



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner
Financial Conditions Division

Mailing Address:
 Financial Conditions
 PO Box 50540
 Charleston, WV 25305-0540

Telephone: (304) 558-2100
 Facsimile: (304) 558-1365
 Email: financial.conditions@wvinsurance.gov
 www.wvinsurance.gov

Location:
 Financial Conditions
 1124 Smith Street, Rm 102
 Charleston, WV 25301

Managing General Agent (MGA)
License Application - Contract Review

This form is to be completed as part of the application process. The contract will be compared with the form and the applicant contacted if there are any questions or further clarification is needed. **This information is required pursuant to W. Va. Code §33-37-3.**

Contract between _____ and _____

Dated: _____

Responsibilities

Contract specifies division of any responsibilities shared by both parties. **Contract cite:** _____

Termination

Insurer may terminate contract upon written notice to MGA. **Contract cite:** _____

Insurer may suspend MGA's underwriting authority while termination dispute is pending.
Contract cite: _____

Suspension does not relieve MGA of obligation to service existing business. **Contract cite:** _____

Accounting

MGA shall render accounts to insurer detailing all transactions and remit all funds due under contract on at least a monthly basis. **Contract cite:** _____

Fiduciary Accounts

All funds collected on behalf of insurer are to be held in fiduciary capacity in bank that is member of Federal Reserve System. **Contract cite:** _____

Account will be used for all payments on behalf of insurer. **Contract cite:** _____

MGA will not retain more than three months estimated claims payments and allocated loss adjustment expenses.
Contract cite: _____

Records

Separate records of business will be maintained by MGA. **Contract cite:** _____

Insurer has access and may copy all accounts and records related to its business in a form usable by the insurer.
Contract cite: _____

Commissioner has access to all books, bank accounts and records of MGA in a form usable to the Commissioner.
Contract cite: _____

Underwriting guidelines.

Maximum annual premium volume **Contract cite:** _____

Basis of rates to be charged **Contract cite:** _____

Types of risks that may be written **Contract cite:** _____

Maximum limits of liability **Contract cite:** _____

Applicable exclusions **Contract cite:** _____

Territorial limitations **Contract cite:** _____

Policy cancellation provisions **Contract cite:** _____

- Maximum policy period **Contract cite:** _____
- Insurer has right to cancel or not renew any policy subject to all applicable laws and rules regarding the cancellation and nonrenewal of insurance policies. **Contract cite:** _____

Settlement Authority (If contract permits MGA to settle claims on behalf of insurer)

- All claims will be reported to insurer in timely manner. **Contract cite:** _____
- Copy of claim file will be sent to insurer at its request or as soon as it becomes known that claim:
 - Has potential to exceed amount determined by Commissioner or exceeds the limit set by the insurer, whichever is less. **Contract cite:** _____
 - Involves a coverage dispute. **Contract cite:** _____
 - May exceed MGA's claim settlement authority. **Contract cite:** _____
 - Is open for more than 6 months. **Contract cite:** _____
 - Is closed by payment of an amount awarded as a result of a judicial proceeding or an amount set by insurer, whichever is less. **Contract cite:** _____
- All claim files are joint property of insurer and MGA **Contract cite:** _____
(Upon order of liquidation of insurer, files become sole property of insurer or its estate.)
- MGA has reasonable access to files. **Contract cite:** _____
- Insurer may terminate settlement authority upon written notice or upon termination of contract.
Contract cite: _____
- Insurer may suspend settlement authority while termination dispute is pending. **Contract cite:** _____
- Upon termination of settlement authority, it is preferred that the MGA: **Contract cite:** _____
 - Desist from any draw on funds of insurer. **Contract cite:** _____
 - Immediately forward to insurer all claims files within MGA's immediate possession (and any received thereafter). **Contract cite:** _____
 - Promptly transfer to insurer any funds owed to insurer or to any policyholder.
Contract cite: _____
 - Promptly transfer to insurer any property of insurer within MGA's actual or constructive possession.
Contract cite: _____

Transmission

- If electronic claims files exist - contract addresses timely data transmission. **Contract cite:** _____

Interim profits (if applicable)

- Interims may not be paid until one year after earned for property; five years for casualty.
Contract cite: _____
- Interims may not be paid until verified by actuary. **Contract cite:** _____

MGA may not:

- Assign contract (in whole or part). **Contract cite:** _____
- Bind reinsurance or retrocessions (except facultative agreement contract containing: **Contract cite:** _____
 - Reinsurance underwriting guidelines for reinsurance assumed and ceded. **Contract cite:** _____
 - List of reinsurers with which automatic agreements are in effect. **Contract cite:** _____
 - Coverages and amounts or percentages that may be reinsured. **Contract cite:** _____
 - Commission schedules.) **Contract cite:** _____

- Commit insurer to participate in insurance or reinsurance syndicates. **Contract cite:** _____

- Use any producer without verifying producer is licensed in West Virginia for kind of insurance transacted.
Contract cite: _____

- Collect any payment from reinsurer or commit insurer to any claim settlement with a reinsurer without prior approval of insurer, and if prior approval is given, MGA will promptly forward report to insurer.
Contract cite: _____

- Pay or commit insurer to pay a claim over amount specified by insurer, net or reinsurance, which may not exceed 1% of insurer's policyholder surplus as of December 31 of preceding year.
Contract cite: _____
- Use any producer on insurer's board. Contract cite: _____
- Jointly employ any employee of insurer. Contract cite: _____
- Assign any of its specific contractual duties to others. Contract cite: _____

Submit your completed application to:

WV Offices of the Insurance Commissioner
Financial Conditions Division
PO Box 50540
Charleston, WV 25305-0540

Questions

Access West Virginia Code at <http://www.legis.state.wv.us/legishp.html>

E-mail Financial Conditions Division at Financial.Conditions@wvinsurance.gov; or phone at (304) 558-2100