



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](#) (nonadmitted 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.

In order for process to be properly served on the Insurance Commissioner as process agent, every service of process package must meet the following requirements:

- The correct address at which service of process documents are to be delivered is:
Delaware Department of Insurance
841 Silver Lake Blvd.
Dover, DE 19904-2246;
- The service of Process package must include **2 complete copies** of all service of Process documents (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 the Delaware Department of Insurance**. The following websites may be helpful in locating

the full and correct insurance company name: www.statebasedsystems.com
or <http://insurance.delaware.gov/>;

- The **full and correct insurance company name must be clearly referenced** on all service of process documents. No abbreviations or partial names will be accepted. For example: use Pennsylvania Manufacturers Indemnity Company, NOT PMA;
- A check or money order in the amount of **\$25 that complies with all of the following must accompany each request for** service of process:
 - The check or money order must 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; or
 - DOI.
 - Check or money order must reference the case name, civil action, hearing or claim number (per matter).
 - Check or money order must be signed and dated. Any alterations to the check must be initialed by issuer.
 - On Money Orders, 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;
 - Checks or money orders made payable to an individual person(s) or to a state agency other than the Delaware Department of Insurance.

The Department will not accept service and will return every service of process package if the documents in that package do not comply with each of the above requirements.

If you have any questions regarding service of process, please contact the Service of Process Administrator: 302-674-7345, or send an email to: DOI_SOP@state.de.us.