

## FREQUENTLY ASKED QUESTIONS

**It is important to read the UCAA instructions, FAQs and state charts BEFORE calling the states with questions that can be answered by information found on the UCAA web page.**

### **Industry Questions:**

**Question 1:** Suitcase Mutual Insurance Company, a Texas domestic, wants to apply for a Certificate of Authority in Kansas. Which application package should it use?

**Answer:** Expansion Application.

**Question 2:** Pretzel Insurance Company, a Florida domestic, wants to redomesticate to Indiana. Which application package should it use?

**Answer:** Primary Application.

**Question 3:** The firm of Dewey, Cheetam & Howe would like to form a new insurer. Which application package should it use?

**Answer:** Primary Application.

**Question 4:** Offshore Insurance Company, an alien insurer would like to utilize New York as a port of entry. Which application package should it use?

**Answer:** Primary Application.

**Question 5:** Can I submit the UCAA Application even though it is not complete? We expect the independent verification of the NAIC Biographical Affidavits within three to four weeks.

**Answer:** If an application is received with a letter indicating the NAIC Biographical Affidavits with independent verification have been mailed by a verification service, a reasonable amount of time should be allowed for the receipt of those documents. The reason for this allowance is that they are submitted directly to the regulator by the independent third-party. Therefore, it is sometimes difficult to coordinate delivery of documents when sent from two different locations.

**Question 6:** How should I organize the UCAA application?

**Answer:** There are directions on the UCAA website and in the *UCAA Instructions* under “How to File”. If it is not prepared in accordance with those instructions, the application will be returned to you.

**Question 7:** What does the section and item number mean on the Primary, Expansion and Corporate Amendment application checklist?

**Answer:** The section refers to the filing requirement for each application type in the corresponding instructions. The item number corresponds with the Table of Contents under the filing requirements. It is important to always read the application instructions prior to beginning an application.

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**Question 8:** Regarding the Questionnaire, there are several questions that require a detailed explanation. Can I respond by saying, “Refer to the Narrative to the Plan of Operation”?

**Answer:** The goal of a Uniform State is to process a UCAA application within a specified timeframe. The timeframes vary depending on the type of UCAA application. Much time is lost when the reviewing state has to search for an answer to a very specific question. Please respond to these specific questions by attaching a written explanation to the Questionnaire, which references the item number in the Questionnaire.

**Question 9:** How does a Prescription Drug Plan sponsor become licensed?

**Answer:** In order to become licensed, the PDP must complete a primary application and file the appropriate forms in hard copy to their respective Department of Insurance. The requirements for each state may be located on the NAIC website.

[www.naic.org/industry\\_ucaa.htm](http://www.naic.org/industry_ucaa.htm)

For state-specific questions on PDP licensure please contact the state directly:

[www.naic.org/documents/industry\\_ucaa\\_PDP\\_State\\_List.pdf](http://www.naic.org/documents/industry_ucaa_PDP_State_List.pdf)

**Question 10:** Regarding the Uniform Consent to Service of Process and the Mailing/Contact Notification Form, does an email address have to be provided?

**Answer:** Yes. If the form asks for an email address, then the applicant should provide one.

**Question 11:** What information should be included on Exhibit B of the Uniform Consent to Service of Process?

**Answer:** Refer to Exhibit A for the Consent to Service of Process for the state requirement. If required, provide the resident agent information; otherwise, include the company forwarding address information if the state insurance commissioner is to receive the Service of Process. This is the contact information that will be used to forward the Service of Process to the company.

**Question 12:** What do the dates mean on the Resolution Authorizing Appointment of Attorney?

**Answer:** The resolution date is the date that the Board of Directors gave authority, unless otherwise stated, to the president or secretary of the company to authorize the Uniform Consent to Service of Process. The resolution adopted effective date is the same date as the resolution date or date designated by the Board of Directors. The authorization date is the date that the Board of Directors met and would be included in their minutes. The authorization date could be the same or different than the resolution date and resolution adopted effective date.

**Question 13:** When two companies are merging, which company is the Applicant Company?

**Answer:** The corporate amendment should be filed under the surviving company’s name. When filing electronically and both companies are insurers, provide the non-

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surviving company's name in the drop down field when a "merger" change type is selected. For internal state purposes, some states requirements deem the Applicant to be the non-survivor. Check State Specific pages for more information.

**Question 14:** When filing a merger application and the surviving (Applicant Company) and non-surviving companies are not authorized for the same lines of authority, which application should the Applicant Company use?

**Answer:** If the non-surviving company has more lines of business than the surviving company and the surviving company does intend to write those lines, then the surviving company must also select the Adding and Deleting lines of business change type in conjunction to their merger application, requesting the additional lines (Form 3) being transacted by the non-surviving company which the surviving company is not currently authorized to write. If the non-surviving company has more lines than the surviving company and the surviving company does not intend to transact those lines, then a detailed explanation must be provided in a cover letter included with the merger application.

**Question 15:** What if the Applicant Company (survivor) is not licensed in the same states as the non-surviving entity?

**Answer:** The Applicant Company (survivor) will need to file an expansion application with the state. If the surviving company does not apply for a license in the non-surviving entity's authorized state, it cannot transact business there and Form 17, Statement of Withdrawal, will need to be filed on behalf of the non-surviving entity.

**Questions 16:** What if the surviving company wants to change its name to incorporate the names of both merged companies?

**Answer:** The Applicant Company should also select the "name change" option for the corporate amendment change type. The new company name should be included on Form 2C for proposed new name of surviving Applicant Company.

**ADDITIONAL QUESTIONS AND ANSWERS FOR BIOGRAPHICAL AFFIDAVITS.**