

LAWS OF DELAWARE
VOLUME 84
CHAPTER 34
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 47

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO AUTHORIZATION OF INSURERS AND GENERAL REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 511, Title 18, of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

§ 511 Capital funds required.

(a) To transact any 1 kind of insurance (as defined in Chapter 9 of this title), or combinations of kinds of insurance as shown below, an insurer shall possess and thereafter maintain in cash or cash equivalents unimpaired paid-in capital stock (if a stock insurer) or a capital account (if an insurance department or division of a corporation established under Chapter 7 or regulated under Chapter 9 of Title 5) or unimpaired basic surplus (if a foreign mutual or a reciprocal insurer), and when first so authorized shall possess and maintain free surplus, all in amounts not less than as follows:

Kind or kinds of insurance

	Stock insurers		Mutual Insurers		Reciprocal insurers	
	Capital stock Free surplus		Basic surplus Free surplus		Basic surplus Free surplus	
Life	300,000	150,000	300,000	150,000
	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>		
Health	300,000	150,000	300,000	150,000	300,000	150,000
	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>
Life & health	350,000	200,000	350,000	200,000
	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>		
Property	300,000	150,000	300,000	150,000	300,000	150,000
	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>
Casualty	400,000	200,000	400,000	200,000	400,000	200,000
	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>	<u>650,000</u>	<u>350,000</u>
Marine & transportation						

	350,000	175,000	350,000	175,000	350,000	175,000
	<u>\$650,000</u>	<u>\$350,000</u>	<u>\$650,000</u>	<u>\$350,000</u>	<u>\$650,000</u>	<u>\$350,000</u>
Surety						
	300,000	150,000	300,000	150,000	300,000	150,000
	<u>\$650,000</u>	<u>\$350,000</u>	<u>\$650,000</u>	<u>\$350,000</u>	<u>\$650,000</u>	<u>\$350,000</u>
Multiple line						
	500,000	250,000	500,000	250,000	500,000	250,000
	<u>\$650,000</u>	<u>\$350,000</u>	<u>\$650,000</u>	<u>\$350,000</u>	<u>\$650,000</u>	<u>\$350,000</u>
Title						
	\$250,000	\$125,000
	<u>\$650,000</u>	<u>\$350,000</u>				
Except:						

(1) A domestic insurer holding a valid certificate of authority to transact insurance in this State immediately prior to ~~November 1, 1968~~ January 1, 2024, may, if otherwise qualified therefor, for a period of 5 years after such date continue to be so authorized while possessing paid-in capital stock (if a stock insurer) or surplus (if a mutual insurer) as required for such authority immediately prior to such date. The Commissioner shall not authorize such an insurer to transact any other kinds of insurance unless it then complies with the requirements as to capital and surplus, as applied to all kinds of insurance it then proposes to transact, as provided by this title as to foreign insurers applying for original certificates of authority under this title.

(2) An insurer which otherwise possesses funds as required under this subsection (a) above, shall at all times maintain policyholders' surplus (combined paid-in capital stock, if any, and surplus) reasonable in amount, as determined by the Commissioner, in relation to the kinds and amount of insurance it has in force, or being written and retained by it, net of applicable reinsurance. In making any such determination the Commissioner shall give due consideration to any applicable standards approved or adopted by the National Association of Insurance Commissioners and to the desirability of substantial uniformity as to such requirements among the respective states. In no event shall an insurer's surplus be less than the amount set forth under subsection (a) of this section.

Approved May 25, 2023