall be considered a resident eligible for pool coverage.

(iv) ~~(iv)~~—Any applicant denied pool coverage due to the administrator's determination of resident status shall have a right to appeal the administrator's determination in the manner set forth in the Plan of Operation for the pool.

~~Section 4.~~Section 3. ~~Section 4.~~—**Pool Coverage and Schedule of Benefits**

~~The Wyoming Health Insurance pool provides coverage on all policies issued by the pool after January 1, 1991.~~ The general benefit features for an insured of the pool are set forth in the Wyoming Health Insurance Pool Summary of Benefit Features, located at <http://doi.wyo.gov>.~~in Appendix A.~~

~~Section 5.~~—~~Section 5.~~—**Separability**

~~Section 6.~~—

~~Section 7.~~—~~Any section or provision of this regulation held by a court to be invalid or unconstitutional shall not affect the validity of any other section or provision of this regulation.~~

~~Section 8.~~Section 4. ~~Section 6.~~—**Effective Date**

This regulation shall become effective upon filing with the Secretary of State.

APPENDIX A

WYOMING HEALTH INSURANCE POOL

SUMMARY OF BENEFIT FEATURES

CONTRACT MAXIMUMS

Lifetime Maximum of: ~~—~~ \$[250,000]*

Out-of-Pocket Maximum of: ~~—~~ \$[3,000] per individual
\$[9,000] per family of 3 or more

BENEFIT LEVELS

Type A (reimbursed at [80]% of R&C after deductibles have been met)

Inpatient Surgical	\$[500] deductible per admission
Inpatient Medical	\$[500] deductible per admission
Outpatient Surgery	\$[500] deductible
Inpatient Physician	[No deductible]
Outpatient Physician Surgery	[No deductible]
Office Surgery	\$[100] deductible per surgery
Ambulance	[No deductible]/subject to contract limitations

Type B (reimbursed at [70%] of R&C after \$[2,000] deductible has been met)

Office calls
Outpatient drugs
Outpatient diagnostic, x-ray and laboratory
Nervous/Mental treatment subject to contract limitations
Alcohol or drug abuse subject to contract limitations
Emergency Room Medical Treatment

Type C (reimbursed at [100]% of R&C after \$[4,000] deductible has been met)

Pre-natal care
Delivery
Post-natal care
Routine newborn care

This is intended as a brief overview of benefits for the Wyoming Health Insurance Pool.

*Hereinafter, every amount that appears in brackets is subject to change by the Wyoming Health Insurance Pool Board. Current amounts may be obtained from the Wyoming Insurance

| Department.

~~WYOMING HEALTH INSURANCE POOL
BENEFIT STRUCTURE~~

~~[\$250,000] lifetime maximum*~~

~~Total out-of-pocket cost — \$[3,000] per individual. \$[9,000] per family of 3 or more~~

~~TYPE A BENEFITS~~

Benefits	Deductible	Reimbursement
Program Features		

Hospital Services	— \$[500] per admission	— [80%] of R&C after
room	deductible	& board

- ~~-Intensive Care~~
- ~~-Ancillary Services~~
- ~~-Outpatient~~
- ~~-Emergency room~~
- ~~-surgery~~

Inpatient Medical	— \$[500] per admission	— [80%] of R&C after
visits	Deductible	Consultations

Physician Services	— [No deductible]	— [80%] of R&C
(Inpatient &	Surgeon	Surgical Services

Outpatient Surgery)	Assistant Surgeon	
-Anesthesiologist		

Ambulance Services	— [No deductible]	— [80%] of covered
charges up to	services are	Ambulance
Contract maximum	covered up to \$[150]	
-per ground trip		
-and \$[2000] per air		
-trip		

Office Surgery	— \$[100] deductible	— [80%] of R&C after
Deductible	Preoperative visits	Surgery

-Local	administration of	anesthesia
-administration of		

- ~~-Follow-up care~~
- ~~-Recasting~~

~~*Hereinafter, every amount that appears in brackets is subject to change by the Wyoming Health Insurance Pool Board.—Current amount may be obtained from the Wyoming Insurance Department.~~

~~TYPE B BENEFITS~~

Benefits	Deductible	Reimbursement	Program Features
Covered Services	[\$2000] total on all Type B Benefits	[70%] of R&C after deductible	<ul style="list-style-type: none"> -Office calls -Outpatient drugs -Outpatient diagnostic, x-ray and laboratory -Outpatient psychotherapeutic (limited to 20 visits per calendar year and up to \$30 per visit) -Physical therapy (limited to 20 visits per calendar year) -Chiropractic services (limited to \$500 per calendar year) -Rehabilitation therapy (limited to a lifetime maximum of \$20,000) -Outpatient emergency room medical care
Nervous/Mental	[same as above]	[70%] of R&C after deductible	-Inpatient treatment for nervous and mental or psychotherapeutic services is limited to \$5000 per 12 month period
Substance Abuse	[same as above]	[70%] of R&C after deductible	-Alcohol or drug abuse payable to a lifetime maximum of \$5000

TYPE C BENEFITS

Benefits	Deductible	Reimbursement	Program Features
Maternity Service	[\$4000] deductible	[100%] of R&C after deductible	-Pre-natal care -Delivery -Post-natal care -Routine newborn care

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 41 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-31

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 41 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 41 of its Rules and Regulations in 1991. The DOI has amended Chapter 41 to address and clarify the wording of this regulation to remove or avoid any existing ambiguity.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 41 have resulted in a reduction of words in the regulation from approximately 901 words in the prior version to approximately 329 words in the amended version. This represents a reduction of approximately 63%

DEPARTMENT OF INSURANCE

STATE OF WYOMING

**IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 41 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-31**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 41 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the amendment of the Wyoming Insurance Department Regulations.

CHAPTER 43
WYOMING LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION NOTICE

Section 1. Authority

This regulation is issued pursuant to W.S. §§ 16-3-101, et seq., 26-2-110 and 26-42-101, et seq.

Section 2. Notices

This regulation establishes the form and content of the disclaimer as required by W.S. § 26-42-116. The summary document describes the general purposes and current limitations of the Association, and the notice required to be used when a policy is not covered by the Guaranty Association. The required form, Wyoming Life and Health Insurance Guaranty Disclaimer (the Disclaimer) is located at <http://doi.wyo.gov>.

The Disclaimer, in its entirety, is to be used by each insurer and shall be given to each insured either prior to or at the time of delivery of the policy or contract.

Section 3. Effective Date

This regulation shall be effective upon filing with the Secretary of State.

CHAPTER 43
WYOMING LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION NOTICE

Section 1. Authority

This regulation is issued pursuant to ~~the authority vested in the Wyoming Insurance Commissioner under W.S. §§ 16-3-101, et seq., 26-2-110 and W.S. 26-42-116101, et seq. of the Wyoming Insurance Code and W.S. 16-3-101, et seq. of the Wyoming Administrative Procedure Act.~~

Section 2. Purpose

~~The purpose of this regulation is to implement Chapter 42 of the Wyoming Insurance Code, also known as the Wyoming Life and Health Insurance Guaranty Association Act.~~

Section 3. Applicability and Scope

~~This regulation applies to every member insurer in the Wyoming Life and Health Insurance Guaranty Association as defined in W.S. 26-42-102(a)(vii).~~

~~Section 4.~~ **Section 2. Notices**

~~Pursuant to W.S. 26-42-116 the Insurance Commissioner hereby promulgates~~ This regulation in order to establish the form and content of the disclaimer as required by W.S. § 26-42-116. (Appendix A), ~~T~~he summary document describing the general purposes and current limitations of the Association ~~(Appendix A), and the notice required to be used when a policy is not covered by the Guaranty Association (Appendix A).~~ The required form, Wyoming Life and Health Insurance Guaranty Disclaimer (the Disclaimer) is located at <http://doi.wyo.gov>.

~~Appendix A~~ The Disclaimer, in its entirety, is to be used by each insurer and shall be given to each insured either prior to or at the time of delivery of the policy or contract. ~~If the policy is not covered by the Association, no insurer or agent shall deliver a policy or contract unless the insurer or agent prior to or at the time of delivery gives the policyholder or contract holder the appropriate notice as found in Appendix A, which clearly disclose that the policy is not covered by the Association.~~

~~Appendix A contains an address and telephone number for the Wyoming Life and Health Insurance Guaranty Association and for the Wyoming Insurance Department. Should the address or telephone number change, the Wyoming Life and Health Insurance Guaranty Association will send written notice to each member insurer.~~

Section 5. Separability

~~Any section or provision of this regulation held by a court to be invalid or unconstitutional shall not affect the validity of any other section or provision of this regulation.~~

~~Section 6.~~**Section 3. Effective Date**

This regulation shall be effective ~~sixty~~upon~~(60) days after~~ filing with the Secretary of State.

Appendix A

**NOTICE OF
PROTECTION PROVIDED BY
WYOMING LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION**

This notice provides a **brief summary** of the Wyoming Life and Health Insurance Guaranty Association (“the Association”) and the protection it provides for policyholders. This safety net was created under Wyoming law, which determines who and what is covered and the amounts of coverage.

The Association was established to provide protection in the unlikely event that your life, annuity or health insurance company becomes financially unable to meet its obligations and is taken over by its Insurance Department. If this should happen, the Association will typically arrange to continue coverage and pay claims, in accordance with Wyoming law, with funding from assessments paid by other insurance companies.

The basic protections provided by the Association are:

• Life Insurance

- \$300,000 in death benefits
- \$100,000 in cash surrender or withdrawal values

• Health Insurance

- \$300,000 in hospital, medical and surgical insurance benefits or major medical insurance
- \$300,000 in disability insurance benefits
- \$300,000 in disability income insurance
- \$300,000 in long-term care insurance benefits
- \$100,000 in other types of health insurance benefits

• Annuities

- \$250,000 in withdrawal and cash values

The maximum amount of protection for each individual, regardless of the number of policies or contracts, is \$500,000

~~**Note: Certain policies and contracts may not be covered or fully covered.**~~ For example, coverage does not extend to any portion(s) of a policy or contract that the insurer does not guarantee, such as certain investment additions to the account value of a variable life insurance policy or a variable annuity contract. There are also various residency requirements and other limitations under Wyoming law.

EXCLUSIONS FROM COVERAGE

Persons holding such policies are *not* protected by this Association if:

- ~~• they are eligible for protection under the laws of another state (this may occur when the insolvent insurer was incorporated in another state whose guaranty association protects insureds who live outside that state);~~
- ~~• the insurer was not authorized to do business in this state;~~
- ~~• their policy was issued by a fraternal benefit society, a mandatory state pooling plan, a stipulated premium insurance company, a local mutual burial association, a mutual assessment company, or similar plan in which the policy holder is subject to future assessments, or by an insurance exchange.~~

The Association also does not provide coverage for:

- ~~• any policy or portion of a policy which is not guaranteed by the insurer or for which the individual has assumed the risk, such as a variable contract sold by prospectus;~~
- ~~• any policy of reinsurance (unless an assumption certificate was issued pursuant to the reinsurance policy of contract);~~
- ~~• interest rate yields that exceed an average rate or interest earned on an equity indexed policy;~~
- ~~• dividends;~~
- ~~• credits given in connection with the administration of a policy by a group contract holder;~~
- ~~• annuity contracts issued by a nonprofit insurance company exclusively for the benefit of nonprofit educational institutions and their employees;~~
- ~~• unallocated annuity contracts (which give rights to group contract holders, not individuals);~~
- ~~• any plan or program of an employer or association that provides life, health or annuity benefits to its employees or members to the extent the plan is self-funded or uninsured;~~
- ~~• an obligation that does not arise under the express written terms of the policy or contract;~~
- ~~• Medicare supplement plans.~~

To learn more about the above protections, protections relating to group contracts or retirement plans, and all exclusions from coverage, please visit the Association's website at wyoming.lhiga.com or contact:

~~Wyoming Life and Health~~ ~~Wyoming Department of Insurance~~
~~Insurance Guaranty Association~~ ~~106 East 6th Avenue~~
~~P.O. Box 36009~~ ~~Cheyenne, WY 82002~~
~~Denver, CO 80236-0009~~
~~Phone: (303) 292-5022~~ ~~Phone: (307) 777-7401~~
~~Toll Free: (888) 959-4091~~ ~~Toll Free: (800) 438-5768~~
~~Fax: (303) 292-4663~~ ~~Fax: (307) 777-2446~~
~~Website: wyoming.lhiga.com~~ ~~Website: doi.wyo.gov~~
~~Email: jkelldorf@aol.com~~ ~~Email: wyinsdep@wyo.gov~~

~~Insurance companies and agents are not allowed by Wyoming law to use the existence of the Association or its coverage to encourage you to purchase any form of insurance. When selecting an insurance company, you should not rely on Association coverage. If there is any inconsistency between this notice and Wyoming law, then Wyoming law will control.~~

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 43 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) Docket No. 16-32

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 43 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 43 of its Rules and Regulations in 1991, and has amended the regulation several times since. The DOI has amended Chapter 43 to address and clarify the wording of this regulation, and to remove or avoid any existing incorrect information regarding the contact information for the Guaranty Association.

In addition, on or about November 25, 2013, Governor Mead required all State Agencies to reduce their Rules both in number and in length. Changes have been made to reduce and reorganize the existing rule to comply with the Governor's directive. Such changes include utilization of consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutory language in the regulation. The revisions to Chapter 43 have resulted in a reduction of words in the regulation from approximately 1,038 words in the prior version to approximately 143 words in the amended version. This represents a reduction of approximately 86%

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT)
OF CHAPTER 43 OF THE WYOMING)
DEPARTMENT OF INSURANCE RULES)
AND REGULATIONS,) **Docket No. 16-32**

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 43 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the amendment of the Wyoming Insurance Department Regulations.

CHAPTER 68
REGULATION GOVERNING OPT-OUT PROVISIONS OF THE
INTERSTATE INSURANCE PRODUCT REGULATION COMPACT (IIPRC)

Section 1. Authority

This regulation is promulgated pursuant to W.S. §§ 26-2-110, 26-15-201 and 16-3-101, et seq.

Section 2. Purpose

The purpose of this regulation is to exercise the opt-out provisions of the Interstate Insurance Product Regulation Compact (IIPRC) pursuant to W.S. § 26-15-201, Article VII.

Section 3. Uniform Standards as Applied

The Commissioner has considered the Uniform Standards as applied to the Group Disability Income Insurance Product Line adopted by the IIPRC on June 8, 2016 and finds the protections offered to Wyoming citizens are not adequate.

The Wyoming Insurance Department declines to participate in the IIPRC Uniform Standards as applied to the Group Disability Income Insurance Product Line.

Section 4. Effective Date

This regulation becomes effective immediately upon filing with the Secretary of State.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF CHAPTER 68)
OF THE WYOMING DEPARTMENT)
OF INSURANCE RULES AND) Docket No. 16-36
REGULATIONS)

STATEMENT OF PRINCIPAL REASONS

FOR

The Promulgation of Chapter 68 (Regulation Governing Opt-Out Provisions of the Interstate Insurance Product Regulation Compact) of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) files this Statement of Principal Reasons regarding the promulgation of new a regulation, Chapter 68. The addition of this new regulation is made for the following reasons:

The Interstate Insurance Product Regulation Commission (IIPRC) is a compact of member states formed in order to provide uniformity of insurance product standards across states. The IIPRC serves as a central point of electronic filing for certain insurance products, including life insurance, annuities, disability income, and long-term care insurance. The purpose of developing uniform product standards is to afford a high level of protection to purchasers of asset protection insurance products. Wyoming adopted the Interstate Insurance Product Regulation Compact (IIPRC) by enacting W.S. § 26-15-201.

On June 8, 2016, the IIPRC adopted standards regarding Group Disability Income Insurance Policies and Certificates. These standards provide less protection to Wyoming consumers than what is already in place through Wyoming law. The Commissioner has

thoroughly reviewed and considered these standards, and finds the protections offered to Wyoming citizens are not adequate.

Pursuant to W.S § 26-15-201, Article VII, (d), a compacting state my opt-out of a uniform standard by duly promulgated regulation. Chapter 68 is the DOI's regulation opting out of the standards for Group Disability Income Insurance Policies and Certificates.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF CHAPTER 68)
OF THE WYOMING DEPARTMENT)
OF INSURANCE RULES AND) **Docket No. 16-36**
REGULATIONS)

SUMMARY OF COMMENTS TO

**The Creation of Chapter 68 of the
Wyoming Insurance Department Regulations**

The Wyoming Department of Insurance did not receive any public comments relating to the creation of Chapter 68 of the Wyoming Insurance Department Regulations.