

31A-21-201 Filing of forms.

- (1)
 - (a) Except as exempted under Subsections 31A-21-101(2) through (6), a form may not be used, sold, or offered for sale until the form is filed with the commissioner.
 - (b) A form is considered filed with the commissioner when the commissioner receives:
 - (i) the form;
 - (ii) the applicable filing fee as prescribed under Section 31A-3-103; and
 - (iii) the applicable transmittal forms as required by the commissioner.
 - (2) In filing a form for use in this state the insurer is responsible for assuring that the form is in compliance with this title and rules adopted by the commissioner.
- (3)
 - (a) The commissioner may prohibit the use of a form at any time upon a finding that:
 - (i) the form:
 - (A) is inequitable;
 - (B) is unfairly discriminatory;
 - (C) is misleading;
 - (D) is deceptive;
 - (E) is obscure;
 - (F) is unfair;
 - (G) encourages misrepresentation; or
 - (H) is not in the public interest;
 - (ii) the form provides benefits or contains another provision that endangers the solidity of the insurer;
 - (iii) except an application required by Section 31A-22-635, the form is an insurance policy or application for an insurance policy that fails to conspicuously, as defined by rule, provide:
 - (A) the exact name of the insurer;
 - (B) the state of domicile of the insurer filing the insurance policy or application for the insurance policy; and
 - (C) for a life insurance and annuity insurance policy only, the address of the administrative office of the insurer filing the insurance policy or application for the insurance policy;
 - (iv) the form violates a statute or a rule adopted by the commissioner; or
 - (v) the form is otherwise contrary to law.
 - (b) Subsection (3)(a)(iii) does not apply to an endorsement to an insurance policy.
 - (c)
 - (i) When the commissioner prohibits the use of a form under Subsection (3)(a), the commissioner may order that, on or before a date not less than 15 days after the order, the use of the form be discontinued.
 - (ii) Once use of a form is prohibited, the form may not be used until appropriate changes are filed with and reviewed by the commissioner.
 - (iii) When the commissioner prohibits the use of a form under Subsection (3)(a), the commissioner may require the insurer to disclose contract deficiencies to the existing policyholders.
 - (d) If the commissioner prohibits use of a form under this Subsection (3), the prohibition shall:
 - (i) be in writing;
 - (ii) constitute an order; and
 - (iii) state the reasons for the prohibition.
- (4)

- (a) If, after a hearing, the commissioner determines that it is in the public interest, the commissioner may require by rule or order that a form be subject to the commissioner's approval before its use.
 - (b) The rule or order described in Subsection (4)(a) shall prescribe the filing procedures for a form if the procedures are different from the procedures stated in this section.
 - (c) The type of form that under Subsection (4)(a) the commissioner may require approval of before use includes:
 - (i) a form for a particular class of insurance;
 - (ii) a form for a specific line of insurance;
 - (iii) a specific type of form; or
 - (iv) a form for a specific market segment.
- (5)
- (a) An insurer shall maintain a complete and accurate record of the following for the time period described in Subsection (5)(b):
 - (i) a form:
 - (A) filed under this section for use; or
 - (B) that is in use; and
 - (ii) a document filed under this section with a form described in Subsection (5)(a)(i).
 - (b) The insurer shall maintain a record required under Subsection (5)(a) for the balance of the current year, plus five years from:
 - (i) the last day on which the form is used; or
 - (ii) the last day an insurance policy that is issued using the form is in effect.

Amended by Chapter 10, 2010 General Session