

AMENDMENTS TO CHAPTER 45-09-01

SURPLUS LINES INSURANCE

Sections 45-09-01-02, 45-09-01-04, 45-09-01-05, 45-09-01-06, 45-09-01-09 and Appendix I, II, III, and IV are amended as follows:

45-09-01-02. Surplus lines insurance producer application. The insurance commissioner will not issue a surplus lines insurance producer's license until the applicant has met the requirements of North Dakota Century Code section 26.1-26-17 and has completed and filed with the commissioner a completed application for a surplus lines insurance producer license. (~~Appendix I~~)

History: Effective January 1, 1982; amended effective December 1, 2001;_____.

General Authority: NDCC 26.1-26-49, 26.1-44-09

Law Implemented: NDCC 26.1-26-17, 26.1-26-18

45-09-01-04. Presumption - Diligent search. A presumption that a diligent search has been made by the insured and that the insured was unable to procure the insurance, indemnity contract, or surety bond desired from a company authorized to do business in this state is created when the insurance, contract, or bond is written in one of the categories set out in Appendix # I.

History: Effective January 1, 1982; amended effective December 1, 2001;_____.

General Authority: NDCC 26.1-44-09

Law Implemented: NDCC 26.1-44-02

45-09-01-05. Other acceptable lines of coverage. The categories designated in ~~Appendix 40 #~~ Appendix I are not to be considered as the only lines of coverage in which unauthorized insurers may be used. Other categories of coverage not listed may be acceptable because of special underwriting considerations, i.e., losses, high exposure, etc. Any exceptions must be fully explained on the surplus lines affidavit and approved by the insurance commissioner. The securing of advantage as to lower premium rates or as to the terms of the insurance contract do not constitute justification nor are they special underwriting considerations sufficient to allow the surplus lines broker to use an unauthorized company nor lines of coverage other than those designated in Appendix # I.

History: Effective January 1, 1982; amended effective December 1, 2001;_____.

General Authority: NDCC 26.1-44-09

Law Implemented: NDCC 26.1-44-02

45-09-01-06. Surplus lines affidavit - Time for filing. Before a surplus lines insurance producer procures, affects, or issues any insurance policy, indemnity contract, or surety bond, the surplus lines insurance producer shall execute, personally sign, and file an affidavit in acceptable form with the office of the commissioner (~~Appendix III~~). An affidavit will be deemed filed with the commissioner if it is mailed to the commissioner's office within ~~fifteen~~ sixty days of the effective date of the policy.

History: Effective January 1, 1982; amended effective December 1, 2001; _____.

General Authority: NDCC 26.1-44-09

Law Implemented: NDCC 26.1-44-02

45-09-01-09. Statement of taxable premiums. Surplus lines insurance producers are required by North Dakota Century Code section 26.1-44-06 to file annually a statement of taxable premiums received by that surplus lines insurance producer (~~Appendix IV~~).

History: Effective January 1, 1982; amended effective December 1, 2001; _____.

General Authority: NDCC 26.1-44-09

Law Implemented: NDCC 26.1-44-06

Appendix I is deleted.

Appendix II is renumbered to Appendix I.

Appendix III is deleted.

Appendix IV is deleted.