

R590. Insurance, Administration.

R590-129. Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment.

R590-129-1. Authority.

This rule is promulgated pursuant to Subsection 31A-2-201(3)(a), which empowers the commissioner to enforce Title 31A and to make rules to implement its provisions, and Subsection 31A-23a-402(8), which empowers the commissioner to define and prohibit unfair marketing practices.

R590-129-2. Purpose.

The purpose of this rule is to identify and define certain practices which the commissioner finds are unfair and discriminatory.

R590-129-3. Scope.

This rule applies to all new or renewal insurance contracts offered for sale in Utah.

R590-129-4. Prohibited Acts and Practices.

The following acts and practices are prohibited:

1. refusing to insure or refusing to continue to insure;
2. limiting the amount, extent, or kind of coverage available to an individual; or
3. charging a higher rate for the same coverage solely because of blindness, partial blindness, or physical or mental impairment except where the refusal, limitation, or rate differential is based upon sound actuarial principles or reasonably anticipated loss experience.

Refusal to insure includes denial by an insurer of disability insurance coverage on the basis that the policy defines "disability" as being presumed in the event that the insured suffers the loss of sight. It is not a violation of this rule to exclude from coverage any disability consisting of blindness, partial blindness, physical or mental impairment when the condition existed at the time the policy was issued.

KEY: insurance companies

Date of Enactment or Last Substantive Amendment: 1989

Notice of Continuation: August 20, 2019

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-402