§ 1212. Service of process upon superintendent as attorney. (a) No domestic, foreign or alien insurer, including a fraternal benefit society, shall be or continue to be authorized to do an insurance business in this state unless there shall be filed in the office of the superintendent a power of attorney, executed by such insurer, appointing the superintendent and his successors in office, and authorized deputies, as its true and lawful attorney in and for this state, upon whom all lawful process in any proceeding against it on a contract delivered or issued for delivery, or on a cause of action arising, in this state may be served. Such power of attorney shall be accompanied by the insurer's written certificate of designation of the name and address of the officer, agent, or other person to whom such process shall be forwarded by the superintendent or his deputy. Such designation may be changed by filing of a new certificate of designation in the office of the superintendent.

(b) Service of process upon any such insurer in any proceeding in any court of competent jurisdiction may be made by serving the superintendent, any deputy superintendent, or any salaried employee of the department whom the superintendent designates for such purpose, all of whom shall have authority to accept such service pursuant to any such power of attorney. The service of process upon a domestic fraternal benefit society shall only be made by serving the superintendent, any deputy superintendent, any salaried employee of the department whom the superintendent designates for such purpose or by serving the process at the home office of such society. The service of process upon any foreign or alien fraternal benefit society shall be made only by serving the superintendent, any deputy superintendent or any salaried employee of the department whom the superintendent designates for such purpose. Service of process so made shall be deemed to have been made within the territorial jurisdiction of any court in this state.

(c) At the time of service of process a fee of forty dollars shall be paid to the superintendent or his deputy.

(d) The power of attorney required by subsection (a) hereof shall be by its terms of indefinite duration, shall bind any person or corporation which as successor acquires the insurer's assets and assumes its liabilities by merger or consolidation, and shall not be terminated by the insurer or such successor so long as any contracts, or

liabilities or duties arising out of contracts, issued or delivered by such insurer in this state are in effect. Except as provided herein, or in section one thousand two hundred thirteen of this article, the superintendent shall not be designated as attorney for the service of process upon any unlicensed alien or foreign insurer.

(e) Whenever any lawful process shall be served upon the superintendent, any deputy superintendent, or any salaried employee of the department whom the superintendent designates for such purpose under the provisions of this section, such person shall forward a copy of such process by mail, prepaid, directed to the person last designated by such insurer, as shown by the records of the department.

(f) When one or more underwriters of any Lloyds underwriters, or one or more subscribers of any reciprocal insurer, are joined in the same proceeding, and service of process is made pursuant to this section, only one copy of such process shall be so served, and such service shall have the same effect as if made upon all such underwriters or all such subscribers. Such process shall be forwarded to the attorney-in-fact of such Lloyds underwriters or of such reciprocal insurer, and each such attorney-in-fact shall be designated to receive such process as specified in subsection (a) hereof.

(g) The superintendent shall keep records, issue certificates and destroy processes served upon him, all as provided in subsection (f) of section one thousand two hundred thirteen of this article.