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**State**

**Statute**

**Instructions**

**Disclosure Language**

**Notice of no guaranty fund available**

**Other**

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**Notice**

1. The insurance policy that you have purchased is not being issued by an insurer that is not licensed by the State of California. This policy is not subject to insurance guaranty fund protection.

2. The insurer is not subject to the financial solvency regulation and enforcement that apply to California licensed insurers.

3. Your assets may be exposed to a risk of loss if the insurer becomes insolvent and is unable to make payments as promised. You are protected by the California guaranty fund.

4. Your policy provides that your insurer may deposit excess premiums with a trust company established by the department of insurance.

5. The department of insurance shall have the authority to require additional information from the insurer.

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**Coverage Chart**

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Every surplus lines contract must have stamped, printed or endorsed in a prominent manner thereon the following:

"This policy is issued by an insurer not licensed to do business in Kansas and, as such, the form, financial condition and rates are not subject to review by the Commissioner of Insurance and the insured is not protected by any guaranty fund."

"This surplus line policy is issued pursuant to Section 445 of the Illinois Insurance Code, by a company not authorized and licensed to transact business in Illinois, and as such is not covered by the Illinois Insurance Guaranty Association or by the Illinois Life and Health Insurance Guaranty Association."

"This policy is issued pursuant to Section 21 of the Florida Insurance Guaranty Association Act to the extent of any right of recovery for the obligation of an insolvent unlicensed insurer."
Bermuda

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Bermuda. This policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Financial Services Authority of Bermuda, the insurance regulatory body in Bermuda. A copy of the Certificate of Authority is available at www.gov.bm. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Bermuda Insurance Indemnity Corporation. This policy is not subject to all of the regulations of the Bermuda Department of Financial Services pertaining to policies issued in Bermuda. This policy is not subject to all of the regulations of the Bermuda Department of Financial Services pertaining to policies issued in Bermuda.”

Maryland

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Maryland. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Maryland Department of Insurance, Licensing and Regulation. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Maryland Department of Insurance, Licensing and Regulation. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Maryland Insurance Guarantee Fund, or any other guaranty fund in Maryland. This policy is not subject to all of the regulations of the Maryland Department of Financial Regulation pertaining to policies issued in Maryland.”

Massachusetts

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Massachusetts. This policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Massachusetts Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Massachusetts Insurance Guaranty Association, or any other guaranty fund in Massachusetts. This policy is not subject to all of the regulations of the Massachusetts Department of Insurance pertaining to policies issued in Massachusetts.”

Michigan

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Michigan. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Michigan Department of Insurance and Financial Services. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Michigan Insurance Indemnity Corporation, or any other guaranty fund in Michigan. This policy is not subject to all of the regulations of the Michigan Department of Insurance pertaining to policies issued in Michigan.”

Minnesota

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Minnesota. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Minnesota Department of Commerce. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Minnesota Insurance Guaranty Association, or any other guaranty fund in Minnesota. This policy is not subject to all of the regulations of the Minnesota Department of Commerce pertaining to policies issued in Minnesota.”

Mississippi

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Mississippi. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Mississippi Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Mississippi Insurance Guaranty Association, or any other guaranty fund in Mississippi. This policy is not subject to all of the regulations of the Mississippi Department of Insurance pertaining to policies issued in Mississippi.”

Montana

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Montana. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Montana Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Montana Insurance Guaranty Association, or any other guaranty fund in Montana. This policy is not subject to all of the regulations of the Montana Department of Insurance pertaining to policies issued in Montana.”

Nebraska

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of Nebraska. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the Nebraska Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the Nebraska Insurance Guaranty Association, or any other guaranty fund in Nebraska. This policy is not subject to all of the regulations of the Nebraska Department of Insurance pertaining to policies issued in Nebraska.”

New Hampshire

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of New Hampshire. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the New Hampshire Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the New Hampshire Insurance Guaranty Association, or any other guaranty fund in New Hampshire. This policy is not subject to all of the regulations of the New Hampshire Department of Insurance pertaining to policies issued in New Hampshire.”

New Jersey

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of New Jersey. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the New Jersey Department of Banking and Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the New Jersey Insurance Guaranty Fund, or any other guaranty fund in New Jersey. This policy is not subject to all of the regulations of the New Jersey Department of Banking and Insurance pertaining to policies issued in New Jersey.”

New Mexico

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of New Mexico. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the New Mexico Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the New Mexico Insurance Guaranty Association, or any other guaranty fund in New Mexico. This policy is not subject to all of the regulations of the New Mexico Department of Insurance pertaining to policies issued in New Mexico.”

New York

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of New York. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the New York Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the New York Insurance Guaranty Fund, or any other guaranty fund in New York. This policy is not subject to all of the regulations of the New York Department of Insurance pertaining to policies issued in New York.”

North Carolina

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of North Carolina. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the North Carolina Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the North Carolina Insurance Guaranty Fund, or any other guaranty fund in North Carolina. This policy is not subject to all of the regulations of the North Carolina Department of Insurance pertaining to policies issued in North Carolina.”

North Dakota

Policy contains the following disclosure language to the policyholder:

“This policy is written by a surplus lines insurer and is not subject to the insurance regulations of North Dakota. Such a policy may contain conditions, limitations, exclusions and/or different terms than a policy issued by an insurer granted a Certificate of Authority by the North Dakota Department of Insurance. In the event of the surplus lines insurer becoming insolvent, a claim under this contract shall not be covered by the North Dakota Insurance Guaranty Fund, or any other guaranty fund in North Dakota. This policy is not subject to all of the regulations of the North Dakota Department of Insurance pertaining to policies issued in North Dakota.”

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**Notice of no guaranty fund**

RC § 3905.33(C)

Yes

**Tennessee 39-16-307(b)**

Every new or renewal insurance contract certificate, cover note or other confirmation of insurance procured and delivered as a surplus line coverage, in whole or in part, may be issued only by a surplus lines insurer approved by the Commissioner. 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 Tennessee insurance commissioner. This policy receives no protection from any of the guaranty organizations in the event of 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 application for coverage, notice shall be given to the surplus lines broker procuring the policy or by any duly licensed property and casualty insurance agent placing surplus lines business with the insurer issuing the policy.

**State**

**Utah**

**Notice to insured**

Every application form for insurance from a surplus lines insurer, every affidavit form executed by the insured, and every policy (on its front and back) 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 application for coverage, notice shall be given to the surplus lines broker procuring the policy or by any duly licensed property and casualty insurance agent placing surplus lines business with the insurer issuing the policy.

**Vermont**

Every 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 policy the statement pertains to, is delivered or sent to the insured. 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 copy of the statement, and the originating agent shall maintain the statement or copy of the statement for at least five years after the statement is delivered or sent to the insured.

**Virginia**

Every application form for insurance from a surplus lines insurer, every affidavit form executed by the insured, and every policy (on its front and back) 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 application for coverage, notice shall be given to the surplus lines broker procuring the policy or, 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 copy of the statement, and the originating agent shall maintain the statement or copy of the statement for at least five years after the statement is delivered or sent to the insured.

**Washington**

Every application form for insurance from a surplus lines insurer, every affidavit form executed by the insured, and every policy (on its front and back) 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 application for coverage, notice shall be given to the surplus lines broker procuring the policy or, 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 copy of the statement, and the originating agent shall maintain the statement or copy of the statement for at least five years after the statement is delivered or sent to the insured.

**West Virginia**

Every 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 policy the statement pertains to, is delivered or sent to the insured. 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 copy of the statement, and the originating agent shall maintain the statement or copy of the statement for at least five years after the statement is delivered or sent to the insured.
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<td>Washington</td>
<td>WAC 284-15-1020</td>
<td>Any insurance contract, including those evidenced by a binder, presented and delivered on or after January 1, 2013, as a surplus line coverage under chapter 48.15 RCW must have a conspicuous statement upon its face, which must be intended to be seen by the name of the surplus line broker who procured it, as follows:</td>
<td>“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.”</td>
<td>Yes</td>
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<td>West Virginia</td>
<td>WV Code 33-12C-100</td>
<td>The surplus lines broker shall give the following consumer notice to every person applying for insurance with a nonadmitted insurer. The notice shall be in a form prepared by the superintendent of insurance and shall include the following:</td>
<td>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 line” 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 guaranty associations set up by state law. These guaranty funds will not pay the claims or protect you in the event of the insurer becoming 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 only transact in those states. Some states require producers or surplus lines brokers to have a policy or certificate of insurance and to give written notice of the nonadmitted status of the insurer. 5. For additional information about the insurer and the insurer, you should ask questions of your insurance agent or surplus lines broker. You may also contact your state’s Department of Insurance consumer help line.</td>
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<td>Wisconsin</td>
<td>Wis. Statutes § 114-21.10</td>
<td>Every insurance contract, including those evidenced by a binder, presented and delivered on or after January 1, 2013, as a surplus line coverage under section 48.15 or Chapter 618 of Wisconsin Statutes, must have a statement:</td>
<td>“This is an insurance contract issued pursuant to the Wisconsin Insurance Laws by an insurer neither licensed nor under the jurisdiction of the Wisconsin Insurance Department in the event of insolvency of the insurer; losses will not be paid by the Wisconsin Insurance Guaranty Association.”</td>
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<td>Wyoming</td>
<td>WY Statute § 26-11-109(a)</td>
<td>A surplus lines broker is required to notify the insured in writing of the disclosures in W.S. §26-11-109(a). A copy of the notice must be in the insured’s file. The notice shall include the name and address of the surplus lines broker who procured it, as follows:</td>
<td>“THIS COMPANY IS NOT LICENSED TO DO BUSINESS IN WEST VIRGINIA, AND IS NOT SUBJECT TO THE WEST VIRGINIA INSURANCE GUARANTY ACT.”</td>
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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 government 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 Senior State Relations Manager, John Meetz, at john@wsia.org.