

**31A-2-202 Reports and replies.**

- (1) When relevant, either directly or indirectly, to the performance of the commissioner's duties under this title, the commissioner may require from any person subject to regulation under this title:
  - (a) in whatever reasonable form and reasonable intervals the commissioner designates:
    - (i) a statement;
    - (ii) a report;
    - (iii) an answer to a questionnaire;
    - (iv) other information; and
    - (v) evidence of the information described in Subsections (1)(a)(i) through (iv);
  - (b) full explanation of the programming of any data storage or communication system in use;
  - (c) information from books, records, electronic data processing systems, computers, or any other information storage system be made available to the department:
    - (i) at any reasonable time; and
    - (ii) in any reasonable manner; and
  - (d) timely delivery to the National Association of Insurance Commissioners or other entity that gathers insurance industry information, a copy of the statistical data prepared for and submitted to the department, as specified by the commissioner.
- (2)
  - (a) Subject to the requirements of this Subsection (2), the commissioner may:
    - (i) prescribe forms for the information under Subsection (1); and
    - (ii) specify who shall execute or certify the information under Subsection (1).
  - (b) The forms prescribed under this Subsection (2) shall be consistent, to the extent practicable, with those prescribed by other jurisdictions.
  - (c) The commissioner shall use the annual statement forms developed by the National Association of Insurance Commissioners for:
    - (i) basic financial data; and
    - (ii) market regulation analysis.
- (3)
  - (a) Subject to the requirements of this Subsection (3), the commissioner may prescribe reasonable minimum standards and techniques of accounting and data handling to ensure that timely and reliable information exists and can be made available.
  - (b) The standards and techniques prescribed under this Subsection (3) shall be consistent, to the extent practicable, with those prescribed by other states.
- (4)
  - (a) A person listed in Subsection (4)(b) shall reply promptly in writing or in other designated form to a reasonable written inquiry from the commissioner.
  - (b) This Subsection (4) applies to any person with executive authority over or in charge of any segment of the affairs of:
    - (i) an insurer authorized to do or doing an insurance business in this state;
    - (ii) the affiliate of an insurer authorized to do or doing an insurance business in this state; and
    - (iii) any other person licensed under this title.
- (5) The commissioner may:
  - (a) require that any communication made under this section be verified; and
  - (b) specify by whom a communication shall be verified.
- (6) All information submitted to the commissioner shall be accurate and complete.
- (7) In the absence of actual malice, no communication to the commissioner required by law or by the commissioner subjects the person making it to an action for damages for defamation.

Amended by Chapter 177, 2006 General Session