

Uniform Checklist for Reciprocal Jurisdiction Reinsurers

Reciprocal Jurisdiction Reinsurer Information:

Company Name:
 Address:
 Primary Contact:
 Domiciliary Jurisdiction / Supervisory Authority:
 Applicable Lines of Business:

I. Filing Requirements for “Lead State” of Reciprocal Jurisdiction Reinsurer

Check appropriate box:

Initial Filing Annual Filing

The “Lead State” will uniformly require assuming insurers to provide the following documentation so that other states may rely upon the Lead State’s determination:

| Citation to State Law / Regulation | Requirements | Y or N | Reference and Supporting Documents |
|------------------------------------|--|--------|--|
| §114-40-7.2 | <p>Status of Reciprocal Jurisdiction:</p> <p>The assuming insurer must be licensed to write reinsurance by, and has its head office or is domiciled in, a Jurisdiction that is listed on the NAIC List of Reciprocal Jurisdictions:</p> <ul style="list-style-type: none"> • A non-U.S. jurisdiction that is subject to an in-force Covered Agreement with the United States; • A U.S. jurisdiction that meets the requirements for accreditation under the NAIC Financial Standards and Accreditation Program; • A Qualified Jurisdiction that has been determined by the commissioner to meet all applicable requirements to be a Reciprocal Jurisdiction. | | The Reciprocal Jurisdiction Reinsurer should identify which type of jurisdiction it is domiciled in and provide any documentation to confirm this status if requested by the commissioner. |
| §114-40-7.3.b | <p>Minimum Capital and Surplus:</p> | | |

| Citation to State Law / Regulation | Requirements | Y or N | Reference and Supporting Documents |
|------------------------------------|--|--------|------------------------------------|
| | <p>The assuming insurer must have and maintain on an ongoing basis minimum capital and surplus, or its equivalent, calculated on at least an annual basis as of the preceding December 31 or at the annual date otherwise statutorily reported to the Reciprocal Jurisdiction:</p> <ul style="list-style-type: none"> • No less than \$250,000,000 (USD); or • If the assuming insurer is an association, including incorporated and individual unincorporated underwriters: <ul style="list-style-type: none"> ○ Minimum capital and surplus equivalents (net of liabilities) or own funds of the equivalent of at least \$250,000,000 (USD); and ○ A central fund containing a balance of the equivalent of at least \$250,000,000 (USD). <p><i>The assuming insurer’s supervisory authority must confirm to the commissioner on an annual basis according to the methodology of its domiciliary jurisdiction that the assuming insurer complies with this requirement.</i></p> | | |
| §114-40-7.3.c | <p>Minimum Solvency or Capital Ratio:</p> <p>The assuming insurer must have and maintain on an ongoing basis a minimum solvency or capital ratio.</p> <ul style="list-style-type: none"> • The ratio specified in the applicable in-force Covered Agreement where the assuming insurer has its head office or is domiciled; or • If the assuming insurer is domiciled in an accredited state, a risk-based capital (RBC) ratio of three hundred percent (300%) of the authorized control level, calculated in accordance with the formula developed by the NAIC; or <p>If the assuming insurer is domiciled in a Reciprocal Jurisdiction that is a Qualified Jurisdiction, such solvency or capital ratio as the commissioner determines to be an effective measure of solvency.</p> <p><i>The assuming insurer’s supervisory authority must confirm to the commissioner on an</i></p> | | |

| Citation to State Law / Regulation | Requirements | Y or N | Reference and Supporting Documents |
|------------------------------------|--|--------|---|
| | <i>annual basis that the assuming insurer complies with this requirement.</i> | | |
| §114-40-7.3.d | Form RJ-1: The assuming insurer must agree to and provide a signed Form RJ-1, which must be properly executed by an officer of the assuming insurer. WV RJ-1Form | | |
| §114-40-7.3.e | Financial/Regulatory Filings: <ul style="list-style-type: none"> • The assuming insurer’s annual audited financial statements, in accordance with the applicable law of the jurisdiction of its head office or domiciliary jurisdiction, as applicable, including the external audit report; • The solvency and financial condition report or actuarial opinion, if filed with the assuming insurer’s supervisor; • An updated list of all disputed and overdue reinsurance claims outstanding for 90 days or more, regarding reinsurance assumed from ceding insurers domiciled in the United States; and • Information regarding the assuming insurer’s assumed reinsurance by ceding insurer, ceded reinsurance by the assuming insurer, and reinsurance recoverable on paid and unpaid losses by the assuming insurer. This is for purposes of evaluating Prompt Payment of Claims. | | The Reciprocal Jurisdiction Reinsurer shall provide this information if requested by the commissioner consistent with the requirements of W. Va. Code §33-4-15a and 114 CSR 40. |
| §114-40-7.3.f | Prompt Payment of Claims: The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements. The lack of prompt payment will be evidenced if any of the following criteria is met: <ul style="list-style-type: none"> • More than fifteen percent (15%) of the reinsurance recoverables from the assuming insurer are overdue and in dispute as reported to the commissioner; | | |

| Citation to State Law / Regulation | Requirements | Y or N | Reference and Supporting Documents |
|------------------------------------|--|--------|------------------------------------|
| | <ul style="list-style-type: none"> • More than fifteen percent (15%) of the assuming insurer’s ceding insurers or reinsurers have overdue reinsurance recoverable on paid losses of 90 days or more which are not in dispute and which exceed for each ceding insurer \$100,000, or as otherwise specified in a Covered Agreement; or • The aggregate amount of reinsurance recoverable on paid losses which are not in dispute, but are overdue by 90 days or more, exceeds \$50,000,000, or as otherwise specified in a Covered Agreement. | | |
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| | Fee: \$0 | | |

II. Filing Requirements for “Passporting State” of Reciprocal Jurisdiction Reinsurer

In order to facilitate multi-state recognition of assuming insurers and to encourage uniformity among the states, the NAIC has initiated a process called “passporting” under which the commissioner has the discretion to defer to another state’s determination with respect to compliance with this section. Passporting is based upon individual state regulatory authority, and states are encouraged to act in a uniform manner in order to facilitate the passporting process. States are also encouraged to utilize the passporting process to reduce the amount of documentation filed with the states and reduce duplicate filings.

If an NAIC accredited jurisdiction has determined that the conditions set forth under the *Filing Requirements for Lead States* have been met, the commissioner has the discretion to defer to that jurisdiction’s determination, and add such assuming insurer to the list of assuming insurers to which cessions shall be granted credit. The commissioner may accept financial documentation filed with the Lead State or with the NAIC.

The following documentation must be filed with the Passporting State:

| Citation to State Law / Regulation | Requirements | Y or N | Reference and Supporting Documents |
|------------------------------------|--|--------|------------------------------------|
| | | | |
| §114-40-7.5.b | <p>Form RJ-1: An assuming insurer must submit a properly executed Form RJ-1 and additional information as the commissioner may require, except to the extent that they conflict with a Covered Agreement.</p> | | |

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| §114-40-7.5.a | <p>Lead State: If an NAIC accredited jurisdiction has determined that the required conditions have been met, the commissioner has the discretion to defer to that jurisdiction’s determination. The commissioner may accept financial documentation filed with another NAIC accredited jurisdiction or with the NAIC in satisfaction of this requirement.</p> | | |
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| | <p>Fee: \$0</p> | | |

III. Interaction Between Certified Reinsurers and Reciprocal Jurisdiction Reinsurers

Under §114-40-6.1.e, credit for reinsurance shall apply only to reinsurance contracts entered into or renewed on or after the effective date of the certification of the assuming insurer with respect to Certified Reinsurers. Under W. Va. Code §33-4-15a(b)(2)(F)(vii), credit shall be taken with respect to Reciprocal Jurisdiction Reinsurers only for reinsurance agreements entered into, amended, or renewed on or after the effective date of the statute adding this subsection, and only with respect to losses incurred and reserves reported on or after the later of (i) the date on which the assuming insurer has met all eligibility requirements to be designated a Reciprocal Jurisdiction Reinsurer, and (ii) the effective date of the new reinsurance agreement, amendment, or renewal.

It is expected that certain assuming insurers may be considered to be Certified Reinsurers for purposes of in-force business and Reciprocal Jurisdiction Reinsurers with respect to reinsurance agreements entered into, amended, or renewed on or after the effective date. In addition, these same reinsurers may also have certain blocks of business that are fully collateralized under the prior provisions of W. Va. Code §33-4-15a and 114 CSR 40. The NAIC blanks will be amended to reflect the status of these reinsurers with respect to each type of insurance assumed.