

**304.45-030 Requirements for eligibility for charter of risk retention group to write liability insurance pursuant to this subtitle.**

- (1) A risk retention group shall, pursuant to the provisions of this chapter, be chartered and licensed to write only liability insurance pursuant to this subtitle, and, except as otherwise provided in this subtitle, shall comply with all of the laws, regulations, and requirements applicable to such insurers chartered and licensed in this state and with KRS 304.45-040 to the extent such requirements are not a limitation on laws, regulations, or requirements of this state.
- (2) Notwithstanding any other provision to the contrary, all risk retention groups chartered in this state shall file with the department and the National Association of Insurance Commissioners (NAIC), an annual statement in a form prescribed by the NAIC and completed in accordance with the NAIC instructions and the NAIC accounting practices and procedures manual.
- (3) Before it may offer insurance in any state, each risk retention group shall also submit for approval to the commissioner of this state a plan of operation or a feasibility study and revisions of the plan or study if the group intends to offer any additional kinds of liability insurance. The risk retention group shall not offer any additional kinds of liability insurance in this state or any other state until a revision of the plan or study is approved by the commissioner. In the event of any other subsequent material change in any item of the plan or study, the risk retention group shall submit an appropriate revision to the commissioner within ten (10) days of the change.
- (4)
  - (a) At the time of filing its application for charter, the risk retention group shall provide to the commissioner in summary form the following information:
    1. The identity of the initial members of the group;
    2. The identity of those individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group;
    3. The amount and nature of initial capitalization;
    4. The coverages to be afforded; and
    5. The states in which the group intends to operate.
  - (b) Upon receipt of the information, the commissioner shall forward the information to the National Association of Insurance Commissioners. Providing notification to the National Association of Insurance Commissioners is in addition to and shall not be sufficient to satisfy the requirements of KRS 304.45-040 and all other sections of this subtitle.
- (5) A risk retention group shall, within ten (10) days, notify the commissioner of any changes in the identity of those individuals who provide administrative services or otherwise influence or control the activities of the group, the coverages afforded, and the states in which the group operates.
- (6) A risk retention group chartered and licensed in this state as a product liability risk retention group under the provisions of KRS Chapter 304 in effect prior to July 13, 1990, may continue to act as one without complying with this subtitle as long as it

complies with the provisions of KRS Chapter 304 in effect prior to July 13, 1990. The exception provided in this subsection shall cease to apply to any product liability risk retention group which offers any other kind of liability insurance other than product liability or completed operations liability insurance.

**Effective:** January 1, 2018

**History:** Amended 2017 Ky. Acts ch. 16, sec. 3, effective January 1, 2018. -- Amended 2010 Ky. Acts ch. 24, sec. 1574, effective July 15, 2010. -- Amended 1994 Ky. Acts ch. 92, sec. 7, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 165, sec. 3, effective July 13, 1990. -- Created 1986 Ky. Acts ch. 308, sec. 3, effective July 15, 1986.