

31A-19a-306 Insurers and rate service organizations -- Prohibited activity.

- (1) An insurer or rate service organization may not:
 - (a) attempt to monopolize, or combine or conspire with any other person to monopolize an insurance market; or
 - (b) engage in a boycott of an insurance market on a concerted basis.
- (2)
 - (a) Except as provided in Subsection (2)(c), an insurer may not agree with any other insurer or with a rate service organization to mandate adherence to or to mandate use of any:
 - (i) rate;
 - (ii) prospective loss cost;
 - (iii) rating plan;
 - (iv) rating schedule;
 - (v) rating rule;
 - (vi) policy or bond form;
 - (vii) rate classification;
 - (viii) rate territory;
 - (ix) underwriting rule;
 - (x) survey;
 - (xi) inspection; or
 - (xii) material similar to those described in Subsections (2)(a)(i) through (xi).
 - (b) The fact that two or more insurers, whether or not members or subscribers of a rate service organization, use consistently or intermittently the same materials described in Subsection (2)(a) is not sufficient in itself to support a finding that an agreement exists.
 - (c) An insurer may enter into an agreement prohibited by Subsection (2)(a):
 - (i) to the extent needed to facilitate the reporting of statistics to:
 - (A) a rate service organization;
 - (B) a statistical agent; or
 - (C) the commissioner; or
 - (ii) as provided in Part 4, Workers' Compensation Rates.
- (3) Two or more insurers having a common ownership or operating in this state under common management or control may act in concert between or among themselves with respect to any matters pertaining to those activities authorized in this section as if they constituted a single insurer.
- (4) An insurer or rate service organization may not make any arrangement with any other insurer, rate service organization, or other person that has the purpose or effect of unreasonably restraining trade or unreasonably lessening competition in the business of insurance.

Enacted by Chapter 130, 1999 General Session