

**31A-31-108 Assessment of insurers.**

- (1) For purposes of this section:
  - (a) The commissioner shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, define:
    - (i) "annuity consideration";
    - (ii) "membership fees";
    - (iii) "other fees";
    - (iv) "deposit-type contract funds"; and
    - (v) "other considerations in Utah."
  - (b) "Insurance fraud provisions" means:
    - (i) this chapter;
    - (ii) Section 34A-2-110; and
    - (iii) Section 76-6-521.
  - (c) "Utah consideration" means:
    - (i) the total premiums written for Utah risks;
    - (ii) annuity consideration;
    - (iii) membership fees collected by the insurer;
    - (iv) other fees collected by the insurer;
    - (v) deposit-type contract funds; and
    - (vi) other considerations in Utah.
  - (d) "Utah risks" means insurance coverage on the lives, health, or against the liability of persons residing in Utah, or on property located in Utah, other than property temporarily in transit through Utah.
- (2) To implement insurance fraud provisions, the commissioner may assess an admitted insurer and a nonadmitted insurer transacting insurance under Chapter 15, Part 1, Unauthorized Insurers and Surplus Lines, and Part 2, Risk Retention Groups Act, an annual fee as follows:
  - (a) \$200 for an insurer for which the sum of the Utah consideration is less than or equal to \$1,000,000;
  - (b) \$450 for an insurer for which the sum of the Utah consideration is greater than \$1,000,000 but is less than or equal to \$2,500,000;
  - (c) \$800 for an insurer for which the sum of the Utah consideration is greater than \$2,500,000 but is less than or equal to \$5,000,000;
  - (d) \$1,600 for an insurer for which the sum of the Utah consideration is greater than \$5,000,000 but less than or equal to \$10,000,000;
  - (e) \$6,100 for an insurer for which the sum of the Utah consideration is greater than \$10,000,000 but less than \$50,000,000; and
  - (f) \$15,000 for an insurer for which the sum of the Utah consideration equals or exceeds \$50,000,000.
- (3) Money received by the state under this section shall be deposited into the Insurance Fraud Investigation Restricted Account created in Subsection (4).
- (4)
  - (a) There is created in the General Fund a restricted account known as the "Insurance Fraud Investigation Restricted Account."
  - (b) The Insurance Fraud Investigation Restricted Account shall consist of the money received by the commissioner under this section and Subsections 31A-31-109(1)(a)(ii), (1)(b), (2)(b)(i), (2)(c), and (3)(a). Money ordered paid under Subsections 31A-31-109(1)(a)(i) and (2)(a) shall be deposited in the Insurance Fraud Victim Restitution Fund pursuant to Section 31A-31-108.5.

- (c) The commissioner shall administer the Insurance Fraud Investigation Restricted Account. Subject to appropriations by the Legislature, the commissioner shall use the money deposited into the Insurance Fraud Investigation Restricted Account to pay for a cost or expense incurred by the commissioner in the administration, investigation, and enforcement of insurance fraud provisions.

Amended by Chapter 319, 2013 General Session