

31A-15-211 Enforcement authority.

- (1) The commissioner is authorized to use the powers established for the department under this title to enforce the laws of this state not specifically preempted by the Liability Risk Retention Act of 1986, including the commissioner's administrative authority to investigate, issue subpoena, conduct depositions and hearings, issue orders, impose monetary penalties and seek injunctive relief. With regard to any investigation, administrative proceedings, or litigation, the commissioner shall rely on the procedural laws of this state.
- (2) Whenever the commissioner determines that any person, risk retention group, purchasing group, or insurer of a purchasing group has violated, is violating, or is about to violate any provision of this part or any other insurance law of this state applicable to the person or entity, or that the person or entity has failed to comply with a lawful order of the commissioner, he may, in addition to any other lawful remedies or penalties, file a complaint in the Third District Court of Salt Lake County to enjoin and restrain any person, risk retention group, purchasing group, or insurer from engaging in the violation, or to compel compliance with the order of the commissioner. The court has jurisdiction of the proceeding and has the power to enter a judgment and order for injunctive or other relief. In any action by the commissioner under this subsection, service of process shall be made upon the director of the Division of Corporations and Commercial Code who shall forward the order, pleadings, or other process to the person, risk retention group, purchasing group, or insurer in accordance with the procedures specified in Section 31A-14-204. Nothing in this section may be construed to limit or abridge the authority of the commissioner to seek injunctive relief in any district court of the United States as provided in Section 31A-15-213.

Enacted by Chapter 258, 1992 General Session