

31A-21-106 Incorporation by reference.

- (1)
 - (a) Except as provided in Subsection (1)(b), an insurance policy may not contain any agreement or incorporate any provision not fully set forth in the policy or in an application or other document attached to and made a part of the policy at the time of its delivery, unless the policy, application, or agreement accurately reflects the terms of the incorporated agreement, provision, or attached document.
 - (b)
 - (i) A policy may by reference incorporate rate schedules and classifications of risks and short-rate tables filed with the commissioner.
 - (ii) By rule or order, the commissioner may authorize incorporation by reference of provisions for:
 - (A) administrative arrangements;
 - (B) premium schedules; and
 - (C) payment procedures for complex contracts.
 - (c)
 - (i) A policy of title insurance insuring the mortgage or deed of trust of an institutional lender may, if requested by an institutional lender, incorporate by reference generally applicable policy terms that are contained in a specifically identified policy that has been filed with the commissioner.
 - (ii) As used in Subsection (1)(c)(i), "institutional lender" means a person that regularly engages in the business of making loans secured by real estate.
 - (d) A policy may incorporate by reference the following by citing in the policy:
 - (i) a federal law or regulation;
 - (ii) a state law or rule; or
 - (iii) a public directive of a federal or state agency.
- (2) A purported modification of a contract during the term of the policy may not affect the obligations of a party to the contract:
 - (a) unless the modification is:
 - (i) in writing; and
 - (ii) agreed to by the party against whose interest the modification operates; and
 - (b) except:
 - (i) as provided in:
 - (A) Subsection (3) or (4);
 - (B) Subsection 31A-8-402.3(9);
 - (C) Subsection 31A-22-721(10); or
 - (D) Subsection 31A-30-107(8); or
 - (ii) as otherwise mandated by law.
- (3) Subsection (2) does not prevent a change in coverage under group contracts resulting from:
 - (a) provisions of an employer eligibility rule;
 - (b) the terms of a collective bargaining agreement; or
 - (c) provisions in federal Employee Retirement Income Security Act plan documents.
- (4) Subsection (2) does not prevent a premium increase at any renewal date that is applicable uniformly to all comparable persons.

Amended by Chapter 252, 2003 General Session