

304.48-220 Suspension or revocation of certificate of filing.

- (1) The commissioner may suspend or revoke any certificate of filing issued to a liability self-insurance group under this subtitle if the commissioner finds that any of the following conditions exist:
 - (a) The liability self-insurance group is operating significantly in contravention of its basic organizational document or in a manner contrary to that described in and reasonably inferred from any other information submitted under this subtitle, unless amendments to the submissions have been filed with and approved by the commissioner;
 - (b) The liability self-insurance group is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to participants or prospective participants;
 - (c) The liability self-insurance group, or any person at its direction, has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive, or unfair manner;
 - (d) The liability self-insurance group has engaged in any unfair or deceptive practices under its certificate of filing; or
 - (e) The liability self-insurance group has failed to correct a violation of this subtitle or the administrative regulations adopted thereunder, within a reasonable time period established by the commissioner in administrative regulations.
- (2) A certificate of filing shall be suspended or revoked only after compliance with the hearing procedure set forth in KRS 304.2-310 to 304.2-370.
- (3) When a certificate of filing of a liability self-insurance group is suspended, the group shall not, during the period of suspension, enroll any new participants and shall not engage in any advertising or solicitation.
- (4) If the certificate of filing of a liability self-insurance group is revoked, the group shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs, and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation. The commissioner may, by written order, prevent further operation of the group as he or she may find to be in the best interest of the participants, to the end that the participants will be afforded the greatest practical opportunity to obtain liability coverage elsewhere. If the commissioner permits further operation, the liability self-insurance group shall continue to collect the contributions and assessments required of participants.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1601, effective July 15, 2010. -- Created 1994 Ky. Acts ch. 358, sec. 22, effective July 15, 1994.