

IC 27-5.1-2-8

Application of Indiana insurance laws

Sec. 8. The following provisions apply to standard companies and extended companies:

(1) IC 27-1-3.

(2) IC 27-1-3.1.

(3) IC 27-1-5-3.

(4) IC 27-1-7-14 through IC 27-1-7-16.

(5) IC 27-1-7-21 through IC 27-1-7-23.

(6) IC 27-1-9.

(7) IC 27-1-10.

(8) IC 27-1-13-3 through IC 27-1-13-4.

(9) IC 27-1-13-6 through IC 27-1-13-9.

(10) IC 27-1-15.6.

(11) IC 27-1-18-2.

(12) IC 27-1-20-1.

(13) IC 27-1-20-4.

(14) IC 27-1-20-6.

(15) IC 27-1-20-9 through IC 27-1-20-11.

(16) IC 27-1-20-14.

(17) IC 27-1-20-19 through IC 27-1-20-21.3.

(18) IC 27-1-20-23.

(19) IC 27-1-20-30.

(20) IC 27-1-20-35.

(21) IC 27-1-22.

(22) IC 27-4-1.

(23) Except as provided in IC 27-6-1.1-6, IC 27-6-1.1-2.

(24) IC 27-6-2.

(25) IC 27-7-2.

(26) IC 27-9.

(27) IC 34-30-17.

As added by P.L.129-2003, SEC.8. Amended by P.L.137-2006, SEC.14 and P.L.162-2006, SEC.47;

P.L.81-2012, SEC.21.

IC 27-5.1-2-21

Merger; plan; policyholder notice

Sec. 21. (a) Two (2) or more farm mutual insurance companies may merge into one (1) farm mutual insurance company upon approval of a merger plan by the policyholders of each farm mutual insurance company as provided in subsection (b).

(b) Before a merger described in subsection (a) may take place:

(1) the board of directors of each farm mutual insurance company must approve a merger plan; and

(2) the merger plan must be approved by the affirmative vote of two-thirds (2/3) of the policyholders of each farm mutual insurance company who vote in person or by proxy.

(c) Before a meeting at which a proposed merger under this section may be considered:

(1) the policyholders of a farm mutual insurance company for which the merger is proposed must be provided, by first class mail:

(A) written notice of the date, time, and location of the meeting;

(B) written notice that a proposed merger will be discussed and voted on at the meeting; and

(C) a copy or summary of the merger plan; and

(2) a general notice stating:

(A) the date, time, and location of the meeting; and

(B) that a proposed merger or transfer will be discussed and voted on at the meeting;

must be published in a newspaper of general circulation in the county in which the principal office of the farm mutual insurance company is located.

As added by P.L.129-2003, SEC.8.

IC 27-5.1-2-22

Merger files; commissioner review; notice and hearing; approval; modification; experts; costs

Sec. 22. (a) Each farm mutual insurance company that decides to merge under section 21 of this chapter shall file the following documents with the commissioner:

- (1) A petition for merger.
- (2) The farm mutual insurance company's merger plan.
- (3) Articles of merger.
- (4) A copy of the minutes of a meeting at which the merger plan was approved.
- (5) Proof of compliance with section 21 of this chapter.

(b) The commissioner shall:

- (1) review a filing submitted under subsection (a); and
- (2) schedule a hearing under IC 4-21.5 if the commissioner considers a hearing necessary.

The commissioner may waive a hearing under this subsection if the commissioner determines that a proposed merger does not prejudice the interests of policyholders of the farm mutual insurance company.

(c) If the commissioner determines under subsection (b) that a hearing is necessary, the commissioner shall provide written notice of the hearing to the farm mutual insurance company that filed the petition for merger. The commissioner may require the farm mutual insurance company to provide the farm mutual insurance company's policyholders with written notice of the hearing, including the date, time, and place of the hearing.

(d) If the commissioner requires a farm mutual insurance company to provide the farm mutual insurance company's policyholders with notice of a hearing under subsection (c), the notice must meet the following requirements:

- (1) Be published in at least two (2) daily newspapers that the commissioner may designate.
- (2) Be published in the newspapers designated under subdivision (1):
 - (A) not less than one (1) time per week;
 - (B) for two (2) successive weeks; and
 - (C) on the same day of the week.
- (3) The last publication of notice must appear not more than five (5) calendar days before the date of the hearing.

(e) The commissioner may require a farm mutual insurance company to provide more notice than is required by subsection (d) if the commissioner determines that more notice is required under the circumstances concerning the farm mutual insurance company.

(f) In a hearing conducted under this section, the commissioner may examine a farm mutual insurance company's business affairs by:

- (1) requiring and compelling the production of documents, records, books, papers, contracts, or other evidence; and
- (2) compelling the attendance of, and examining under oath, a director, an officer, an agent, an employee, a solicitor, or an attorney of the farm mutual insurance company, or another person.

(g) A person who has an interest in a hearing conducted under this section may appear and testify at the hearing.

(h) The commissioner shall approve and authorize a proposed merger if the commissioner determines the following:

- (1) That the interests of policyholders of the merging farm mutual insurance companies are properly protected.
- (2) That a reasonable objection to the proposed merger does not exist.

(i) The commissioner may order a modification of the merger plan or articles of merger for a proposed merger if the commissioner determines that the modification is in the best interest of policyholders.

(j) The commissioner may hire experts the commissioner considers necessary to review a merger plan filed under this section.

(k) A farm mutual insurance company that files a petition for merger shall pay the costs of a hearing under this section.

As added by P.L.129-2003, SEC.8.

IC 27-5.1-2-23

Merger plan performance; surviving company

Sec. 23. (a) The commissioner may establish the time frame in which a farm mutual insurance company must perform the terms of a merger plan approved under section 22 of this chapter.

(b) After a farm mutual insurance company that is a party to a merger under sections 21 and 22 of this chapter performs the terms of the merger plan, the surviving farm mutual insurance company shall file with the commissioner written notice of the surviving farm mutual insurance company's compliance with the merger plan.

(c) The commissioner shall determine whether the terms of a merger plan are performed adequately by a farm mutual insurance company that is a party to a merger under sections 21 and 22 of this chapter. If the commissioner determines that the terms of the merger plan are met, the commissioner shall issue a certificate of merger to the surviving farm mutual insurance company.

(d) The commissioner may charge a farm mutual insurance company the fee set forth in IC 27-1-3-15 for a filing made under this section.

As added by P.L.129-2003, SEC.8.

IC 27-5.1-2-24

Certificate of merger

Sec. 24. Upon the commissioner's issuance of a certificate of merger under section 23 of this chapter, the farm mutual insurance companies that are parties to the merger plan become a single surviving farm mutual insurance company. The separate existence of each farm mutual insurance company that is a party to the merger plan ceases upon the issuance of the certificate of merger.

As added by P.L.129-2003, SEC.8.

IC 27-5.1-2-38

Discontinuation of company

Sec. 38. A farm mutual insurance company may vote to discontinue operations and settle its affairs under IC 27-1-10.

As added by P.L.129-2003, SEC.8.