



How to File for Automobile Arbitration

Carefully review all instructions before filing a request for arbitration to the Delaware Department of Insurance (“DOI”) and thoroughly review [18 DE Admin. Code 901](#) and [21 Del. C. §2118\(j\)](#) as certain claims may be excluded, and certain policies may be exempt, from arbitration.

Overview:

Arbitration involves two parties in a dispute who agree to work with a neutral third party (the arbitrator) to resolve the dispute. An arbitration at the DOI may only commence after the parties have attempted to resolve the matter informally and the Petitioner has provided the opposing party with all reasonably requested information.

The purpose of an arbitration hearing is to give each party a fair opportunity to present their case to the Arbitration Panel. At the hearing, each party to the arbitration has a right to be heard, to present material evidence relevant to the matter in dispute, and to cross-examine witnesses appearing at the hearing.

The Petitioner may represent themselves at the hearing (*pro se*) or be represented by an attorney.

Arbitration Panel:

The Arbitration Panel consists of three members of suitable background and experience including one Delaware attorney and two licensed insurance adjusters and/or appraisers as defined in [18 Del. C. § 1702](#).

Definitions:

Exhibit(s): Document(s) or material object(s) produced for use as evidence by a party.

Petitioner: The person or the company initiating the proceeding by filing a request for arbitration (aka Claimant).

Pro se: On one's own behalf, without an attorney.

Respondent: The party against whom the claim is filed (aka opposing party).

Service: The act of bringing a legal writ, process, or summons to notice as prescribed by law.

Supplemental exhibits: Exhibits provided to all parties after the filing of the initial arbitration and received by all parties at least five (5) business days prior to the scheduled arbitration hearing date (except claims of a continuing nature which are provided in the initial filing).

Steps to Request Automobile Arbitration:

Step 1. Complete the Request for Automobile Arbitration form at:

<https://insurance.delaware.gov/wp-content/uploads/sites/15/2023/08/Auto-Request2.pdf>.

You must list the full name of the insurance company as indicated on the policy and include the insurer's 5-digit NAIC number. NAIC numbers are available via the "Active Company List" at <https://insurance.delaware.gov/divisions/berg/authorizedcompanies/>.

Be sure to complete the Request for Automobile Arbitration form in its **entirety**. Incomplete forms may result in a rejection of the filing and require resubmission of a corrected copy to the DOI in addition to serving a corrected copy to the opposing party. Payment of an additional arbitration filing fee may result.

Step 2. Prepare Initial Case Filing:

Include all pertinent information to support your case and allow for the Respondent to respond properly to the arbitration filing.

- Exhibits: Attach to the Request for Automobile Arbitration form all relevant case information to assist with proving your claim, including, but not limited to, estimates, invoices, bills, photographs, video, witness lists (including contact information for each witness), etc.

Exhibits that are 300 pgs. or larger may be submitted electronically to the DOI on CD-ROM or thumb drive but must be included with the initial filing.

Step 3. Make Copies of all filing documents for your records.

Step 4. Send the Respondent a copy of the entire arbitration filing via hand delivery* or via Certified U.S. Postage return receipt requested:

- Send one (1) copy of the following to the Respondent:
 - Request for Automobile Arbitration form
 - Initial filing documents (including all exhibits)

Address information for insurers transacting business in Delaware is available via the "Active Company List" at <https://insurance.delaware.gov/divisions/berg/authorizedcompanies/>.

Step 5. Arbitration Filing Fee:

The filing fee for automobile arbitration is \$50.00 pursuant to [18 DE Admin. Code 901-12.1.1](#). Filing fees are non-refundable and shall only be returned when a claim is determined to be excluded from arbitration.

- Make checks payable to the Delaware Department of Insurance and ensure the check has been signed and dated.
- Add the claim number in dispute to the memo section of the check.

Step 6. Complete [Proof of Service form](#):

The responsibility of providing proof that the initial filing has reached the opposing party falls upon the Petitioner. It is imperative to keep all proofs of mailing or hand delivery confirmations as they may be required to be provided to the Arbitration Secretary to validate service of the arbitration filing to the opposing party.

Step 7. Submission of the entire arbitration filing with the DOI:

- Send one (1) copy of the following to the DOI:
 - Request for Automobile Arbitration form.
 - Initial filing documents (all exhibits).
 - Filing fee made payable to the Delaware Department of Insurance.
 - Proof of Service Form.

**Delaware Department of Insurance (Attn. ARB)
1351 West North St., Ste. 101
Dover, DE 19904**

Step 8. Optional - Supplemental Exhibits:

Following the submission of the initial filing or the Respondent's filing, supplemental exhibits may be submitted by either party. However, the Arbitration Panel shall not consider any supplemental submissions unless they are provided at least five (5) business days prior to the scheduled hearing date. Untimely supplemental submissions may not be accepted by the DOI or the Arbitration Panel.

Scheduling of Arbitration Hearing:

Once the Arbitration Secretary has received the Response, or the timeframe for submitting the Response has expired with no filing from the Respondent, the Arbitration Secretary will notify you of the date, time, and location of the hearing. If the Respondent fails to file a Response, and after the Arbitration Secretary verifies that the Respondent was properly served the Petition, the matter will be assigned to the next scheduled Arbitration Panel for summary disposition. A postponement will only be granted for exigent circumstances.

Legal Resources:

The following resources, some at no cost, are available to Delaware citizens in search of legal assistance:

- Delaware Courts (listing of resources): <https://courts.delaware.gov/help/legalassistance.aspx>
- Delaware Legal Help Link: <https://delegalhelplink.org/>
- Delaware State Bar Association Resources (finding a lawyer): <https://www.dsba.org/online-lawyer-referral-service/>

IMPORTANT

*****KEEP COPIES OF ANY POSTAL RECEIPTS OR HAND DELIVERY INFORMATION*****

If you have any questions, please feel free to contact our Kent County office toll-free (800) 282-8611 or speak to the Arbitration Secretary directly at (302) 674-7345. You may also email DOI-Arbitration@delaware.gov.

*** If service is effected via hand delivery be sure to document the name of the person who accepted service and the date and time the service was accepted.**