*** § 2323. Profitability and rates of return; where prior approval is not required.** (a) The superintendent shall by regulation establish a method for determining profitability, from whatever source profits are derived, and rates of return on net worth, assets and earned premiums, with respect to each kind of insurance subject to this article, based on reasonable and uniform assumptions, including assumptions as to:

(1) amounts of net worth attributable to such kinds of insurance;

(2) assets available for investment generated by such kinds of insurance;

(3) federal income taxes; and

(4) average earnings on insurers' investments.

(b) The regulation shall require insurers annually to report to the superintendent, who will make these reports available to the public, concerning such profitability and rates of return.

(c) This section shall be applicable to kinds of insurance or insurance activities the rates for which, pursuant to subsection (a) of section two thousand three hundred five of this article, are not subject to prior approval.

* NB Expires July 1, 2026