

2023 Kansas Statutes

40-4349. Same; taxation. (a) Each special purpose insurance captive shall pay to the commissioner on or before May 1 of each year a premium tax at the rate of 0.214 of 1% on the first \$20,000,000 of the assumed reinsurance premium, 0.143 of 1% on the next \$20,000,000, 0.048 of 1% on the next \$20,000,000 and 0.024 of 1% of each dollar thereafter. No reinsurance premium tax shall be payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if such transaction is part of a plan to discontinue the operations of such other insurer, and if the intent of the parties to such transaction is to renew or maintain such business with the captive insurance company.

(b) The premium tax imposed by subsection (a) shall constitute all taxes collectible under the laws of this state from any special purpose insurance captive, and no other occupation tax or other taxes shall be levied or collected from any captive insurance company by the state or any county, city or municipality within this state, except ad valorem taxes on real and personal property used in the production of income.

(c) Every special purpose insurance captive shall, on or before February 1 of each year, make a return on a form provided by the commissioner, verified by the affidavit of the company's president and secretary or other authorized officers, to the commissioner stating the amount of all direct premiums received and assumed reinsurance premiums received, whether in cash or in notes, during the year ending on December 31 next preceding. Upon receipt of such returns, the commissioner shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in this section, on or before March 31 of each year. The commissioner shall immediately thereafter notify and assess each company the amount of tax due.

(d) A special purpose insurance captive failing to make returns as required by subsection (c), or failing to pay within the time required all taxes assessed by this section, shall be subject to the provisions of K.S.A. 40-2806, and amendments thereto.

History: L. 2018, ch. 50, § 32; July 1.