

**Effective 7/1/2015**

**31A-22-1903 Insurer conduct.**

- (1) An insurer shall perform a comparison of its insureds' in-force policies, contracts, and retained asset accounts against a death master file, on at least a semi-annual basis, by using the full death master file once and thereafter using the death master file update files for future comparisons to identify potential matches of its insureds. For those potential matches identified as a result of a death master file match:
  - (a) The insurer shall within 90 days of a death master file match:
    - (i) complete a good faith effort, that the insurer documents, to confirm the death of the insured or retained asset account holder against other available records and information; and
    - (ii) determine whether benefits are due in accordance with the applicable policy or contract, and if benefits are due in accordance with the applicable policy or contract:
      - (A) use good faith efforts, that the insurer documents, to locate the beneficiary or beneficiaries; and
      - (B) provide the appropriate claims forms or instructions to the beneficiary or beneficiaries to make a claim including the need to provide an official death certificate, if applicable under the policy or contract.
  - (b) With respect to group life insurance, an insurer shall confirm the possible death of an insured when the insurer maintains at least the following information of those covered under a policy or certificate:
    - (i) Social Security number, or name and date of birth;
    - (ii) beneficiary designation information;
    - (iii) coverage eligibility;
    - (iv) benefit amount; and
    - (v) premium payment status.
  - (c) An insurer shall implement procedures to account for:
    - (i) initials used in lieu of a first or middle name, use of a middle name, compound first and middle names, and interchanged first and middle names;
    - (ii) compound last names, hyphens, and blank spaces or apostrophes in last names; and
    - (iii) transposition of the "month" and "date" portions of the date of birth.
  - (d) To the extent permitted by law, the insurer may disclose minimum necessary personal information about the insured or beneficiary to a person who the insurer reasonably believes may be able to assist the insurer locate the beneficiary or a person otherwise entitled to payment of the claims proceeds.
- (2)
  - (a) An insurer that has not engaged in asymmetric conduct before July 1, 2015, is not required to comply with the requirements of this section with respect to a policy, annuity, or retained asset account issued or delivered before July 1, 2015.
  - (b) Notwithstanding Subsection (2)(a), an insurer, regardless of whether it has engaged in asymmetric conduct, shall comply with the requirements of this section for a policy, annuity, or retained asset account issued on or after July 1, 2015.
- (3) An insurer or the insurer's service provider may not charge a beneficiary or other authorized representative for fees or costs associated with a death master file search or verification of a death master file match conducted pursuant to this section.
- (4) The benefits from a policy, contract, or retained asset account, plus any applicable accrued contractual interest shall first be payable to the designated beneficiaries or owners and in the event said beneficiaries or owners can not be found, shall be transferred to the state as

unclaimed property pursuant to Section 67-4a-205. Interest payable under Section 31A-22-428 may not be payable as unclaimed property under Section 67-4a-205.

- (5) An insurer shall notify the administrator upon the expiration of the statutory holding period under Section 67-4a-205 that:
  - (a) a policy, contract beneficiary, or retained asset account holder has not submitted a claim with the insurer; and
  - (b) the insurer has complied with Subsection (1) and has been unable, after good faith efforts documented by the insurer, to contact the retained asset account holder, beneficiary, or beneficiaries.
- (6) Upon such notice, an insurer shall immediately submit the unclaimed policy or contract benefits or unclaimed retained asset accounts, plus any applicable accrued interest, to the administrator.

Enacted by Chapter 259, 2015 General Session