



INSTRUCTIONS FOR PROPERLY EFFECTING SERVICE OF PROCESS ON THE DELAWARE INSURANCE COMMISSIONER AS AGENT FOR A PERSON OR AN INSURANCE ENTITY DOING BUSINESS IN DELAWARE

The Commissioner of the Delaware Department of Insurance is appointed as agent for various persons and entities connected with the insurance industry who do business in Delaware for the purposes of service of process on that person or entity.

What this means is that, in any action or proceeding arising in Delaware out of or in connection with a person's or an insurance entity's activities in Delaware, a person wishing to press suit against that person or entity may easily notify that person or entity that he/she/it is being sued by serving the Commissioner as that person or entity's agent. The Commissioner then forwards the legal documents to the person or entity directly.

For example, according to [18 Del. C. § 1708\(a\)](#), nonresident producers and adjusters are deemed to have appointed the Commissioner as their agent for service of process. See also sections [524-525](#) (for authorized insurers), [911](#) (assuming insurers for reinsurance), [1603](#) (reinsurance intermediaries), [1934](#) (non-admitted surplus lines insurer), [2102-2104](#) (unauthorized insurers), [4333](#) (bail agents), [4705](#) (financing of insurers), [5003](#) (with respect to Form A filings), [5713](#) (reciprocal insurers), [6235](#) (fraternal benefit societies), [6903](#) (captive insurers), and [7603](#) (discount medical plans).

The appointment of the Commissioner as agent for service of process is generally irrevocable during the period within which a cause of action against the person or entity may arise. Process is to be served upon the Commissioner or such other person or persons as the Commissioner designates by rule or regulation.

For service to be properly served on the Insurance Commissioner's office the following is required:

- Send or deliver service of process documents to:
**Delaware Department of Insurance
1351 West North Street, Suite 101
Dover DE 19904**
- The service of process package must include **2 complete copies** of all service of process documents per 18 Del. C. § 524-524 (one copy will be forwarded to the party on whom service is to be made and one copy will remain with the Department).
- Except with respect to unauthorized insurers under [18 Del. C. Ch. 21](#), the party that is being served must be a **company or individual who is currently licensed by and registered with the Delaware Department of Insurance.**

◆INSURANCE.DELAWARE.GOV◆

1351 W. NORTH ST., SUITE 101, DOVER, DELAWARE 19904-2465

(302) 674-7300 DOVER◆ (302) 259-7554 GEORGETOWN◆ (302) 577-5280 WILMINGTON

The following websites may be helpful in locating specific insurance subsidiaries or agency names: <https://insurance.delaware.gov/divisions/berg/authorizedcompanies/> or www.statebasedsystems.com;

- The **exact full and correct singular subsidiary insurance company name must be clearly referenced** on all service of process documents.
 - No abbreviations, misspelled, incorrect, incomplete, inactive, non-regulated or partial company names will be accepted.
For example: use Pennsylvania Manufacturers Indemnity Company, NOT PMA.
 - Insurance company names cannot conflict between the Praecipe and Summons.
For example: If the Praecipe states to serve GEICO Insurance Company, but the Summons states to serve GEICO Choice Insurance Company.

- **Processing Fees:** A check or money order in the amount of **\$25**, (see [18 Del. C. § 701](#)) **that complies with the following must be attached to each request for service of process:**
 - The check or money order can be made payable to the order of any of the following:
 - Delaware Department of Insurance
 - Department of Insurance
 - Delaware Ins. Department
 - Office of the Insurance Commissioner
 - State of Delaware
 - DOI
 - Checks or money orders made payable to an individual, the “Insurance Commissioner” or to a state agency other than the Delaware Department of Insurance **will not be accepted**. The check along with service will be returned.
 - The check or money order must reference the case name, civil action, hearing or claim number (per matter).
 - The check or money order must be signed and dated. Any alterations to the check must be initialed by issuer.
 - On Money Orders, the payee’s first and last name, complete address, and case or claim number must be clearly written on the front of the money order.

- The following types of checks/money orders **WILL NOT BE ACCEPTED:**
 - Post-dated checks
 - Starter checks
 - Foreign checks or checks written in a foreign language or currency

IMPORTANT NOTE: With the exception of errors with the check itself, checks and payments for improperly served items are **nonrefundable**. The Department considers this payment for services rendered. Rejected service will receive a letter of explanation for the return and include originals of the rejected service request. When resubmitting you will have to refile through the proper venues and resubmit an additional \$25 processing fee with the corrected service attached.

If you have any questions regarding service of process, please contact the Service of Process Administrator: 302-674-7322, or send an email to: DOI_SOP@delaware.gov.