

31A-28-205 Creation of the association.

- (1)
 - (a) The Utah Property and Casualty Insurance Guaranty Association shall continue as a nonprofit legal entity.
 - (b) All member insurers of the association are, and remain, members of the association as a condition of their authority to transact insurance business in this state.
 - (c) The association shall:
 - (i) perform its functions under the plan of operation established and approved under Section 31A-28-209; and
 - (ii) exercise its powers through a board of directors established under Section 31A-28-206.
 - (d) For the purposes of administration and assessment, the association shall maintain an account known as the Property and Casualty Insurance Guaranty Association Account.
 - (e)
 - (i) If as of May 6, 2002, the association has more than one account, the association shall consolidate all accounts into the Property and Casualty Insurance Guaranty Association Account.
 - (ii) The Property and Casualty Insurance Guaranty Association Account:
 - (A) succeeds to all funds held by the association in an account existing on May 6, 2002; and
 - (B) is subject to any liability or obligation attributable to an account of the association existing on May 6, 2002.
- (2)
 - (a) An insurer shall cease to be a member insurer on the day following the termination or expiration of the insurer's license to transact the kinds of insurance to which this part applies.
 - (b) Notwithstanding Subsection (2)(a), the insurer shall remain liable as a member insurer for all obligations, including assessments levied:
 - (i) before the termination or expiration of the insurer's license; and
 - (ii) after the termination or expiration of the insurer's license but that relate to an insurer that became an insolvent insurer before the termination or expiration of the insurer's license.
- (3) Meetings or records of the association shall be open to the public upon a majority vote of the board of directors of the association.
- (4) The association is not an agency of the state.

Amended by Chapter 308, 2002 General Session