



## **DOMESTIC SURPLUS LINES INSURER APPLICATION PROCEDURES**

Companies applying to become Delaware domestic surplus lines insurers must prove adequate financial solvency, meet certain regulatory criteria, and specifically be approved by the Insurance Commissioner. Refer to [Bulletin 45](#).

A domestic surplus lines insurer must agree to abide by all the requirements of Title 18, Chapter 19, and with all other requirements of the Delaware Code applicable to Delaware domestic insurers, unless otherwise exempted.

Provisions of Chapters 42 and 44 of Title 18 regarding the Delaware Insurance Guaranty Funds will not apply to a domestic surplus lines insurers.

A Domestic Surplus lines insurer is subject to premium tax pursuant to [18 Del. C. § 1925](#).

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### **FILING INSTRUCTIONS:**

Application materials, including payment of fees, must be sent via U.S. mail or courier delivery to the following address:

Delaware Department of Insurance  
Attn: Company Regulation – BERG  
1351 West North Street, Suite 101  
Dover, DE 19904

Make Checks payable to Delaware Department of Insurance

Questions may be directed to [BERG@delaware.gov](mailto:BERG@delaware.gov) or 302-674-7330.

## APPLICATION PROCEDURES

Companies that wish to become Delaware domestic surplus lines insurers must submit the following materials depending on the *company's current type*:

### CURRENT DELAWARE DOMESTIC COMPANY-

1. A cover letter declaring the company's intent to convert to a domestic surplus lines insurer.
2. A certified Board Resolution stating that the board is in agreement with the company's intent to convert to a domestic surplus lines insurer.
3. A Plan of Operations stating, at minimum, the types and classes of surplus lines insurance coverage(s) the company expects to offer.
4. An affidavit certifying that the Fifteen Million dollar (\$15,000,000) minimum capital and surplus requirement has been met pursuant to [18 Del. C. § 1932](#)
5. An Affidavit attesting that the company does not currently have any admitted policies in place covering Delaware risks and does not intend to write any policies on an admitted basis in the future.
6. *IF APPLICABLE*: If lines of business are enumerated on the company's current Certificate of Incorporation, the company must amend its Certificate of Incorporation to remove the lines of business; since, as a DSLI, it may only write surplus lines business. The company must submit a copy of the amended Certificate of Incorporation, certified by the Division of Corporations.
7. **Upon approval** of the company's application for conversion to a DSLI, the company must **return its existing Certificate of Authority** for cancellation. A new Certificate of Authority will be issued to the company stating that it is admitted as a Delaware domestic surplus lines insurer. If the company cannot locate its existing Certificate of Authority, it must submit an Affidavit of Lost Certificate of Authority ([UCAA Form 15](#)).
8. The following fees must be paid with the application:
  - \$100 Initial Surplus Lines Insurer Application fee.
  - \$100 Certificate of Authority fee.
  - *If applicable*: \$10 Amended Certificate of Incorporation fee.

**CURRENTLY A FOREIGN ADMITTED COMPANY SEEKING TO REDOMESTIC AS A DELAWARE DOMESTIC SURPLUS LINES INSURER:**

1. A cover letter declaring the company's intent to change its state of domicile and convert to a Delaware domestic surplus lines insurer.
2. A certified Board Resolution stating that the board is in agreement with the company's intent to change its state of domicile and convert to a domestic surplus lines insurer.
3. Completed [UCAA Primary Application](#), including all applicable attachments.
4. The following State Specific application forms:
  - Delaware Domestic Surplus Lines Insurer Application Checklist.
  - Delaware [Form D-2](#) - Designation of Person to Receive Delaware Regulations, Bulletins, Directives, and Notices of Regulatory Proceedings.
5. The most recent quarterly or annual statement.
6. An Affidavit attesting that the company does not currently have any admitted policies in place covering Delaware risks and does not intend to write any policies on an admitted basis in the future.
7. Certified Articles or Certificate of Incorporation.  
**PLEASE NOTE:** If lines of business are enumerated on the company's current Certificate of Incorporation, the company must amend its Articles/Certificate of Incorporation to remove the lines of business; since, as a DSLI, it may only write surplus lines business. The company must submit a copy of the amended Articles/Certificate of Incorporation, certified by the Delaware Division of Corporations.
8. **Upon approval** of the company's application for conversion to a DSLI, the company must **return its existing Certificate of Authority** for cancellation. A new Certificate of Authority will be issued to the company stating that it is admitted as a Delaware domestic surplus lines insurer. If the company cannot locate its existing Certificate of Authority, it must submit an Affidavit of Lost Certificate of Authority ([UCAA Form 15](#)).
9. The following fees must be paid with the application:
  - \$100 Initial Surplus Lines Insurer Application fee.
  - \$1000 Company Redomestication Application fee.

## NEWLY FORMED OR FOREIGN NONADMITTED COMPANY:

1. A cover letter declaring the company's intent to do business as a Delaware domestic surplus lines insurer.
2. A certified Board Resolution stating that the board is in agreement with the company's intent to do business as a Delaware domestic surplus lines insurer.
3. A Plan of Operations stating, at minimum, the types and classes of surplus lines insurance coverage(s) the company expects to offer.
4. Completed [UCAA Primary Application](#), including [Form 12](#) and all other applicable attachments.
5. The following State Specific application forms:
  - Delaware Domestic Surplus Lines Insurer Application Checklist.
  - Delaware [Form D-2](#) - Designation of Person to Receive Delaware Regulations, Bulletins, Directives, and Notices of Regulatory Proceedings.
5. An affidavit certifying that the Fifteen Million dollar (\$15,000,000) minimum capital and surplus requirement has been met pursuant to [18 Del. C. § 1932](#).
6. Certified Articles or Certificate of Incorporation.  
**PLEASE NOTE:** (For Foreign Nonadmitted Companies) If lines of business are enumerated on the company's current Certificate of Incorporation, the company must amend its Articles/Certificate of Incorporation to remove the lines of business; since, as a DSLI, it may only write surplus lines business. The company must submit a copy of the amended Articles/Certificate of Incorporation, certified by the Division of Corporations.
8. The following fees must be paid with the application:
  - \$100 Initial Surplus Lines Insurer Application fee.
  - \$1000 Initial Domestic Company Application fee.