

**RCW 48.15.090 Solvent insurer required—Rules.** (1) A surplus line broker must not knowingly place surplus line insurance with insurers unsound financially. The surplus line broker must ascertain the financial condition of the unauthorized insurer, and maintain written evidence thereof, before placing insurance therewith. The surplus line broker may only so insure with:

(a) (i) Any foreign insurer:

(A) That is authorized to write the kind of insurance in its domiciliary jurisdiction; and

(B) Has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction which equals the greater of:

(I) The minimum capital and surplus requirements under the laws of this state; or

(II) Fifteen million dollars.

(ii) The requirements of (a) (i) (B) of this subsection may be satisfied by an insurer's possessing less than the minimum capital and surplus upon an affirmative finding of acceptability by the commissioner. The finding must be based upon factors such as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability, and company record and reputation within the industry. The commissioner is prohibited from making an affirmative finding of acceptability when the foreign insurer's capital and surplus is less than four million five hundred thousand dollars; or

(b) Any alien insurer that is listed on the quarterly listing of alien insurers maintained by the international insurers department of the national association of insurance commissioners.

(2) The commissioner may, by rule, prescribe the terms under which the foregoing financial requirements may be waived in circumstances where insurance cannot be otherwise procured on risks located in this state.

(3) For any violation of this section the surplus line broker may be fined not less than one hundred dollars or more than five thousand dollars, and in addition to or in lieu thereof the surplus line broker's license may be revoked, suspended, or nonrenewed. [2011 c 31 s 6; 1997 c 89 s 1; 1994 c 86 s 2; 1991 sp.s. c 5 s 2; 1980 c 102 s 4; 1975 1st ex.s. c 266 s 6; 1969 ex.s. c 241 s 10; 1955 c 303 s 5; 1947 c 79 s .15.09; Rem. Supp. 1947 s 45.15.09.]

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

**Effective date—1997 c 89:** "This act takes effect June 1, 1998." [1997 c 89 s 2.]

**Effective date—1994 c 86:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 23, 1994]." [1994 c 86 s 3.]

**Effective date—1991 sp.s. c 5:** See note following RCW 48.05.340.

**Severability—1975 1st ex.s. c 266:** See note following RCW 48.01.010.