

2nd Sub. S.B. 165 WORKERS' COMPENSATION AMENDMENTS

Representative **Jackie Biskupski** proposes the following amendments:

1. Page 1, Line 12: At the end of line 12 delete "and"
2. Page 1, Line 13: Delete "." and insert "; and
▶ provides for certain auditing by Utah's Insurance Commissioner for compliance with certain subsidiary limitations."
3. Page 1, Line 19: After line 19 insert:
"31A-2-212, as last amended by Chapter 265, Laws of Utah 1997"
4. Page 1, Line 23: After line 23 insert:
"Section 1. Section **31A-2-212** is amended to read:
31A-2-212. Miscellaneous duties.
(1) Upon issuance of any order limiting, suspending, or revoking an insurer's authority to do business in Utah, and on institution of any proceedings against the insurer under Chapter 27, the commissioner shall notify by mail all agents of the insurer of whom the commissioner has record. The commissioner may also publish notice of the order in any manner he considers necessary to protect the rights of the public.
(2) When required for evidence in any legal proceeding, the commissioner shall furnish a certificate of the authority of any licensee to transact insurance business in Utah on any particular date. The court or other officer shall receive the certificate in lieu of the commissioner's testimony.
(3) The commissioner shall obtain and publish tables showing the average expectancy of life, the values of annuities, and of life and term estates. These tables shall be for the use of courts and appraisers in Utah.
(4) On the request of any insurer authorized to do a surety business, the commissioner shall mail a certified copy of the insurer's certificate of authority to any designated public officer in this state who requires that certificate before accepting a bond.

That public officer shall file the certificate. After a certified copy of a certificate of authority has been furnished to a public officer, it is not necessary, while the certificate remains effective, to attach a copy of it to any instrument of suretyship filed with that public officer. Whenever the commissioner revokes the certificate of authority or starts proceedings under Chapter 27 against any insurer authorized to do a surety business, the commissioner shall immediately give notice of that action to each officer who was sent a certified copy under this subsection.

(5) When an authorized insurer doing a surety business has filed a petition for receivership, is in receivership, or the commissioner has reason to believe the company is in financial difficulty, or has unreasonably failed to carry out any of its contracts, the commissioner shall immediately notify every judge and clerk of all courts of record in the state. Upon the receipt of the notice it is the duty of the judges and clerks to notify and require every person that has filed with the court a bond on which the company is surety, to immediately file a new bond with a new surety.

(6) The commissioner shall require an insurer that issues, sells, renews, or offers health insurance coverage in this state to comply with the Health Insurance Portability and Accountability Act, P.L. 104-191, pursuant to 110 Stat. 1968, Sec. 2722.

(7) (a) The commissioner shall examine and audit each subsidiary of the Workers' Compensation Fund to ensure compliance with the provisions of Subsection 31A-33-103.5(6) related to Workers' Compensation Fund subsidiary requirements and limitations.

(b) The audit under Subsection (7)(a), shall be performed at least every two years."

Renumber remaining sections accordingly.

5. Page 2, Line 35: After "insurance" insert "in accordance with Section 31A-33-105"
6. Page 2, Line 35: After "made," insert "including the residual market,"
7. Page 2, Line 46: After line 46 insert:
"(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner shall make rules that define the residual market."

8. Page 4, Line 92: After "business" insert "or sell insurance"
9. Page 4, Line 93: After ";" bracket "and" and insert "or"
10. Page 4, Line 94: Bracket "unjustly" and insert "unreasonably"
11. Page 4, Line 110: Bracket "permits" and insert "requires"
12. Page 4, Line 110: After "elect" insert "all"