

686C.4 Establishing fair market value of total gross assets.

1. A successor may establish the fair market value of total gross assets, which include intangible assets, for the purpose of the limitations under [section 686C.3](#), through any method reasonable under the circumstances, including any of the following:

a. By reference to the going concern value of the assets or to the purchase price attributable to or paid for the assets in an arms-length transaction.

b. In the absence of other readily available information from which the fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.

2. To the extent total gross assets include any liability insurance that was issued to the transferor whose assets are being valued for purposes of [this section](#), the applicability, terms, conditions, and limits of such insurance shall not be affected by [this chapter](#), nor shall [this chapter](#) otherwise affect the rights and obligations of an insurer, transferor, or successor under any insurance contract or any related agreement, including, without limitation, preenactment settlements resolving coverage-related disputes, and the rights of an insurer to seek payment for applicable deductibles, retrospective premiums, or self-insured retentions or to seek contribution from a successor for uninsured or self-insured periods or periods where insurance is uncollectible or otherwise unavailable. Without limiting the foregoing, to the extent total gross assets include any such liability insurance, a settlement of a dispute concerning any such liability insurance coverage entered into by a transferor or successor with the insurers of the transferor before July 1, 2017, shall be determinative of the total coverage of such liability insurance to be included in the calculation of the transferor's total gross assets.

[2017 Acts, ch 11, §22](#)

Referred to in [§686C.2](#), [§686C.5](#)

NEW section