



ADMINISTRATIVE RULES OF MONTANA



6.6.3715 EXTRAORDINARY DIVIDENDS AND OTHER DISTRIBUTIONS

- (1) Requests for approval of extraordinary dividends or any other extraordinary distribution to shareholders must include the following:
 - (a) the amount of the proposed dividend;
 - (b) the date established for payment of the dividend;
 - (c) a statement as to whether the dividend is to be in cash or other property and, if in property, a description thereof, its cost, and its fair market value, together with an explanation of the basis for valuation;
 - (d) a copy of the calculations determining that the proposed dividend is extraordinary. The work paper must include the following information:
 - (i) the amounts, dates, and forms of payment of all dividends or distributions (including regular dividends but excluding distributions of the insurer's own securities) paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which approval is sought and commencing on the day after the same day of the same month in the preceding year;
 - (ii) surplus as regards policyholders (total capital and surplus) as of the 31st day of December next preceding;
 - (iii) if the insurer is a life insurer, the net gain from operations for the 12-month period ending the 31st day of December next preceding;
 - (iv) if the insurer is not a life insurer, the net income less realized capital gains for the 12-month period ending the 31st day of December next preceding and the two preceding 12-months periods; and
 - (v) if the insurer is not a life insurer, the dividends paid to stockholders excluding distributions of the insurer's own securities in the preceding two calendar years.
 - (e) a balance sheet and statement of income for the period intervening from the last annual statement filed with the commissioner and the end of the month preceding the month in which the request for dividend approval is submitted; and
 - (f) a brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurers financial needs.

- (2) Subject to 33-2-1114, MCA, each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within 15 business days following the declaration thereof, including the same information required by (1)(d)(i) through (v).

Authorizing statute(s): 33-1-313, 33-2-1517, MCA

Implementing statute(s): 33-2-1114, 33-2-1516, MCA

History: NEW, 1993 MAR p. 2408, Eff. 10/15/93; AMD, 2014 MAR p. 501, Eff. 3/14/14; AMD, 2017 MAR p. 1888, Eff. 10/14/17.