

31A-27a-101 Title -- Construction -- Commissioner's powers.

- (1) This chapter is known as the "Insurer Receivership Act."
- (2) The proceedings authorized by this chapter may be applied to:
 - (a) all insurers and reinsurers:
 - (i) who are doing, or have done, an insurance business in this state; and
 - (ii) against whom claims arising from that business may exist;
 - (b) all insurers who have the appearance of or claim they do an insurance business in this state;
 - (c) all insurers who have insureds resident in this state; and
 - (d) all other persons organized or in the process of organizing to do an insurance business as an insurer in this state.
- (3) This chapter shall be liberally construed to protect the interests of insureds, claimants, creditors, and the public generally through:
 - (a) early detection of any potentially hazardous condition in an insurer;
 - (b) prompt application of appropriate corrective measures;
 - (c) the commissioner making rules pertaining to Subsections (3)(a) and (b):
 - (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) that are similar to those set forth in the Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition of the National Association of Insurance Commissioners;
 - (d) improved methods for conserving and rehabilitating insurers;
 - (e) enhanced efficiency and economy of liquidation, through clarification of the law, to minimize legal uncertainty and litigation;
 - (f) apportionment of any unavoidable loss in accordance with the statutory priorities set out in this chapter;
 - (g) lessening the problems of interstate receivership by:
 - (i) facilitating cooperation among states in delinquency proceedings; and
 - (ii) extending the scope of personal jurisdiction over debtors of the insurer outside this state;
 - (h) regulation of the business of insurance by the impact of the law relating to delinquency procedures and by substantive rules; and
 - (i) providing for a comprehensive scheme for the receivership of insurance companies and those subject to this chapter as part of the regulation of the business of insurance in this state.
- (4) A proceeding in the case of insurer insolvency and delinquency are integral aspects of the business of insurance and are of vital public interest and concern.
- (5) This chapter does not limit the powers granted the commissioner by other provisions of law.
- (6) The powers and authority of a receiver under this chapter are:
 - (a) cumulative; and
 - (b) in addition to any power or authority available to a receiver under a law other than this chapter.

Amended by Chapter 253, 2012 General Session