

2020 Kansas Statutes

40-4336. Same; commissioner's findings to approve application. (a) In order to approve an application and issue a certificate of authority to a special purpose insurance captive, the commissioner must find that:

- (1) The proposed plan of operation provides a reasonable and expected successful operation;
- (2) the terms of the transactions proposed in the plan of operation to which the special purpose insurance captive is a party comply with K.S.A. 2020 Supp. 40-4332 through 40-4352, and amendments thereto; and
- (3) the commissioner of the domiciliary state of each ceding company has notified the commissioner in writing or the applicant has otherwise provided assurance satisfactory to the commissioner that such regulator has either approved or granted a disapproval of the special purpose insurance captive contract.

(b) In evaluating the expectation of a successful operation, the commissioner shall consider whether the proposed special purpose insurance captive and its management are of known good character and reasonably believed not to be affiliated, directly or indirectly, with a person known to have been involved with the improper manipulation of assets, accounts or reinsurance. In the event the commissioner of the state of domicile of any ceding company is not required to review the special purpose insurance captive contract, then the approval described in subsection (a)(3) shall not be required for licensing of the special purpose insurance captive hereunder.

History: L. 2018, ch. 50, § 19; July 1.