

Bulletin 2003-2

Implementation of House Bill 137 Statutory Agent for Service of Process for Foreign Insurance Companies

Effective Date
October 29, 2003

House Bill 137, which becomes effective on October 29, 2003, revises the method of service of process upon foreign insurance companies authorized to do business in the state of Ohio, amending O.R.C. Sections 3909.05 and 3927.03. Prior to these revisions, licensed foreign insurers were required to file a waiver with the Department authorizing any appointed agent of the company to accept service of process on behalf of that insurer. Foreign insurance companies will now be required to appoint and maintain a statutory agent upon whom any process, notice, or demand required or permitted by law to be served upon a company may be served.

All foreign insurance companies must appoint a statutory agent within sixty days of the date of this bulletin. The appointment shall be made electronically with the Department by completing the forms located at:

www.ohioinsurance.gov/company/scripts/statagnt1.asp

The appointment must include the name and complete address of the agent. Please note that the agent must reside or maintain a business address within Ohio. There is no fee for the initial appointment.

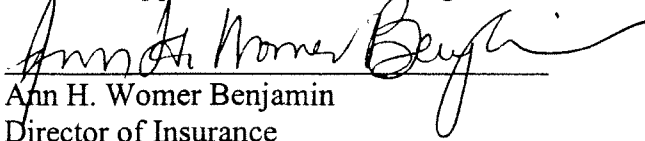
The agent may be a natural person who resides in Ohio, or a corporation holding a license under the laws of Ohio that is authorized by its articles of incorporation to act as an agent and that maintains a business address in Ohio. The statutory agent is not required to be a licensed insurance agent.

If the appointed statutory agent dies, moves out of Ohio, or resigns, the company shall immediately appoint another. Further, if an agent address changes, the company or the agent shall immediately advise the Department. Revisions to a company's agent information shall also be submitted electronically at:

www.ohioinsurance.gov/company/scripts/statagnt1.asp

A fee of five dollars will be charged to a company for each change to the agent appointment.

Failure to appoint or maintain a statutory agent can result in a civil penalty of up to two hundred dollars per violation, as well as a fifty-dollar fee each time the Department is required to accept service on behalf of a foreign insurer as a result of the company's failure to appoint or maintain an agent.


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