

1886 amendments, other material, or notices.

1887 (b) (i) Mailing expenses shall be paid by the person making the filing.

1888 (ii) As security for the payment of mailing expenses, that person shall file with the
1889 commissioner an acceptable bond or other deposit in an amount determined by the
1890 commissioner.

1891 (13) This section does not apply to any offer, request, invitation, agreement, or
1892 acquisition that the commissioner by order exempts from the requirements of this section as:

1893 (a) not having been made or entered into for the purpose of, and not having the effect
1894 of, changing or influencing the control of a domestic insurer; or

1895 (b) ~~H~~→ [as] ←~~H~~ otherwise not comprehended within the purposes of this section.

1896 (14) The following are violations of this section:

1897 (a) the failure to file any statement, amendment, or other material required to be filed
1898 pursuant to Subsections (1), (2), and (5); or

1899 (b) the effectuation, or any attempt to effectuate, an acquisition of control of or merger
1900 with a domestic insurer unless the commissioner has given the commissioner's approval to the
1901 acquisition or merger.

1902 (15) (a) The courts of this state are vested with jurisdiction over:

1903 (i) a person who:

1904 (A) files a statement with the commissioner under this section; and

1905 (B) is not resident, domiciled, or authorized to do business in this state; and

1906 (ii) overall actions involving persons described in Subsection (15)(a)(i) arising out of a
1907 violation of this section.

1908 (b) A person described in Subsection (15)(a) is considered to have performed acts
1909 equivalent to and constituting an appointment of the commissioner by that person, to be that
1910 person's lawful agent upon whom may be served all lawful process in any action, suit, or
1911 proceeding arising out of a violation of this section.

1912 (c) A copy of a lawful process described in Subsection (15)(b) shall be:

1913 (i) served on the commissioner; and

1914 (ii) transmitted by registered or certified mail by the commissioner to the person at that
1915 person's last-known address.

1916 Section 10. Section ~~31A-17-607~~ is amended to read:

3591 longer than 24 months if the licensee has admitted to a violation under 18 U.S.C. [Sections]
 3592 Sec. 1033 [and 1034].

3593 (3) A probation order under this section shall state the conditions for retention of the
 3594 license, which shall be reasonable.

3595 (4) A violation of the probation is grounds for revocation pursuant to any proceeding
 3596 authorized under Title 63G, Chapter 4, Administrative Procedures Act.

3597 Section 34. Section **31A-26-102** is amended to read:

3598 **31A-26-102. Definitions.**

3599 As used in this chapter, unless expressly provided otherwise:

3600 (1) "Company adjuster" means a person employed by an insurer whose regular duties
 3601 include insurance adjusting.

3602 (2) "Designated home state" means the state or territory of the United States or the
 3603 District of Columbia:

3604 (a) in which an insurance adjuster does not maintain the adjuster's principal:

3605 (i) place of residence; or

3606 (ii) place of business;

3607 (b) if the resident state, territory, or District of Columbia of the adjuster does not
 3608 license adjusters for the line of authority sought, the adjuster has qualified for the license as if
 3609 the person were a resident in the state, territory, or District of Columbia described in

3610 Subsection (2)(a) ~~H→~~, ~~←H~~ including an applicable:

3611 ~~H→~~ [(A)] (i) ~~←H~~ examination requirement;

3612 ~~H→~~ [(B)] (ii) ~~←H~~ fingerprint background check requirement; and

3613 ~~H→~~ [(C)] (iii) ~~←H~~ continuing education requirement; and

3614 (c) the adjuster has designated the state, territory, or District of Columbia as the
 3615 designated home state.

3616 (3) "Home state" means:

3617 (a) a state or territory of the United States or the District of Columbia in which an
 3618 insurance adjuster:

3619 (i) maintains the adjuster's principal:

3620 (A) place of residence; or

3621 (B) place of business; and

4242 or parting with property or with an interest in property, whether:

4243 (i) directly or indirectly;

4244 (ii) absolutely or conditionally;

4245 (iii) voluntarily or involuntarily; or

4246 (iv) by or without judicial proceedings.

4247 (b) An interest in property includes:

4248 (i) a set off;

4249 (ii) having possession of the property; or

4250 (iii) fixing a lien on the property or on an interest in the property.

4251 (c) The retention of a security title in property delivered to an insurer and foreclosure

4252 of the insurer's equity of redemption is considered a transfer suffered by the insurer.

4253 (47) Notwithstanding Section 31A-1-301, "unauthorized insurer" means an insurer

4254 transacting the business of insurance in this state that has not received a certificate of authority

4255 from this state, or some other type of authority that allows for the transaction of the business of

4256 insurance in this state.

4257 Section 41. Section **31A-27a-107** is amended to read:

4258 **31A-27a-107. Notice and hearing on matters submitted by the receiver for**
 4259 **receivership court approval.**

4260 (1) (a) Upon written request to the receiver, a person shall be placed on the service list

4261 to receive notice of matters filed by the receiver. The person shall include in a written request

4262 under this Subsection (1)(a) the person's address, facsimile number, or electronic mail address.

4263 (b) It is the responsibility of the person requesting notice to:

4264 (i) inform the receiver in writing of any changes in the person's address, facsimile
 4265 number, ~~and~~ or ~~or~~ electronic mail address; or

4266 (ii) request that the person's name be deleted from the service list.

4267 (c) (i) The receiver may serve on a person on the service list a request to confirm

4268 continuation on the service list by returning a form.

4269 (ii) The request to confirm continuation may be served periodically but not more

4270 frequently than every 12 months.

4271 (iii) A person who fails to return the form described in this Subsection (1)(c) may be

4272 removed from the service list.

5172 (1) (a) ~~[Small employer carriers shall accept residents]~~ A small employer carrier shall
 5173 accept a small employer that applies for small group coverage as set forth in the Health
 5174 Insurance Portability and Accountability Act, Sec. 2701(f) and 2711(a), and PPACA, Sec.
 5175 2702.

5176 ~~[(b) Individual carriers shall accept residents for individual coverage pursuant to:]~~
 5177 ~~[(i) Health Insurance Portability and Accountability Act, Sec. 2741(a)-(b); and]~~
 5178 ~~[(ii) Subsection (3).]~~

5179 (b) An individual carrier shall accept an individual that applies for individual coverage
 5180 as set forth in PPACA, ~~§~~→ [Section] Sec. ←~~§~~ 2702.

5181 (2) (a) ~~[Small]~~ A small employer ~~[carriers]~~ carrier shall offer to accept all eligible
 5182 employees and their dependents at the same level of benefits under any health benefit plan
 5183 provided to a small employer.

5184 (b) ~~[Small]~~ A small employer ~~[carriers]~~ carrier may:

5185 (i) request a small employer to submit a copy of the small employer's quarterly income
 5186 tax withholdings to determine whether the employees for whom coverage is provided or
 5187 requested are bona fide employees of the small employer; and

5188 (ii) deny or terminate coverage if the small employer refuses to provide documentation
 5189 requested under Subsection (2)(b)(i).

5190 ~~[(3) Except as provided in Subsections (5) and (6) and Section 31A-30-110, individual~~
 5191 ~~carriers shall accept for coverage individuals to whom all of the following conditions apply:]~~

5192 ~~[(a) the individual is not covered or eligible for coverage:]~~

5193 ~~[(i) (A) as an employee of an employer;]~~

5194 ~~[(B) as a member of an association; or]~~

5195 ~~[(C) as a member of any other group; and]~~

5196 ~~[(ii) under:]~~

5197 ~~[(A) a health benefit plan; or]~~

5198 ~~[(B) a self-insured arrangement that provides coverage similar to that provided by a~~
 5199 ~~health benefit plan as defined in Section 31A-1-301;]~~

5200 ~~[(b) the individual is not covered and is not eligible for coverage under any public~~
 5201 ~~health benefits arrangement including:]~~

5202 ~~[(i) the Medicare program established under Title XVIII of the Social Security Act;]~~

5296 (c) submit rates to the exchange that are net of commissions.

5297 (4) When an employer group enters the defined contribution arrangement market and
 5298 the employer group has a health plan with an insurer who is participating in the defined
 5299 contribution arrangement market, the risk factor applied to the employer group when it enters
 5300 the defined contribution arrangement market may not be greater than the employer group's
 5301 renewal risk factor for the same group of covered employees and the same effective date, as
 5302 determined by the employer group's insurer.

5303 Section 55. Section **31A-30-209** is amended to read:

5304 **31A-30-209. Appointment of insurance producers to Health Insurance Exchange.**

5305 (1) A producer may be listed on the Health Insurance Exchange as a credentialed
 5306 producer [~~for the defined contribution arrangement market in accordance with Section~~
 5307 ~~63M-1-2504~~] ~~H→~~ [;] ~~←H~~ if the producer is designated as [~~an appointed~~] a credentialed agent
 5307a for the
 5308 [~~defined contribution arrangement market~~] Health Insurance Exchange in accordance with
 5309 Subsection (2).

5310 (2) A producer whose license under this title authorizes the producer to sell [~~defined~~
 5311 ~~contribution arrangement health benefit plans may be appointed to the defined contribution~~
 5312 ~~arrangement market on~~] accident and health insurance may be credentialed by the Health
 5313 Insurance Exchange [~~by the Insurance Department~~] and may sell any product on the Health
 5314 Insurance Exchange, if the producer:

5315 [~~(a) submits an application to the Insurance Department to be appointed as a producer~~
 5316 ~~for the defined contribution arrangement market on the Health Insurance Exchange;~~]

5317 [~~(b) is an appointed agent in accordance with Subsection (3), for products offered in~~
 5318 ~~the defined contribution arrangement market of the Health Insurance Exchange, with the~~
 5319 ~~carriers that offer a defined contribution arrangement health benefit plan on the Health~~
 5320 ~~Insurance Exchange; and]~~

5321 [~~(c) has completed continuing education for the defined contribution arrangement~~
 5322 ~~market that:]~~

5323 [~~(i) is required by administrative rule adopted by the commissioner; and]~~

5324 [~~(ii) provides training on premium assistance programs:]~~

5325 (a) is an appointed producer with:

5326 (i) all carriers that offer a plan in the defined contribution market on the Health