

31A-27a-117 Records.

- (1)
 - (a) Upon entry of an order of rehabilitation or liquidation, the receiver is vested with title to all of the records of the insurer:
 - (i) of whatever nature;
 - (ii) in whatever medium;
 - (iii) wherever located; and
 - (iv) regardless of whether the item is in the custody and control of:
 - (A) a third party administrator;
 - (B) a managing general agent;
 - (C) an attorney; or
 - (D) other representatives of the insurer.
 - (b) The receiver may immediately take possession and control of:
 - (i) all of the records of the insurer; and
 - (ii) the premises where the records are located.
 - (c) At the request of the receiver, a third party administrator, managing general agent, attorney, or other representatives of the insurer shall release all records of the insurer to:
 - (i) the receiver; or
 - (ii) the receiver's designee.
 - (d) With the receiver's approval, an affected guaranty association with an obligation under a policy issued by the insurer may take actions necessary to obtain directly from a third party administrator, managing general agent, attorney, or other representative of the insurer all records pertaining to the insurer's business that are appropriate or necessary for the affected guaranty association to fulfill its statutory obligations.
- (2) The receiver may certify a record of a delinquent insurer described in Subsection (1) and a record of the receiver's office created and maintained in connection with a delinquent insurer, as follows:
 - (a) a record of a delinquent insurer may be certified by the receiver in an affidavit stating that the record is a true and correct copy of the record of the insurer that is received from the custody of the insurer, or found among the insurer's effects; or
 - (b) a record created by or filed with the receiver's office in connection with a delinquent insurer may be certified by the receiver's affidavit stating that the record is a true and correct copy of the record maintained by the receiver's office.
- (3)
 - (a) An original record or copy of a record certified under Subsection (2):
 - (i) when admitted in evidence is prima facie evidence of the facts disclosed; and
 - (ii) is admissible in evidence in the same manner as a document described in Utah Rules of Evidence, Rule 902(1).
 - (b) The receivership court may consider the certification of a record by the receiver pursuant to this section as satisfying the requirements of Utah Rules of Evidence, Rule 803(6).
- (4) A record of a delinquent insurer held by the receiver:
 - (a) is not a record of the department for any purposes; and
 - (b) not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session