



K a n s a s I n s u r a n c e D e p a r t m e n t

Sandy Praeger

COMMISSIONER OF INSURANCE

Bulletin 2006-1

TO: All Insurance Companies

FROM: Sandy Praeger
Commissioner of Insurance

DATE: March 17, 2006

RE: Service of Process in Federal Court Actions under K.S.A. 40-218

On March 16, 2006, we were contacted by a company which informed us that the United States District Court for the Western District of Missouri was insisting that when it issues summons for actions against insurance companies, the court will follow the Federal Rules of Civil Procedure, more specifically the 20 day answer time limit found in 12 FRCP (a)(1)(A), even when service is made on the Kansas Insurance Commissioner pursuant to K.S.A. 40-218 which requires the summons provide 40 days in which to be answered.

Out of abundance of caution, until further notice, the Commissioner will accept service of summons in federal court actions against insurance companies if the requirements of K.S.A. 40-218, other than the 40 day requirement, are met. This policy is not intended to waive any rights parties may have to contest jurisdiction, venue, the sufficiency of process or the sufficiency of service of process.

The Department would appreciate hearing any comments persons may have regarding this matter. The policy is subject to change, but any such change will be announced by bulletin. Anyone who has comments on this matter should contact Linda Sheppard, Assistant General Counsel, at 785-296-3071 or a ljshepp@ksinsurance.org.