

3281 in contracts.

3282 (4) (a) Unless by verified complaint it is alleged that prejudice to the complainant will  
3283 arise from a delay in bringing suit against an insurer, which prejudice is other than the delay  
3284 itself, no action may be brought against an insurer on an insurance policy to compel payment  
3285 under the policy until the earlier of:

3286 [(a)] (i) 60 days after proof of loss has been furnished as required under the policy;

3287 [(b)] (ii) waiver by the insurer of proof of loss; or

3288 [(c)] (iii) (A) the insurer's denial of full payment[-]; or

3289 (B) for an accident and health insurance policy, the insurer's denial of payment.

3290 (b) Under an accident and health insurance policy, an insurer may not require the  
3291 completion of an appeals process that exceeds the provisions in 29 C.F.R. Sec. 2560.503-1 to  
3292 bring suit under this Subsection (4).

3293 (5) The period of limitation is tolled during the period in which the parties conduct an  
3294 appraisal or arbitration procedure prescribed by the insurance policy, by law, or as agreed to by  
3295 the parties.

3296 Section 25. Section 31A-22-205 is enacted to read:

3297 **31A-22-205. Applicability of restatement of law.**

3298 ~~§~~→ (1) ~~←~~§ A ~~§~~→ [~~statement of law in a restatement or other legal treatise~~] restatement of  
3298a the law of liability insurance ~~←~~§ is not the law or public policy  
3299 of this state if the statement of law is inconsistent or in conflict with:

3300 ~~§~~→ [(1)] (a) ~~←~~§ the Constitution of the United States;

3301 ~~§~~→ [(2)] (b) ~~←~~§ the Utah Constitution;

3302 ~~§~~→ [(3)] (c) ~~←~~§ a state statute;

3303 ~~§~~→ [(4)] (d) ~~←~~§ state case law; or

3304 ~~§~~→ [(5)] (e) ~~←~~§ state-adopted common law.

3304a ~~§~~→ (2) Nothing in this section precludes a court from referencing or considering a  
3304b restatement or other legal treatise. ~~←~~§

3305 Section 26. Section 31A-22-412 is amended to read:

3306 **31A-22-412. Assignment of life insurance rights.**

3307 (1) As used in this section, "final termination of a policy" means the day after which an  
3308 insurer will not reinstate a policy without requiring:

3309 (a) evidence of insurability; or

3310 (b) written application.

3311 [(1)] (2) (a) Except as provided under Subsection [(3)] (4), the owner of any rights in a