

304.3-180 Continuance, expiration, and reinstatement of certificate of authority -- Preparation of audited financial statements.

- (1) A certificate of authority shall continue in force as long as the insurer is entitled thereto under this code, and until suspended or revoked by the commissioner or terminated at the insurer's request; subject, however, to continuance of the certificate by the insurer each year by:
 - (a) Payment of the continuation fee provided in Subtitle 4 by March 1, or, if paid by mail, postmarked no later than March 1;
 - (b) Due filing by the insurer of its annual statement for the next preceding calendar year as required by KRS 304.3-240;
 - (c) Payment by the insurer of premium taxes with respect to the preceding calendar year; and
 - (d) Due filing by domestic companies of quarterly statements as ordered by the commissioner.
- (2) If not so continued by the insurer, its certificate of authority shall expire at midnight on the April 30 next following the failure of the insurer to continue it in force, unless earlier revoked for failure to pay taxes as provided in KRS 304.4-040. The commissioner shall promptly notify the insurer of the occurrence of any failure resulting in impending expiration of its certificate of authority.
- (3) The commissioner may, in his or her discretion, upon the insurer's request made within three (3) months after expiration, reinstate a certificate of authority which the insurer has inadvertently permitted to expire, after the insurer has fully cured all its failures which resulted in the expiration and paid the fine as set forth in KRS 304.99-154. Otherwise the insurer shall be granted another certificate of authority only after filing application therefor and meeting all other requirements as for an original certificate of authority in this state.
- (4) Beginning with the statutory audits for the year 2010, an insurer shall not use the same lead or coordinating partner of an accounting firm responsible for preparing the audited financial statement for more than five (5) consecutive years.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 74, sec. 1, effective July 12, 2012. -- Amended 2010 Ky. Acts ch. 24, sec. 969, effective July 15, 2010; and ch. 25, sec. 3, effective July 15, 2010. -- Amended 2004 Ky. Acts ch. 24, sec. 7, effective July 13, 2004. -- Amended 1994 Ky. Acts ch. 496, sec. 5, effective July 15, 1994. -- Created 1970 Ky. Acts ch. 301, subtit. 3, sec. 18, effective June 18, 1970.

Legislative Research Commission Note (7/15/2010). A reference to the "executive director" of insurance in subsection (1)(d) of this section, as amended by 2010 Ky. Acts ch. 25, sec. 3, has been changed in codification to the "commissioner" of insurance to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. This change was made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.