

ENROLLED ACT NO. 50, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to insurance; exempting alien insurers from specified life insurance premium taxes; requiring the separate reporting of specified life insurance premiums; modifying the tax rate for specified life insurance premiums; repealing obsolete provisions; specifying applicability; requiring a report; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 26-3-130(b)(i), (ii) and by creating a new paragraph (iii) and 26-4-103(a)(intro), (b)(i)(D) and by creating a new subparagraph (E) are amended to read:

26-3-130. Retaliatory provisions against other states and countries.

(b) This section does not apply to:

(i) Application fees, examination fees, license fees, appointment fees and continuation fees for agents, adjusters or consultants; ~~or~~

(ii) Personal income taxes, ad valorem taxes on real or personal property nor to special purpose obligations or assessments imposed by another state in connection with particular kinds of insurance other than property insurance, except that the commissioner shall consider deductions, from premium taxes or other taxes otherwise payable, allowed because of real estate or personal property taxes paid in determining the propriety and extent of retaliatory action under this section; ~~or~~ or

ENROLLED ACT NO. 50, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(iii) Life insurance premium taxes on that portion of a life insurance policy's annual premium exceeding one hundred thousand dollars (\$100,000.00).

26-4-103. Premium taxes; generally; preemption by state.

(a) Each authorized and formerly authorized insurer shall file with the commissioner on or before March 1 each year or within any extended period the commissioner grants not to exceed thirty (30) days, a report in a form the commissioner prescribes showing, except for wet marine and transportation insurance as defined in W.S. 26-5-107 and except as provided under subsection (k) of this section, total direct premium income including policy, membership and other fees, and all other considerations for insurance and annuity contracts, however designated, it received during the immediately preceding calendar year because of policies and contracts covering property, subjects or risks located, resident or to be performed in this state. The report shall also identify separately the premiums charged on life insurance policies with annualized premiums exceeding one hundred thousand dollars (\$100,000.00) for the immediately preceding calendar year. The total direct premium income reported shall include proper proportionate allocation of premiums or consideration as to those persons, property, subjects or risks in this state insured or covered under policies or contracts covering persons, property, subjects or risks located or resident in more than one (1) state, and shall be computed after deducting:

(b) At the same time the report is filed, each insurer shall pay for the privilege of transacting business in this state, a tax upon net premiums and net considerations to be computed at the following rates:

ENROLLED ACT NO. 50, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

(i) As to each insurer, the tax rate, except as to annuity considerations, shall be as follows:

(D) Except as provided in subparagraph (E) of this paragraph, for premium income received, in 1994 and thereafter the tax rate shall be seventy-five hundredths percent (.75%);

(E) For premium income received, seventy-five hundredths percent (.75%) on the first one hundred thousand dollars (\$100,000.00) of a life insurance policy's annual premium and seventy-five thousandths of one percent (.075%) on that portion of a life insurance policy's annual premium exceeding one hundred thousand dollars (\$100,000.00).

Section 2. W.S. 26-4-103(b)(i)(A) through (C) is repealed.

Section 3. The provisions of this act shall apply only to life insurance policies issued on or after January 1, 2021.

Section 4. The insurance commissioner shall provide a summary report to the joint corporations, elections and political subdivisions interim committee by June 1, 2022 regarding the financial effect of the tax rate created under W.S. 26-4-103(b)(i)(E), as created by this act.

ORIGINAL SENATE
FILE NO. SF0071

ENGROSSED

ENROLLED ACT NO. 50, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

Section 5. This act is effective January 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk