

Uniform Application Checklist for Certified Reinsurers

Citation to State Law / Regulation	Requirements	Y or N	Reference and Supporting Documents
<p>G.S. 58-7-21(b)(4)</p> <p>G.S. 58-7-21(b)(4a)e.2.-3.</p>	<p>Mechanisms Used to Secure Obligations Incurred as a Certified Reinsurer: The applicant must specify the mechanisms it will use to secure obligations incurred as a Certified Reinsurer. If the applicant intends to utilize a multibeneficiary trust for this purpose, the applicant must submit (1) a copy of the approval from the domiciliary regulator with regulatory oversight of the 100% collateral and reduced collateral multibeneficiary trusts or its intention to secure the approval of the domiciliary regulator of the trust before either trust can be used; (2) the form of the trust that will be used to secure obligations incurred as a certified reinsurer; and (3) the form of the trust that will be used to secure obligations incurred outside of the applicant’s certified reinsurer status, i.e., the applicant’s 100% collateralized trust (if applicable). The form of each trust is required to be submitted pursuant to South Carolina law in order to ensure that security for these obligations will be kept separate and to ensure that each trust meets the requirements of South Carolina’s Credit for Reinsurance statutes and regulations.</p> <p><i>The multibeneficiary trust must include a provision that:</i> <i>The certified reinsurer must bind itself by the language of the multibeneficiary trust and agreement with the director with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.</i></p>	<p>Yes</p> <p>No</p>	
<p>G.S. 58-7-21(b)(4a)a.3.</p> <p>G.S. 58-7-21(b)(4a)d.1.</p>	<p>Financial Strength Ratings (Stand-Alone or Group): The applicant must maintain interactive financial strength ratings from two or more acceptable rating agencies. Initial or Affirmed financial strength rating dates must be within 15 months of the</p>	<p>Yes</p> <p>No</p>	

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	<p>application date/renewal filing date. The applicant must provide the following:</p> <ul style="list-style-type: none">a. Confirm all interactive financial strength ratings currently maintained by the applicant.b. Specify the type of financial strength rating (i. e., stand-alone or group).c. If the financial strength rating is not on a stand-alone basis, provide the rationale for the group rating¹.d. Copies of full rating agency reports with respect to all financial strength ratings currently maintained by the applicant. If a full report is not available, the applicant must provide a letter from the applicable rating agency affirming its current financial strength rating. Initial or Affirmed financial strength rating dates must be within 15 months of the application date/renewal filing date.e. An explanation of any changes in the financial strength rating during the last three years. <p>NOTE: Acceptable rating agencies include A.M. Best, Fitch Ratings, Moody's Investor Service, Standard & Poor's, Kroll Bond Rating Agency, or any other nationally recognized statistical rating organization.</p>		
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<p>G.S. 58-7-21(b)(4a)d.2.</p> <p>G.S. 58-7-21(b)(4a)d.5.</p>	<p>Disputed and/or Overdue Reinsurance Claims / Business Practices:</p> <p>The Director may consider the applicant’s business practices in dealing with its ceding insurers, including compliance with contractual terms and obligations. The applicant must provide the following if 1) applicant’s reinsurance obligations to U.S. cedents that are in dispute and/or more than 90 days past due exceed 5% of its total reinsurance obligations to U.S. cedents as of the end of its prior financial reporting year; or 2) the applicant’s reinsurance obligations to any of the top 10 U.S. cedents (based on the amount of outstanding reinsurance obligations as of the end of its prior financial reporting year) that are in dispute and/or more than 90 days past due exceed 10% of its reinsurance obligations to that U.S. cedent,</p> <p>Then, in either case, the applicant will provide:</p> <ul style="list-style-type: none"> a. Notice of that fact to the Director and a detailed explanation regarding the reason(s) for the amount of disputed or overdue claims exceeding the levels noted above; and b. A description of the applicant’s business practices in dealing with U.S. ceding insurers and a statement that the applicant commits to comply with all contractual requirements applicable to reinsurance contracts with U.S. ceding insurers. <p>Upon receipt of such notice and explanation, the Director may request additional information concerning the applicant’s claims practices with regard to any or all U.S. ceding insurers.</p>		

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G.S. 58-7-21(b)(4a)d.3.-4.	<p>Schedules for Reinsurance Assumed and Reinsurance Ceded: The applicant must provide the following:</p> <ul style="list-style-type: none"> a. For applicants domiciled in the U.S., provide the most recent NAIC Annual Statement Blank Schedule F (property/casualty) and/or Schedule S (life and health). b. For applicants domiciled outside the U.S. provide Form CR-F (property/casualty) and/or Form CR-S (life and health), completed in accordance with the instructions adopted by the NAIC. 	<p>Yes</p> <p>No</p>	
G.S. 58-7-21(b)(4a)d.6.	<p>Regulatory Actions: The applicant must provide a description of any regulatory actions taken against the applicant for the past three years.</p> <ul style="list-style-type: none"> a. Include all regulatory actions, fines and penalties, regardless of the amount. b. Provide a description of any changes with respect to the provisions of the applicant's domiciliary license. 	<p>Yes</p> <p>No</p>	

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<p>G.S. 58-7-21(b)(4a)d.7.-8.</p> <p>G.S. 58-7-21(b)(4a)a.2.</p> <p>G.S. 58-7-21(b)(4a) a.5.</p>	<p>Financial/Regulatory Filings: The applicant must provide the following:</p> <p>a. A copy of the most recent report of the independent auditor.</p> <p>b. Copies of the audited financial statements for the last three years. Financial statements must demonstrate that the applicant has minimum capital and surplus, or the equivalent, of at least \$250,000,000. If the applicant is an association including incorporated and individual unincorporated underwriters, statements must demonstrate that the applicant has capital and surplus equivalents (net of liabilities) of at least \$250,000,000, and a central fund containing a balance of at least \$250,000,000. Please note the following requirements with respect to these financial statements:</p> <ul style="list-style-type: none"> • Audited U.S. GAAP basis statements must be submitted if available. • Audited IFRS basis statements are acceptable but must include an audited footnote reconciling equity and net income to a U.S. GAAP basis. • With the permission of the Commissioner, an applicant may be allowed to submit audited IFRS basis statements with reconciliation to U.S. GAAP certified by an officer of the applicant. The reconciliation of equity and net income must include all adjustments (positive or negative) by line item equal to or greater than 5% of equity and/or in aggregate equal to or greater than 10% of equity where each line item is less than 5% of equity. 	<p>Yes</p> <p>No</p>	

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	<ul style="list-style-type: none"> • Upon the initial certification, the Commissioner may consider audited financial statements for the last three years as filed with the applicant’s non-U.S. jurisdiction supervisor. If the Commissioner accepts such statements in the initial filing, the applicant must acknowledge and commit that future financial statement filings will include the appropriate reconciliation to a U.S. GAAP basis, as indicated above. <p>c. A copy of the Actuarial Opinion and other regulatory filings, as filed with the applicant’s domiciliary supervisor</p>		
G.S. 58-7-21(b)(4a)d.10.	<p>Solvent Schemes of Arrangement: The applicant must provide:</p> <p>a. A description of any past, present or proposed future participation in any solvent scheme of arrangement, or similar procedure, involving U.S. ceding insurers.</p> <p>b. A statement that the applicant commits to notify the Commissioner of any future proposed participation in any solvent scheme of arrangement, or similar procedure, as soon as practicable.</p>	<p>Yes</p> <p>No</p>	
G.S. 58-7-21(b)(4a)a.4	<p>Form CR-1 (For Initial and Renewal Applications): The applicant must provide South Carolina Form CR-1, which must be properly executed by an officer authorized to bind the applicant to the commitments set forth in the form.</p>	<p>Yes</p> <p>No</p>	

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<p>G.S. 58-7-21(b)(4a)a.5.</p> <p>G.S. 58-7-21(b)(4a)e.7.</p>	<p>Other Requirements: The applicant must:</p> <p>a. Commit to comply with other reasonable requirements deemed necessary for certification by the certifying state.</p> <p>b. Provide a statement that the applicant agrees to post 100% security upon the entry of an order of rehabilitation or conservation against the ceding insurer or its estate.</p>	<p>Yes</p> <p>No</p>	
<p>G.S. 58-7-21(b)(4a)c.</p>	<p>Public Notice Requirement: The Director is required to post notice on the South Carolina Department of Insurance's website promptly upon receipt of any application for certification, including instructions on how members of the public may respond to the application. The Director may not take final action on the application until at least 30 days after posting such notice. The Director will consider any comments received during the public notice period with respect to the application.</p>	<p>Yes</p> <p>No</p>	