

**CITY OF WEST BUECHEL, KENTUCKY  
ORDINANCE 286, SERIES 2020**

**AN ORDINANCE REPEALING AND REPLACING CITY ORDINANCE 276, SERIES  
2019, CONCERNING THE IMPOSITION OF FEES ON COMPANIES WHO ISSUE  
CERTAIN INSURANCE POLICIES IN THE CITY**

**WHEREAS**, KRS 91A.080 authorize cities and other local government to impose license fees or taxes upon insurance companies for the privilege of engaging in the business of insurance within their corporate limits (“local government premium tax” or “LGPT”);

**WHEREAS**, the City Council of the City of West Buechel, Kentucky (“City”) adopted ordinance 276, Series 2019, following a second reading of the Ordinance on 14<sup>th</sup> day of March, 2019. The Ordinance imposed LGPT upon insurance companies engaging in the business of insurance within the City’s corporate limits. This Ordinance repealed and replaced the previous Ordinance in effect at the time (Ordinance 162, Series 1997);

**WHEREAS**, Louisville/Jefferson County Metro Government (“Metro”) levies LGPT upon insurance companies engaging in the business of insurance within the corporate limits of Jefferson County, including with the corporate limits of West Buechel;

**WHEREAS**, KRS 61A.080(12) provides that the City LGPT shall be credited against the Metro LGPT, such that all LGPT revenue from engaging in the business of insurance within West Buechel is paid to West Buechel provided West Buechel LGPT is imposed at an amount at least equivalent to the Metro LGPT;

**WHEREAS**, prior to the presentation and passage of Ordinance 276, Series 2019, City leaders were informed that Louisville Metro Council had proposed and intended to increase its LGPT rates to a rate greater than the rate then in effect for the City of West Buechel.

**WHEREAS**, West Buechel City leaders desired to pass an ordinance that would ensure payment of the LGPT taxes received benefited West Buechel’s citizens rather than being paid to Louisville Metro government. Consequently, the West Buechel City Council proposed Ordinance 276, Series 2019, which was written so that the West Buechel rates were increased if and only if Louisville Metro Council increased their LGPT rates;

**WHEREAS**, following passage of Ordinance 276, Series 2019, Louisville Metro Council did not, in fact, increase their LGPT rates;

**WHEREAS**, KRS 91A.080(1) provides that LGPT rate changes take effect July 1 of each year on a prospective basis only and requires that any ordinance changing LGPT rates to be filed with the Kentucky Council of Insurance at least one hundred (100) days prior to the effective date; and

**WHEREAS**, the City Council believes that since the sitting members of the council were responsible for the passage of Ordinance 276, Series 2019, the same sitting members should

correct the unintended consequence of Louisville Metro not increasing their LGPT rates which ultimately caused the increase in the West Buechel LGPT rates; and

**WHEREAS**, the City has determined and hereby declares it is necessary, desirable, and in the public interest for the City to immediately repeal and simultaneously replace Ordinance 276, Series 2019 for the purpose of establishing a LGPT;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WEST BUECHEL, KENTUCKY:**

Section 1. Any and all ordinances of the City imposing license fees upon insurance companies engaging in the business of insurance within the corporate limits of the City are hereby repealed in its entirety. Specifically, Ordinance 276, Series 2019 is repealed.

Section 2. A new Chapter in the City’s ordinances is hereby adopted as follows:

1. Imposition of license fee. There is hereby imposed on each insurance company a license fee (hereinafter referred to as a local government premiums tax, “LGPT”), for the privilege of engaging in the business of insurance within the corporate limits of the city, on a calendar-year basis, based upon the following:
  - a. “Premiums” is defined as premiums collected by an insurance company within each calendar quarter by reason of the issuance of policies and contracts of insurance on risks located within the City and includes premiums on new policies and contracts of insurance and on renewal business, as well as all other classes of premiums, less all premiums returned to policy holders.
  - b. Except as otherwise provided in subsection (d) below, the license fee imposed upon each insurance company which issues any insurance policy or contract of insurance shall be the following percentage or Premiums on those classes of insurance which such company is authorized to issue (the Base Fee”):

	Fire and Allied Perils	Casualty Liability Only	Vehicle	Inland Marine	Health	Life	All Other Risks Taxed
Initial Rate	10%	10%	10%	10%	10%	10%	10%

- c. The Base Fee shall not apply to Premiums exempted by state or federal law.
    - d. In addition to the Base Fee, an additional license fee in the amount of (10%) is hereby imposed by the City upon each insurance company on the premiums for each class of insurance listed in Section (b) above.

2. Fees to be paid to General Revenue Fund. The license fee or tax established by this chapter is imposed and levied for the purpose of general revenue funds and shall be paid into the general fund of the city.
3. The license fee or tax imposed by a city upon each insurance company with respect to life insurance policies may be based upon the first year's premiums and shall be applied to the amount of the premiums collected within each calendar quarter upon the lives of persons residing within the corporate limits of the city.
4. Amount of fee for companies issuing policies other than life insurance:
  - a. The license fee or tax imposed upon each insurance company with respect to any policy which is not a life insurance policy within each calendar quarter on risks located within the corporate limits of the city on those classes of business which the insurance company is authorized to transact, less all premiums returned to policyholders.
  - b. The license fee or tax shall also not apply to premiums:
    - i. Received on policies of group health insurance provided for state employees under KRS 18A.225;
    - ii. Received on policies insuring employers against liability for personal injuries to their employees or the death of their employees caused thereby, under the provisions of KRS Chapter 342;
    - iii. Received on health insurance policies issued to individuals;
    - iv. Received on policies issued through Kentucky Access created in Subtitles 17B of KRS Chapter 304;
    - v. Received on policies for high deductible health plans as defined in 26 U.S.C. 223(c)(2);
    - vi. Received on multi-state surplus lines, defined as non-admitted insurance as provided in Dodd-Frank Wall Street Reform and Consumer Protection Act Pub.L. No. 113-203; or
    - vii. Paid to insurance companies or surplus lines brokers by non-profit self-insurance groups or self-insurance entities whose membership consists of cities, counties, charger county government, urban-county government, consolidated local government, unified local government, school districts, or any other political subdivision of the Commonwealth.
  - c. No License fee or tax imposed under this section shall apply to premiums paid to insurers of municipal bonds leases, or other debt instruments issued by or on behalf

of a city, county, charter county government, urban-county government, consolidated local government, special district, nonprofit corporation, or other political subdivision of the Commonwealth. However, this exemption shall not apply if the bonds, leases, or other debt instruments are issued for profit or on behalf of for-profit or private organizations.

5. Due Date; Interest and Refunds.

- a. All license fees imposed by this chapter shall be due no later than 30 days after the end of each calendar quarter;
- b. Any insurance company or agent that overpays any license fee or tax to a city based upon premiums collected upon lives or risks which are discovered to be located outside the legal corporate limits of the city which was paid the license fee or tax, the insurance company or agent shall be refunded those license fees and taxes within 90 days' notice to the city paid.
- c. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until paid.

6. Written Breakdowns of Collections. Every insurance company subject to the license fees imposed by this chapter shall annually, by March 31<sup>st</sup>, furnish the city with a written breakdown of all collections in the preceding calendar year for the following categories of insurance;

- a. Casualty;
- b. Automobile;
- c. Inland Marine;
- d. Fire and allied perils;
- e. Health; and
- f. Life.

7. Inspection of records and accounts. Every insurance company subject to license fees or tax shall maintain records adequate to support the reports required to be filed under this chapter. Authority is given to the City of West Buechel or a representative thereof to make inspection of the books, accounts and records of the agent or insurance company to verify the correctness of any report or breakdown of collections.

8. Liability of Agents. This section applies to insurance agents and surplus lines broker to the extent they are responsible for collection, reporting, and payment of license fees or taxes pursuant to KRS 91A.080.

9. Severability. If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect the other provisions that can be given effect without the invalid provision or application.

10. Penalty. Pursuant to 91A.080, willful failure to properly collect and remit the license fees or taxes imposed by this chapter may constitute grounds for the revocation of the license issued to an insurance company or agent under the provision of KRS Chapter 304 or may result in other penalties being imposed by the State Office of Insurance.

Section 3. This ordinance shall be effective upon adoption and publication.

First Reading 12/21/20 \_\_\_\_\_;

Second Reading 12/23/20 \_\_\_\_\_;

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST BUECHEL, KENTUCKY**, upon second reading at a meeting held on the date set forth above, following a first reading at a meeting held on the date set forth above; and following such adoption signed by the Mayor as evidence of this approval, ordered to be published in summary form according to law, and declared to be in full force and effect according to law.

**APPROVED:**

Mayor Brenda Moore  
MAYOR

**Attest:**

Debbie Battines  
City Clerk

**CERTIFICATION**

The undersigned, City Clerk of the City of West Buechel, Kentucky (the "City"), hereby certifies that the foregoing is a true, complete, and correct copy of an Ordinance finally adopted upon second reading by the City Council of the City at a properly convened meeting of the City Council held on the 22<sup>nd</sup> day of December, 2020, signed by the Mayor and attested by me as City Clerk, all as shown by the official records in my custody and under my control.

WITNESS, my hand this the 22<sup>nd</sup> day of December, 2020.

Debbie Battines  
City Clerk