

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAPTIVE INSURANCE LAWS;
5 PROVIDING THAT AN INDEPENDENT CAUSE OF ACTION UNDER THE INSURANCE UNFAIR TRADE
6 PRACTICES ACT APPLIES TO CERTAIN CAPTIVE INSURANCE ENTITIES; INCLUDING ASSOCIATION
7 CAPTIVE INSURER COMPANIES, CAPTIVE RISK RETENTION GROUPS, AND INDUSTRIAL INSURED
8 CAPTIVE INSURANCE COMPANIES; AND AMENDING SECTION 33-28-207, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 33-28-207, MCA, is amended to read:

13 **"33-28-207. Applicable laws.** (1) The following apply to captive insurance companies:

14 (a) the definitions of commissioner and department provided in 33-1-202, property insurance provided
15 in 33-1-210, casualty insurance provided in 33-1-206, life insurance provided in 33-1-208, health insurance
16 coverage and group health plans provided in 33-22-140, and disability income insurance provided in 33-1-235;

17 (b) the limitation provided in 33-2-705 on the imposition of other taxes;

18 (c) the provisions relating to supervision, rehabilitation, and liquidation of insurance companies as
19 provided for in Title 33, chapter 2, part 13;

20 (d) the provisions of 33-1-311, 33-1-604 through 33-1-606, 33-2-112, 33-3-431, 33-18-201, 33-18-
21 203, and 33-18-205, and 33-18-242;

22 (e) the provisions relating to dissolution and liquidation in Title 33, chapter 3, part 6, except that a
23 pure captive insurance company may proceed with voluntary dissolution and liquidation after prior notice to and
24 approval of the commissioner without following the provisions of Title 33, chapter 3, part 6; ~~and~~

25 (f) the authority of the commissioner under 33-2-701(6) to impose a fine for failure to timely file an
26 annual statement, except that the annual statement requirements in 33-28-107 apply; and

27 (g) (i) the provisions of 33-18-242 apply only to the following captive insurance entities defined in 33-
28 28-101:

