

**CIVIL COURT OF THE CITY OF NEW YORK
GENERAL INFORMATION REGARDING
SERVICE ON THE STATE INSURANCE DEPARTMENT**

The State of New York Insurance Department provides a system for serving summonses on insurance companies which are being sued. This process should be used **only when the insurance company does not have a local office.**

In order to avoid dismissals or other problems in the future we are providing the following information for attorneys and litigants in Civil and Small Claims actions:

ADVISORY INFORMATION:

- New York State Insurance Law, § 1213, provides for service of a Summons on an insurance company via the State Insurance Department. Section 1213 requires that for “*unauthorized insurers*” two (2) copies of the Summons be provided to the Insurance Department.
- A fee of \$20.00, by check or money order, payable to the “*Superintendent of Insurance*,” must be paid for each insurance company being served. Service is not considered completed unless the fee is paid.
- The insurance company is to be sued at its address of record.

- a) The **two (2) Summonses** and the **check for \$20.00** are to be delivered to:

Office of General Counsel
New York State Insurance Department
25 Beaver Street, 4th Floor
New York, NY 10004

- b) A **copy of the Summons** which was served, along with a **Notice of Service** indicating that the Superintendent of Insurance has been served (*see CIV-GP-74-A*), must be sent, within 10 days, to the Defendant insurance company, by Certified Mail with Return Receipt Requested.
- c) An **Affidavit of Compliance** (*see CIV-GP-74-B*), together with another **copy of the Summons** which was served on the insurance company, and either the signed **Certified Mail Return Receipt**, *or the original envelope addressed to the insurance company indicating that acceptance was refused*, must be filed with the Court in order to complete the service provisions of § 1213.

SPECIAL PROCEDURES FOR SMALL CLAIMS

In **Small Claims** actions, since service of the summons is normally made by mail directly on the Defendant by the Court, the special procedure outlined below has been established:

In those instances in which a “foreign” (out-of-city) insurance company is indicated as the Defendant, the case will be “flagged” by the Small Claims Clerk at intake. Two copies of the “Regular Mail Summons” and two copies of the “Certified Mail Summons” will be prepared and separated from the mail normally sent by the Court to the Defendant. The four copies will be placed in a separate outer envelope and sent instead by the Court to the Claimant.

1. The Claimant should deliver or mail in a single envelope to the **Insurance Department**, at the address indicated in a) above:
 - a) one “**Certified Mail**” Summons and one “**Regular**” Summons, along with
 - b) the check or money order for \$20.00 payable to the “**Superintendent of Insurance**.”
2. The Claimant should also mail **within ten days**, by Certified Mail, with Return Receipt Requested, in a separate envelope, addressed directly to the **Defendant insurance company**, as in b) above:
 - a) a **Notice of Service** (CIV-GP-74-A), along with
 - b) the second Summons, which is identified as a “**Certified Mail**” Summons.
3. The Claimant must then file with the Small Claims Clerk an **Affidavit of Compliance** (CIV-GP-74-B) and either the green **Certified Mail Return Receipt** or the envelope bearing a notation by the **United States Postal Service that receipt was refused**, as in c) above, in order to complete service in accordance with the statute.