

**RCW 48.15.040 "Surplus line" coverage.** If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated as "surplus lines," may be procured from unauthorized insurers subject to the following conditions:

(1) The insurance must be procured through a licensed surplus line broker under this chapter. If the insurance is property and casualty insurance, except industrial insurance under Title 51 RCW, then the insurance must be procured under the laws and rules of the insured's home state.

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

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

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

(5) At the time of procuring the insurance the surplus line broker must certify to the accuracy of the facts supporting the surplus line broker's diligent effort required in subsections (2) and (3) of this section.

(a) The certification must set forth the facts supporting the surplus line broker's diligent effort.

(b) The certification must state that under the penalty of suspension or revocation of the surplus line broker's license the facts contained in the certification are true and correct.

(c) The certification may be in electronic, digital, or another format as designated by the commissioner.

(d) The certification must be filed with the commissioner within sixty days after the insurance is procured. [2011 c 31 s 3; (2011 c 31 s 2 expired December 31, 2016); (2010 c 230 s 17 expired December 31, 2016); 1983 1st ex.s. c 32 s 4; 1947 c 79 s .15.04; Rem. Supp. 1947 s 45.15.04.]

**Effective date—2011 c 31 s 3:** "Section 3 of this act takes effect December 31, 2016." [2011 c 31 s 11.]

**Expiration date—2011 c 31 s 2:** "Section 2 of this act expires December 31, 2016." [2011 c 31 s 10.]

**Effective date—2011 c 31:** See note following RCW 48.15.010.