

Repealed 5/12/2015

31A-37-603 Minimum capitalization or reserves for a captive reinsurance company.

- (1)
 - (a) The commissioner may not issue a certificate of authority to a captive reinsurance company unless a captive reinsurance company possesses and maintains capital or free surplus of not less than the greater of:
 - (i) \$300,000,000; or
 - (ii) 10% of the reserves of the captive reinsurance company.
 - (b) The surplus required by this Subsection (1) may be in the form of:
 - (i) cash; or
 - (ii) securities.
- (2) The commissioner may prescribe additional capital or surplus based upon the type, volume, and nature of the insurance business transacted.
- (3)
 - (a) A captive reinsurance company may not pay a dividend out of, or other distribution with respect to capital or surplus without the prior approval of the commissioner.
 - (b) Approval of an ongoing plan for the payment of dividends or other distributions shall be conditioned upon the retention at the time of each payment of capital or surplus in excess of amounts specified by, or determined in accordance with formulas approved by, the commissioner.