

THE STATE



OF WYOMING

**Matthew H.  
Mead**  
Governor

***Insurance Department***

106 East 6<sup>th</sup> Avenue ♦ Cheyenne, Wyoming 82002

**Tom C. Hirsig**  
Commissioner

**MEMORANDUM: 01-2014**

**TO:** Property and Casualty Insurance Companies and Producers

**FROM:** Tom C. Hirsig, Insurance Commissioner

**DATE:** July 1, 2014

**SUBJECT:** Certificates of Insurance

The Wyoming Legislature recently enacted a new section of the Wyoming Insurance Code, § 26-13-125 regarding the filing and use of certificates of insurance. This memorandum advises insurance companies and producers of the new legislation to be effective July 1, 2014, and supersedes Memorandum 01-2007 Certificates of Insurance. The provisions of this section shall apply to all certificate holders, third party certificate administrators, policy holders, insurers, and insurance producers and certificate of insurance forms, that are prepared or issued as evidence of property or casualty insurance coverages on property, operations or risks located in this state, regardless of where the certificate holder, policy holder, insurer or insurance producer is located.

It is a violation of Wyoming Statute § 26-13-125 (a) for any person to prepare, issue or knowingly request the issuance of a certificate of insurance unless the form has been filed and approved in accordance with Wyoming Statute § 26-15-110 which requires that an insurance company or advisory organization on behalf of an insurance company file all policy related forms with the Department for approval prior to use. Certificate of insurance forms, no matter how titled or described, are policy forms. Certificate of insurance forms that have been filed by either the ACORD Corporation (ACORD) or the Insurance Services Office, Inc. (ISO) and approved are not required to be filed again by an insurance company. In that situation, an insurance company is only required to submit to the Wyoming Insurance Department a filing that indicates adoption by that company of a particular ACORD or ISO form.

Pursuant to Wyoming Statute § 26-13-125 (b) the Commissioner shall disapprove the use of, or prohibit the use of, any filed form if the Commissioner finds that it is (i) unfair, misleading or deceptive; (ii) violates public policy; or (iii) fails to comply with the requirements of W.S. § 26-13-125 or any other law of this state. Insurance companies filing certificate of insurance forms will be required to certify that the form complies with Wyoming law.

Wyoming Statute § 26-13-125 (d) requires that each certificate of insurance shall contain the following or similar statement: "This certificate of insurance is issued as a matter of information only and confers no

rights upon the certificate holder. This certificate does not alter, amend or extend the coverage, terms, exclusions and conditions afforded by the policies referenced herein.”

Wyoming Statute § 26-13-125 (e) prohibits any person from knowingly demanding or requesting the issuance of a certificate of insurance or other document, record or correspondence that contains any false or misleading information or that purports to affirmatively or negatively alter, amend or extend the coverage provided by the policy of insurance to which the certificate makes reference. Wyoming Statute § 26-13-125 (h) prohibits reference to contracts other than the underlying contracts of insurance, including construction or service contracts. Also, Wyoming Statute § 26-13-125 (k) states that any certificate of insurance or other document, record or correspondence prepared, issued or requested in violation of this section shall be null and void and of no force and effect.

Pursuant to Wyoming Statute § 26-13-125 (g) a certificate of insurance is not a policy of insurance and does not affirmatively or negatively alter, amend or extend the coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance shall not confer to a certificate holder any new or additional rights beyond what is provided by the referenced insurance policy. The certificate of insurance shall accurately reflect the coverages and limits of the referenced insurance policy.

Pursuant to Wyoming Statute § 26-13-125 (j) a person is entitled to receive notice of cancellation, nonrenewal or any material change or any similar notice concerning a policy of insurance only if the person has notice rights under the terms of the policy or any endorsement to the policy. The terms and conditions of the notice, including the required timing of the notice, are governed by the policy of insurance or endorsement and may not be altered by a certificate of insurance.

Each insurance company is strongly requested to provide all individuals authorized to issue certificates with clear procedures regarding their authority to issue certificates in this state. The procedures shall be available to the Department upon request.

Violations of other provisions of the Wyoming Insurance Code where such violations are associated with the issuance of a certificate of insurance are subject to administrative, criminal and/or civil penalties. These violations include but are not limited to W.S. § 26-9-211 (a)(v) (illegal for a producer to misrepresent the terms of an insurance contract), W.S. § 26-13-103 (a)(i) (illegal for a person to make, issue or circulate or cause to be made, issued or circulated a statement misrepresenting the terms of any policy), W.S. § 26-13-201 (a) (iii) (illegal for a person to prepare, make or subscribe a false or fraudulent certificate, or other document with the intent that the certificate or other document be presented in support of a claim)

Any questions regarding the information in this memorandum should be directed to Donna Stewart, Property and Casualty Division at: [donna.stewart@wyo.gov](mailto:donna.stewart@wyo.gov) or (307) 777-7308.