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HOUSE BILL 3060

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Simpson and Kirby

Read first time 01/21/10. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to surplus line coverage; and amending RCW  
2 48.15.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 48.15.040 and 1983 1st ex.s. c 32 s 4 are each amended  
5 to read as follows:

6 If certain insurance coverages cannot be procured from authorized  
7 insurers, such coverages, hereinafter designated as "surplus lines,"  
8 may be procured from unauthorized insurers subject to the following  
9 conditions:

10 (1) The insurance must be procured through a licensed surplus line  
11 broker.

12 (2) The insurance must not be procurable, after diligent effort has  
13 been made to do so from among a majority of the insurers authorized to  
14 transact that kind of insurance in this state.

15 (3) Coverage (~~shall~~) must not be procured from an unauthorized  
16 insurer for the purpose of securing a lower premium rate than would be  
17 accepted by any authorized insurer nor to secure any other competitive  
18 advantage.

1 (4) The commissioner may by (~~regulation~~) rule establish the  
2 degree of effort required to comply with subsections (2) and (3) of  
3 this section.

4 (5) At the time of the procuring of any such insurance (~~an~~  
5 ~~affidavit~~) a declaration setting forth the facts referred to in  
6 subsections (2) and (3) of this section must be executed by the surplus  
7 line broker. Such (~~affidavit~~) declaration (~~shall~~) must be (~~filed~~  
8 ~~with~~) submitted to the commissioner within thirty days after the  
9 insurance is procured. The declaration may be in electronic, digital,  
10 or other format or form as designated by the commissioner. The  
11 declaration must include the following certification:

12 "I certify (or declare) under penalty of perjury that the  
13 foregoing is true and correct."

14 .....

15 Date and Place .....(Signature) .....

16 (6) A declaration submitted under this section constitutes an oath  
17 required or authorized by law under chapter 9A.72 RCW.

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