



## Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised September 2016

### 1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number
g. Agency Liaison Email Address		
h. Date of Public Notice		i. Comment Period End Date
j. Public Comment URL or Email Address:		
k. Program		

### 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:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

#### **4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### **5. Federal Law Requirements**

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

#### **6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

Not Applicable.

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE AMENDMENT )  
OF CHAPTER 11 OF THE WYOMING )  
DEPARTMENT OF INSURANCE RULES )  
AND REGULATIONS, ) Docket No. 15-41

STATEMENT OF PRINCIPAL REASONS

FOR

The Amendment of Chapter 11 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 11 of its rules and regulations in 1985, and it has not been substantially modified since that date. The DOI has amended Chapter 11 to address the changes in the insurance industry since the regulation was originally promulgated, and to clarify the wording to remove or avoid 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 regulation to comply with the Governor's directive. Changes include using consistent language, removing unnecessary and duplicative wording, and eliminating reiteration of statutes.

The changes to Chapter 11 reduced its word count from approximately 1,520 words to approximately 809 words. This is a reduction of approximately 47%.

## CHAPTER 11

### RULES GOVERNING FILINGS OF FORMS FOR PROPERTY, CASUALTY, SURETY, MARINE AND TRANSPORTATION INSURANCE

#### **Section 1. Authority.**

These rules and regulations are promulgated pursuant to W.S. §§ 26-2-110, 26-5-104 through 26-5-107, 26-14-109, 26-15-110, and 16-3-101 *et seq.*

#### **Section 2. Applicability.**

These rules shall apply to property, casualty, surety (except bonds), marine, and transportation insurers or advisory organizations submitting form filings pursuant to W.S. §§ 26-14-109 and 26-15-110. These rules shall not apply to any assigned risk program.

#### **Section 3. Submission of Filings.**

(a) The filing required by W.S. § 26-15-110 may be made by an insurance company, or on behalf of an insurance company by a registered advisory organization, in accordance with these rules. No advisory organization may make any filings on its own behalf.

(i) Any insurance company may make individual form filings directly with the Department.

(ii) Any advisory organization may make individual filings on behalf of a single insurance company by submitting the form for filing together with an affidavit from the insurance company which states the advisory organization is authorized to make the form filing on behalf of the insurance company and that the insurance company will make the form available for use in Wyoming under the company's underwriting standards.

(iii) No form is considered filed by a reference to some other approved form of another insurer or an advisory organization. All form filings must be complete in and of themselves.

(b) Pursuant to W.S. § 26-15-110(d), the Commissioner may issue an order exempting companies and advisory organizations from the requirements of this section. Exemption orders will remain in effect until withdrawn by the Commissioner.

#### **Section 4. Alternative Filing Procedures.**

(a) An advisory organization may submit a form to the Commissioner for conditional approval. No form will be considered filed unless it is adopted for use by one or more admitted insurance companies by one of the following two methods:

(i) First Alternative Method. After a form is submitted by an advisory organization for conditional approval and the advisory organization is advised that the form is conditionally approved, any admitted insurance company may adopt the form for use in Wyoming by submitting a certificate executed by an authorized company official that the company is adopting the form identified by the system approved under paragraph (c) of this Section for use in Wyoming; and that the form will be offered in Wyoming.

(ii) Second Alternative Method. An insurance company which is a member or subscriber of an advisory organization may adopt all or substantially all forms of the advisory organization which are or become conditionally approved in this state by filing a single certificate executed by an authorized company official that the company is adopting all forms conditionally approved except those the company specifically identifies to the Wyoming Insurance Department in writing within 60 days of the date of conditional approval notification to the advisory organization. The certificate shall attest that the insurance company will make the form available for use in Wyoming under the company's underwriting standards for the insurance offered under each form, until withdrawn or unless accepted within 60 days as provided here.

(b) Deviations from conditionally approved advisory organization forms must be individually submitted for department approval in accordance with W.S. § 26-15-110 and Section 3 of this regulation.

(c) No advisory organization shall be eligible to submit forms for conditional approval until the advisory organization shall have established an easily accessible system of referencing the forms as they are adopted by each admitted insurance company in a manner approved by the Commissioner. No insurance company may adopt a form submitted by an advisory organization for conditional approval until that company has identified to the Commissioner's satisfaction those forms actually being used or that will be used in Wyoming by the insurance company.

#### **Section 5. Availability of Filed Forms.**

Companies shall offer to Wyoming residents any forms which it filed with the Wyoming Insurance Department. Failure to make the form available, under applicable underwriting standards, will be deemed an unfair trade practice in violation of W.S. §§ 26-13-102, 26-13-104, and 26-13-116. An insurer may withdraw any form for use in Wyoming at any time. Nothing contained here shall authorize midterm cancellation of any issued policy form.

#### **Section 6. Annual Forms Listing.**

On or before June 1 each year, each insurance company shall submit a list which sufficiently identifies each form it used in Wyoming.

#### **Section 7. Company Forms File.**

Each insurance company shall maintain a file, accessible to the Commissioner, containing a

copy of each form available for use in Wyoming. Each insurance company and advisory organization shall submit a copy of any form available for use in Wyoming within 10 days after a request by the Commissioner.

**Section 8. Effective Date.**

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

## CHAPTER 11

### RULES GOVERNING FILINGS OF FORMS FOR PROPERTY, CASUALTY, SURETY, MARINE AND TRANSPORTATION INSURANCE

#### **Section 1. Authority.**

~~These rules and regulations governing the submission of property, surety, casualty, marine and transportation insurance policy forms, endorsements and riders are initiated to supplement are promulgated pursuant to Sections W.S. §§ 26-2-110, 26-5-104 through 26-5-107, 26-14-109, and 26-15-110, of the Wyoming Insurance Code. They are promulgated by authority of and pursuant to the Wyoming Administrative Procedure Act (Sections and 16-3-101 *et seq.* through 16-3-115) and Section 26-2-110 of the Wyoming Insurance Code.~~

#### **Section 2. Purpose**

~~The purpose of these rules is to establish a uniform procedure for filing of policy forms, endorsements, and riders by individual insurers or by advisory organizations on behalf of an individual insurer.~~

#### **Section 3. Section 2. Applicability.**

~~These rules shall apply to property, casualty, surety (except bonds), marine, and transportation insurers or advisory organizations submitting form filings pursuant to W.S. §§ Sections 26-14-109 and 26-15-110, of the Wyoming Insurance Code. These rules shall not apply to any assigned risk program.~~

#### **Section 4. Definitions**

(a) ~~—"Property insurance" means insurance on any property against loss or damage from any cause and against loss consequential upon that loss or damage, other than noncontractual legal liability for that loss or damage as defined in W.S. 26-5-104.~~

(b) ~~—"Surety insurance" means a guarantee that a specific obligation will be fulfilled by the principal pursuant to W.S. 26-5-105.~~

(c) ~~—"Casualty insurance" means the coverage of loss or liability arising from accident, misfortune or mishap as outlined in Section 26-5-106 of the Wyoming Insurance Code.~~

(d) ~~—"Marine and transportation insurance" means insurance against any kinds of loss or damage to vessels, crafts, aircraft, vehicles, cargoes, effects, disbursements, profits, monies, bullion, etc. as outlined in Section 26-5-107 of the Wyoming Insurance Code.~~

#### **Section 5. Section 3. Submission of Filings.**

~~(a) — No basic insurance policy or annuity contract form, or application form if written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, hereinafter collectively referred to as "forms," shall be delivered or issued for delivery in this state unless the form is filed with and approved by the commissioner in accordance with W.S. 26-15-110.~~

(b) ~~(a)~~ (a)—The filing required by W.S. § 26-15-110 may be made by an insurance company, or on behalf of an insurance company by a registered advisory organization, in accordance with these rules. No advisory organization may make any filings on its own behalf.

~~(i) — (i) — Any insurance company may make individual form filings directly with the Wyoming Insurance Department.~~

(i) Any insurance company may make individual form filings directly with the Department.

~~(ii) (ii) — Any advisory organization may make individual filings on behalf of a single insurance company by submitting the form for filing together with an affidavit from the insurance company which states the advisory organization is authorized to make the form filing on behalf of the insurance company and that the insurance company will make the form available for use in the State of Wyoming under the company's underwriting standards. A separate affidavit is required for each form filed under this section.~~

~~(iii) (iii) — No form is considered filed in accordance with law by a reference to some other approved form of another insurer or an advisory organization. All form filings must be complete in and of themselves.~~

(b) Pursuant to W.S. § 26-15-110(d), the Commissioner may issue an order exempting companies and advisory organizations from the requirements of this section. Exemption orders will remain in effect until withdrawn by the Commissioner.

#### **Section 6-Section 4. Alternative Filing Procedures.**

~~The commissioner, by order, may exempt from the filing requirements of W.S. 26-15-110 for so long as he deems proper any insurance document or form or type thereof as specified in the order, to which, in his opinion: (1) W.S. 26-15-110 may not practicably be applied; or (2) The filing and approval of which are not desirable or necessary for the public's protection; pursuant to W.S. 26-15-110(d).~~

~~(a) — Under the authority granted by W.S. 26-15-110(d), the commissioner will issue an order which will exempt companies and advisory organizations from the provisions of paragraph (b) of Section 5 herein upon compliance with the procedures set forth in this paragraph. Said exemption order will remain in effect until otherwise withdrawn by an exempt company or suspended or revoked in accordance with the Wyoming Insurance Code and~~

Regulations.

(b) (a) ~~An advisory organization may submit a form to the Wyoming Insurance Department Commissioner for conditional approval. No form will be considered filed until and unless it is adopted for use by one or more admitted insurance companies by one of the following two methods:~~

(i) ~~First Alternative Method. After a form is submitted by an advisory organization for conditional approval and the advisory organization is advised that the form is conditionally approved, any admitted insurance company may adopt the form for use in Wyoming by submitting a certificate executed by an authorized company official that the company is adopting the form (identified by the system approved under paragraph (d) of Section 6) this Section for use in Wyoming; and that the form will be offered in Wyoming.~~

~~The certificate must be filed in duplicate. When approved by the department a copy of the certificate will be returned to the insurer with the department's stamp of approval affixed.~~

(ii) ~~Second Alternative Method. An insurance company which is a member or subscriber of an advisory organization may adopt all or substantially all forms of said the advisory organization which are or become conditionally approved in this state by filing a single certificate executed by an authorized company official that the company is adopting all forms conditionally approved except those the company specifically identifies to the Wyoming Insurance Department in writing within 60 days of the date of conditional approval notification to the advisory organization. Said The certificate shall attest that the insurance company will make the form available for use in the State of Wyoming, under the company's underwriting standards for the insurance offered under each form, until withdrawn or unless excepted accepted within 60 days as herein provided here.~~

(c) (b) ~~Deviations from conditionally approved advisory organization forms must be individually submitted for department approval in accordance with W.S. § 26-15-110 and Section 5-3 of this regulation section.~~

(d) (c) ~~No advisory organization shall be eligible to submit forms for conditional approval until the advisory organization shall have established an easily accessible system of referencing the forms as they are adopted by each admitted insurance company, in a manner approved by the commissioner Commissioner. ; and nNo insurance company may adopt a form submitted by an advisory organization for conditional approval until that company has identified, to the commissioner's Commissioner's satisfaction, those forms actually being used or that will be used in Wyoming by the insurance company.~~

### ~~Section 7. Section 5. Availability of Filed Forms.~~

~~Companies will be expected to shall offer to Wyoming residents any forms which are it filed with the Wyoming Insurance Department. Failure to make the form available, under applicable underwriting standards, will be deemed an unfair trade practice in violation of W.S. §§ 26-13-102,~~

26-13-104, and 26-13-116. An insurer may withdraw any form for use in Wyoming at any time. Nothing contained herein shall authorize midterm cancellation of any issued policy form. ~~midterm of any issued policy form.~~

**~~Section 8.~~Section 6. Annual Forms Listing.**

On or before June 1 ~~in each calendar~~ year, each insurance company ~~having forms filed in Wyoming~~ shall submit a list which sufficiently identifies each form ~~used~~ it used in Wyoming. ~~by the insurer.~~

**~~Section 9.~~Section 7. Company Forms File.**

Each insurance company shall maintain a file, accessible to the ~~commissioner~~ Commissioner, containing a ~~list or~~ copy of each form ~~approved~~ available for use in Wyoming. Each insurance company and advisory organization shall submit a copy of any form ~~it is using~~ available for use in Wyoming within 10 days after a request by the ~~commissioner~~ Commissioner.

**~~Section 10.~~Section 8. Effective Date.**

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