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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. CASUALTY UNDERWRITERS INSURANCE COMPANY, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2019-4086 Lisa Watts Baskin Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, Casualty Underwriters Insurance Company, have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is a Utah domiciled property and casualty insurance company, NAIC ID #26697.
2. Respondent's mailing address is P.O. Box 9510, Wichita, KS 67277.
3. Respondent was previously penalized for failing to include applicable fees on

total loss settlements for Utah claimants. (Docket No. 2016-057PC, May 31, 2016.)

4. The Department began investigating a consumer complaint in July 2018.
5. During the investigation, Respondent provided a list of 456 total loss settlement claims between February 1, 2016 and July 31, 2018.
6. In 66 total loss claims, Respondent did not pay the \$6 salvage title fee.
7. Respondent worked with the Department to develop a plan to refund the salvage title fee to the claimants. Refunds were mailed on December 3, 2018.
8. The Department and Respondent have agreed to an administrative forfeiture of \$7,590.00.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.
2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.
3. Under Utah Admin Code R590-190-11(2), total loss settlements with a third party claimant shall be on the basis of the market value or actual cost of a comparable automobile at the time of loss. Settlement procedures shall be in accordance with Subsection R590-190-11(1)(b) and (c), except (b)(v) shall not apply. By failing to pay the salvage title fee, Respondent violated Utah Admin. R590-190-11(1)(b) which states “the insurer may elect a cash settlement based upon the actual cost, less any deductible provided in the policy, to purchase a comparable automobile including all applicable taxes, license fees and other fees.”
4. As penalties for the violations in this case, Respondent should be ordered to pay a

forfeiture of \$7,590.00.

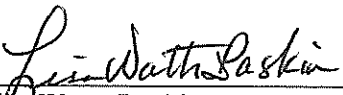
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of \$7,590.00 for the violations described in the Conclusions of Law.
2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 1st day of ~~April~~ ^{May}, 2019.

TODD E. KISER
Utah Insurance Commissioner



Lisa Watts Baskin
Presiding Officer
Utah Insurance Department

NOTICE TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing

Findings of Fact, Conclusions of Law and Order was emailed to:

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Helen A. Frohlich
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DATED this 1st day of ^{May}~~April~~, 2019.



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