

31A-19a-207 Delayed effect of rates.

- (1)
 - (a) The commissioner may by rule require that insurers in a market segment file with the commissioner any changes in rates or supplementary rate information at least 30 calendar days before they become effective if the commissioner finds, after a hearing, that in that market segment:
 - (i) competition is not an effective regulator of the rates charged;
 - (ii) that a substantial number of companies are competing irresponsibly through the rates charged; or
 - (iii) that there are widespread violations of this chapter.
 - (b) The commissioner may extend the waiting period under Subsection (1)(a) for not to exceed 30 additional calendar days by written notice to the filer before the first 30-day period expires.
 - (c) In determining whether competition is an effective regulator of the rates charged, the commissioner shall consider, as to the particular market segment:
 - (i) the number of insurers actively engaged in providing coverage;
 - (ii) the respective market shares of insurers providing coverage;
 - (iii) the volatility of market share fluctuations;
 - (iv) the ease of entry into the market; and
 - (v) any other known relevant factors.
- (2)
 - (a) If the commissioner finds that a market segment is noncompetitive under Subsection (1), all rates previously filed and in use may continue to be used until disapproved.
 - (b) After a finding of a noncompetitive market under Subsection (1), for purposes of disapproval, the commissioner shall treat the filing of existing rates as having been filed as of the date of the rule under Subsection (1).
- (3) A competitive market is presumed to exist, unless the commissioner makes a contrary finding under Subsection (1).
- (4)
 - (a) A rule issued under Subsection (1) expires no later than one year from the date on which the rule was adopted, unless the commissioner, after a hearing, renews the rule.
 - (b) A renewal hearing for a rule issued under Subsection (1) may not be held earlier than nine months after the date on which the rule was issued or last renewed.

Renumbered and Amended by Chapter 130, 1999 General Session