

14A.7-030 Reinstatement following administrative dissolution.

- (1) An entity administratively dissolved under KRS 14A.7-020 or predecessor law may apply to the Secretary of State for reinstatement at any time after the effective date of dissolution. The application shall:
 - (a) Recite the name of the entity and the effective date of its administrative dissolution;
 - (b) State that the ground or grounds for dissolution either did not exist or have been eliminated;
 - (c) State that the entity's name satisfies the requirements of KRS 14A.3-010;
 - (d) Contain a certificate from the Department of Revenue reciting that all taxes owed by the entity have been paid;
 - (e) Contain a representation that the entity has taken no steps to wind up and liquidate its business and affairs and notify claimants;
 - (f) If a business corporation, contain a certificate from the Division of Unemployment Insurance in the Department for Workforce Investment reciting that all employer contributions, interest, penalties, and service capacity upgrade fund assessments have been paid; and
 - (g) Be accompanied by the reinstatement penalty and the current fee for filing each delinquent annual report as provided for in this chapter.
- (2) If the Secretary of State determines that the application satisfies the requirement of subsection (1) of this section, he or she shall cancel the certificate of dissolution and prepare a certificate of existence that recites his or her determination and the effective date of reinstatement, file the original of the certificate, and notify the entity of that filing, which notification may be accomplished electronically.
- (3) When the reinstatement is effective:
 - (a) It shall relate back to and take effect as of the effective date of the administrative dissolution;
 - (b) The entity shall continue carrying on its business as if the administrative dissolution or revocation had never occurred; and
 - (c) The liability of any agent shall be determined as if the administrative dissolution or revocation had never occurred.
- (4) Notwithstanding any other provision to the contrary, any entity which was administratively dissolved and has taken the action necessary to wind up and liquidate its business and affairs and notify claimants shall be prohibited from reinstatement.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 81, sec. 83, effective July 12, 2012. -- Created 2010 Ky. Acts ch. 151, sec. 37, effective January 1, 2011.