



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 Becky McFarland		f. Agency Liaison Telephone Number 307-777-6889	
g. Agency Liaison Email Address becky.mcfarland@wyo.gov			h. Adoption date January 5, 2018
i. Program General Agency Board or Commission Rules			

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: 9	Chapter Name: <small>REGULATION ON UNFAIR DISCRIMINATION ON THE BASIS OF BLINDNESS OR PARTIAL BLINDNESS</small>	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 30	Chapter Name: <small>ADJUSTMENT OF PHYSICAL DAMAGE CLAIMS ON VEHICLES, TRAILERS, PRIVATE, COMMERCIAL OR OTHERWISE</small>	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 33	Chapter Name: Unfair Trade Practices Regulation	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 62	Chapter Name: <small>Regulation Governing Use of Senior-Specific Certifications and Professional Designations</small>	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" 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 Repealed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 Repealed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 Repealed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

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: **October 27, 2017**

- 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: **January 5, 2018**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

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	January 5, 2018

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	

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE REPEAL)
OF CHAPTERS 9, 30, AND 62 AND)
THE AMENDMENT OF CHAPTER)
33 OF THE WYOMING DEPARTMENT)
OF INSURANCE RULES AND)
REGULATIONS,) Docket Nos. 15-39, 15-43, 16-69, 16-71

SUMMARY OF COMMENTS TO

**The Amendment of Chapter 33 and the Repeal of Chapters 9, 30, and 62 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.

DEPARTMENT OF INSURANCE

STATE OF WYOMING

IN THE MATTER OF THE REPEAL)
OF CHAPTERS 9, 30, AND 62 AND)
THE AMENDMENT OF CHAPTER)
33 OF THE WYOMING DEPARTMENT)
OF INSURANCE RULES AND)
REGULATIONS,) Docket Nos. 15-39, 15-43, 16-69, 16-71

STATEMENT OF PRINCIPAL REASONS

FOR

Repealing of Chapters 9, 30, and 62 and the Amendment of Chapter 33 of the Wyoming Insurance Department Regulations

The Department of Insurance (DOI) originally promulgated Chapter 33 of its rules and regulations in 1980, and it has not been substantially modified since that date. The DOI amended Chapter 33 to address changes in the insurance industry since the regulation was promulgated and to clarify the wording to remove or avoid ambiguity.

On or about November 25, 2013, Governor Mead required all State Agencies to reduce their rules both in number and in length. The DOI reviewed Chapter 33 to determine what changes could be made to comply with the Governor's directive. In the process of this review, the DOI determined that several other regulations could properly be included in Chapter 33. Specifically, the DOI has incorporated the relevant text of Chapters 9, 30, and 62 of the DOI regulations into Chapter 33. As a result, the DOI is requesting that the repeal of Chapters 9, 30, and 62 of its regulations become effective.

In addition, the DOI has added section 5 to this regulation. As part of its statutory duties, the DOI assists consumers in the claims resolution process. When a consumer files a

complaint with the DOI, it sends an inquiry to the insurer with a request for a response. Although the DOI requests a response from the insurer within a specified timeframe, there are times when the response is either not received or received after the specified response deadline. Delays in responding to requests for information occur not only in the claims resolution process, but in many other activities of the Department as well. This circumstance causes unnecessary delays and reduces the efficiency of the Department. Although the insurance code requires cooperation with the DOI, section 5 of this regulation allows the DOI to enforce the response deadline in the event of a delay.

As a result of these changes, Chapter 33 has increased substantially in length. Although the DOI has not reduced the length of Chapter 33, the overall number of regulations has decreased. This decrease in the number of regulations has been accomplished while maintaining the consumer protections already in place.

CHAPTER 9
REGULATION ON UNFAIR DISCRIMINATION ON THE BASIS
OF BLINDNESS OR PARTIAL BLINDNESS

REPEALED

CHAPTER 9
REGULATION ON UNFAIR DISCRIMINATION ON THE BASIS
OF BLINDNESS OR PARTIAL BLINDNESS

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

~~This regulation is promulgated pursuant to the authority granted the Insurance Commissioner by W.S. 26-2-110 and the Wyoming Administrative Procedures Act.~~

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

~~The purpose of this regulation is to identify specific acts or practices prohibited as unfairly discriminatory pursuant to W.S. 26-13-109 and W.S. 26-13-116.~~

~~Section 3.~~ **Unfairly Discriminatory Acts or Practices**

~~The following are hereby identified as acts or practices which constitute unfair discrimination between individuals of the same class: Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness, except where the refusal, limitation or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.~~

~~Section 4.~~ **Effective Date**

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

CHAPTER 30
ADJUSTMENT OF PHYSICAL DAMAGE CLAIMS ON
VEHICLES, TRAILERS, PRIVATE, COMMERCIAL OR OTHERWISE

REPEALED

CHAPTER 30
ADJUSTMENT OF PHYSICAL DAMAGE CLAIMS ON
VEHICLES, TRAILERS, PRIVATE, COMMERCIAL OR OTHERWISE

~~Section 1. —~~ **Authority**

~~This regulation is promulgated pursuant to W.S. 26-2-109, 26-2-110, 26-3-120, 26-13-102, 26-13-112 and 26-15-126.~~

~~Section 2. —~~ **Purpose**

~~The purpose of this regulation is to establish acceptable adjustment practices in the settlement of property damage claims under automobile policies in the State of Wyoming.~~

~~Section 3. —~~ **Applicability**

~~This regulation shall apply in the adjustment of physical damage claims under all motor vehicle policies issued in the State of Wyoming including, but not limited to, private passenger automobiles, recreational vehicles, commercial vehicles, motorcycles or any other risk insured as a motor vehicle or trailer.~~

~~Section 4. —~~ **Settlement options**

~~Insurers shall adjust personal property losses, be it first or third party claims, by utilizing one of the following options:~~

~~(a) — Pay for the loss in its entirety in money, based on an appraisal of the damage sustained by insured's vehicle.~~

~~(b) — Repair the damaged property.~~

~~(c) — Replace the damaged property.~~

~~Section 5. —~~ **Effective date**

~~This regulation shall become effective on 1 December 1978.~~

Chapter 62
Regulation Governing Use of Senior-Specific
Certifications and Professional Designations

REPEALED

Chapter 62

Regulation Governing Use of Senior-Specific Certifications and Professional Designations

Section 1. — Purpose

~~The purpose of this regulation is to set forth standards to protect consumers from untrue, deceptive, misleading, dishonest or untrustworthy marketing practices with respect to the use of senior specific certifications and professional designations in the solicitation, sale or purchase of, or advice made in connection with, an annuity, accident and health, or life insurance product by declaring certain practices to be untrue, deceptive, misleading, dishonest and untrustworthy under Chapter 9, Article 2, and Chapter 13, Article 1, of the Wyoming Insurance Code.~~

Section 2. — Scope

~~This regulation shall apply to any solicitation, sale or purchase of, or advice made in connection with, an annuity, accident and health, or life insurance product by an insurance producer or consultant.~~

Section 3. — Authority

~~(a) — This regulation is issued under the authority of Wyo. Stat. §§ 26-2-110 and 26-9-217, and pursuant to the Wyoming Administrative Procedure Act, Wyo. Stat. § 16-3-101, *et seq.*~~

Section 4. — Prohibited Uses of Senior-Specific Certifications and Professional Designations

~~(a) — An insurance producer or consultant may not use a senior specific certification or professional designation that indicates or implies in such a way as to mislead a purchaser or prospective purchaser that the insurance producer or consultant has special certification or training in advising or servicing seniors in connection with the solicitation, sale or purchase of an annuity, accident and health, or life insurance product, or in the provision of advice as to the value of or the advisability of purchasing or selling an annuity, accident and health, or life insurance product, either directly or indirectly through publications or writings, or by issuing or promulgating analyses or reports related to an annuity, accident and health, or life insurance product.~~

~~(b) — The prohibited use of senior specific certifications or professional designations is an untrue, deceptive, misleading, dishonest, or untrustworthy act or practice and includes, but is not limited to, the following:~~

~~(i) — Use of a certification or professional designation by an insurance producer who has not actually earned or is otherwise ineligible to use such certification or designation;~~

~~(ii) — Use of a nonexistent or self-conferred certification or professional designation;~~

~~(iii) — Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training or experience that the insurance producer using the certification or designation does not have; and~~

~~(iv) — Use of a certification or professional designation that was obtained from a certifying or designating organization that:~~

~~(A) — Is primarily engaged in the business of instruction in sales or marketing;~~

~~(B) — Does not have reasonable standards or procedures for assuring the competency of its certificants or designees;~~

~~(C) — Does not have reasonable standards or procedures for monitoring and disciplining its certificants or designees for improper or unethical conduct; or~~

~~(D) — Does not have reasonable continuing education requirements for its certificants or designees in order to maintain the certificate or designation.~~

~~(e) — There is a rebuttable presumption that a certifying or designating organization is not disqualified solely for purposes of subsection (b)(iv) when the certification or designation issued from the organization does not primarily apply to sales or marketing and when the organization or the certification or designation in question has been accredited by:~~

~~(i) — The American National Standards Institute (ANSI);~~

~~(ii) — The National Commission for Certifying Agencies; or~~

~~(iii) — Any organization that is on the U.S. Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV Purposes.”~~

~~(d) — In determining whether a combination of words or an acronym standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing seniors, factors to be considered shall include:~~

~~(i) — Use of one or more words such as “senior,” “retirement,” “elder,” or like words combined with one or more words such as “certified,” “registered,” “chartered,” “advisor,” “specialist,” “consultant,” “planner,” or like words, in the name of the certification or professional designation; and~~

~~(ii) — The manner in which those words are combined.~~

~~(e) — For purposes of this regulation, a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency is not a certification or professional designation, unless it is used in a manner that would confuse or mislead a reasonable consumer, when the job title:~~

~~(i) — Indicates seniority or standing within the organization; or~~

~~(ii) Specifies an individual's area of specialization within the organization.~~

~~(f) For purposes of subsection (e), financial services regulatory agency includes, but is not limited to, an agency that regulates insurers, insurance producers, broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940.~~

Section 5. 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 the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.~~

Section 6. Effective Date

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

CHAPTER 33
UNFAIR TRADE PRACTICES REGULATION

Section 1. Authority.

This regulation is promulgated pursuant to W.S. §§ 16-3-101 through 16-3-115, 26-2-110, 26-9-217, and 26-13-101 *et seq.*

Section 2. Unfair Discrimination.

The following are acts or practices which constitute unfair discrimination between individuals or risks of the same class and essentially the same hazard. This regulation is not exclusive and other acts not herein specified may also be deemed to be violations:

(a) Refusing to issue, refusing to renew, cancelling, mandating increased deductibles or limiting the amount of insurance coverage on a property or casualty risk, by whatever means direct or indirect, because of the geographic location of the risk, unless it is:

- (i) For a business purpose which is not a mere pretext for unfair discrimination, or
- (ii) Required by law or regulatory mandate.

(b) Refusing to issue, refusing to renew, cancelling, mandating increased deductibles or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, by whatever means direct or indirect, because of the age of the residential property, unless it is:

- (i) For a business purpose which is not a mere pretext for unfair discrimination, or
- (ii) Required by law.

(c) Refusing to insure, refusing to continue to insure, limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

Section 3. Prohibited Uses of Senior-Specific Certifications and Professional Designations.

(a) An insurance producer or consultant may not use a senior-specific certification or professional designation that indicates or implies in such a way as to mislead a purchaser or prospective purchaser that the insurance producer or consultant has special certification or training in advising or servicing seniors in connection with the solicitation, sale or purchase of an annuity,

accident and health, or life insurance product, or in the provision of advice as to the value of or the advisability of purchasing or selling an annuity, accident and health, or life insurance product, either directly or indirectly through publications or writings, or by issuing or promulgating analyses or reports related to an annuity, accident and health, or life insurance product.

(b) The prohibited use of senior-specific certifications or professional designations is an untrue, deceptive, misleading, dishonest, or untrustworthy act or practice and includes, but is not limited to, the following:

(i) Use of a certification or professional designation by an insurance producer who has not actually earned or is otherwise ineligible to use the certification or designation;

(ii) Use of a nonexistent or self-conferred certification or professional designation;

(iii) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training or experience that the insurance producer using the certification or designation does not have; and

(iv) Use of a certification or professional designation obtained from a certifying or designating organization that:

(A) Is primarily engaged in the business of instruction in sales or marketing;

(B) Does not have reasonable standards or procedures for assuring the competency of its certificants or designees;

(C) Does not have reasonable standards or procedures for monitoring and disciplining its certificants or designees for improper or unethical conduct; or

(D) Does not have reasonable continuing education requirements for its certificants or designees in order to maintain the certificate or designation.

(c) There is a rebuttable presumption that a certifying or designating organization is not disqualified solely for purposes of subsection (b)(iv) when the certification or designation issued from the organization does not primarily apply to sales or marketing and when the organization or the certification or designation in question has been accredited by:

(i) The American National Standards Institute (ANSI);

(ii) The National Commission for Certifying Agencies; or

(iii) Any organization that is on the U.S. Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes."

(d) In determining whether a combination of words or an acronym standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing seniors, factors to be considered shall include:

(i) Use of one or more words such as “senior,” “retirement,” “elder,” or like words combined with one or more words such as “certified,” “registered,” “chartered,” “advisor,” “specialist,” “consultant,” “planner,” or like words, in the name of the certification or professional designation; and

(ii) The manner in which those words are combined.

(e) For purposes of this regulation, a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency is not a certification or professional designation, unless it is used in a manner that would confuse or mislead a reasonable consumer, when the job title:

(i) Indicates seniority or standing within the organization; or

(ii) Specifies an individual’s area of specialization within the organization.

For purposes of subsection (e), financial services regulatory agency includes, but is not limited to, an agency that regulates insurers, insurance producers, broker-dealers, investment advisers, or investment companies as defined under the federal Investment Company Act of 1940.

Section 4. Adjustment of Physical Damage Claims.

(a) This section applies to the adjustment of physical damage claims under all motor vehicle policies issued in the State of Wyoming including, but not limited to, private passenger automobiles, recreational vehicles, commercial vehicles, motorcycles, or any other risk insured as a motor vehicle or trailer.

(b) Insurers shall adjust personal property losses, be it first or third party claims, by utilizing one of the following options:

(i) Pay for the loss in its entirety in money based on an appraisal of the damage sustained by insured's vehicle;

(ii) Repair the damaged property; or

(iii) Replace the damaged property.

Section 5. Department Inquiries.

(a) All persons shall respond to Department inquiries, including, but not limited to, document and information requests during market conduct and financial examinations, investigations of complaints, and any other formal or informal investigation or examination conducted for the purpose of determining compliance with Wyoming law shall be as follows:

(i) Unless another time period is specified by statute, regulation or by the Department either electronically or in another written form, a complete and accurate response to any inquiry from the Division shall be provided within twenty (20) calendar days from the date of the inquiry.

(ii) “Complete and accurate response” means a written response that includes all of the information, documents and explanation requested in the Department’s inquiry. If the requested information is not available the response shall include a detailed explanation of why it cannot be provided.

(iii) If additional time is required to respond to any Department inquiry, the person shall submit a written request for an extension of time to the commissioner. The request for an extension of time shall:

(A) Be made no later than 5:00 PM Mountain Time on the business day prior to the response due date;

(B) Include a specific period of time for the extension; and

(C) State in detail the reasons necessitating the extension.

(iv) An extension may be granted, at the discretion of the commissioner, for good cause shown. When a request for an extension is granted, the person shall provide a complete and accurate response within the new time period granted. If an extension is not granted, or the person requesting the extension does not receive written confirmation from the commissioner that the extension is granted, the original response due date applies.

Section 6. Effective Date.

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

CHAPTER 33
UNFAIR TRADE PRACTICES REGULATION

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

This regulation is promulgated pursuant to ~~the authority granted under the Wyoming Administrative Procedure Act W.S. §§ (16-3-101 through 16-3-115) and, the Wyoming Insurance Code §§§ 26-2-110(a), 26-9-217, and 26-13-101 et seq.~~

Section 2. — **Purpose**

~~The purpose of this regulation is to identify specific acts or practices of unfair discrimination under W.S. 26-13-112 which are commonly known as insurance "redlining" or "creaming" practices. This regulation is not exclusive and other acts, not herein specified, may also be deemed to be violations of W.S. 26-13-112.~~

Section 2. ~~Section 3.~~ — **Unfair -Discrimination.**

The following are ~~hereby identified as~~ acts or practices which constitute unfair discrimination between individuals or risks of the same class and essentially the same hazard. This regulation is not exclusive and other acts not herein specified may also be deemed to be violations.~~violations:~~

(a) ~~(a)~~ — Refusing to issue, refusing to renew, cancelling, mandating increased deductibles or limiting the amount of insurance coverage on a property or casualty risk, by whatever means direct or indirect, because of the geographic location of the risk, unless it is:

(i) ~~(i)~~ — ~~The refusal, cancellation, increased deductible or limitation is~~ Ffor a business purpose which is not a mere pretext for unfair discrimination, or

(ii) ~~(ii)~~ — ~~The refusal, cancellation, increased deductible or limitation is~~ Rrequired by law or regulatory mandate.

(b) ~~(b)~~ — Refusing to issue, refusing to renew, cancelling, mandating increased deductibles or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, by whatever means direct or indirect, because of the age of the residential property, unless it is:

(i) ~~(i)~~ — ~~The refusal, cancellation, increased deductible or limitation is~~ for ~~For~~ a business purpose which is not a mere pretext for unfair discrimination, or

(ii) ~~(ii)~~ — ~~The refusal, cancellation, increased deductible or limitation is~~ Required ~~by law. or regulatory mandate.~~

(c) Refusing to insure, refusing to continue to insure, limiting the amount, extent or

kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

Section 3. Prohibited Uses of Senior-Specific Certifications and Professional Designations.

(a) An insurance producer or consultant may not use a senior-specific certification or professional designation that indicates or implies in such a way as to mislead a purchaser or prospective purchaser that the insurance producer or consultant has special certification or training in advising or servicing seniors in connection with the solicitation, sale or purchase of an annuity, accident and health, or life insurance product, or in the provision of advice as to the value of or the advisability of purchasing or selling an annuity, accident and health, or life insurance product, either directly or indirectly through publications or writings, or by issuing or promulgating analyses or reports related to an annuity, accident and health, or life insurance product.

(b) The prohibited use ~~The prohibited use of~~ of senior-specific certifications or professional designations is an untrue, deceptive, misleading, dishonest, or untrustworthy act or practice and includes, but is not limited to, the following:

(i) Use of a certification or professional designation by an insurance producer who has not actually earned or is otherwise ineligible to use ~~such~~ the certification or designation;

(ii) Use of a nonexistent or self-conferred certification or professional designation;

(iii) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training or experience that the insurance producer using the certification or designation does not have; and

(iv) Use of a certification or professional designation ~~that was obtained from a~~ certifying or designating organization that:

(A) Is primarily engaged in the business of instruction in sales or marketing;

(B) Does not have reasonable standards or procedures for assuring the competency of its certificants or designees;

(C) Does not have reasonable standards or procedures for monitoring and disciplining its certificants or designees for improper or unethical conduct; or

(D) Does not have reasonable continuing education requirements for its certificants or designees in order to maintain the certificate or designation.

(c) There is a rebuttable presumption that a certifying or designating organization is not disqualified solely for purposes of subsection (b)(iv) when the certification or designation

issued from the organization does not primarily apply to sales or marketing and when the organization or the certification or designation in question has been accredited by:

(i) The American National Standards Institute (ANSI);

(ii) The National Commission for Certifying Agencies; or

(iii) Any organization that is on the U.S. Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV Purposes.”

(d) In determining whether a combination of words or an acronym standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing seniors, factors to be considered shall include:

(i) Use of one or more words such as—such as “senior,” “retirement,” “elder,” or like words combined with one or more words such as—such as “certified,” “registered,” “chartered,” “advisor,” “specialist,” “consultant,” “planner,” or like words, in the name of the certification or professional designation; and

(ii) The manner in which those words are combined.

(e) For purposes of this regulation, a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency is not a certification or professional designation, unless it is used in a manner that would confuse or mislead a reasonable consumer, when the job title:

(i) Indicates seniority or standing within the organization; or

(ii) Specifies an individual’s area of specialization within the organization.

For purposes of subsection (e), financial services regulatory agency includes, but is not limited to, an agency that regulates insurers, insurance producers, broker-dealers, investment advisers, or investment companies as defined under the federal Investment Company Act of 1940.

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Section 4. Section 4. — Procedure and Defenses—Adjustment of Physical Damage Claims.

—This section applies to the adjustment of physical damage claims under all motor vehicle policies issued in the State of Wyoming including, but not limited to, private passenger automobiles, recreational vehicles, commercial vehicles, motorcycles, or any other risk insured as a motor vehicle or trailer.

(a) —

~~Proceedings commenced alleging violations of this regulation shall be in the form of a SHOW CAUSE ORDER issued by the Commissioner. Any person charged with violating the provisions of this regulation shall have the duty of affirmatively defending such allegations by showing a legitimate business purpose not herein proscribed, provided that it shall be no defense that such alleged practices were implemented because a geographic location has been prone to natural catastrophes or other hazards outside the control of the insured.~~

~~(a) This section shall apply in the adjustment of physical damage claims under all motor vehicle policies issued in the State of Wyoming including, but not limited to, private passenger automobiles, recreational vehicles, commercial vehicles, motorcycles or any other risk insured as a motor vehicle or trailer.~~

~~(b) Insurers shall adjust personal property losses, be it first or third party claims, by utilizing one of the following options:~~

~~(i) Pay for the loss in its entirety in money, based on an appraisal of the damage sustained by insured's vehicle;:~~

~~(ii) Repair the damaged property; or:~~

~~(iii) Replace the damaged property.~~

Section 5. Department Inquiries.

~~(a) All persons shall respond to Department inquiries, including, but not limited to, document and information requests during market conduct and financial examinations, investigations of complaints, and any other formal or informal investigation or examination conducted for the purpose of determining compliance with Wyoming law shall be as follows:~~

~~The time period in which all persons shall respond to Department inquiries, including, but not limited to, document and information requests during market conduct and financial examinations, investigations of complaints, and any other formal or informal investigation or examination conducted for the purpose of determining compliance with Wyoming law shall be as follows:-~~

~~(i) Unless another time period is specified by statute, regulation or by the Department either electronically or in another written form, every person shall provide a complete and accurate response to any inquiry from the Division shall be provided within twenty (20) calendar days from the date of the inquiry.~~

~~(ii) "Complete and accurate response" shall mean means a written response that includes all of the information, documents and explanation requested in the Department's inquiry. If the requested information is not available the response shall include a detailed explanation of why it cannot be provided.~~

(iii) If additional time is required to respond to any Department inquiry, the person shall submit a written request for an extension of time to the Commissioner. The request for an extension of time shall:

(A) Be made no later than 5:00 PM Mountain Time on the business day prior to the response due date;

(B) Include a specific period of time for the extension; and

(C) State in detail the reasons necessitating the extension.

(iv) An extension may be granted, at the discretion of the Commissioner, for good cause shown. When a request for an extension is granted, the person shall provide a complete and accurate response within the new time period granted. If an extension is not granted, or the person requesting the extension does not receive written confirmation from the Commissioner that the extension is granted, the original response due date applies.

Section 5. Section 6. Section 5. Effective Date.

This regulation shall become effective on 19 March 1980 upon filing with the Secretary of State.