

507A.5 Proscribed acts binding on insurer.

1. A person or insurer shall not directly or indirectly perform any act of doing an insurance business as defined in [this chapter](#) except as provided by and in accordance with the specific authorization by statute. However, should an unauthorized person or insurer perform an act of doing an insurance business as set forth in [this chapter](#), it shall be equivalent to and shall constitute an irrevocable appointment by such person or insurer, binding upon the person, the person's executor or administrator, or successor in interest if a corporation, of the commissioner of insurance or the commissioner's successor in office, to be the true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding in any court arising out of doing an insurance business in this state or instituted by or on behalf of an insured or beneficiary arising out of such an act of doing an insurance business, except in an action, suit, or proceeding by the commissioner of insurance or by the state. An act of doing an insurance business by an unauthorized person or insurer shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such person or insurer.

2. Service of process made upon the commissioner as the attorney for service of process shall be made as provided in [section 505.30](#). Such service of process shall be sufficient to provide notice if all of the following apply:

a. The plaintiff or plaintiff's attorney sends a copy of the service of process by certified mail within ten days thereafter to the defendant at the defendant's last known principal place of business.

b. The defendant's receipt or a receipt issued by the post office showing the name of the sender of the certified mail and the name and address of the person to whom the certified mail is addressed and an affidavit by the plaintiff or plaintiff's attorney attesting to compliance with [this subsection](#) are filed with the clerk of the court in which the action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

3. Service of process in any such action, suit, or proceeding shall in addition to the manner as provided in [this chapter](#) be valid if made upon a person within this state who, in this state on behalf of such insurer, is soliciting insurance, making, issuing, or delivering any contract of insurance, or collecting or receiving any premium, membership fee, assessment, or other consideration for insurance, and if all of the following apply:

a. The plaintiff or plaintiff's attorney sends a copy of such service of process by certified mail within ten days thereafter to the defendant at the defendant's last known principal place of business.

b. The defendant's receipt, or a receipt issued by the post office showing the name of the sender of the certified mail and the name and address of the person to whom the certified mail is addressed, and an affidavit by the plaintiff or plaintiff's attorney attesting to compliance with [this subsection](#) are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

4. A plaintiff shall not be entitled to a judgment by default under [this chapter](#) until the expiration of thirty days from the date on which the plaintiff or plaintiff's attorney files the affidavit of compliance.

5. Nothing in [this section](#) shall limit or abridge the right to serve any process, notice, or demand upon any insurer in any other manner now or hereafter permitted by law.

[C50, 54, 58, 62, 66, §507A.3; C71, 73, 75, 77, 79, 81, §507A.5]

[2018 Acts, ch 1018, §3](#)

Referred to in [§507A.7](#)