

**78B-6-1507 General provisions -- Construction.**

- (1) The provisions of this part may not be waived by any payee.
- (2)
  - (a) Any transfer agreement entered into on or after May 6, 2002 by a payee who resides in this state shall provide that disputes under the transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of this state.
  - (b) A transfer agreement may not authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.
- (3) The transfer of structured settlement payment rights may not extend to any payments that are life-contingent unless, before the date on which the payee signs the transfer agreement, the transferee establishes and agrees to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for:
  - (a) periodically confirming the payee's survival; and
  - (b) giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.
- (4) A payee who proposes to make a transfer of structured settlement payment rights may not incur any of the following on the basis of a failure of the transfer to satisfy the requirements of this part:
  - (a) a penalty;
  - (b) a forfeiture of any application fee or other payment; or
  - (c) any liability to the proposed transferee or any assignee based on any failure of the transfer to satisfy the requirements of this part.
- (5)
  - (a) This part may not be construed to authorize any transfer of structured settlement payment rights in contravention of any law or to imply that any transfer under a transfer agreement entered into before May 6, 2002 is valid or invalid.
  - (b) This part does not apply to a transfer of payment rights under workers' compensation, as defined in Section 34A-2-422, that takes effect on or after April 30, 2007.
- (6) Compliance with Section 78B-6-1503 and fulfillment of the conditions set forth in Section 78B-6-1504 shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for, or any liability arising from, noncompliance with the requirements or failure to fulfill the conditions.

Renumbered and Amended by Chapter 3, 2008 General Session