

**Requirements for Formation of
Mutual Property & Casualty
Insurance Companies (Article III -
Illinois Insurance Code, 215 ILCS)**

Applicants must utilize the NAIC's Primary Application available at <https://content.naic.org/industry/ucaa>. The complete Primary Application, and the check made payable to the Illinois Department of Insurance, should be mailed in an original paper format to the following mailing address:

Marcy Savage
Deputy Director – Corporate Regulation
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield, IL 62767-0001

In conjunction with the Primary Application, applicants should also adhere to the following requirements and instructions set forth below when preparing their Primary formation application to this Department. Documents with signature lines and all NAIC Biographical Affidavits require original ink signatures as part of this Primary Application.

1. Request for Reservation of Name.
2. Submission of documents to Director of Insurance (*Section 44*).
3. Duplicate originals of Articles of Incorporation: (*Section 45 and 45(a)*).
4. By-Laws in duplicate, with Certificate of Adoption signed by Incorporators: (*Section 42 and 45(b)*).
5. All forms of application for membership proposed to be used (*Section 45(c)*).
6. Two Organization Bonds in favor of the State of Illinois for \$10,000 each: (*Section 45(c), 46 and 16*).
 - For the use and benefit of the State of Illinois
 - For the use and benefit of subscribers, members and creditors.
7. Form of guaranty fund agreement or guaranty capital shares certificate, in duplicate with Certificate of Adoption signed by Incorporators. (*Section 45(f) and 56*).
8. Information required by *Section 155.04*:
 - a) Paragraphs (1), (2), and (3) are the *Section 131.5* items to be filed. Definitions are as follows:
 - For incorporation purposes the acquiring party is the person(s) who will be the ultimate controlling person as defined by *Section 131.1(b) and (e)*;
 - Source and nature of consideration being used as organization capital/surplus;
 - Current financial information on ultimate controlling person(s) must be audited except where the ultimate controlling person(s) is an individual(s) a compiled statement may be submitted.
 - b) Plan of Operations (*see attached*).
 - c) Biographical statements by all promoters, incorporators and proposed management personnel (*Part 915 of Regulations*) - The attached biographical form may be reproduced as to number needed. Per Company Bulletin CB 2016-05, all companies will be required to utilize nationally recognized independent third-party agencies to provide background investigation/verification reports to the Illinois Department of Insurance. Those vendors are listed in the NAIC chart at the following website location: http://www.naic.org/documents/industry_ucaa_third_party.pdf

9. Proposed written Investment Plan (*Section 126.4*).
10. Form of Escrow Agreement: (*Section 45.1*).
11. Publication of Intention: (*Section 47*).
12. Approval of Articles of Incorporation by Director of Insurance (*Section 48*). This constitutes incorporation of the company.
13. Issuance by Director of Insurance of Permit to Solicit Subscriptions to Guaranty Fund or Guaranty Capital. (*Section 50*).
14. Filing Articles of Incorporation by Company with County Recorder of Home County of Company within fifteen days after delivery to company (*Section 49*).
15. Notification to Director of Insurance of completion of collection of guaranty fund or guaranty capital, with request for examination. (*Section 51*).
16. Issuance by Director of Insurance of Warrant for Examination (*Section 51*).
17. Examination as to possession of required surplus. (*Section 51*).
18. Subscription to the Illinois Automobile Insurance Plan, Manager, 1 East Wacker Drive, Suite 3120, Chicago, IL 60601 - if clause (b) of Class 2 and clause (e) of Class 3 is to be written.
19. Acceptance if clause (d) of Class 2, Workers' Compensation is to be written (*printed form*). (*Illinois Insurance Code - 215 ILCS 5/468*).
20. Articles of Acceptances (membership agreement) to the Illinois FAIR Plan authorized by the Urban Property Insurance Act of 1968 to implement the Illinois FAIR Plan, if Class 3, Fire and Allied Lines is to be written. (*printed form - completed and return two copies*).
21. Deposit with Director of Insurance. (*Section 53*). Registered in the name of the Company.
22. Issuance of Certificate of Authority.
23. Release of Organization Bonds by Director of Insurance or return of cash or securities deposited in lieu thereof.
24. After licensing, compliance with *Section 143(2)*, and with Departmental Rule 753 by submission of property and casualty forms to be Product Evaluation Division of this Department. Within ten days following their effective date, property and casualty rules and rates should be submitted to the Product Evaluation Division for informational purposes, in compliance with the *Departmental Rule 754*.
25. Obtain a Federal Employers' Identification Number and advise this Department of number.

REFERENCES: *It will be necessary that you study the Illinois Insurance Code and The Illinois Securities Law for your guidance. This sheet is only an outline guide for your convenience. The Code may be obtained from the National Insurance Law Service, NILS Publishing Company, 20675 Bahama Street, P O Box 2507, Chatsworth, CA 91311. The Code may be obtained from The Michie Company, P O Box 7587, Charlottesville, VA 22906-7587. The Illinois Securities Law may be obtained from the Secretary of State. The Illinois Insurance Code can also be found in Chapter 215, Illinois Compiled Statutes.*

Corporate Plan of Operation in Illinois
(Project items 3 years into the future, except for debt servicing if applicable)

Use the following outline as a minimum reporting base:

- a) Product Lines - types of business to be solicited
 - type of business to be solicited - standard or substandard
 - projected volume for each type or line of business
 - each type of business as percent share of all types of business in Illinois
 - expected market penetration
 - description of policies
 - maximum limits to be offered
- b) Marketing Strategy
 - method of solicitation (agency, brokers, direct mail, etc.)
 - expenses of procuring business
 - agent/broker compensation (first year, other years)
 - definition of market (who and where in Illinois)
- c) Breakdown of Operating Expenses
 - ratios of expenses to premiums by type of business for solicitation, general
 - expenses, other large sub-items
 - summarization of all types of business
- d) Copies of any Service or Management Agreements and MGA Agreements and Producer Control Agreements
 - explain purpose, duration, etc.
- e) Business Expectations
 - loss ratios
 - comment on differences between experience in other states and expectations
 - reinsurance protection to be acquired
- f) Corporate Plans
 - what, if anything, is unique or exceptional concerning this company, or the manner the company plans to service policyholders
 - what exceptional contribution can the company make to the Illinois market place how will company's premium rates compare to known premium rates in Illinois
- g) Capital adequacy considerations
 - will RBC levels remain above the company action event level?
 - provide RBC projections prepared by a qualified actuarial or certified public accounting firm
 - contingency plans for maintaining acceptable RBC level
 - extent of debt servicing requirements and projections

ACCEPTANCE

The _____,
a _____ company organized and existing under and by virtue of the laws of the State
of _____, by its duly appointed officers, in accordance with the provisions of Section 468
of the Illinois Insurance Code (215 ILCS 5/468) which requires "All companies licensed to write Workers'
Compensation and Employers' Liability insurance in this State to participate in a plan providing for the
equitable apportionment among them of insurance which may be afforded applicants who are in good faith
entitled to but who are unable to procure such insurance through ordinary methods," hereby accepts all
provisions of said Section.

In witness whereof, the said _____
has caused its corporate name to be hereunto subscribed and its duly attested corporate seal to be affixed,
this _____ day of _____, A. D. _____,
at _____, _____.

(Seal) By: _____

Attest: _____

**NOTICE: No renewal is necessary. Execute and file in duplicate with the Director of
Insurance, Springfield, Illinois.**

ILLINOIS FAIR PLAN ASSOCIATION
180 North Stetson
Suite 2800
Chicago, IL 60601

ACCEPTANCE OF ARTICLES OF ASSOCIATION

BY MEMBER

The undersigned Insurer hereby becomes a Member of the **Illinois Fair Plan Association**, assumes all the rights and duties in connection therewith, and ratifies, accepts and agrees to be bound by the Articles of Association of the **Illinois Fair Plan Association** as amended from time to time.

As respects risks eligible for the **FAIR Plan**, the undersigned agrees that with respect to cancellation or nonrenewal initiated by the undersigned, it will give the policyholder (*except in cases of nonpayment of premium or evidence of incendiaries*), thirty (30) days to avail himself of the **FAIR Plan** and the undersigned shall, in writing, explain to the policyholder the procedures for making application to the Association.

Accepted and ratified this _____ day of _____ A. D. _____.

Insurer

By: _____
Authorized Signature

**AFFIDAVIT TO IDENTIFY QUALIFIED INDIVIDUALS AT THE APPLICANT ORGANIZATION; AND
TO IDENTIFY ANY FIRM THAT WILL BE UTILIZED TO PREPARE ANNUAL AND QUARTERLY
STATUTORY FINANCIAL STATEMENTS (PROPERTY & CASUALTY BLANK) FOR THE APPLICANT**

List names; proposed titles/positions; and the credentials and qualifications of the persons at the applicant organization with regulatory experience, and/or with statutory accounting experience in the preparation of statutory financial statements:

List the name(s) of any firm(s) that the applicant organization will be utilizing to prepare annual and quarterly statutory financial statements for the applicant. Credentials and qualifications of the firm(s) should also be listed:

IN WITNESS WHEREOF, the undersigned organization has caused this Affidavit to be executed in its name

by _____, _____
(Name) (Title)
and attested by _____
(Name)
_____, this _____
day of _____ A.D., 20 _____.

(Name of Organization)

BY: _____

Attest: _____

The attached materials are made a part of this application. If any changes in above referenced staff or firms are made during the licensure review process, please provide an updated Affidavit to the attention of Marcy Savage, Deputy Director, Corporate Regulation Section, at the Illinois Department of Insurance.