



Insurance Department

State of Utah

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Lieutenant Governor

D. KENT MICHIE
Insurance Commissioner

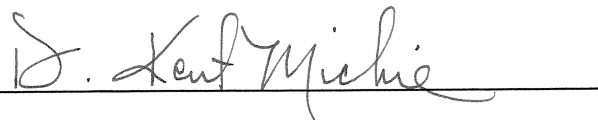
Bulletin 2009-6

TO: All Licensees within the Jurisdiction of the Commissioner
FROM: D. Kent Michie, Utah Insurance Commissioner
Date: December 10, 2009
SUBJECT: **Insurers Sweeping Fees from an Agency Trust Account**

The Department has become aware of insurers sweeping from agency trust accounts both premiums due to the insurer and a variety of producer incurred fees owed to the insurer. As an example, motor vehicle report (MVR) fees and Comprehensive Loss Underwriting Exchange (CLUE) fees, although owed to the insurer, are fees incurred by the producer and must be paid from the producer's operating account.

Fees similar to those above, cannot be deposited into a trust account. Therefore, if an insurer sweeps monies for fees from a trust account, the insurer is unlawfully taking monies that do not belong to the insurer.

Every insurer who sweeps a producer's trust account shall review the provisions of Utah Admin. Code R590-170-6 and particularly Subsections (1) and (2).

Signed: 

D. Kent Michie, Commissioner