

2023

MANAGING GENERAL AGENT
ANNUAL REPORTING FORM

The attached Annual Reporting Form should be completed for the 2023 calendar year and submitted to this Department on or before March 1, 2024.

THIS MGA ANNUAL REPORTING FORM IS ONLY REQUIRED FROM INSURERS THAT HAVE AN MGA(s) FOR WHICH THE APPOINTMENT HAS BEEN PREVIOUSLY ACCEPTED BY OUR DEPARTMENT AND HAS NOT BEEN TERMINATED.

THIS INCLUDES MGAs THAT HAVE BEEN PREVIOUSLY ACCEPTED BY OUR DEPARTMENT, BUT DID NOT MEET THE CRITERIA AS PROVIDED BY THE MGA DEFINITION BELOW FOR CALENDAR YEAR 2023.

K.S.A. 40-2,130(d) defines Managing General Agent or MGA as, "...any person, firm, association or corporation who manages all or part of the insurance business of an insurer, including the management of a separate division, department or underwriting office, and acts as an agent for such insurer whether known as a managing general agent, manager or other similar term, who, with or without the authority, either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross written premium equal to or more than 5% of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year together with one or more of the following: (1) Adjusts or pays claims in excess of an amount determined by the commissioner; or (2) negotiates reinsurance on behalf of the insurer...."

In addition, K.S.A. 40-2,133(f) requires insurers entering or terminating a contract with a managing general agent to provide written notification to the Commissioner of Insurance within 30 days of such appointment or termination. K.S.A. 40-2,133(f)(3) also requires companies to submit a \$100 notification fee as part of their notification of an appointment to the Insurance Department. Refer to the Managing General Agent Appointment Reporting Form and the Termination Reporting Form for additional information regarding managing general agent appointment/termination requirements.

Insurers failing to comply with these requirements may be subject to a penalty in accordance with K.S.A. 40-2,135.

2023

MANAGING GENERAL AGENT
ANNUAL REPORTING FORM
KANSAS INSURANCE DEPARTMENT

A SEPARATE MANAGING GENERAL AGENT ANNUAL REPORTING FORM MUST BE COMPLETED FOR EACH MANAGING GENERAL AGENT.

Name of Insurance Company:

NAIC CoCode:

The following company person completed this form:

Name:

Title:

Address:

City: State: Zip Code:

Telephone: or 1-800-

Email Address:

Date Completed:

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MGA Name:

MGA Contact Person:

Address:

City: State: Zip Code:

Telephone: or 1-800-

Email Address:

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1. Does the MGA meet the statutory definition of MGA as provided by K.S.A. 40-2,130(d)? Yes No

If No, please provide an explanation. It is not necessary to complete the remainder of this MGA Annual Reporting Form at this time.

2. Did the MGA produce and underwrite an amount of gross written premium nationwide equal to or more than 5% of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year? Yes No

3. Estimate the gross premium to be underwritten nationwide by the MGA for the company during the next twelve months.
4. Describe the type of policy(s) or line(s) of business applicable to the MGA.
5. Does the MGA have the authority to adjust or pay claims in excess of \$10,000? Yes No
6. Describe the MGA's authority relating to reinsurance or retrocessions, including facultative reinsurance contracts.
7. K.S.A. 40-2,130(e) provides that the following persons shall not be considered as MGAs for the purposes of this act:
- (1) An employee of the insurer;
 - (2) a United States manager of the United States branch of an alien insurer;
 - (3) an underwriting manager which, pursuant to contract, manages all the insurance operations of the insurer, is under common control with the insurer, subject to the holding company regulatory act, and whose compensation is not based on the volume of premiums written;
 - (4) an attorney-in-fact of a reciprocal exchange or inter-insurance exchange as described in K.S.A. 40-1602 and amendments thereto; and
 - (5) an administrator registered in accordance with K.S.A. 40-3810 and amendments thereto.

Is the entity excluded from being considered an MGA due to any of the aforementioned items under K.S.A. 40-2, 130(e)? Yes No

If Yes, please provide an explanation in this regard.

8. Does the MGA issue coverage on risks located in Kansas? Yes No
9. Pursuant to K.S.A. 40-2,131(a), "No person, firm, association or corporation shall act in the capacity of an MGA with respect to risks located in this state for an insurer licensed in this state unless such person is a licensed producer in this state."

Does the MGA represent an insurer licensed in this state with respect to risks located in this state? Yes No

If Yes, is the MGA a licensed producer in this state? Yes No

10. Pursuant to K.S.A. 40-2,131(b), "No person, firm, association or corporation shall act in the capacity of an MGA representing an insurer domiciled in this state with respect to risks located outside this state unless such person is licensed as a producer in this state pursuant to the provisions of the uniform insurance agents licensing act, K.S.A. 2010 Supp. 40-4901 et seq., and amendments thereto."

Does the MGA represent an insurer domiciled in this state with respect to risks located outside this state? Yes No

If Yes, is the MGA a licensed producer in this state? Yes No

11. Is any officer, director, employee or controlling shareholder (beneficial owner of 10% or more of the outstanding voting securities) of its MGAs on the responding company's board of directors? Yes No

12. If the answer to question 11 is yes, is the company a member of a holding company system as defined under Article 33, Chapter 40 of the Kansas Statutes Annotated? Yes No

13. Name of the Officer of the insurance company which is responsible for the MGA contract:

K.A.R. 40-3-48 REQUIRES COMPANIES TO OBTAIN FIDELITY BOND COVERAGE – IF YOU HAVE AN MGA THIS SECTION MUST BE COMPLETED.

14. Fidelity Bond Coverage (**Attach a copy of the executed fidelity bond**)

a. Name of insurance company providing fidelity bond:

NAIC CoCode of insurance company providing fidelity bond:

The fidelity bond shall not be written by the insurer or an affiliate of the insurer contracting with the MGA. The bond shall be executed by a fidelity insurer admitted to do business in Kansas, or an insurer appearing on the list maintained by the commissioner pursuant to K.S.A. 40-246e.

Is the fidelity bond written by the insurer or an affiliate of the insurer? Yes No

Is the fidelity insurer admitted to do business in Kansas, or an insurer on the list maintained by the commissioner pursuant to K.S.A. 40-246e? Yes No

b. Amount of fidelity bond:

c. Effective date of the fidelity bond:

d. Amount of nationwide gross premium written produced by the managing general agent for the insurer in the prior calendar year:

15. List all other MGAs for which the appointment has been previously accepted by our Department and has not been terminated. (Do not include the MGA for which this Annual Reporting Form applies.) You may attach a separate sheet listing these MGAs if necessary.