

31A-21-311 Group and blanket insurance.

- (1)
 - (a)
 - (i) Except under Subsection (1)(d), an insurer issuing a group insurance policy other than a blanket insurance policy shall, as soon as practicable after the coverage is effective, provide a certificate for each member of the insured group, except that only one certificate need be provided for the members of a family unit.
 - (ii) The certificate required by this Subsection (1) shall:
 - (A) provide the exact name of the insurer;
 - (B) state the state of domicile of the insurer; and
 - (C) contain a summary of the essential features of the insurance coverage, including:
 - (I) any rights of conversion to an individual policy;
 - (II) in the case of group life insurance, any continuation of coverage during total disability; and
 - (III) in the case of group life insurance, the incontestability provision.
 - (iii) Upon receiving a written request, the insurer shall inform any insured how the insured may inspect, during normal business hours at a place reasonably convenient to the insured:
 - (A) a copy of the policy; or
 - (B) a summary of the policy containing all the details that are relevant to the certificate holder.
 - (b) The commissioner may by rule impose a requirement similar to Subsection (1)(a) on any class of blanket insurance policies for which the commissioner finds that the group of persons covered is constant enough for that type of action to be practicable and not unreasonably expensive.
 - (c)
 - (i) A certificate shall be provided in a manner reasonably calculated to bring the certificate to the attention of the certificate holder.
 - (ii) The insurer may deliver or mail a certificate:
 - (A) directly to the certificate holders; or
 - (B) in bulk to the policyholder to transmit to certificate holders.
 - (iii) An affidavit by the insurer that the insurer mailed the certificates in the usual course of business creates a rebuttable presumption that the insurer has mailed the certificate to:
 - (A) a certificate holder; or
 - (B) a policyholder as provided in Subsection (1)(c)(ii)(B).
 - (d) The commissioner may by rule or order prescribe substitutes for delivery or mailing of certificates that are reasonably calculated to inform a certificate holder of the certificate holder's rights, including:
 - (i) booklets describing the coverage;
 - (ii) the posting of notices in the place of business; or
 - (iii) publication in a house organ.
- (2) Unless a certificate or an authorized substitute has been made available to the certificate holder when required by this section, an act or omission forbidden to or required of the certificate holder by the certificate after the coverage has become effective as to the certificate holder, other than intentionally causing the loss insured against or failing to make required contributory premium payments, may not affect the insurer's obligations under the insurance contract.

Amended by Chapter 252, 2003 General Session