

31A-15-102 Assisting unauthorized insurers.

- (1) No person may do any act enumerated under Subsection (2) who knows or should know that the act may assist in the illegal placement of insurance with an unauthorized insurer or the subsequent servicing of an insurance policy illegally placed with an unauthorized insurer.
- (2) An act performed by mail is performed both at the place of mailing and at the place of delivery. Any of the following acts, whether performed by mail or otherwise, fall within the prohibition of Subsection (1):
 - (a) soliciting, making, or proposing to make an insurance contract;
 - (b) taking, receiving, or forwarding an application for insurance;
 - (c) collecting or receiving, in full or in part, an insurance premium;
 - (d) issuing or delivering an insurance policy or other evidence of an insurance contract except as a messenger not employed by the insurer, or an insurance producer;
 - (e) doing any of the following in connection with the solicitation, negotiation, procuring, or effectuation of insurance coverage for another: inspecting risks, setting rates, advertising, disseminating information, or advising on risk management;
 - (f) publishing or disseminating any advertisement encouraging the placement or servicing of insurance that would violate Subsection (1); however this provision does not apply to publication or dissemination to an audience primarily outside Utah that also reaches persons in Utah unless the extension to persons inside Utah can be conveniently avoided without substantial expense other than loss of revenue; nor does it apply to regional or national network programs on radio or television unless they originate in Utah;
 - (g) investigating, settling, adjusting, or litigating claims; or
 - (h) representing or assisting any person to do an unauthorized insurance business or to procure insurance from an unauthorized insurer.
- (3) Subsection (1) does not prohibit:
 - (a) an attorney acting for a client;
 - (b) a full-time salaried employee of an insured acting in the capacity of an insurance buyer or manager; or
 - (c) insurance activities described under Section 31A-15-103.
- (4) Any act performed in Utah which is prohibited under this section constitutes appointment of the commissioner or the lieutenant governor as agent for service of process under Sections 31A-2-309 and 31A-2-310.
- (5) Any person or entity who knows or should know that the person's or entity's actions assist in the illegal placement of insurance in violation of this section is guilty of a third degree felony.

Amended by Chapter 58, 2005 General Session