

**TO:** ALL LICENSED FOREIGN AND ALIEN INSURERS AND ALL DOMESTIC RECIPROCAL INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, HOSPITAL AND MEDICAL SERVICE CORPORATIONS, THE ARKANSAS BAR ASSOCIATION AND OTHER INTERESTED PARTIES

**FROM:** ARKANSAS INSURANCE DEPARTMENT

**RE:** CHANGE IN SERVICE OF PROCESS REQUIREMENTS FOR INSURERS

The purpose of this Bulletin is to alert all licensed insurers and other interested parties to changes made by Arkansas Act 1604 of 2001, including requirements for appointing registered agents. All foreign and alien insurers, all domestic reciprocal insurers, health maintenance organizations, hospital and medical associations holding a subsisting certificate of authority as of August 14, 2001 shall be subject to Act 1604, codified at Ark. Code Ann. §§23-63-301 – 23-63-304.

Currently in the State of Arkansas, insurers may use the Insurance Commissioner as their attorney for receipt of service of legal process. Act 1604 of 2001, codified at Ark. Code Ann. §23-63-301 - 23-63-304, mandates that insurers continuously maintain, a registered office, along with a registered agent at that office, in this state. The registered agent is to be the insurer's agent for service of legal process.

Insurers are required to designate a registered agent and a registered office no later than January 1, 2003. To do so, insurers shall file the following information with the commissioner: (1) the name of the foreign or alien insurer or licensed domestic insurer; (2) the street address of its current registered office; (3) if the registered office is to change, the street address of the new registered office; (4) the name of its current registered agent; (5) if the current registered agent is to be changed, the name of the new registered agent with the new agent's written consent, either on the statement or attached to it; and (6) that after any changes, the addresses of the registered office and the business office of its registered agent will be identical.

An insurer shall also file this information to change its registered agent and/or registered office. Specific rules must be followed upon the resignation of a registered agent.

Where no registered agent has yet been selected or appointed, service may be processed through the commissioner, or by any other method of service provided under Arkansas law. Between January 1, 2002 and January 1, 2003, if no registered agent has been appointed, and if service is processed through the commissioner, service is perfected at the earliest of: (1) the date the insurer receives it in the mail or (2) the date on the return receipt signed by the insurer.

The Arkansas Rules of Civil Procedure and the Federal Rules of Civil Procedure should always be followed when effectuating service of process. To the extent that any part of this Bulletin is determined to be inconsistent with either the Federal or State Rules of Civil Procedure, that portion will be deemed void.

Please contact Ashley Fisher in the Legal Division, at 501-371-2820 with any questions concerning this Bulletin.

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Mike Pickens  
Insurance Commissioner

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