



ADMINISTRATIVE RULES OF MONTANA



6.6.9001 APPLICATION REQUIREMENTS

- (1) An application for a waiver under 33-2-2501, MCA, must include the following information:
 - (a) the identity of the insurer applying for the waiver;
 - (b) the identity of the directors and executive officers of the insurer, any persons who are beneficial owners of 10% or more of the voting securities of the insurer, and any officers of the insurer;
 - (c) a description of the product or service to be offered if the waiver is granted, including how the product or service functions and the manner and terms on which it must be offered;
 - (d) a description of the potential benefits to consumers of the product or service;
 - (e) a description of the potential risks, including but not limited to financial risks, to consumers posed by the product or service or approval of the proposed waiver and how the applicant proposes to mitigate the risks;
 - (f) a statement that the insurer has a physical presence in the state and has a certificate of authority issued by the commissioner to write insurance in the state;
 - (g) a filing fee of \$1,000 unless the submission is complex and lengthy, in which case the commissioner will provide an estimate of the fee that is commensurate with regulatory costs for consideration of the submission. The insurer may withdraw the submission after receiving the estimate;
 - (h) a specific explanation of how the waiver sought would meet each of the criteria set forth in 33-2-2501(1), MCA;
 - (i) certification that the waiver sought does not fall into any of the prohibited categories set forth in 33-2-2501(7), MCA; and
 - (j) a description of the insurer's plan for winding down the proposed program or activity pursuant to 33-2-2501(12), MCA.
- (2) The application shall be submitted on a form designated by the commissioner and made available to applicants on the Montana State Auditor's website.
- (3) At the time of submission, an applicant may request to protect confidential trade secrets contained in an application. The request must include an affidavit that clearly states the facts supporting the claim to trade secret protection with sufficient specificity to enable the reviewer to clearly understand the nature and basis of the claims to confidentiality, including an explanation of how the information meets the definition of "trade secret" under 30-14-402(4), MCA.

Authorizing statute(s): 33-2-2501, MCA

Implementing statute(s): 33-2-2501, MCA

History: NEW, 2023 MAR p. 1398, Eff. 10/21/23.