

**31A-27a-104 Persons covered.**

- (1) This chapter applies to:
  - (a) an insurer who:
    - (i) is doing, or has done, an insurance business in this state; and
    - (ii) against whom a claim arising from that business may exist;
  - (b) a person subject to examination by the commissioner;
  - (c) an insurer who purports to do an insurance business in this state;
  - (d) an insurer who has an insured who is resident in this state; and
  - (e) in addition to Subsections (1)(a) through (d), a person doing business as follows:
    - (i) under Chapter 6a, Service Contracts;
    - (ii) under Chapter 7, Nonprofit Health Service Insurance Corporations;
    - (iii) under Chapter 8a, Health Discount Program Consumer Protection Act;
    - (iv) under Chapter 9, Insurance Fraternal;
    - (v) under Chapter 11, Motor Clubs;
    - (vi) under Chapter 13, Employee Welfare Funds and Plans;
    - (vii) under Chapter 15, Unauthorized Insurers, Surplus Lines, and Risk Retention Groups;
    - (viii) as a bail bond surety company under Chapter 35, Bail Bond Act;
    - (ix) under Chapter 37, Captive Insurance Companies Act;
    - (x) a title insurance company;
    - (xi) a prepaid health care delivery plan; and
    - (xii) a person not described in Subsections (1)(e)(i) through (xi) that is organized or doing insurance business, or in the process of organizing with the intent to do insurance business in this state.
- (2) Notwithstanding Sections 31A-1-301 and 31A-27a-102, this chapter does not apply to a person licensed by the insurance commissioner as one or more of the following in this state unless the person engages in the business of insurance as an insurer:
  - (a) an insurance agency;
  - (b) an insurance producer;
  - (c) a limited line producer;
  - (d) an insurance consultant;
  - (e) a managing general agent;
  - (f) reinsurance intermediary;
  - (g) an individual title insurance producer or agency title insurance producer;
  - (h) a third party administrator;
  - (i) an insurance adjuster;
  - (j) a life settlement provider; or
  - (k) a life settlement producer.

Amended by Chapter 319, 2013 General Session