

Part 4

Mass Marketed Life or Accident and Health Insurance

31A-21-401 Scope and construction of part.

This part applies to all mass marketed life or accident and health insurance, notwithstanding Subsection 31A-1-103(3). This part may not be construed to limit the application of other provisions of this title to insurers effecting mass marketed life or accident and health insurance policies on persons in this state.

Amended by Chapter 116, 2001 General Session

31A-21-402 Definitions.

As used in this part:

- (1)
 - (a) "Direct response solicitation" means any offer an insurer makes to persons in this state, either directly or through a third party, to effect life or accident and health insurance coverage which enables the individual to apply or enroll for the insurance on the basis of the offer.
 - (b) "Direct response solicitation" does not include:
 - (i) solicitations for insurance through an employee benefit plan exempt from state regulation under preemptive federal law; or
 - (ii) solicitations through an individual's creditor with respect to credit life or credit accident and health insurance.
- (2) "Mass marketed life or accident and health insurance" means the insurance under any individual, franchise, group, or blanket insurance policy offering life or accident and health insurance:
 - (a) that is offered by means of direct response solicitation through:
 - (i) a sponsoring organization; or
 - (ii) the mails or other mass communications media; and
 - (b) under which the person insured pays all or substantially all of the cost of the person's insurance.

Amended by Chapter 252, 2021 General Session

31A-21-403 Orders terminating effectiveness of policies.

Upon the commissioner's order, no mass marketed life or accident and health insurance issued by an insurer may continue to be effected on persons in this state. The commissioner may issue an order under this section only if the commissioner finds, after a hearing, that the total charges for the insurance to the persons insured are unreasonable in relation to the benefits provided. The commissioner's findings under this section shall be in writing. Orders under this section may direct the insurer to cease effecting the insurance until the total charges for the insurance are found by the commissioner to be reasonable in relation to the benefits provided.

Amended by Chapter 297, 2011 General Session

31A-21-404 Out-of-state insurers.

Notwithstanding Subsection 31A-1-103(3)(h), an insurer extending mass marketed life or accident and health insurance under a group insurance policy issued outside of this state to

residents of this state or a blanket insurance policy issued outside of this state to residents of this state shall, with respect to the mass marketed life or accident and health insurance policy:

(1) comply with:

- (a) Sections 31A-23a-402, 31A-23a-402.5, and 31A-23a-403; and
- (b) Chapter 26, Part 3, Claim Practices; and

(2) upon the commissioner's request, deliver to the commissioner a copy of:

- (a) any mass marketed life or accident and health insurance policy;
- (b) a certificate issued under a mass marketed life or accident and health insurance policy;
- (c) an application for a mass marketed life or accident and health insurance policy;
- (d) an enrollment form for a mass marketed life or accident and health insurance policy; and
- (e) advertising material used in this state in connection with a mass marketed life or accident and health insurance policy.

Amended by Chapter 252, 2021 General Session