

### **304.24-350 Impairment of capital or assets.**

- (1) If the assets of an insurer at any time are less than its liabilities, including its capital stock as a liability, if a stock insurer, or its minimum required surplus if a mutual insurer, the commissioner shall forthwith determine the amount of such deficiency and give notice to the insurer to make good the deficiency within ninety (90) days after the giving of such notice.
- (2) The insurer may cure the deficiency by a decrease of its capital stock or by other lawful means. The deficiency shall be made good in cash or in assets eligible under this code for investment of the insurer's funds or by decrease of the insurer's capital stock to an amount not below the minimum required for the kinds of insurance to be thereafter transacted.
- (3) If the deficiency is not made good and proof thereof filed with the commissioner within such ninety-day period, the commissioner shall revoke the insurer's certificate of authority, the insurer shall be deemed insolvent, and shall be proceeded against as authorized by this code.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1340, effective July 15, 2010. --  
Created 1970 Ky. Acts ch. 301, subtit. 24, sec. 35, effective June 18, 1970.