

**§ 9674. Purchasing groups**

**(a) Exemption**

Except as provided in this section, a purchasing group is exempt from the following:

- (1) A State law, rule, or order which prohibits the establishment of a purchasing group.
- (2) A State law, rule, or order which makes it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its member, advantages, based on their loss and expense experience, not afforded to other persons with respect to rates, policy forms, coverages, or other matters.
- (3) A State law, rule, or order which prohibits a purchasing group or its members from purchasing insurance on the group basis described in paragraph (2) of this subsection.
- (4) A State law, rule, or order which prohibits a purchasing group from obtaining insurance on a group basis because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time.
- (5) A State law, rule, or order which requires that a purchasing group must have a minimum number of members, common ownership or affiliation, or a certain legal form.
- (6) A State law, rule, or order which requires that a certain percentage of a purchasing group must obtain insurance on a group basis.
- (7) A State law, rule, or order which requires that any insurance policy issued to a purchasing group or any members of the group be countersigned by an insurance agent or broker residing in that State.
- (8) A State law, rule, or order which otherwise discriminate<sup>1</sup> against a purchasing group or any of its members.

**(b) Application of exemptions**

The exemptions specified in subsection (a) apply to the following:

- (1) Pollution liability insurance, and comprehensive general liability insurance which includes this coverage, provided to—
  - (A) a purchasing group; or
  - (B) any person who is a member of a purchasing group.
- (2) The sale of any one of the following to a purchasing group or a member of the group:
  - (A) Pollution liability insurance and comprehensive general liability coverage.
  - (B) Insurance related services.
  - (C) Management services.

**(c) Agents or brokers**

A State may require that a person acting, or offering to act, as an agent or broker for a purchasing group obtain a license from that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

(Pub. L. 96-510, title IV, § 404, as added Pub. L. 99-499, title II, § 210(a), formerly § 210, Oct. 17, 1986, 100 Stat. 1718; renumbered § 210(a), Pub. L. 99-563, § 11(c)(1), Oct. 27, 1986, 100 Stat. 3177.)

<sup>1</sup> So in original. Probably should be "discriminates".

**§ 9675. Applicability of securities laws**

**(a) Ownership interests**

The ownership interests of members of a risk retention group shall be considered to be—

- (1) exempted securities for purposes of section 77e of title 15 and for purposes of section 78l of title 15; and
- (2) securities for purposes of the provisions of section 77q of title 15 and the provisions of section 78j of title 15.

**(b) Investment Company Act**

A risk retention group shall not be considered to be an investment company for purposes of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

**(c) Blue sky law**

The ownership interests of members in a risk retention group shall not be considered securities for purposes of any State blue sky law.

(Pub. L. 96-510, title IV, § 405, as added Pub. L. 99-499, title II, § 210(a), formerly § 210, Oct. 17, 1986, 100 Stat. 1719; renumbered § 210(a), Pub. L. 99-563, § 11(c)(1), Oct. 27, 1986, 100 Stat. 3177.)

REFERENCES IN TEXT

The Investment Company Act of 1940, referred to in subsec. (b), is title I of act Aug. 22, 1940, ch. 686, 54 Stat. 789, as amended, which is classified generally to subchapter I (§80a-1 et seq.) of chapter 2D of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 80a-51 of Title 15 and Tables.

**CHAPTER 104—NUCLEAR SAFETY RESEARCH, DEVELOPMENT, AND DEMONSTRATION**

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**§ 9701. Congressional findings and declaration of policy**

- (a) The Congress finds that—
  - (1) nuclear energy is one of the two major energy sources available for electric energy production in the United States during the balance of the twentieth century;
  - (2) continued development of nuclear power is dependent upon maintaining an extremely high level of safety in the operation of nuclear plants, and on public recognition that these facilities do not constitute a significant threat to human health or safety;
  - (3) it is the responsibility of utilities, as owners and operators of nuclear powerplants, to assure that such plants are designed and operated safely and reliably; and
  - (4) a proper role of the Federal Government in assuring nuclear powerplant safety, in addition to its regulatory function, is the conduct