

**304.44-030 Separate premium for insurance against loss by subsidence --  
Administrative regulation -- Reimbursement of living expenses of displaced  
owner.**

- (1)
  - (a) Every insurance policy issued or renewed insuring on a direct basis a structure located in a county or portion of a county in this state, except for counties exempted pursuant to KRS 304.44-060, shall include, at a separately stated premium, insurance for loss occurring after July 15, 1984, caused by mine subsidence unless waived in writing by the insured.
  - (b) The premium charged for coverage shall be the same as the premium level set by the administrator.
  - (c) The loss coverage shall be the loss in excess of two percent (2%) of the policy's total insured value, but at no time shall the deductible be less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).
  - (d) The maximum total insured value reinsured by the administrator per structure shall be:
    1. Except as provided in subparagraph 2. of this paragraph, five hundred thousand dollars (\$500,000); or
    2. Subject to approval by the commissioner and paragraph (e) of this subsection, an amount determined by the administrator.
  - (e) Any amount determined under paragraph (d)2. of this subsection shall:
    1. Be based on:
      - a. The solvency of the fund;
      - b. Premiums; and
      - c. Deductibles; and
    2. Except as provided in paragraph (f) of this subsection, take effect no sooner than nine (9) months after insurers are notified of the amount.
  - (f) An insurer may provide coverage in an amount determined by the administrator under this subsection at any time after receiving notification of the amount.
  - (g) The commissioner shall promulgate an administrative regulation in accordance with KRS Chapter 13A to establish a process for notifying insurers of the amount determined by the administrator under this subsection.
  - (h) An insurer shall not be required to write a policy for mine subsidence coverage in excess of the amount reimbursable from the fund as authorized by this subtitle.
- (2) The coverage provided pursuant to subsection (1) of this section shall also include coverage, up to fifty thousand dollars (\$50,000), for the additional living expenses reasonably and necessarily incurred by the owner of a residence who has been temporarily displaced as the direct result of damage to the residence caused by mine subsidence.

**Effective:** January 1, 2025

**History:** Amended 2024 Ky. Acts ch. 31, sec. 1, effective January 1, 2025. -- Amended 2010 Ky. Acts ch. 94, sec. 1, effective July 15, 2010. -- Amended 1998 Ky. Acts ch.

483, sec. 31, effective July 15, 1998. -- Created 1984 Ky. Acts ch. 167, sec. 3, effective July 13, 1984.

**Legislative Research Commission Note** (1/1/2025). 2024 Ky. Acts ch. 31, sec. 3, provides that amendments made to this statute in that Act shall apply to policies issued or renewed on or after January 1, 2025.