

# Wyoming Certificates of Insurance Frequently Asked Questions

## 1. What is a certificate of insurance?

“Certificate” or “certificate of insurance” means any document or instrument, no matter how titled or described, which is prepared or issued as evidence of property or casualty insurance coverage. Certificates of insurance serve a valuable informational purpose and provide a summary of coverages and limits for the referenced insurance policy. The certificate does not modify or amend the referenced insurance policy or confer any rights upon the certificate holder.

## 2. Are any specific forms exempt from satisfying the requirements in W.S. § 26-13-125 Certificates of Insurance?

Pursuant to W.S. 26-13-125 (m)(i) certificate of insurance shall not include a policy of insurance, a certificate issued to a policyholder under a group master policy, an insurance binder, a policy endorsement, and automobile insurance identification card, or a certificate prepared or issued pursuant to any federal law, rule or regulation or any other law, rule or regulation of this state, in which the specific content and form of the certificate is enumerated therein.

## 3. Are there any restrictions regarding the information printed on a certificate of insurance?

Insurance companies and producers shall prepare and issue certificates of insurance that accurately reflect the coverages and limits of the referenced insurance policy. Making any statement in a certificate of insurance that is false or misleading or purports to alter, amend or extend coverage from the underlying policy, including references to construction contracts, service contracts, or insurance requirements is strictly prohibited by Wyoming law. Furthermore, job reference numbers such as construction contract numbers or service contract numbers shall not be printed on a certificate of insurance.

## 4. May an approved certificate of insurance form be altered or modified?

No person may alter or modify a certificate of insurance form unless the altered or modified form is filed with the Wyoming Insurance Department by an insurance company or advisory organization on behalf of an insurance company for approval prior to use pursuant to W.S. § 26-13-125 (a).

## 5. May an insurer or an insurance producer prepare or issue an addendum to a certificate of insurance that clarifies or explains the coverage provided by an insurance policy?

Yes. However, the certificate of insurance form and any addendum, no matter how titled, must be filed by an insurance company or advisory organization on behalf of an insurance company

for approval prior to use pursuant to W.S. § 26-15-110 and Wyoming Insurance Department Regulation Chapter 11.

**6. May a person other than an insurance company file certificates of insurance or other policy related forms for approval?**

All certificate of insurance forms must be filed by an insurance company or advisory organization on behalf of an insurance company pursuant to W.S. § 26-15-110 and Wyoming Insurance Department Regulation Chapter 11.

**7. How should a Producer respond to a request to issue a certificate of insurance form other than an insurance company approved form?**

It is important to educate clients and certificate holders regarding the proper use of certificates of insurance. We suggest providing a copy of the Department memorandum, advising that a certificate of insurance is an insurance company form, and that only approved insurance company forms may be issued.

**8. What if the certificate holder insists that their form is completed?**

It is a violation of W.S. § 26-13-125 for any person to demand or request the issuance of a certificate of insurance or other document, record or correspondence that the person knows contains any false or misleading information or that purports to alter, amend, or extend the coverage, or other rights provided under an insurance policy.

Such a violation includes providing a customized certificate of insurance form furnished by a proposed certificate holder and/or insured that is not properly filed with the department and does not accurately interpret the terms, conditions, coverages or other provisions of the referenced policy.

Further, it is important to determine the actual concerns of the insured and the certificate holder. If the certificate holder requires the insured to have coverage or limits that the insured does not, the insured may be able to purchase from the insurer the required coverage or limits.

**9. If requested, may an insurance producer enter policy information into an electronic database instead of issuing a certificate of insurance?**

No. A Certificate of Insurance is a policy form. All certificate of insurance forms are filed by an insurance company or an advisory organization on behalf of an insurance company pursuant to W.S. § 26-15-110 and Wyoming Insurance Department Regulation Chapter 11. A properly issued certificate of insurance form may be delivered by uploading into an electronic system.

**10. Are electronic signatures allowed on a Certificate of Insurance form? Yes.**

**11. What are the records retention requirements for certificates of insurance?**

The following paragraphs of W.S. § 26-9-228 apply:

(c) The insurance producer shall keep at his place of business a complete record of transactions under his license. The record shall show, as to each insurance policy or contract placed by or through the licensee, the names of the insurer and insured, the number, expiration date of, premium payable as to the policy or contract and any other information the commissioner reasonably requires. The insurance producer shall keep the record available for inspection for a period of at least three (3) years after completion of the transactions.

(d) The requirements of subsection (c) of this section are satisfied if the records specified in this section may be obtained immediately from a central storage place, or elsewhere by on line computer terminals located at the licensee's place of business.

**12. Are certificates of insurance for surplus lines policies subject to the forms approval requirements set forth in W.S. § 26-15-110?**

Certificates of insurance for surplus lines policies are not subject to the approval requirements in W.S. § 26-15-110. Certificates issued for surplus lines policies shall use either a form approved for the policy by the insurer's home state, or a standard form used by the issuing insurer if there is no relevant form approved by the home state.

**13. How will Producers and Surplus Lines Brokers be notified regarding certificate forms?**

An insurance company will provide all individuals authorized to issue certificates with clear procedures regarding their authority to issue certificates in this state. Some companies may have already provided this information. Any questions regarding certificate forms should be directed to the insurance company.

**14. Certain lines of insurance have been determined to be exempt from the form filing and prior approval requirements of W.S. § 26-15-110(d)(iii). Are certificates of insurance for such lines also exempt from the form filing requirements?**

No, all certificate of insurance forms must be filed for approval prior to use. The Commissioner's order specifically exempts the policy, rider, endorsement or application forms but does not exempt the certificate of insurance.

**15. What action should a person take if they have proof of a violation of W.S. § 26-13-125 certificates of insurance or other violations of the Wyoming Insurance Code that are associated with the issuance of a certificate of insurance?**

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