

304.13-091 License for advisory organization, statistical agent, or form provider -- Refusal to supply services -- Application for license -- Fees.

- (1) No advisory organization, statistical agent, or form provider shall provide any otherwise permitted service, and no insurer shall utilize the services unless the organization has obtained a license pursuant to subsection (3) of this section.
- (2) No advisory organization, statistical agent, or form provider shall refuse to supply any services for which it is licensed in Kentucky to any insurer authorized to do business in Kentucky and offering to pay the fair and usual compensation for the services.
- (3) An advisory organization, statistical agent, or form provider applying for a license shall include with its application:
 - (a) A copy of its constitution, charter, articles of organization, agreement, association or incorporation, bylaws, plan of operation, and any other rules or regulations governing the conduct of its business;
 - (b) A list of its members, subscribers, and customers;
 - (c) The name and address of one (1) or more residents of Kentucky upon whom notices, process affecting it, or orders of the commissioner may be served;
 - (d) A statement showing its technical qualifications for acting in the capacity for which it seeks a license;
 - (e) A biography of the ownership and management of the organization; and
 - (f) Any other relevant information and documents that the commissioner may require.
- (4) Every organization which has applied for a license shall notify the commissioner of every material change in the facts or in the documents on which its application was based. Any amendment to a document filed under this section shall be filed at least thirty (30) days before it becomes effective.
- (5) If the commissioner finds that the applicant and the natural persons through whom it acts are competent, trustworthy, and technically qualified to provide the services proposed, and that all requirements of the law are met, he or she shall issue a license specifying the authorized activity of the applicant. The commissioner shall not issue a license if the proposed activity would tend to create a monopoly or to substantially lessen the competition in any market. At the request of the licensee, licenses issued under this section may be renewed on an annual basis.
- (6) Licenses issued pursuant to this section shall remain in effect for one (1) year unless:
 - (a) The licensee fails to pay fees required by law for the continuance or renewal of its license;
 - (b) The licensee withdraws from the state; or
 - (c) The license is suspended or revoked.

The commissioner may at any time, after a hearing to be conducted in accordance with the provisions of this chapter and KRS 304.2-310, revoke or suspend the license of an advisory organization, statistical agent, or form provider which does

not comply with the requirements and standards of this chapter.

- (7) The commissioner shall by administrative regulation establish a written summary of information that shall be included in an application for licenses issued under this section.
- (8) Advisory organizations wishing to operate as statistical agents or form providers may be so authorized under their license as an advisory organization. A separate license is not required.
- (9) Each advisory organization, statistical agent, and form provider shall pay fees as required by KRS 304.4-010 for the application, continuance, or renewal of its license.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1125, effective July 15, 2010. --
Repealed and reenacted 2000 Ky. Acts ch. 380, sec. 6, effective July 14, 2000. --
Created 1982 Ky. Acts ch. 278, sec. 9, effective July 15, 1982.