

806 KAR 44:010. Notification of qualified locations.

RELATES TO: KRS 304.1-050(1), 304.44-010, 304.44-020, 304.44-060, 304.44-120

STATUTORY AUTHORITY: KRS 304.2-110, 304.44-120

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate reasonable administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, KRS 304.1-010. KRS 304.44-120 authorizes the administrator of the mine subsidence fund to supervise in all respects consistent with the provisions of KRS 304.44, the operation and management of the mine subsidence insurance program and to do all things necessary or convenient to accomplish the purpose of KRS 304.44. This administrative regulation establishes procedures for counties and urban-county governments to notify the commissioner of their decision to approve the availability of mine subsidence within the county and establishes an annual effective date for participation in the mine subsidence insurance program.

Section 1. Definitions.

- (1) "Commissioner" is defined by KRS 304.1-050(1).
- (2) "County" means a county, charter county, urban-county government, or a consolidated local government.
- (3) "Eligible location" means those counties within the Commonwealth of Kentucky that have underground coal-bearing stratum or underground coal mines.
- (4) "Mine subsidence insurance fund" is defined by KRS 304.44-010(3).
- (5) "Qualified location" means a county in which the fiscal court had certified to the commissioner its approval of the availability of mine subsidence insurance within that county.

Section 2. Approval of Qualified Locations.

- (1)
 - (a) In accordance with KRS 304.44-060, any county whose fiscal court has voted to approve or remove the availability of mine subsidence insurance in the county, shall provide documentation of the vote to the commissioner.
 - (b) Upon receipt of the documentation of an approval of the availability of mine subsidence insurance in the county, the commissioner shall:
 1. Consider whether the county is an eligible location; and
 2. If the county is an eligible location, approve the county as a qualified location for participation in the mine subsidence insurance fund in accordance with subsection (2) of this section. Approval shall be on a prospective basis only.
 - (c) An approval as a qualified location shall continue until the commissioner receives notification from the county that the fiscal court has voted to remove the availability of mine subsidence insurance in the county.
- (2)
 - (a) If the commissioner receives the documentation of an approval or removal of the availability of mine subsidence insurance in the county as described in subsection (1) of this section more than 100 days prior to July 1, approval or removal as a qualified location shall be effective on July 1 of that same each year.
 - (b) If the commissioner receives the documentation of an approval or removal of the availability of mine subsidence insurance in the county described in subsection (1) of this section less than 100 days prior to July 1, approval as a qualified location shall be effective on July 1 of the subsequent year.

Section 3. Notification to Insurers of Qualified Locations.

(1) Eighty-five (85) days prior to July 1 of each year, the commissioner shall provide to insurers notice of the qualified locations participating in the mine subsidence insurance fund.

(2) The addition or removal of qualified locations shall apply to new insurance policies written and existing insurance policies renewed on or after July 1 of each year.

(37 Ky.R. 1603; 2010; eff. 3-4-2011; Crt eff. 2-26-2020.)