

**FEDERATION OF REGULATORY COUNSEL, INC.**

**COMPENDIUM OF STATE SURPLUS LINES ELIGIBILITY  
REQUIREMENTS**

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Although the majority of insurance departments maintain eligibility lists, distribution methods will vary. Historically, the two most common distribution methods were: (1) publication on a regular basis (i.e., annually, semiannually or quarterly) and (2) distribution to surplus lines associations, stamping offices, and broker associations. Many states now make their lists available on their websites. There are also states that do not formally publish an eligibility list, yet will make this information available upon public inquiry. With respect to distribution, individual insurance departments should be contacted for state specific procedures. 1

**ALABAMA**

The Alabama Insurance Commissioner does not maintain a list of eligible surplus lines insurers. The insurance commissioner is authorized to maintain a list of ineligible surplus lines insurers. ALA CODE § 27-10-26(b)(5). However, the insurance commissioner does not presently maintain a list of ineligible surplus lines insurers.

**ALASKA**

The Alaska insurance director is required to maintain a list of eligible surplus lines insurers. ALASKA STAT. § 21.34.050(a). However, the insurance director is not required to place or maintain the name of a nonadmitted insurer on the list of eligible surplus lines insurers. ALASKA STAT. § 21.34.050(b). Even so, the statute does not require the insurance director to maintain a list of ineligible surplus lines insurers.

Alaska's list of eligible surplus lines insurers can be found at:  
<http://www.commerce.state.ak.us/insurance/bulletins/B09-011.pdf>

**ARIZONA**

The Arizona insurance director maintains a list of unauthorized insurers that are approved to write surplus lines insurance. ARIZ. REV. STAT. ANN. § 20-413(G). The insurance director is not required to maintain a list of ineligible surplus lines insurers.

Arizona's list of eligible surplus lines insurers can be found at:  
[http://www.id.state.az.us/publications/WHITELISTnameonly09to10\\_ver.5\\_.pdf](http://www.id.state.az.us/publications/WHITELISTnameonly09to10_ver.5_.pdf)

**ARKANSAS**

The Arkansas insurance commissioner may maintain a list of approved surplus lines insurers ARK. CODE ANN. § 23-65-310(a). The insurance commissioner is not required to maintain a list of ineligible surplus lines insurers.

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Arkansas's list of eligible surplus lines insurers can be found at:

[http://www.insurance.arkansas.gov/Finance/surpluslinespage\\_files/surpluslineslist.pdf](http://www.insurance.arkansas.gov/Finance/surpluslinespage_files/surpluslineslist.pdf)

### **CALIFORNIA**

The California insurance commissioner maintains a list of eligible surplus lines insurers that have met the requirements of § 1765.1(a)-(e). CAL. INS. CODE § 1765.1(f). The insurance commissioner refers to the list maintained by the National Association of Insurance Commissioners (NAIC) in its review of nonadmitted insurers. CAL. INS. CODE § 1765.1(d)(1).

California's list of eligible surplus lines insurers can be found at:

<http://www.insurance.ca.gov/0250-insurers/0300-insurers/0200-bulletins/eligible-surplus-line/index.cfm>

### **COLORADO**

The Colorado insurance commissioner maintains a list of nonadmitted insurers approved to accept surplus lines risks; however, the statute does not require the insurance commissioner to maintain a list of ineligible surplus lines insurers. COLO. REV. STAT. § 10-5-108(1).

Colorado's list of eligible surplus lines insurers is accessible through:

<http://cdilookup.asisvcs.com/CompanySearch.aspx>

### **CONNECTICUT**

The Connecticut insurance commissioner maintains a list of eligible surplus lines insurers. CONN. GEN. STAT. § 38a-741. The insurance commissioner is not required to maintain a list of ineligible surplus lines insurers.

Connecticut's list of eligible surplus lines insurers can be found at: <http://www.ct.gov/cid/lib/cid/licencom.pdf>; look for companies coded "K."

### **DELAWARE**

The Delaware insurance commissioner maintains a list of all eligible surplus lines insurers. 18 DEL. CODE ANN. § 1907(b). The insurance commissioner is not required to maintain a list of ineligible surplus lines insurers.

Delaware's list of eligible surplus lines insurers can be found at:

[http://delawareinsurance.gov/departments/documents/bulletins/SurplusBull5/EligibleList\\_02-13-09.xls](http://delawareinsurance.gov/departments/documents/bulletins/SurplusBull5/EligibleList_02-13-09.xls)

### **DISTRICT OF COLUMBIA**

The District of Columbia insurance commissioner does not maintain a list of eligible or ineligible surplus lines insurers.

### **FLORIDA**

The Florida insurance commissioner maintains a list of eligible surplus lines insurers. FLA. STAT. ANN. § 626.918(3). The insurance commissioner is not required to maintain a list of ineligible surplus lines insurers.

Florida's list of eligible surplus lines insurers is accessible through: <http://www.floir.com/CompanySearch/>

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### **GEORGIA**

The Georgia insurance commissioner does maintain a list of eligible alien surplus lines insurers; however, the statute does not require the insurance commissioner to maintain a list of ineligible surplus lines insurers. GA. CODE ANN. § 33-5-25(b)(1)(C).

Georgia's list of eligible alien surplus lines insurers is accessible through:

<http://www.inscomm.state.ga.us/Insurers/Home.aspx>

### **HAWAII**

The Hawaii insurance commissioner does not maintain a list of eligible or ineligible surplus lines insurers.

### **IDAHO**

The Idaho insurance director maintains a list of eligible surplus lines insurers. IDAHO CODE § 41-1217(2). The insurance director is not required to maintain a list of ineligible surplus lines insurers.

Idaho's list of eligible surplus lines insurers can be found at:

<http://www.doi.idaho.gov/insurance/surpluslineslist.aspx>

### **ILLINOIS**

There is currently no statutory or regulatory authority for the Illinois insurance director to maintain a list of eligible or ineligible surplus lines insurers. The insurance director is authorized to declare a surplus lines insurer ineligible. 215 ILL. COMP. STAT. ANN. 5/445(9); ILL. ADMIN. CODE tit 50, § 2801.30(e) (stating that when an authorized company is deemed hazardous to policyholders, the director shall order the Surplus Lines Association of Illinois not to countersign the company's insurance contracts and further stating that the Director shall direct all surplus lines producers to cease procuring insurance from said company). Based on this authority, the state insurance department maintains a list of ineligible surplus lines insurers.

### **INDIANA**

The Indiana insurance commissioner maintains a list of eligible surplus lines insurers. The commissioner is authorized to order the surplus lines producer to cancel a policy if the commissioner is of the opinion that the financial statement or condition of the unauthorized insurer does not warrant continuance of the risk. IND. CODE. ANN. 27-1-15.8-4(c). The insurance commissioner is not required to and does not maintain a list of ineligible surplus lines insurers. Alien surplus lines insurers are automatically eligible for surplus lines in Indiana if they appear on the NAIC Quarterly List of Alien Insurers.

Indiana's list of eligible foreign surplus lines insurers can be found at:

<http://www.in.gov/cgi-bin/idoi/ssDisplay-2.pl?file=SurplusLines&letter=a>

### **IOWA**

The Iowa insurance commissioner maintains a list of nonadmitted insurers who have provided information required by law that demonstrates the ability of each insurer to satisfy insurance obligations. 191 IOWA ADMIN. CODE 21.5(515) The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

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Iowa's list of eligible surplus lines insurers can be found at:

<http://www.iid.state.ia.us/iacompanylisting/results.asp?Type=7&Pageno=0&linksback=companymain>.

### **KANSAS**

The Kansas insurance commissioner maintains a list of eligible surplus lines insurers. KAN. STAT. ANN. § 40-246(e). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Kansas's list of eligible surplus lines insurers is accessible through:

<http://www.ksinsurance.org/about/downloadlist.php>

### **KENTUCKY**

The Kentucky insurance commissioner does not maintain a list of eligible or ineligible surplus lines insurers.

### **LOUISIANA**

The Louisiana insurance commissioner maintains a list of authorized insurers that have been approved for the placement of surplus lines insurance. LA. REV. STAT. ANN. 22:436. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Louisiana's list of eligible surplus lines insurers can be found at:

[http://www.lidi.state.la.us/search\\_forms/white\\_list/white\\_list.aspx](http://www.lidi.state.la.us/search_forms/white_list/white_list.aspx)

### **MAINE**

The Maine insurance superintendent maintains a list of eligible surplus lines insurers. 24-A ME. REV. STAT. ANN. § 2007. The insurance superintendent does not maintain a list of ineligible surplus lines insurers.

Maine's list of eligible surplus lines insurers can be found at:

<http://www.maine.gov/pfr/insurance/company/slcompanies.htm>

### **MARYLAND**

The Maryland insurance commissioner is authorized to maintain a list of approved surplus lines insurers. MD. CODE. ANN. INS. § 3-304. The insurance commissioner is not authorized to maintain a list of ineligible surplus lines insurers.

The list of eligible surplus lines insurers is accessible through:

<http://www.mdinsurance.state.md.us/iq/jsp/interactiveQuery/CompanySearch.jsp?mode=true>

### **MASSACHUSETTS**

The Massachusetts insurance commissioner maintains a list of eligible surplus lines insurers. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Massachusetts's list of eligible surplus lines insurers can be found at:

<http://www.mass.gov/Eoca/docs/doi/Companies/SurplusLines.pdf>

### **MICHIGAN**

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The Michigan insurance commissioner maintains a list of eligible surplus lines insurers. MICH. COMP. LAWS ANN. § 500.1920. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Michigan's list of eligible surplus lines insurers can be found at:  
[http://www.michigan.gov/documents/quarterly\\_surplus\\_lines\\_list\\_166029\\_7.pdf](http://www.michigan.gov/documents/quarterly_surplus_lines_list_166029_7.pdf)

### **MINNESOTA**

The Minnesota insurance commissioner maintains a list of eligible surplus lines insurers. MINN. STAT. ANN. § 60A.206. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Minnesota's list of eligible surplus lines insurers is accessible through:  
<http://www.commerce.state.mn.us/LicenseLookupMain.html>

### **MISSISSIPPI**

The Mississippi insurance commissioner maintains a list of nonadmitted insurers deemed eligible for the placement of surplus lines insurance. MISS. CODE ANN. § 83-21-17. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Mississippi's list of eligible surplus lines insurers is accessible through:  
[http://www.mid.state.ms.us/licapp/download\\_list.aspx](http://www.mid.state.ms.us/licapp/download_list.aspx)

### **MISSOURI**

The Missouri insurance director maintains a list of eligible surplus lines insurers. MO. ANN. STAT. § 384.021. The insurance director does not maintain a list of ineligible surplus lines insurers.

Missouri's list of eligible surplus lines insurers can be found at:  
<http://www.insurance.mo.gov/industry/EligibleSL.htm>

### **MONTANA**

The Montana insurance commissioner maintains a list of eligible surplus lines insurers. MONT. CODE ANN. § 33-2-307(3). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Montana's list of eligible surplus lines insurers can be found at:  
<http://www.sao.mt.gov/forms/Exams/Lists/biannlst.pdf>

### **NEBRASKA**

The Nebraska insurance director does not maintain a list of eligible or ineligible surplus lines insurers, but instead relies on the NAIC listing.

### **NEVADA**

The Nevada insurance commissioner maintains a list of eligible surplus lines insurers. NEV. REV. STAT. ANN. § 685A.070(4). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

### **NEW HAMPSHIRE**

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The New Hampshire insurance commissioner maintains a list of eligible surplus lines insurers. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

New Hampshire's list of eligible surplus lines insurers can be found at:  
<http://www.nh.gov/insurance/companies/premiumtax/documents/surpluslist2008.pdf>

### **NEW JERSEY**

The New Jersey insurance commissioner maintains a list of eligible surplus lines insurers. N.J. STAT. ANN. § 17:22-6.45. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

New Jersey's list of eligible surplus lines insurers can be found at:  
[http://www.state.nj.us/dobi/sleo\\_whitelist.pdf](http://www.state.nj.us/dobi/sleo_whitelist.pdf)

### **NEW MEXICO**

The New Mexico insurance superintendent maintains a list of eligible surplus lines insurers. N.M. STAT. ANN. § 59A-14-4. The insurance superintendent does not maintain a list of ineligible surplus lines insurers.

### **NEW YORK**

The New York insurance superintendent maintains a list of eligible surplus lines insurers. Insurers must be approved by the Excess Line Association of New York (ELANY) before insurance may be placed through a broker. ELANY also keeps a record of those companies that have been removed from the list for which they will no longer stamp policies.

New York's lists of eligible surplus lines insurers can be found at: <http://www.elany.org/es-el-f.aspx>, <http://www.elany.org/es-el-a.aspx> and <http://www.elany.org/es-el-ls.aspx>. New York's lists of ineligible surplus lines insurers can be found at: <http://www.elany.org/es-inel-f.aspx>, <http://www.elany.org/es-inel-a.aspx> and <http://www.elany.org/es-inel-ls.aspx>

### **NORTH CAROLINA**

The North Carolina insurance commissioner maintains a list of eligible surplus lines insurers. N.C. GEN. STAT. § 58-21-20. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

North Carolina's list of eligible surplus lines insurers can be found at:  
[http://infoportal.ncdoi.net/viewpdf.jsp?report\\_name=FE\\_reinsurers\\_sls.rpt&CMP\\_TYPE=64&STEXT=Eligible%20S](http://infoportal.ncdoi.net/viewpdf.jsp?report_name=FE_reinsurers_sls.rpt&CMP_TYPE=64&STEXT=Eligible%20S)

### **NORTH DAKOTA**

The North Dakota insurance commissioner maintains a list of eligible surplus lines insurers. N.D. ADMIN. CODE § 45-05-08(3). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

North Dakota's list of eligible surplus lines insurers can be found at:  
<http://www.nd.gov/ndins/uploads/resources/87/surpluslines.pdf>

### **OHIO**

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The Ohio insurance director maintains a list of eligible surplus lines insurers. The insurance director does not maintain a list of ineligible surplus lines insurers.

Ohio's list of eligible surplus lines insurers can be found at:

<http://www.ohioinsurance.gov/reports/SLCompanies.pdf>

### **OKLAHOMA**

The Oklahoma insurance commissioner maintains a list of eligible surplus lines insurers. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Oklahoma's list of eligible surplus lines insurers can be found at:

<http://www.ok.gov/oid/documents/04%20Surplus%20Lines%20Listing%20051407.pdf>

### **OREGON**

The Oregon Insurance Division does not maintain a public list of eligible or ineligible surplus lines insurers. Oregon surplus lines licensees bear the sole responsibility for determining that an insurer is qualified at the time of placement. For information purposes only, a list of insurers that are unlikely to be disapproved by the Division is maintained on the Oregon Surplus Line Association, available at: <http://www.slaor.org>

### **PENNSYLVANIA**

The Pennsylvania insurance commissioner maintains a list of eligible surplus lines insurers. PA. STAT. ANN. tit. 40, § 991.1605(b). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Pennsylvania's list of eligible surplus lines insurers can be accessed at:

<http://www.ins.state.pa.us/ins/cwp/view.asp?a=1280&q=527362>

### **PUERTO RICO**

The Puerto Rico insurance commissioner maintains a list of eligible surplus lines insurers. 26 P.R. LAWS ANN. § 1007a(2). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Puerto Rico's list of eligible surplus lines insurers can be found at:

<http://www.ocs.gobierno.pr/ocspr/Portals/0/SI/Informes/asliex.pdf>

### **RHODE ISLAND**

The Rhode Island insurance commissioner maintains a list of eligible surplus lines insurers. R.I. GEN. LAWS § 27-3-40. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Rhode Island's list of eligible surplus lines insurers can be found at:

[http://www.dbr.state.ri.us/documents/divisions/insurance/nonlicensed/Approved\\_Surplus\\_Lines\\_Insurers.pdf](http://www.dbr.state.ri.us/documents/divisions/insurance/nonlicensed/Approved_Surplus_Lines_Insurers.pdf)

### **SOUTH CAROLINA**

The South Carolina insurance director maintains a list of eligible surplus lines insurers. S.C. CODE ANN. § 38-45-90. The insurance director does not maintain a list of ineligible surplus lines insurers.

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South Carolina's list of eligible surplus lines insurers can be found at:

<http://doi.sc.gov/NR/rdonlyres/B71EE0AA-AEBB-47EB-807F-AAE4A86274AC/0/listofapprovedeligibleslinsasof112>

### **SOUTH DAKOTA**

The South Dakota insurance director does not maintain a list of eligible surplus lines insurers. The insurance director does maintain a list of ineligible surplus lines insurers, but it is not clear whether the list is complete or updated regularly. This list can be found at:

<http://www.state.sd.us/drr2/reg/insurance/companies/surpluslines.htm>

### **TENNESSEE**

The Tennessee insurance commissioner maintains a list of eligible surplus lines insurers. TENN. CODE ANN. § 56-14-108(g). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Tennessee's list of eligible surplus lines insurers can be found at:

[http://tennessee.gov/commerce/insurance/documents/ListofSLinTN\\_000.xls](http://tennessee.gov/commerce/insurance/documents/ListofSLinTN_000.xls)

### **TEXAS**

The Texas Department of Insurance maintains a list of surplus lines insurers that have provided satisfactory evidence of eligibility. 28 TEX. ADMIN. CODE §15.8(j). The Texas Department of Insurance does not maintain a list of ineligible surplus lines insurers.

Texas' list of eligible surplus lines insurers can be found at:

<http://www.slsot.org/SLSOT/CompanyInformation/insurerslist.html>

### **UTAH**

The Utah insurance commissioner maintains a list of unauthorized foreign insurers considered to be reliable and solid, for the placement of surplus lines insurance. UTAH CODE ANN. § 31A-15-103(6)(d). The insurance commissioner is authorized to issue a list of unauthorized foreign insurers whose solidity is doubted or whose practices are considered objectionable. *Id.* However, the insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Utah's list of eligible surplus lines insurers can be found at: <http://www.insurance.utah.gov/docs/SLCOlist.pdf>

### **VERMONT**

The Vermont insurance commissioner maintains a list of eligible surplus lines insurers. VT. STAT. ANN. Tit. 8, § 5026(b). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Vermont's list of eligible surplus lines insurers is generally updated monthly, and the latest version can be found at:

[http://www.bishca.state.vt.us/InsurDiv/Forms\\_CompanyLicensing/Insurer\\_Lists/index\\_authorizedinsurers.html](http://www.bishca.state.vt.us/InsurDiv/Forms_CompanyLicensing/Insurer_Lists/index_authorizedinsurers.html)

### **VIRGIN ISLANDS**

The Virgin Islands insurance commissioner maintains a list of eligible surplus lines insurers. Although there is no express statutory authority, the list is maintained based upon the authority to approve eligible surplus lines

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insurers. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

### **VIRGINIA**

The Virginia insurance commissioner maintains a list of eligible surplus lines insurers. The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

Virginia's list of eligible surplus lines insurers can be accessed through:

<http://www.scc.virginia.gov/division/boi/external/app/companylookup/companyLookup.asp?comtype=sl>

### **WASHINGTON**

The Washington insurance commissioner does not maintain a list of eligible or ineligible surplus lines insurers.

### **WEST VIRGINIA**

The commissioner maintains a list of eligible surplus lines insurers published from time to time but at least annually. The commissioner is not required to place or maintain the name of any nonadmitted insurer on the list of eligible surplus lines. W. VA. CODE § 33-12C-5(c)(5).

West Virginia's list of eligible surplus lines insurers can be found at:

<http://www.wvinsurance.gov/LinkClick.aspx?fileticket=6btPZLtwawg%3d&tabid=122&mid=679>

### **WISCONSIN**

The Wisconsin insurance commissioner may maintain a list unauthorized nondomestic insurers who are believed to be reliable and solid. WIS. STAT. ANN. § 618.41(6)(d). However, the insurance commissioner is not required to and does not currently maintain such a list. The insurance commissioner is also authorized to maintain a list of insurers whose solidity is believed to be doubtful or whose practices are believed to be objectionable. *Id.* However, the insurance commissioner does not maintain a list of ineligible surplus lines insurers.

### **WYOMING**

The Wyoming insurance commissioner is authorized to publish a list of eligible surplus lines insurers, but has never done so. WYO. STAT. ANN. § 26-11-107(d). The insurance commissioner does not maintain a list of ineligible surplus lines insurers.

[1] Authors: Robert M. Ferm, Beth A. Dickhaus, with the assistance of Hall & Evans, LLC summer law clerks: Mathew J. Hegarty and Christopher A. Poirier. This compendium will be included in the publication, Annotations to Surplus Lines Statutes by the Excess, Surplus Lines and Reinsurance Committee of the Tort Trial and Insurance Practice Section of the American Bar Association. The research and compilation were closed July 2009.

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### **Endnotes**

1. Authors: Robert M. Ferm and Beth A. Dickhaus, with the assistance of Hall & Evans, LLC summer law clerks: Mathew J. Hegarty and Christopher A. Poirier; This compendium will be included in the publication,

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