

**393A.130 Knowledge of death of insured or annuitant.**

- (1) As used in this section, "death master file" means the United States Social Security Administration Death Master File or other database or service that is at least as comprehensive as the United States Social Security Administration Death Master File for determining that an individual reportedly has died.
- (2) With respect to a life or endowment insurance policy or annuity contract for which an amount is owed on proof of death, but which has not matured by proof of death of the insured or annuitant, the company has knowledge of the death of an insured or annuitant when:
  - (a) The company receives a death certificate or court order determining that the insured or annuitant has died;
  - (b) The company conducts a comparison for any purpose between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and validates the death;
  - (c) The administrator or the administrator's agent conducts a comparison for the purpose of finding matches during an examination conducted under KRS 393A.550 to 393A.650 between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and the company validates the death; or
  - (d) The company:
    1. Receives notice of the death of the insured or annuitant from an administrator, beneficiary, policy owner, relative of the insured, or trustee or from a personal representative, executor, or other legal representative of the insured's or annuitant's estate; and
    2. Validates the death of the insured or annuitant.
- (3) The following rules apply under this section:
  - (a) A death-master-file match under subsection (2)(b) or (c) of this section occurs if the criteria for an exact or partial match are satisfied as provided by KRS 304.15-420;
  - (b) The death-master-file match shall not constitute proof of death for the purpose of submission to an insurance company of a claim by a beneficiary, annuitant, or owner of the policy or contract for an amount due under an insurance policy or annuity contract; and
  - (c) The death-master-file match or validation of the insured's or annuitant's death shall not alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to make a claim to receive proceeds under the terms of the policy or contract.

**Effective:** July 14, 2018

**History:** Created 2018 Ky. Acts ch. 163, sec. 13, effective July 14, 2018.