§ 7102. Merger, consolidation and acquisition of assets; when permitted. (a) Upon complying with this article and subject to section seven thousand one hundred nine of this article, any domestic company is hereby authorized and empowered to:

(1) consolidate, merge with or acquire the assets of any other domestic company, and

(2) consolidate or merge with any foreign company which is authorized to do an insurance business in this state or acquire the assets of any foreign company if such merger, consolidation or acquisition of assets is authorized by the laws of the state in which such foreign company is organized.

(b) A stock company may merge or consolidate with another stock company or a reciprocal insurer, but shall not merge or consolidate with a mutual company; provided, however, a domestic mutual life insurance company may merge with a wholly-owned subsidiary stock life insurance company of the said domestic mutual life insurance company in circumstances in which the said domestic mutual life insurance company shall be the surviving company. A reciprocal insurer may merge with a stock company.

(c) A proposed consolidation shall not be approved unless the consolidated company has the capital, surplus, or surplus to policyholders which a similar company would be required to maintain if initially licensed to write the same kinds of insurance on the date of the consolidation.