



Kansas Insurance Department

Sandy Praeger, Commissioner of Insurance

Bulletin 2008-2

TO: All Insurance Agents and all Insurance Companies Writing Property and Casualty Insurance

FROM: Sandy Praeger, Commissioner of Insurance

DATE: August 25, 2008

RE: K.S.A. 40-2,121 and an Agent's Responsibility and Authority to Request Renewal

Some have raised questions regarding an agent's responsibility and authority to request renewals of property and casualty insurance policies and the responsibility of insurance companies to renew policies subject to K.S.A. 40-2,121 where notice of non-renewal was not provided in accordance with the statute, but where no premium is paid.

The law provided, in part, as follows:

1. An agent is not required to request renewal of any commercial property and casualty insurance policy, unless there is an oral or written agreement between the insured and the agent authorizing the agent to request renewal of the policy on behalf of the insured.
2. The provisions of K.S.A. 40-2,121 do not require an agent to request the renewal of any insurance policy to which the statute applies without a request from the insured to renew the policy.
3. The provisions of K.S.A. 40-2,121 do not require an insurance carrier to renew any insurance policy or extend any insurance coverage for which no premium has been paid.
4. An insurance agent may request renewal and pay the premium for renewal of an insurance policy for an insured without a prior request for renewal or a prior agreement with the insured that the agent has the authority to request renewal. If, however, the insured subsequently refuses to pay the agent for the renewal or refuses to respond to requests for payment by the agent and does not acknowledge that he wanted the policy renewed, the agent does not have the right to payment from the insured for the renewal.

If you have any questions regarding this Bulletin, please contact Leroy Brungardt at the Kansas Insurance Department, 420 SW 9th Street, Topeka KS 66612, or via the telephone at (785) 296-3071.