

Superseded 5/12/2015

31A-33-103.5 Powers of Fund -- Limitations.

- (1) The fund may form or acquire subsidiaries or enter into a joint enterprise:
 - (a) in accordance with Section 31A-33-107; and
 - (b) except as limited by this section and applicable insurance rules and statutes.
- (2) Subject to applicable insurance rules and statutes, the fund may only offer:
 - (a) workers' compensation insurance in Utah;
 - (b) workers' compensation insurance in a state other than Utah to the extent necessary to:
 - (i) accomplish its purpose under Subsection 31A-33-102(1)(b); and
 - (ii) provide workers' compensation or occupational disease insurance coverage to Utah employers and their employees engaged in interstate commerce; and
 - (c) workers' compensation products and services in Utah or other states.
- (3) Subject to applicable insurance rules and statutes, a subsidiary of the fund may:
 - (a) offer workers' compensation insurance coverage only:
 - (i) in a state other than Utah; and
 - (ii)
 - (A) to insure the following against liability for compensation based on job-related accidental injuries and occupational diseases:
 - (I) an employer, as defined in Section 34A-2-103, that has a majority of its employees, as defined in Section 34A-2-104, hired or regularly employed in Utah;
 - (II) an employer, as defined in Section 34A-2-103, whose principal administrative office is located in Utah;
 - (III) a subsidiary or affiliate of an employer described in Subsection (3)(a)(ii)(A)(I) or (II); or
 - (IV) an employer, as defined in Section 34A-2-103, whose purchase of insurance arises solely out of the purchase of workers' compensation products and services from the fund or a fund subsidiary; or
 - (B) for a state fund organization that is not an admitted insurer in the other state:
 - (I) on a fee for service basis; and
 - (II) without bearing any insurance risk; and
 - (b) offer workers' compensation products and services in Utah and other states.
 - (4) The fund shall write workers' compensation insurance in accordance with Section 31A-22-1001.
 - (5)
 - (a) The fund may enter into a joint enterprise that offers workers' compensation insurance and other coverage only in the state, provided:
 - (i) the joint enterprise offers only property or liability insurance in addition to workers' compensation insurance;
 - (ii) the fund may not bear any insurance risk associated with the insurance coverage other than risk associated with workers' compensation insurance; and
 - (iii) the offer of other insurance shall be part of an insurance program that includes workers' compensation insurance coverage that is provided by the fund.
 - (b) The fund or a subsidiary of the fund may not offer, or enter into a joint enterprise that offers, or otherwise participate in the offering of accident and health insurance.