

### **304.48-020 Definitions for subtitle.**

- (1) "Administrator" means an individual, partnership, corporation, association, or other legal entity engaged by a liability self-insurance group's board of trustees to carry out the policies established by the group's board of trustees and to provide day-to-day management of the group.
- (2) "Bona fide association" as used in KRS 304.48-030 shall mean an association which has a substantial noninsurance purpose or has other characteristics of stability in finances and membership.
- (3) "Commissioner" means the commissioner of the Department of Insurance.
- (4) "Deceptive" means an act, practice, or statement which has the tendency or capacity to deceive, without regard to whether there is an intent to deceive or whether any person has suffered loss or injury as a result of the act, practice, or statement.
- (5) "Governmental entity" means the Commonwealth of Kentucky, other states, or the United States, their political subdivisions, municipal corporations, or public agencies.
- (6) "Insolvent" or "insolvency" means the inability of a liability self-insurance group to pay its outstanding lawful obligations as they mature in the regular course of business, as may be shown either by an excess of its required reserves and other liability over its assets or by its not having sufficient assets to reinsure all of its outstanding liabilities after paying all accrued claims owed by it.
- (7) "Liability self-insurance group" means a group described in KRS 304.48-030.
- (8) "Person" includes, but is not limited to, any individual, partnership, association, trust, or corporation.
- (9) "Qualified actuary" means a member of the American Academy of Actuaries or a fellow of the Casualty Actuarial Society.
- (10) "Service company" means a person or entity which provides services not provided by the administrator, including, but not limited to, claims adjustment, safety engineering, compilation of statistics in preparation of contribution and assessments, loss, and tax reports, preparation of other required self-insurance reports, development of members' contributions, assessments, and fees, and administration of a claim fund.
- (11) "Unfair" refers to an act, practice, or statement which is unconscionable.
- (12) "Agent" means any person directly or indirectly associated with such organization who engages in solicitation or enrollment of persons for profit or pecuniary gain in a liability self-insurance group.

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**History:** Amended 2010 Ky. Acts ch. 24, sec. 1590, effective July 15, 2010. --  
Created 1994 Ky. Acts ch. 358, sec. 2, effective July 15, 1994.