

304.13-131 Insurer and advisory organization activities prohibited.

- (1) No insurer or advisory organization shall make any arrangement with any other insurer, advisory organization, or other person that has the purpose or effect of unreasonably restraining trade or unreasonably lessening competition in the business of insurance.
- (2) No insurer or advisory organization shall:
 - (a) Attempt to monopolize, or combine, or conspire with any other person to monopolize an insurance market; or
 - (b) Engage in a boycott, on a concerted basis, of an insurance market.
- (3) No insurer shall agree with any other insurer or with an advisory organization to mandate adherence to, or to mandate use of, any rate, prospective loss cost, rating plan, rating schedule, rating rule, policy or bond form, rate classification, rate territory, underwriting rule, survey, inspection or similar material, except as needed to facilitate the reporting of statistics to advisory organizations, statistical agents, or the commissioner. The fact that two (2) or more insurers, whether or not members or subscribers of an advisory organization, use consistently or intermittently the same rates, prospective loss cost, rating plans, rating schedules, rating rules, policy or bond forms, rate classifications, rate territories, underwriting rules, surveys, or inspections or similar materials is not sufficient in itself to support a finding that an agreement exists.
- (4) Two (2) or more insurers having a common ownership or operating in this state under common management or control may act in concert between or among themselves with respect to any matters pertaining to those activities authorized in this chapter as if they constituted a single insurer.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1128, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 380, sec. 13, effective July 14, 2000. -- Created 1982 Ky. Acts ch. 278, sec. 12, effective July 15, 1982.