



**State of Rhode Island
Department of Business Regulation
Insurance Division**

**FOREIGN LIFE & HEALTH OR PROPERTY & CASUALTY COMPANY
APPLICATION FOR A RHODE ISLAND CERTIFICATE OF AUTHORITY**

Rhode Island has adopted the National Association of Insurance Commissioners' Uniform Certificate of Authority Application (NAIC UCAA) for foreign Life and Health (L&H), Title, and Property and Casualty (P&C) insurance companies.

Foreign company applications are accepted, reviewed, and processed pursuant to [230-RICR-20-55-1](#). Applications are reviewed in chronological order, based on their date of receipt. In addition to a non-refundable \$1,200 fee due at time of application, the applicant will be invoiced upon the completion of the analysis for the actual time incurred in conducting the analysis in accordance with the expense calculation for examinations under [RIGL 27-13.1-7\(a\)\(1\)](#).

The Division no longer accepts applications in hard copy. The only hard copy items should be the company's required cover letter and check for the \$1,200 new application fee.

The Expansion Application Instructions and forms are available through [NAIC UCAA Expansion Application](#).

Foreign L&H, Title, or P&C insurance companies contemplating applying for a Rhode Island Certificate of Authority should familiarize themselves with the following items:

- [Rhode Island Insurance Laws](#) and [Regulations](#). Specifically, [230-RICR-20-55-1](#) sets forth the standards for any Foreign L&H, Title or P&C insurance company seeking to be licensed to transact business in Rhode Island. Regulation [230-RICR-20-55-1](#) also indicates the conditions for consideration for licensure, filing requirements, and some of the procedures that will be followed in our review of a company's application.

Rhode Island State Specific Information

The following Rhode Island specific items have been excerpted from both 230-RICR-20-55-1 and the NAIC UCAA Expansion Application. These Rhode Island specific items are in addition to the general items that apply to an application to any state.

- **Filing Fee** – [RIGL 27-2.1](#) mandates a non-refundable application fee of \$1,200 for new foreign company applications, however this fee is also retaliatory. For states that charge one flat fee for both filing and review of applications, please submit a \$1,200 filing fee upon submission. For states that charge a filing fee AND a review fee, please submit a check for the higher of \$1,200 or the domestic state's application filing fee. Checks should be made payable to "General Treasurer – State of Rhode Island" under [RIGL 27-2.1-4](#). The application will not be considered "received" and added to our pending applications list until this Division is in receipt of a check in the correct dollar amount.
- **Review Fee** – Upon completion of the analysis, the applicant will be invoiced for the actual time spent conducting the analysis in accordance with the expense calculation for examinations under [RIGL 27-2.1-2](#). Pursuant to [RIGL 27-2-17](#), these fees are subject to retaliation if the company's state of domicile would charge a Rhode Island insurance company a higher fee.
- **Minimum Capital and Surplus Requirements** – [RIGL 27-2-5](#) stipulates that a foreign stock L&H or P&C company must have at least \$1,000,000 of paid-in capital stock and \$2,000,000 of surplus; and that a foreign mutual L&H or P&C company must have at least \$3,000,000 of total surplus.
- **Statutory Deposit Requirements** – [RIGL 27-2-6](#) stipulates that a foreign L&H or P&C company must maintain a deposit with a minimum market value of \$100,000 in its state of domicile for the benefit of all policyholders. A

certified copy of the company's domestic deposit must be submitted with the company's application. [RIGL 27-2-6.1](#) authorizes the insurance commissioner, at their discretion, to require an additional special deposit for the benefit of all R.I. policyholders as a condition to licensing. Pursuant to [RIGL 27-2-17](#), such deposits are subject to retaliation if the company's state of domicile would require a like RI company to have a larger deposit. If a retaliatory deposit or a special deposit is required, we will advise you of the amount required and provide routing details.

- **Name Approval** – Rhode Island does not reserve names. Generally, we will rely on the domestic state insurance department/division's acceptance of a company's name. However, we will not approve an application from a company whose name is the same as or similar to a company already licensed in this state, nor will we approve an application from a company whose name, in our estimation, would tend to create confusion in the minds of policyholders.
- **Business Plan** – The detailed Business Plan must include direct written premium and loss projections for a P&C company, or direct paid premium projections for L&H and Title companies, for Rhode Island business for each of the next three years. That Business Plan must be certified by the company's Corporate Secretary.
- **Reports of Examination** – The company must submit a copy of the most recent Financial Examination and Market Conduct Examination Reports, currently certified by its domestic insurance division as the most recent Examination Report of either type. It is preferred that the published date of the Financial Examination Report be no more than three years prior to the date of the application, but if the domestic state has not completed a Financial Examination within the last three years, consideration will be given to an older Financial Examination Report.
- **Statutory Memberships**
 - [RIGL 27-34-6](#) requires that all P&C insurers shall be and must remain members of the Rhode Island Insurers' Insolvency Fund. (800) 852-2003
 - [RIGL 27-34.3-6\(a\)](#) requires that all L&H insurers shall be and must remain members of the Rhode Island Life and Health Insurance Guaranty Association. (401) 273-292
 - [RIGL 31-33-8](#) and [230-RICR-20-05-8](#) require that all automobile insurers participate in the Rhode Island Automobile Insurance Plan ("AIPSO"). A company applying for a Rhode Island Certificate of Authority that will include those lines of business must submit a statement on company letterhead, signed by the appropriate company official and certifying that the company will become a member of the Rhode Island Automobile Insurance Plan upon approval and issuance of its Rhode Island Certificate of Authority. Contact Tracy Walsh, (401) 528-1324
 - [RIGL 27-33-2](#) and [230-RICR-20-05-11](#) require that all insurers licensed to write those classes of insurance listed in [RIGL 27-8-1](#) and [RIGL 27-8-3](#) on a direct basis, must participate in the basic property insurance program established in Rhode Island, the Rhode Island Joint Reinsurance Association ("RI FAIR Plan"). A company applying for a Rhode Island Certificate of Authority that will include those lines of business must submit a statement on company letterhead, signed by the appropriate company official and certifying that the company will become a member of the Rhode Island Joint Reinsurance Association upon issuance of its Rhode Island Certificate of Authority. Contact John K. Golembeski, (800) 851-8978
 - [RIGL 42-14.1-1](#) and [230-RICR-20-10-1](#) require that all insurers licensed to write personal injury liability insurance on a direct basis must be members of the Medical Malpractice Joint Underwriting Association of Rhode Island (MMJUA-RI). (410) 980-1100.
- **Public Records** – The following required items will be public documents when received:
 - the most recent Annual and Quarterly Statements
 - the most recent Actuarial Opinion and Management Discussion and Analysis
 - the most recent CPA Audited Financial Report
 - the most recent Financial Examination and Market Conduct Examination Report
 - the completed NAIC Application Form
 - current Articles of Incorporation and By-Laws
 - the appointment for service of process

- **Holding Company/ Form B Filing** – If the applicant company’s state of domicile insurance holding company disclosure requirements and standards are substantially similar to the requirements of [RIGL 27-35-1 et seq.](#), the applicant shall submit only an affidavit attesting to that “substantial similarity” and shall not submit a full Form B filing. If such an affidavit cannot be provided, the Form B filing should be submitted with a cover letter explaining the absence of “substantial similarity”.
- **NAIC Biographical Affidavits or Business Character Reports** – Rhode Island accepts the NAIC Biographical Affidavit and does not require the filing of the third-party verifications or fingerprint cards.
- **Power of Attorney** – No foreign insurance company may transact business in Rhode Island until it has appointed the Insurance Commissioner as attorney to receive service of process. Please use [UCAA Uniform Consent to Service of Process Form 12](#).
- **Variable Life and/or Variable Annuity** – If the proposed lines of business for a L&H company include variable life and/or variable annuity authority, the applicant company must also submit a written opinion as to whether the applicant company’s state of domicile regulation provides a degree of protection to policyholders and the public which is substantially equal to that provided by [RIGL 27-32](#), and documentation showing that the company has established a separate account(s).
- **Updates** – If, during the application and review process, any of the items above are updated, the company is expected to keep its application current with copies of the new or updated item.

Cover letters and checks, and any questions regarding the filing requirements and applications, should be directed to:

Debra Almeida
debra.almeida@dbr.ri.gov

Mailing Address:
Rhode Island Insurance Division
1511 Pontiac Ave Bldg 69-2
Cranston, RI 02920