



COMPLIANCE CHART

Mandatory Disclosure

updated October 2018

State	Statute	Instructions	Disclosure Language	Notice of no guaranty fund coverage	Other
Alabama	Ala.Cod. 1975 § 27-10-32	Every insurance contract procured and delivered as a surplus line coverage shall be initialed by or bear the name and license number of the surplus lines broker who procured the coverage and shall have the following stamped on it:	"This contract is registered and delivered as a surplus line coverage under the Alabama Surplus Lines Insurance Law."	No	
	AS § 21-54-101	Every evidence of insurance issued by a surplus lines broker must bear the name of the surplus lines broker, which may not be covered, concealed, or obscured by the producing broker, and include the disclosure in 10-point type. Endorsements are also considered evidence of insurance. A policyholder notice is required in all surplus lines policies. Any variations of the following wording must be submitted to the Insurance Division for review and approval.	Disclosure - "This is evidence of insurance procured and developed under Alaska Surplus Lines Law, AS 21.34. It is not covered by the Alaska Insurance Guaranty Association Act, AS 21.80."		
	AK Bulletin 17-05				
Alaska	AK Bulletin 17-05	An approved form of the Alaska surplus lines policyholder notice required under 3 AAC 25.050 is set out below. As allowed under 3 AAC 25.050, a surplus lines insurer may submit another format for review and possible approval. A surplus lines insurer may submit another format for review and possible approval by the director.	Approved Policyholder Notice - "This policy is issued by a nonadmitted or surplus lines insurer. Insurance may only be purchased from nonadmitted insurers if the full amount, kind, or class of insurance cannot be obtained from insurers who are admitted to do business in the State of Alaska. Your broker or the surplus lines broker has determined that this was true on the date the policy was placed. Before issuing a renewal policy or extending this policy, remarketing is required. To avoid intentional or unintentional extension of coverage in the surplus lines market when an admitted market for that coverage exists, a nonadmitted insurer is prohibited from the automatic renewal or extension of a policy without remarketing by your broker or the surplus lines broker." In order to comply with the Alaska Administrative Code, the following notice is given: "You are hereby notified that, under 3 AAC 25.050, your policy will terminate effective no later than the date and time of its expiration. We reserve the right to cancel this policy sooner than the expiration date by giving you notice of cancellation as required in AS 21.36.20. You may request through your broker that a new policy from the surplus lines broker be concurrent with the effective date of the termination of the policy. You are also notified that a new policy, if issued by us, is subject to rating, which may result in a premium increase of more than ten percent (10%). As required by 3 AAC 25.050, you are hereby notified that any subsequent policy issued by us may be subject to a ten percent (10%) or more increase in premium. The actual premium will be based upon rates that apply at the time a subsequent policy, if any, is issued and will be made available to you before the effective date of the new policy, or the date subsequent coverage is bound, whichever occurs first."	Yes	
	AK Bulletin 17-05				
Arizona	A.R.S. § 20-410	If the policy is used by a surplus lines insurer that is not a domestic surplus lines insurer the following must be stamped or written conspicuously in bold-faced type on the policy and any evidence of insurance:	Foreign surplus lines insurers - "Pursuant to § 20-401.01, subsection b, paragraph 1, Arizona Revised Statutes, this policy is issued by an insurer that does not possess a certificate of authority from the director of the Arizona Department of Insurance. If the insurer that issued this policy becomes insolvent, insureds or claimants will not be eligible for insurance guaranty fund protection pursuant to title 20, Arizona Revised Statutes."	Yes	
	A.R.S. § 20-410	If the policy is issued by a domestic surplus lines insurer the following must be stamped or written conspicuously in bold-faced type on the policy and any evidence of insurance:	Domestic surplus lines insurers - "If the insurer that issued this policy becomes insolvent, insureds or claimants will not be eligible for insurance guaranty fund protection pursuant to title 20, Arizona Revised Statutes."		
Arkansas	A.C.A. § 23-65-307	Every surplus lines contract procured on behalf of an insured whose home state is Arkansas must be initialed by or bear the name of the surplus lines broker who procured it and contain a conspicuous statement substantially similar to the following:	"This contract is registered and delivered as a surplus line coverage under the Surplus Lines Insurance Law, and it may in some respects be different from contracts issued by insurers in the admitted markets, and, accordingly, it may, depending upon the circumstances, be more or less favorable to an insured than a contract from an admitted carrier might be. The protection of the Arkansas Property and Casualty Guaranty Act does not apply to this contract. A tax of four percent (4%) is required to be collected from the insured on all surplus lines premiums."	Yes	
	Wisc's Ann Cal Ins Code § 17641	1. A disclosure notice must be provided to applicants (D-1) and policyholders (D-2) whose home state is California. A. the disclosure must be printed in English and in the language principally used by the surplus lines broker and nonadmitted insurer to advertise, solicit or negotiate the sale and purchase of surplus lines insurance in 16-point boldface type as a separate document. B. the disclosure form must be signed and dated by the applicant or policyholder. The surplus lines broker and nonadmitted insurer may rely upon a signed copy of the disclosure received from the producing agent/licensed (the retailer). C. in addition, every policy, certificate evidencing placement of insurance must include or have the disclosure in 16-point boldface type affixed to the front page of the policy. 2. In the case of commercial lines coverage, nonadmitted insurance and any associated umbrella coverage, where the applicant needs immediate insurance coverage and the transaction is not conducted at an in-person, face-to-face meeting, the disclosure form may be transmitted by the applicant to the broker via facsimile or comparable electronic transmission. 3. The applicant's signature may be obtained within 5 days of binding coverage, provided that the applicant may cancel the insurance so placed within 5 days of receiving the disclosure form from the agent or broker and such cancellation is treated as a pro rata basis. 4. The surplus lines broker must maintain a copy of the signed disclosure for at least 5 years. The records must be made available to the Commissioner and the insured upon request. 5. When a contract is issued to an industrial insured, as verified by the surplus lines broker, neither the nonadmitted insurer nor the surplus lines broker is required to provide the disclosure notice except on the confirmation of insurance, the certificate of placement, or the policy, whichever is first provided to the insured. a. the insurer or surplus lines broker is not required to obtain the insured's signature, but are responsible to ensure that at the time of accepting an application for an insurance policy, other than a renewal, issued by a nonadmitted insurer, the signature of the applicant on the disclosure statement is obtained. b. the producer must ensure that the notice affixed to the confirmation of insurance, certificate of placement, or the policy is provided to the insured.	"NOTICE: 1. THE INSURANCE POLICY THAT YOU HAVE PURCHASED [ARE APPLYING TO PURCHASE] IS BEING ISSUED BY AN INSURER THAT IS NOT LICENSED BY THE STATE OF CALIFORNIA. THESE COMPANIES ARE CALLED "NON-ADMITTED" OR "SURPLUS LINE" INSURERS. 2. THE INSURER IS NOT SUBJECT TO THE FINANCIAL SOLVENCY REGULATION AND ENFORCEMENT THAT APPLY TO CALIFORNIA LICENSED INSURERS. 3. THE INSURER DOES NOT PARTICIPATE IN ANY OF THE INSURANCE GUARANTEE FUNDS CREATED BY CALIFORNIA LAW. THEREFORE, THESE FUNDS WILL NOT PAY YOUR CLAIMS OR PROTECT YOUR ASSETS IF THE INSURER BECOMES INSOLVENT AND IS UNABLE TO MAKE PAYMENTS AS PROMISED. 4. THE INSURER SHOULD BE LICENSED EITHER AS A FOREIGN INSURER IN ANOTHER STATE IN THE UNITED STATES OR AS A NON-UNITED STATES (ALIEN) INSURER. YOU SHOULD ASK QUESTIONS OF YOUR INSURANCE AGENT, BROKER, OR "SURPLUS LINE" BROKER OR CONTACT THE CALIFORNIA DEPARTMENT OF INSURANCE AT THE FOLLOWING TOLL-FREE TELEPHONE NUMBER _____ OR INTERNET WEB SITE WWW.INSURANCE.CA.GOV. ASK WHETHER OR NOT THE INSURER IS LICENSED AS A FOREIGN OR NON-UNITED STATES (ALIEN) INSURER AND FOR ADDITIONAL INFORMATION ABOUT THE INSURER. YOU MAY ALSO CONTACT THE NAICS INTERNET WEB SITE AT WWW.NAIC.ORG. 5. FOREIGN INSURERS SHOULD BE LICENSED BY A STATE IN THE UNITED STATES AND YOU MAY CONTACT THAT STATES DEPARTMENT OF INSURANCE TO OBTAIN MORE INFORMATION ABOUT THAT INSURER. 6. FOR NON-UNITED STATES (ALIEN) INSURERS, THE INSURER SHOULD BE LICENSED BY A COUNTRY OUTSIDE OF THE UNITED STATES AND SHOULD BE ON THE NAICS INTERNATIONAL INSURERS DEPARTMENT (IID) LISTING OF APPROVED NON-ADMITTED NON-UNITED STATES INSURERS. ASK YOUR AGENT, BROKER, OR "SURPLUS LINE" BROKER TO OBTAIN MORE INFORMATION ABOUT THAT INSURER. 7. CALIFORNIA MAINTAINS A LIST OF APPROVED SURPLUS LINE INSURERS. ASK YOUR AGENT OR BROKER IF THE INSURER IS ON THAT LIST, OR VIEW THAT LIST AT THE INTERNET WEB SITE OF THE CALIFORNIA DEPARTMENT OF INSURANCE WWW.INSURANCE.CA.GOV. 8. IF YOU, AS THE APPLICANT, REQUIRED THAT THE INSURANCE POLICY YOU HAVE PURCHASED BE BOUND IMMEDIATELY, EITHER BECAUSE EXISTING COVERAGE WAS GOING TO LAISE WITHIN TWO BUSINESS DAYS OR BECAUSE YOU WERE REQUIRED TO HAVE COVERAGE WITHIN TWO BUSINESS DAYS, AND YOU DID NOT RECEIVE THIS DISCLOSURE FORM AND A REQUEST FOR YOUR SIGNATURE UNTIL AFTER COVERAGE BECAME EFFECTIVE, YOU HAVE THE RIGHT TO CANCEL THIS POLICY WITHIN FIVE DAYS OF RECEIVING THIS DISCLOSURE. IF YOU CANCEL COVERAGE, THE PREMIUM WILL BE PRO-RATED AND ANY BROKERS FEE CHARGED FOR THIS INSURANCE WILL BE RETURNED TO YOU."	Yes	
California	D-1				
	D-2				
	C.R.S.A. § 10-5-119	All required disclosures shall be affixed to the declaration page of the contract given to the insured. A copy, bearing the disclosure, shall also be maintained by the broker, in the case of the issuance of a binder prior to the formal policy, such disclosure shall also appear on the binder. Every insurance contract procured and delivered as a surplus line coverage to an insured whose home state is Colorado must include the disclosure stated in § 10-5-104, C.R.S. In accordance with Section 10-5-119, C.R.S., if the policy is written on a claims-made basis, the following shall also appear on the policy:	Surplus lines policy disclosure - "This contract is delivered as a surplus line coverage under the "Nonadmitted Insurance Act". The insurer issuing this contract is not licensed in Colorado but is an eligible nonadmitted insurer. There is no protection under the provisions of the Colorado Insurance Guaranty Association Act." Claims-made disclosure - "This policy is a claims-made policy which provides liability coverage only if a claim is made during the policy period or any applicable extended reporting period."		
	Regulation 2-4.1	The provisions of §10-5-101.5 (1)(b), C.R.S. shall apply to policies of property and casualty insurance issued or delivered in this state by an unauthorized insurer affording coverage only on property located temporarily or permanently, or operations conducted temporarily or permanently outside the boundaries of the United States of America, its territories or possessions when the policy is placed by licensed property and casualty producers or brokers of this state, who shall remain responsible for verifying that the issuing company is licensed or authorized by the appropriate regulatory bodies to transact the business of insurance in that jurisdiction, and contains the following disclaimer:	Policies on property or operations temporarily or permanently located outside U.S. - "This policy is issued by an insurance company that is not regulated by the Colorado Division of Insurance. The insurance company may not provide claims service and may not be subject to service of process in Colorado. If the insurance company becomes insolvent, insureds or claimants will not be eligible for protection under Colorado insurance law."	Yes	
	C.R.S.A. § 10-4-620	If an automobile policy does not provide the basic complying policy coverages in § 10-4-620, C.R.S. the following must appear on the policy:	Auto policies not in compliance with basic coverage in § 10-4-620 - "This policy does not meet the statutory requirements of this State's financial responsibility laws. It does not provide liability coverage for bodily injury and property damage."		
Connecticut	CGS § 38a-745	Each insurance policy issued or renewed on or after January 1, 2015, pursuant to sections 38a-741 to 38a-744, inclusive, and 38a-794 by a surplus lines insurer shall bear on its cover, in not less than twelve-point boldface type in capital letters, the following:	"NOTICE: THIS IS A SURPLUS LINES POLICY AND IS NOT PROTECTED BY THE CONNECTICUT INSURANCE GUARANTEE ASSOCIATION OR SUBJECT TO REVIEW BY THE CONNECTICUT INSURANCE DEPARTMENT. IT IS IMPORTANT THAT YOU READ AND UNDERSTAND THIS POLICY."	Yes	

Maryland	COMAR 31.03.06.09	Each insurance contract or confirmation procured and delivered must be accompanied by a written disclosure, as prescribed by the Commissioner that is written in clear, plain English, explains that the insurer does not possess a certificate of authority from the Commissioner to engage in the insurance business in the State, and includes any other information that the Commissioner requires.	Written Disclosure - "Please Read the Following Carefully Before Purchasing Insurance From a Surplus Lines Insurer. This policy is issued by a surplus lines insurer that has been approved by the Maryland Insurance Administration to issue insurance policies in the surplus lines insurance market. Surplus lines insurance is not under the jurisdiction of the Maryland Insurance Administration and does not possess a certificate of authority to transact insurance business in the State of Maryland. Because surplus lines insurers are not under the jurisdiction of the Maryland Insurance Administration, your ability to seek assistance from the State if you have a problem with your insurance company is limited. The Property and Casualty Insurance Guaranty Corporation provides a fund that permits claimants or policyholders to receive payment of covered claims if their insurance company becomes insolvent (i.e., bankrupt) and is unable to pay the claims. However, this fund does not apply to surplus lines insurers. If a surplus lines insurer becomes insolvent (i.e., bankrupt), any claim that you have against the surplus lines insurer will not be covered by the fund administered by Property and Casualty Insurance Guaranty Corporation. If you have any questions regarding this disclosure or surplus lines insurance, please contact the Maryland Insurance Administration at 410-468-2340."	Yes	See COMAR 31.03.06.09 for additional disclosure requirements
Massachusetts	M.G.L.A. 175 § 168G	Surplus lines policies must contain the following disclosure notice to the policyholder:	"This policy is issued by a company which is not admitted to transact insurance in the Commonwealth, and in the event of an insolvency of such company, a loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 178D."	Yes	Retention specified
Michigan	M.C.L.A. §60-1022	Each policy, cover note, or other instrument evidencing surplus lines insurance which is to be delivered to an insured or a representative of an insured shall have printed, typed, or stamped in red ink upon its face, in not less than 10-point type, the following notice:	"This insurance has been placed with an insurer that is not licensed by the state of Michigan. In case of insolvency, payment of claims may not be guaranteed."	Yes	
Minnesota	M.S.A. §60A.207	Each policy, cover note, or instrument evidencing nonadmitted insurance from an eligible surplus lines insurer which is delivered to an insured or a representative of an insured shall have printed, typed, or stamped upon its face in not less than 10-point type, the following notice:	Notice 1 - "THIS INSURANCE IS ISSUED PURSUANT TO THE MINNESOTA SURPLUS LINES INSURANCE ACT. THE INSURER IS AN ELIGIBLE SURPLUS LINES INSURER BUT IS NOT OTHERWISE LICENSED BY THE STATE OF MINNESOTA. IN CASE OF INSOLVENCY, PAYMENT OF CLAIMS IS NOT GUARANTEED."	Yes	
	M.S.A. §60A.209	Have printed, typed, or stamped in red ink upon the face of the policy in not less than 10-point type the following notice:	Notice 2 - "THIS INSURANCE IS ISSUED PURSUANT TO THE MINNESOTA SURPLUS LINES INSURANCE ACT. THIS INSURANCE IS PLACED WITH AN INSURER THAT IS NOT LICENSED BY THE STATE NOR RECOGNIZED BY THE COMMISSIONER OF COMMERCE AS AN ELIGIBLE SURPLUS LINES INSURER. IN CASE OF ANY DISPUTE RELATIVE TO THE TERMS OR CONDITIONS OF THE POLICY OR THE PRACTICES OF THE INSURER, THE COMMISSIONER OF COMMERCE WILL NOT BE ABLE TO ASSIST IN THE DISPUTE. IN CASE OF INSOLVENCY, PAYMENT OF CLAIMS IS NOT GUARANTEED."	Yes	
Mississippi	MC §83-21-19(10)	Every surplus lines insurance contract procured and delivered according to Sections 83-21-17 through 83-21-31 shall have stamped upon it in bold ten-point type, and bear the name of the surplus lines insurance producer who procured it the following:	"NOTE: This insurance policy is issued pursuant to Mississippi law covering surplus lines insurance. The company issuing the policy is not licensed by the State of Mississippi, but is authorized to do business in Mississippi as a nonadmitted company. The policy is not protected by the Mississippi Insurance Guaranty Association in the event of the insurer's insolvency."	Yes	
Missouri	V.A.M.S. § 384.0360	Every evidence of insurance negotiated, placed or procured under the provisions of sections 384.011 to 384.071 issued by the surplus lines licensee shall, on the face of the policy or declaration page of the policy, bear the name of the licensee and the following legend in 10-point type:	"This is evidence of insurance procured and developed under the Missouri Surplus Lines Laws. It is NOT covered by the Missouri Insurance Guaranty Association. This insurer is not licensed by the state of Missouri and is not subject to its supervision."	Yes	
Montana	MCA §33-2-302(d)	If coverage is procured through a surplus lines insurance producer, that surplus lines insurance producer shall stamp or note the first page of each insurance contract, cover note, declarations page, or certificate of insurance procured and delivered as surplus lines insurance with the following completed statement:	"NOTICE: This coverage is issued by an unauthorized insurer that is an eligible surplus lines insurer. If this insurer becomes insolvent, there is no coverage by the Montana Insurance Guaranty association under the Montana Insurance Guaranty Association Act. _____ (Printed Name of Surplus Lines Insurance); _____ (Montana License Number Producer); _____ (Signature of Surplus Lines Insurance Producer)."	Yes	
	Mont. Admin. R. 6.6-2803				
	Filing Handbook				
Nebraska	Neb. Rev. St. § 44-350	A surplus lines licensee shall stamp or type upon the declaration page of each policy procured and delivered under the Surplus Lines Insurance Act the following information: (1) The licensee's name, business address, and surplus lines license number; (2) the name under which the licensee transacts business if different than the licensee's own name; and (3) the language:	"This policy is issued by a nonadmitted insurer, and in the event of the insolvency of such insurer, this policy will not be covered by the Nebraska Property and Liability Insurance Guaranty Association."	Yes	
Nevada	NRS 685A.090	Each insurance contract procured and delivered as a nonadmitted coverage pursuant to this chapter must have conspicuously stamped upon it:	This insurance contract is issued pursuant to the Nevada insurance laws by an insurer neither licensed by nor under the supervision of the Division of Insurance of the Department of Business and Industry of the State of Nevada. If the insurer is found insolvent, a claim under this contract is not covered by the Nevada Insurance Guaranty Association Act.	Yes	
New Hampshire	NH Rev. Stat. § 405:24(III)	Before delivering to the insured a policy or binder of insurance written under the provisions of this section, every producer shall stamp upon a form approved by the commissioner on the face of the binder or policy the following:	"The company issuing this policy is an eligible surplus lines insurer in the state of New Hampshire and the rates charged and policy forms used have not been approved by the commissioner of insurance. If the company issuing this policy becomes insolvent, the New Hampshire insurance guaranty fund shall not be liable for any claims made against the policy."	Yes	
New Jersey	N.J.A.C. 17:27-3.3	At the time of quotation, the originating producer shall provide to the applicant a copy of the form incorporated herein by reference as Exhibit A-1 in the Appendix to this chapter and retain a signed copy.	Exhibit A-1 - The undersigned applicant has been advised by the undersigned originating insurance producer and understands that an insurance policy written by a surplus lines insurer is not subject to the filing or approval requirements of the New Jersey Department of Banking and Insurance. Such a policy may contain conditions, limitations and different terms than a policy issued by an insurer granted a Certificate of Authority by the New Jersey Department of Banking and Insurance. _____ (Applicant's Signature); _____ (Date of Applicant's Signature); _____ (Producer Name (Print or Type)); _____ (Date of Producer Signature); _____ (New Jersey Producer License Reference Number).	Yes	
	N.J.A.C. 17:27-3.3.1 App	At the time of issuing or delivering a surplus lines policy, evidence of coverage, or a renewal policy, the surplus lines producer shall place upon the policy, or provide as a stand alone notice, the statement incorporated herein by reference as Exhibit A-2 in the Appendix to this subchapter.	Exhibit A-2 - "This policy is written by a surplus lines insurer and is not subject to the filing or approval requirements of the New Jersey Department of Banking and Insurance. Such a policy may contain conditions, limitations, exclusions and "less favorable" or "different" terms than a policy issued by an insurer granted a Certificate of Authority by the New Jersey Department of Banking and Insurance. "The insurer has been approved by the Department as an eligible surplus lines insurer, but the policy is not covered by the New Jersey Insurance Guaranty Fund, and only a policy of medical malpractice liability insurance as defined in N.J.S.A. 17:30D-34 or a policy of property insurance covering owner-occupied dwellings of less than four dwelling units are covered by the New Jersey Surplus Lines Guaranty Fund."	Yes	
New Mexico	N.M.S.A. 1978, § 59A-14.5	Every insurance contract procured and delivered as surplus lines insurance pursuant to Chapter 59A, Article 14 NMSA, 1978 shall bear the name, address and signature of the surplus lines broker who procured it and have stamped, printed or otherwise displayed prominently in boldface ten-point or larger type either upon the declarations page or by attachment of an endorsement, the form of which may be promulgated by the superintendent, the following:	This policy provides surplus lines insurance by an insurer not otherwise authorized to transact business in New Mexico. This policy is not subject to supervision, review or approval by the superintendent of insurance. The insurance so provided is not within the protection of any guaranty fund law of New Mexico designed to protect the public in the event of the insurer's insolvency. POLICY NUMBER: _____ NAME OF INSURED: _____ CERTIFICATE NUMBER: _____ DATE POLICY SIGNED: _____ UNDERWRITING COMPANY: _____	Yes	
	NM AD 13-19-2-27		Surplus Lines Brokers Signature: _____		
New York	11 NYCRR 27.17	No excess line broker shall deliver, or cause to be delivered by the producing broker to a person or entity requesting coverage from an unauthorized insurer any memorandum, certificate or other document evidencing insurance coverage, unless the document constitutes an insurance policy or contract of insurance actually issued by the insurer, except that the excess line broker or producing broker may deliver written confirmation of placement of coverage with the unauthorized insurer if the confirmation identifies the insurer by name and address, accurately describes the coverage, premium and terms, and bears across its face conspicuously, in [no] not less than ten-point bold [no] type, the following legend:	"THIS IS NOT AN INSURANCE POLICY AND THE INSURER (INSURERS) HEREIN REFERRED TO IS (ARE) NOT LICENSED BY THE STATE OF NEW YORK AND NOT SUBJECT TO ITS SUPERVISION. THE INSURANCE CONFIRMED HEREIN, IN THE EVENT OF THE INSOLVENCY OF THE INSURER (INSURERS), IS NOT PROTECTED BY THE NEW YORK STATE SECURITY FUNDS. THE POLICY MAY NOT BE SUBJECT TO ALL OF THE REGULATIONS OF THE INSURANCE DEPARTMENT PERTAINING TO POLICY FORMS."	Yes	
North Carolina	NCGS § 43B-21-45	Every evidence of insurance negotiated, placed, or procured under the provisions of this Article issued by the surplus lines licensee shall bear the name of the licensee and the following legend in 12-point type and in contrasting color or in 12-point type and underlined and in bold face:	"The insurance company with which this coverage has been placed is not licensed by the State of North Carolina and is not subject to its supervision. In the event of the insolvency of the insurance company, losses under this policy will not be paid by any State insurance guaranty or solvency fund."	Yes	
North Dakota	NDCC § 26.1-14.05	If the insured's home state is this state, the surplus lines producer shall give the following consumer notice to every person applying for insurance with a nonadmitted insurer. The notice must be printed in sixteen-point type on a separate document affixed to the application. The applicant shall sign and date a copy of the notice to acknowledge receiving it. The surplus lines producer shall maintain the signed notice in its file for a period of five years from expiration of the policy. The surplus lines producer shall tender a copy of the signed notice to the insured at the time of delivery of each policy the producer transacts with a nonadmitted insurer. The copy must be a separate document affixed to the policy.	"Notice: 1. An insurer that is not licensed in this state is issuing the insurance policy that you have applied to purchase. These companies are called "nonadmitted" or "surplus lines" insurers. 2. The insurer is not subject to the financial solvency regulation and enforcement that applies to licensed insurers in this state. 3. These insurers generally do not participate in insurance guaranty funds created by state law. These guaranty funds will not pay your claims or protect your assets if the insurer becomes insolvent and is unable to make payments as promised. 4. Some states maintain lists of approved or eligible surplus lines insurers and surplus lines producers may use only insurers on the list. Some states issue orders that particular surplus lines insurers cannot be used. 5. For additional information about the above matters and about the insurer, you should ask questions of your insurance producer or surplus lines producer. You may also contact your insurance department consumer help line."	Yes	

Ohio	RC § 3905.333	Except when exempt from due diligence requirements under division (B) of this section, an insurance agent who procures or places insurance through a surplus lines broker shall obtain a signed statement from the insured acknowledging that the insurance policy is to be placed with a company or insurer not authorized to do business in this state and acknowledging that, in the event of the insolvency of the insurer, the insured is not entitled to any benefits or proceeds from the Ohio insurance guaranty association. The statement must be on a form prescribed by the superintendent and need not be notarized. The agent shall submit the original signed statement to the surplus lines broker within thirty days after the effective date of the policy. If no other agent is involved, the surplus lines broker shall obtain the statement from the insured. The surplus lines broker shall maintain the original signed statement or a copy of the statement, and the originating agent shall keep a copy of the statement, for at least five years after the effective date of the policy to which the statement pertains. A copy of the signed statement shall be given to the insured at the time the insurance is bound or a policy is delivered.	"The named insured _____, acknowledges that the insurance policy (other than life insurance) as described above is to be placed with an insurance company not authorized to do business in Ohio. The insured understands that the insurance company is not a member of the Ohio Insurance Guaranty Association and that Chapter 395 of the Ohio Revised Code is not applicable to claims or assets of said insurance company. The surplus line broker shall collect the Ohio tax of five percent of the amount of the premium for the insurance policy at the time the insurance policy is delivered to the insured. Signature of Insured: _____"	Yes	
Oklahoma	36 OKL. ST. ANN. 1109	Insurance contracts procured as surplus line coverage shall contain in bold-face type notification stamped by the surplus lines licensee or broker or surplus lines insurer on the declaration page of the policy that the contract are not subject to the protection of any guaranty association in the event of liquidation or insolvency of the surplus lines insurer. The Commissioner is hereby authorized to promulgate rules to establish further disclosure requirements for the purpose of protecting consumers of surplus line coverage.	Specific language not specified	Yes	
Oregon	ORS § 735.435	Each insurance policy or certificate of insurance negotiated, placed or procured under the provisions of ORS 735.400 (Purposes of ORS 735.400 to 735.495) by the surplus lines licensee shall bear the name of the licensee and the following legend in bold type:	"This insurance was procured and developed under the Oregon surplus lines laws. It is NOT covered by the provisions of ORS 734.510 (Definitions for ORS 734.510 to 734.710) (Administration of delinquency proceeding claims and expenses) relating to the Oregon Insurance Guaranty Association. If the insurer issuing this insurance becomes insolvent, the Oregon Insurance Guaranty Association has no obligation to pay claims under this insurance."	Yes	
Pennsylvania	40 PS § 991.1615	Every evidence of insurance negotiated, placed or procured under the provisions of this article issued by the surplus lines licensee shall bear the name of the licensee and the following legend in 10-point type:	"The insurer which has issued this insurance is not licensed by the Pennsylvania Insurance Department and is subject to limited regulation. This insurance is NOT covered by the Pennsylvania Property and Casualty Insurance Guaranty Association."	Yes	
Puerto Rico	21 P.R.A. § 109	Every insurance contract procured as a surplus line coverage pursuant to this chapter shall provide, by endorsement or otherwise, for service of legal process upon the insurer in the manner provided in § 1018 of this title, and shall designate by name and address the person to whom the Commissioner shall forward copy of process so served. Every such contract shall have stamped upon it and be initialed by or bear the name of the producer who procured it, the following:	"This contract is registered and delivered as a surplus line coverage under the Insurance Code of the Commonwealth of Puerto Rico."	No	
Rhode Island	Gen Laws § 7-3-38	Every application form for insurance from a surplus lines insurer, every affidavit from executed by the insured, and every policy (on its front and declaration pages) issued by the surplus lines insurer, shall contain in ten (10) point type the following notice:	"NOTICE THIS INSURANCE CONTRACT HAS BEEN PLACED WITH AN INSURER NOT LICENSED TO DO BUSINESS IN THE STATE OF RHODE ISLAND BUT APPROVED AS A SURPLUS LINES INSURER. THE INSURER IS NOT A MEMBER OF THE RHODE ISLAND INSURERS INSOLVENCY FUND. SHOULD THE INSURER BECOME INSOLVENT, THE PROTECTION AND BENEFITS OF THE RHODE ISLAND INSURERS INSOLVENCY FUND ARE NOT AVAILABLE."	Yes	
South Carolina	S.C. Code § 38-45-110	The broker shall write or stamp upon the face of each policy and application of an eligible surplus lines insurer the words,	"This company has been approved by the director or his designee of the South Carolina Department of Insurance to write business in this State as an eligible surplus lines insurer, but it is not afforded guaranty fund protection."	Yes	
South Dakota	SDCL § 38-37-33	Every insurance contract procured and delivered as a surplus line coverage pursuant to this chapter shall have stamped upon it, and be initialed by or bear the name of the surplus line broker who procured it in no point or larger, boldface type, the following:	"THIS INSURANCE CONTRACT IS ISSUED BY A NONADMITTED INSURER WHICH IS NOT LICENSED BY NOR UNDER THE JURISDICTION OF THE SOUTH DAKOTA INSURANCE DIRECTOR."	No	
Tennessee	T.C.A. § 56-14-107	Every new or renewal insurance contract certificate, cover note or other confirmation of insurance procured and delivered as a surplus line coverage pursuant to this chapter shall bear the name and address of the writing agent and shall have stamped or affixed upon it the following:	"This insurance contract is with an insurer not licensed to transact insurance in this state and is issued and delivered as a surplus line coverage pursuant to the Tennessee insurance statutes."	No	
Texas	V.T.C.A. Insurance Code § 981.101	In this section, "surplus lines document" means each new or renewal insurance contract, certificate, cover note, or other confirmation of insurance obtained and delivered as surplus line coverage under this chapter. A surplus lines document must state, in 11-point type, the following:	"This insurance contract is with an insurer not licensed to transact insurance in this state and is issued and delivered as surplus line coverage under the Texas insurance statutes. The Texas Department of Insurance does not audit the finances or review the solvency of the surplus lines insurer providing this coverage, and the insurer is not a member of the property and casualty insurance guaranty association created under Chapter 462, Insurance Code. Chapter 225, Insurance Code, requires payment of a _____ (insert appropriate tax rate) percent tax on gross premium. (c) A surplus lines document must show: (1) the description and location of the subject of the insurance; (2) the coverage, conditions, and term of the insurance; (3) the premium and rate charged, and premium taxes to be collected from the insured; (4) the name and address of: (A) the insured; (B) the insurer; and (C) the insurance agent who obtained the surplus line coverage; and (5) if the direct risk is assumed by more than one insurer: (A) the name and address of each insurer; and (B) the proportion of the entire direct risk assumed by each insurer."	Yes	
Utah	U.C.A. 1953 § 31A-15-103(b)(4)	A policy issued under this section shall have attached or affixed to the policy the following statement:	"The insurer issuing this policy does not hold a certificate of authority to do business in this state and thus is not fully subject to regulation by the Utah insurance commissioner. This policy receives no protection from any of the guaranty associations created under Title 31A, Chapter 28, Guaranty Associations."	Yes	
Vermont	Vermont Statutes, title 8 § 4308	When Vermont is the home state of the insured, each surplus lines broker through whom a surplus lines insurance coverage is procured shall endorse on the outside of the policy and on any confirmation of the insurance, his or her name, address and license number, and the name and address of the producer, if any, through whom the business originated. Where such coverage is placed with an eligible surplus lines insurer there shall be stamped or written conspicuously in no smaller than 10 point boldface type of a contrasting color upon the first page of the policy and the confirmation of insurance if any,	"The company issuing this policy has not been licensed by the State of Vermont and the rates charged have not been approved by the Commissioner of Financial Regulation. Any default on the part of the insurer is not covered by the Vermont Insurance Guaranty Association."	Yes	
Virginia	Code of Virginia § 38-2-3806 VIRGINIA FORMS 819	A notice in a form prescribed by the Commission shall be given to the insured under the provisions of a policy procured pursuant to this chapter by the surplus lines broker procuring the policy or by any duly licensed property and casualty insurance agent placing surplus lines business with the surplus lines broker. The notice shall contain, but not be limited to, statements that the policy is being procured from or has been placed with an insurer approved by the Commission as an eligible nonadmitted insurer and that there is no protection under the Virginia Property and Casualty Insurance Guaranty Association established under Chapter 16 (§ 38-2-1606 et seq.) against financial loss to claimants or policyholders because of the insolvency of an eligible nonadmitted insurer. The notice shall also set forth the name, license number, and mailing address of the broker. The notice shall be given prior to placement of the insurance. In the event coverage must be placed and become effective within 24 hours after referral of the business to the surplus lines broker, the notice may be given promptly following such a placement. In addition, a copy of the notice shall be affixed to the policy.	"NOTICE TO INSURED THIS INSURANCE POLICY THAT YOU HAVE APPLIED FOR HAS BEEN PLACED WITH OR IS BEING OBTAINED FROM AN INSURER APPROVED BY THE STATE CORPORATION COMMISSION FOR ISSUANCE OF SURPLUS LINES INSURANCE IN THE COMMONWEALTH OF VIRGINIA, BUT NOT LICENSED BY OR REGULATED BY THE STATE CORPORATION COMMISSION OF THE COMMONWEALTH OF VIRGINIA. THEREFORE, YOU, THE POLICYHOLDER, AND PERSONS FILING A CLAIM AGAINST YOU ARE NOT PROTECTED UNDER THE VIRGINIA PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION ACT (§ 38-2-1606 et seq.) OF THE CODE OF VIRGINIA AGAINST DEFAULT OF THE COMPANY DUE TO INSOLVENCY. IN THE EVENT OF INSURANCE COMPANY INSOLVENCY YOU MAY BE UNABLE TO COLLECT ANY AMOUNT OWED TO YOU BY THE COMPANY REGARDLESS OF THE TERMS OF THE INSURANCE POLICY. AND YOU MAY HAVE TO PAY FOR ANY CLAIMS MADE AGAINST YOU. _____ (Name of Surplus Lines Broker); _____ (License Number); _____ (Broker's Mailing Address)."	Yes	
Washington	WAC 284-15-010	Every insurance contract, including those evidenced by a binder, procured and delivered on or after January 1, 2012, as a surplus line coverage under chapter 4815 RCW must have a conspicuous statement upon its face, which must be initialed by or bear the name of the surplus line broker who procured it, as follows:	"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, Title 48 RCW. It is not protected by any Washington state guaranty association law."	Yes	
West Virginia	WV Code § 33-2C-12(d)	(f) The surplus lines licensee shall give the following consumer notice to every person applying for insurance with a nonadmitted insurer. The notice shall be printed in sixteen-point type on a separate document affixed to the application. The applicant shall sign and date a copy of the notice to acknowledge receiving it. The surplus lines licensee shall maintain the signed notice in its file for a period of ten years from expiration of the policy. The surplus lines licensee shall tender a copy of the signed notice to the insured at the time of delivery of each policy the licensee transacts with a nonadmitted insurer. The copy shall be a separate document affixed to the policy.	"Notice: 1. An insurer that is not licensed in this state is issuing the insurance policy that you have applied to purchase. These companies are called "nonadmitted" or "surplus lines" insurers. 2. The insurer is not subject to the financial solvency regulation and enforcement that applies to licensed insurers in this state. 3. These insurers generally do not participate in insurance guaranty funds created by state law. These guaranty funds will not pay your claims or protect your assets if the insurer becomes insolvent and is unable to make payments as promised. 4. Some states maintain lists of approved or eligible surplus lines insurers and surplus lines brokers may use only insurers on the lists. Some states issue orders that particular surplus lines insurers cannot be used. 5. For additional information about the above matters and about the insurer, you should ask questions of your insurance agent or surplus lines licensee. You may also contact your Insurance Commission consumer help line."	Yes	

	W. Va. Code St. R. § 114-20-4.1	Each surplus lines insurance policy or evidence of insurance shall have printed or stamped in contracting color on the front page the following statement:	"THIS COMPANY IS NOT LICENSED TO DO BUSINESS IN WEST VIRGINIA, AND IS NOT SUBJECT TO THE WEST VIRGINIA INSURANCE GUARANTY ACT."		
Wisconsin	WSA §618.41	The policy shall include a description of the subject of the insurance, and indicate the coverage, conditions and term of the insurance, the premium charged and premium taxes to be collected from the policyholder, and the name and address of the policyholder and insurer. If the direct risk is assumed by more than one insurer, the policy shall state the names and addresses of all insurers and the portion of the entire direct risk each has assumed. Every new or renewal insurance policy procured and delivered under this section shall bear the name and address of the insurance agent or broker who procured it and shall have stamped or affixed upon it the following:	"This insurance contract is with an insurer which has not obtained a certificate of authority to transact a regular insurance business in the state of Wisconsin, and is issued and delivered as a surplus line coverage pursuant to s. 618.41 of the Wisconsin Statutes. Section 618.43 (1), Wisconsin Statutes, requires payment by the policyholder of 3 percent tax on gross premium."	Yes	
Wyoming	WY Statute §26-11-109(a)	Any insurance contract procured and delivered as a surplus lines coverage pursuant to this chapter shall have stamped or printed upon it, in at least ten (10) point bold type font, the name and address of the surplus line broker who procured the coverage, and the following:	Policy Stamp - "This insurance contract is issued pursuant to the Wyoming Insurance Laws by an insurer neither licensed by nor under the jurisdiction of the Wyoming Insurance Department. In the event of insolvency of the surplus lines insurer, losses will not be paid by the Wyoming Insurance Guaranty Association."	Yes	
	WY Surplus Lines Insurance FAQ	A surplus lines broker is required to notify the insured in writing of the disclosures in W.S. § 26-11-109 (b). A copy of this notice must be in the insured's file that is maintained by the surplus lines broker. A contract of insurance placed by a surplus lines broker is not binding upon the insured and no premium charged is due and payable until the insured receives this notification. The notification can be a separate document or included in a quote, a proposal, a letter, or other similar document. The insured's signature acknowledging receipt is not required, however, producers and surplus lines brokers may desire acknowledgement. A suggested form is available at the Department website. The Notice to Insured form is not sent to the Wyoming Insurance Department. The notice to insured is in addition to the policy stamp requirements.	Notice to Insured - Language not specified but recommended, see SL Notice to Insured.		

These materials are intended to serve as reference tools and should not be relied upon as definitive sources or as substitutes for your own thorough review of the applicable laws, regulations, rules, bulletins, or other materials published by relevant state or federal governments or agencies. These materials are also not a substitute for legal advice on the subject matter.

If you have any questions or comments about this chart please contact State Relations Manager, John Meetz, at john@wsia.org