

PROHIBITED NAMES FOR BUSINESS ENTITY OR INDIVIDUAL

Certain names cannot be used under a license issued by the Kentucky Department of Insurance. In addition, certain names are not appropriate for filing with the Kentucky Secretary of State. Therefore, the name of the applicant must satisfy all relevant requirements of both the Department of Insurance and the Secretary of State before the license can be issued.

Information concerning the **Secretary of State's** requirements may be obtained through the Secretary's website at <http://sos.ky.gov>.

The requirements of the **Department of Insurance** are as follows:

A **business entity** cannot be licensed with

- A name, assumed name, or fictitious name that gives a misimpression of the scope of or authority under the license. For example, the business entity's name cannot have:
 - The word "consultant" in it if the business entity does not have an individual licensed consultant designated with the Department of Insurance,
 - The words "insurance company" in it if the business entity does not have a certificate of authority issued by the Department of Insurance, or
 - The word "administrator" or "administrative" in it if the business entity does not have an administrator license issued by the Department of Insurance; or
- A name, assumed name, or fictitious name that is the same as or deceptively similar to a current licensee's name.

If the business entity has a name that cannot be used for a license, the business entity will need to take corrective action concerning its name before the license can be issued.

An **Individual** cannot be licensed with

- An assumed name that gives a misimpression of the scope of or authority under the license. For example, the individual's assumed name cannot have:
 - The word "consultant" in it if the individual does not have a consultant license issued by the Department of Insurance,
 - The words "insurance company" in it if the individual does not have a certificate of authority issued by the Department of Insurance, or
 - The word "administrator" or "administrative" in it if the individual does not have an administrator license issued by the Department of Insurance; or
- An assumed name that is the same as or deceptively similar to a current licensee's name.

If the individual has an assumed name that cannot be used for a license, the individual will need to drop the inappropriate assumed name or take the necessary steps to adopt an appropriate assumed name.

Corrective action is necessary before the license can be issued. The Insurance Code prohibits licensees from using false or deceptive names. More specifically, 806 KAR 9:020 Section 1 provides that

No person, firm or corporation licensed pursuant to Subtitle 9, KRS Chapter 304, shall, in the conduct of business thereunder, use, or knowingly permit to be used, in his or its behalf, any name, titles, degrees, certificates, accomplishment, award, designation or the like, which implies or purports to convey that such person, firm or corporation possesses a greater skill, knowledge, experience or qualification than is actually a fact, or which exceeds the maximum requirements for licensing under the Insurance Code.