



COMPLIANCE CHART Wholesale Fees

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State	Statute/Regulation/Bulletin/Other	Requirements	Fees Taxable	Max Fee and Other Notes
Alabama	Ala. Code § 27-12-17(b)	No person shall willfully collect as premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy in accordance with the applicable classifications and rates as filed with, and approved by, the commissioner or, in cases where classifications, premiums, or rates are not required by this title to be so filed and approved, the premiums and charges shall not be in excess of those specified in the policy and as fixed by the insurer. This section shall not be deemed to prohibit the charging and collection by surplus line brokers licensed under Chapter 10 of this title of the amount of applicable state and federal taxes in addition to the premium required by the insurer	Yes	
Alaska	Bulletin B 04-14	Surplus lines policy (or access) fees are permitted. When a licensed producer is appointed as a broker and coverage is sought in the non-admitted market, the broker fee agreement must disclose any anticipated fee. The division understands the difficulty that occurs when the broker may not know in advance which market will be used. Wholesaler fees not subject to premium tax.	Yes	
Arizona	A.R.S. § 20-410	A surplus lines broker may charge and receive a fee in addition to the premium for services provided in the transaction of surplus lines insurance if before effecting any coverage both of the following conditions are met: (1) The service fees and the specific service for which the fees are charged are disclosed to the insured or the insured's representative and are agreed in writing by the insured or the insured's representative; (2) The taxes prescribed in § 20-416 (tax on surplus lines) are paid on any fees charged to the insured.	Yes	
Arkansas	A.C.A. § 23-65-315 A.C.A. § 23-66-310	Total fees and commission may not exceed 20% of premium.	Yes	
California	Cal. Ins. Code § 1764.1 SLA Bulletin #997	In the event of policy cancellation broker fees must be returned to the prospective insured.	Yes	
Colorado	C.R.S.A. § 10-5-111 3 CCR 702-1	Prohibitions on fees contained in 3 CCR 701-1 do not apply to wholesale intermediaries. Insurance wholesale intermediaries must advise the insurance producer, in writing, that "the cost of the insurance coverage provided herein includes a fee to a wholesale intermediary in addition to the premium charges."	Yes	
Connecticut	Regs. Conn. State Agencies § 38a-707-7 Regs. Conn. State Agencies § 38a-707-8 Regs. Conn. State Agencies § 38a-707-9	Must have signed agreement by insured to charge a fee. A producer and surplus lines broker involved in the same transaction may each charge a flat fee per policy for business placed in the surplus lines market, provided that the sum of the fee charged shall not exceed \$250 in the aggregate. In the alternative, such producer and surplus lines broker may charge a fee of up to 5% of the applicable premium, not to exceed \$500 in the aggregate. Service fees are not permitted for renewals handled in the usual and customary manner, except that such fees may be charged on renewal business where a reunderwriting of the risk is necessary.	Premium Only	\$500 maximum policy fee
Delaware	18 Del. Admin. Code 502-2.3.2 18 Del.C. § 2703	No insurance agent or insurance broker may, in this State, accept commissions or any valuable consideration by whatever name called, from any insurer, insurance agent, or insurance broker when such fee proceeds from or which may be attributed to the sale of insurance contracts for which, or related to which, the agent has previously received a consultant's fee.	Yes	

District of Columbia	No specific guidance	No specific guidance	Yes	Insurance producers may not charge a fee that is not specified in the policy.
Florida	F.S.A. § 626.916(4)	The surplus lines agent may charge up to \$35 for each policy exported.	Yes	\$35 maximum policy fee
	FSLSO Agent Procedures Manual (Page 18)			
Georgia	Ga. Code Ann., § 33-24-1(2)	Surplus lines fees are permissible as long as they are: (1) authorized by the insurer; (2) included in premium for purposes of taxation; and (3) and made a part of the policy and clearly indicated to the insured within the policy/declarations page.	Yes	Clarification on Georgia Department of Insurance Bulletin 17-EX-1
	Bulletin 17-EX-1			
	Frequently Asked Questions for Premium Tax			
Hawaii	HRS § 431:8-315(a)	"Gross premiums" means the amount of the policy or coverage premium charged by the insurer in consideration for the insurance contract. Any charges for policy, survey, inspection, service, or similar fees or other charges added by the broker shall not be considered part of gross premiums.	Premium Only	
	Memorandum 2003-IOE			
Idaho	IDAPA 18.01.65.015	This tax is charged on the premium paid. Policy fees, service fees, and other like fees are considered part of the premium and subject to premium tax. State premium taxes must be refunded to the taxpayer upon cancellation of the policy or return of premium for any reason.	Yes	
	ID SLA FAQ: ARE POLICY AND INSPECTION FEES SUBJECT TO PREMIUM TAX?			
Illinois	215 ILCS 5/500-80(c)	(e) When an insurance producer or business entity charges any fee or compensation separate from commissions deductible from, or directly attributable to, premiums on insurance policies or contracts, it must comply with all of the following: (1) It must provide written disclosure to the consumer or contracting party that clearly specifies the amount or extent of the compensation or fee prior to the delivery of the corresponding policy. A copy of the written disclosure must be maintained by the producer or business entity that collects the compensation or fee for a period of 7 years. (2) If the combined compensation or fee exceeds 10% of a directly attributable premium amount of a corresponding contract or policy, the disclosure must also include the signature of the consumer or contracting party acknowledging the compensation or fee. (3) If an insurance policy or contract is cancelled for any reason within 90 days following the inception date, the producer or business entity shall refund to the consumer a prorated portion of the fee or compensation within 30 days after the producer or business entity receives proper documentation that the corresponding insurance policy or contract has been cancelled. At no time shall a producer or business entity charge the consumer a fee or compensation for cancellation of any insurance policy or contract. (4) If the policy file contains documentation that the producer performed a service corresponding to the applicable coverage or policy and the written disclosure stated that the fees were fully earned, then those fees shall be fully earned at inception of the disclosure's execution.	Premium Only	
	SLA of IL FAQ: What are the rules regarding charging a broker fee or a policy fee?			
Indiana	IC 27-1-15.8-4(a)	The declarations page of a policy referred to in this subsection must itemize the amounts of all charges for taxes, fees, and premiums.	Yes	
	Bulletin 157			
Iowa	IAC 191-15.8(3)(507B)	An insurance producer shall not charge fees other than commissions unless such fees are based upon a written agreement signed by the client in advance of the performance of the services under the agreement. A copy of the agreement must be provided to the client at the time the agreement is signed by the client. The agreement must specifically state: (1) The service for which the fee is to be charged; (2) The amount of the fee to be charged or how it will be determined or calculated; and (3) That the client is under no obligation to purchase any insurance product through the insurance producer or consultant. The insurance producer shall retain a copy of the agreement for not less than three years after completion of services, and a copy shall be available to the commissioner upon request. d. Producers shall not charge an additional fee for services that are customarily associated with the solicitation, negotiation or servicing of policies. This prohibition shall not apply to assigned risk policies and commercial property and casualty policies. Any additional fee that a producer intends to charge for assigned risk policies and commercial property and casualty policies must be fully disclosed to the insured.	Yes	

Kansas	K.S.A. 40-4911	Nothing in this chapter shall abridge or restrict freedom of contract of insurance carriers or agents or brokers with reference to the amount of commissions or fees to be paid to such insurance agents and such payments are expressly authorized. Insurance agents shall have the right to compensation other than commissions from any insured or prospective insured on account of negotiation or procurement of or other services in connection with contracts of insurance policies including adjustment of claims if such compensation is based upon a written agreement between the insurance agent and insured specifying the amount of such compensation.	Yes	
Kentucky	KRS 91A.080(4)	Pursuant to KRS 91A.080(4) and 806 KAR 2:150, a reasonable collection fee may be charged and retained by the insurance company or its agent. The collection fee shall not be more than fifteen percent (15%) of the tax collected and remitted to the local government or two percent (2%) of the taxable premium, whichever is less. This fee is in addition to the tax payable. If a collection fee is included in the amount charged to the policyholder, the disclosure shall state that the amount includes the tax and a collection fee. Licensed consultants dually licensed as an agent are prohibited from acting as both an agent and consultant in a single insurance transaction and as such, significant restrictions on permissible fees exist in this scenario. For details consult KRS § 304.9-350.	Yes	
	KRS § 304.9-350			
	806 KAR 2:150			
Louisiana	LSA-R.S. 22:855	No insurer or its officer, employee, producer or other representative shall charge or receive any fee, compensation, or consideration for insurance which is not included in the premium quoted to the insured and the premium specified in the policy delivered to the insured, except for the premium tax on a surplus lines policy which shall be separately stated, and except for reimbursement for expenses due the producer, and except for an agency fee, if any, as authorized hereunder. The producer may receive reimbursement from the insured for expenses incurred by the producer directly related to the insurance coverage for the insured. In addition, the producer may charge a reasonable agency fee related to the services provided by the producer. Any reimbursement or agency fee shall be itemized separately on an invoice statement. A single invoice may be used to make known all charges. Each such charge must be prominently disclosed and itemized separately on the invoice. The reimbursement for expense and agency fees shall not be considered premium for any purpose, nor shall they be subject to premium taxes or surplus lines premium taxes. Agency fees for criminal bail bond, homeowners insurance, or personal automobile insurance that are standard risks insurable at standard rates shall not exceed twenty-five dollars.	Yes, except for expense and agency fees	
Maine	24-A M.R.S.A. § 1450(3)	With respect to the sale of property and casualty insurance sold to large commercial insurance risks, producers may be compensated by fees paid by or on behalf of the insured, by commissions paid by an insurer or by a combination of both. A large commercial risk is defined as one whose aggregate annual premiums for commercial property and casualty insurance sold by a producer totals \$150,000 or more.	Yes	
	02-031 CMR Ch. 900, § 6			
Maryland	MD Code, Insurance, § 27-216	Surplus lines brokers may charge a reasonable policy fee on a policy issued by a surplus lines insurer not exceeding: \$100 on each personal lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission; or \$250 on each commercial lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission. Surplus lines brokers may charge a reasonable policy fee on a policy issued by an authorized insurer not exceeding \$250 on each commercial lines policy procured by a licensed insurance producer not affiliated with or controlled by the surplus lines broker and to whom the surplus lines broker pays a commission. Brokers must disclose any fees to the insured.	Fees taxable except fees charged and retained by the surplus lines broker for the placement of surplus lines coverage	On a form approved by the Commissioner, the surplus lines broker shall make a clear and conspicuous written disclosure of: 1. any inspection fee; 2. the total amount of the policy fee; 3. the premium tax on the policy; 4. any financial interest in the person performing the inspection, if applicable; 5. whether the surplus lines broker will receive compensation from the person that performs the inspection; and 6. any charge for actual expenses incurred by the surplus lines broker for payment of the premium, policy fee, and any other fees and taxes relating to the policy by use of a credit card; and notify the prospective insured of the option to obtain the inspection from another person who meets the requirements of or is approved by the surplus lines insurer.
	MIA Bulletin 17-18			
Massachusetts	Bulletin 2013-09	Surplus lines tax is not applicable to any fees levied by the surplus lines broker; The purpose and amount of the fee shall be disclosed, in writing, to the purchaser prior to the time of sale; The fee shall not be included in the policy premium, as established by the insurance company issuing the policy; and The fee shall be separately itemized on the policy declarations page, billing statement, or other documentation provided to the purchaser setting forth the cost of the policy.	Premium Only	
	Bulletin 1994-06			

Michigan	M.C.L.A. 500.1915	Fee up to \$61. Any additional fees may be charged only to the extent that actual additional costs are incurred for services performed by persons or entities unrelated to the licensee. Surplus lines tax is not applicable to any fees levied by the broker	Premium Only	Michigan DIFS issues bulletin adjusting the allowable fee by the CPI every May 31st. Currently \$61.
	Bulletin 2013-14-INS			
Minnesota	M.S.A. § 60A.204	Surplus lines licensee may charge a fee and commission in addition to premium so long as it is not excessive or discriminatory. Must maintain documentation of all fees and commissions.	Yes	
	SLAM Bulletin 6_3_10			
Mississippi	Bulletin 2012-3	In calculating the taxes and fees, the calculation would be the premium and any company or producer fee added together and multiplied by the amount of the combined premium tax and statutory fees.	Yes	Mississippi law imposes a 3% nonadmitted fee to fund the MS Windstorm Underwriting Association that they refer to as a "policy fee."
	OVERVIEW OF PRODUCER REPORTING PROCEDURES			
Missouri	20 Mo. Code of State Regulations 200-6.300	"Net premium" means the gross amount of charges for surplus lines insurance exclusive of sums collected for the payment of federal, state and local taxes, less returned premiums. Any compensation received by the surplus lines producer will be considered premium subject to tax unless the surplus lines producer has the direct primary relationship with the policyholder and the surplus lines licensee's compensation is received pursuant to an insurance producer's agreement.	Yes	
Montana	MCA 33-2-320	Insurers have broad discretion to include fees provided they are reported as part of the premium. Insurers may agree to charge a fee for any other licensed entity or agent but such fee would need to be considered part of the premium for the policy sold and would be subject to tax. In addition, surplus lines producers may charge a producer fee capped at \$50 for personal lines and for \$100 commercial. Producer fee is not taxable.	Yes, except producer fee	
	Advisory Memo - Surplus Lines Fees 12-18-17			
Nebraska	Neb.Rev.St. § 44-354	Unlawful to charge any fee not specified in the policy. Premiums include policy fees, assessments, dues and other similar payments.	Yes	
	Neb.Rev.St. § 77-907			
Nevada	NRS §685A.155	A broker may charge a fee for procuring surplus lines coverage. Except as otherwise provided by agreement between the insurer and broker, the fee must not exceed 20% of the premium charged, after deduction of any other commissions, fees and charges payable to the broker.	Yes	
	NRS §685A.180			
New Hampshire	Bulletin Docket No.: INS-15-003-AB	Producers cannot receive both a commission from an insurer and charge a service fee. However, an insurance producer may seek compensation from an insured for services that are not directly associated with the sale, solicitation, or negotiation of an insurance contract and for which the producer is not receiving compensation from an insurance company. Producers may enter into separate written contracts with insureds for such services, which could include a separate fee.	Premium Only	
New Jersey	NJAC 11:17B-3.2	Surplus lines producer may charge a fee to an originating producer in connection with the negotiation or procurement of any contract of surplus insurance in amounts as follows: 1. For personal lines, a fee not to exceed \$50.00; and 2. For commercial lines, a fee equal to the greater of two percent of the premium for the applicable policy period or \$100.00, but in no event in excess of \$250.00.	Premium Only	
	Limitation of Surplus Lines Fees			
New Mexico	N. M. S. A. 1978, § 59A-14-12(B)	For purposes of this section, "premiums" shall include any additional amount charged the insured, including policy fees, risk purchasing group fees and inspection fees; but "premiums" shall not include any additional amount charged the insured for local, state or federal tax; regulatory authority fee; or examination fee, if any.	Yes	
New York	11 NYCRR 27.12	No producing broker or excess line broker shall charge the insured any amount (including reimbursement for premium taxes or stamping fees), other than the premiums for the policy or insurer's policy fee, if any, unless the broker obtains a written memorandum, signed by the insured, specifying the amount and purpose in accordance with section 2119 of the Insurance Law.	Yes	INSURANCE LAW SECTION 2119 BROKER COMPENSATION AGREEMENTS
	ELANY Bulletin No. 2014-07			
North Carolina	NCSLA Questions and Answers	Company fees (Company fees are those charged by the insurer) are taxable. Fees charged by the Broker are not subject to the NC Surplus Lines Tax or the NCSLA Stamping fee.	Premium and carrier fee	

North Dakota	NDCC, 26.1-44-03.1	Premium tax is calculated on gross premiums charged, assessments, membership fees, subscriber fees, policy fees, and service fees.	Yes	
Ohio	Ohio Rev. Code § 3905.55(A)	Fees must be disclosed to the insured in a manner that separately identifies the fee and the premium. The disclosure must make clear that the fee is being charged by the insurance producer and not by the insurance company, that neither state law nor the insurance company requires the insurance producer to charge the fee, and that the fee is not refundable. The insured must consent to the fee.	Premium and carrier fee	
Oklahoma	Okla. Admin. Code 365:25-3-12 FAQ: SURPLUS LINES QUARTERLY REPORTS	Gross premium consists of premium & fees, including policy, broker or service fee.	Yes	
Oregon	O.R.S. § 735.455 SURPLUS LINE ASSOCIATION OF OREGON MANUAL, Section (A)(2)	When a surplus lines licensee transacts surplus lines insurance directly for a prospective insured, the surplus lines licensee may charge the prospective insured a fee or a combination of a fee and a commission if the surplus lines licensee has a written agreement with the prospective insured prior to the binding or issuance of a surplus lines insurance policy. A producing insurance producer may charge a fee to a prospective insured when the producing insurance producer pays a fee or a combination of a fee and a commission to a surplus lines licensee if the producing insurance producer has a written agreement with the prospective insured prior to the binding or issuance of the surplus lines insurance policy. The fee may not exceed the amount of compensation paid by the producing insurance producer to the surplus lines licensee. The fee or the fee and commission charged by a surplus lines licensee under subsection (2) of this section must be commensurate with the services provided by the surplus lines licensee.	Yes	
Pennsylvania	40 P.S. § 310.74	A licensee may charge a fee in addition to a commission to a person for the sale, solicitation or negotiation of a contract of insurance for commercial business. The fee charged by the licensee shall be disclosed in advance in writing to the person and shall be reasonable in relationship to the services provided. No insurance producer shall charge a fee for the completion of an application for a contract of insurance.	Premium Only	
Rhode Island	INSURANCE REGULATION 11:56	Brokers may charge fees in addition to commissions only when such fees are not included in premium, provided that such fees are reasonable and appropriate in order to cover underwriting expenses that are unique to a surplus lines agency. Such fees must be fully disclosed in detail to the insured, whether directly or through another licensed producer, in writing prior to the sale. Documentation evidencing the disclosure of fees must be retained by the Broker or licensed producer for a period of three (3) years following the expiration of the policy sold. The Director may, at the expense of the Broker, examine the operations of a Broker to determine that fees charged are reasonable and appropriate for the services performed or the expenses incurred.	Yes, only if reported as part of premium	
South Carolina	Code 1976 § 38-45-160	No policy fee may be charged by a broker unless it is a reasonable fee, it is made part of the contract, and the 4% broker's premium tax is paid upon the policy fee. Broker must refund policy fee if risk is not ultimately placed.	Yes	
South Dakota	SDCL § 58-11-1 Bulletin 13-04	Premium is the consideration for insurance by whatever name called. Any assessment, or any membership, policy, survey, inspection, service, or similar fee or other charge in consideration for an insurance contract is deemed part of the premium. Fees not specified in the insurance product are prohibited and consulting fees on policies for which producers collect a commission are prohibited.	Yes	
Tennessee	T. C. A. § 56-14-113 T. C. A. § 56-6-125	An insurance producer may charge fees for services not connected with the sale, solicitation and negotiation of insurance by the insurance producer if the fees are based upon a qualified written agreement, signed by the party to be charged in advance of the performance of the services under the agreement. A copy of the qualifying agreement must be provided to the party to be charged at the time the agreement is signed by the party. For the purposes of premium tax, premium includes all premiums, membership fees, assessments, dues, or any other consideration for insurance.	Yes	

Texas	V.T.C.A. § 225.001	“Premium” means any payment made in consideration for insurance and includes: a premium; premium deposits; a membership fee; a registration fee; an assessment; dues; and any other compensation given in consideration for surplus lines insurance.	Yes	
Utah	U.C.A. 1953 § 31A-3-301	“Gross premium,” for a surplus lines insurance transaction, means the monetary consideration for an insurance policy including the fees charged to the insured, however designated. “Surplus lines premium” means the monetary consideration for an insurance policy procured from an unauthorized insurer, and includes policy fees, membership fees, required contributions, or monetary consideration, however designated.	Yes	Utah permits a courtesy filing fee that is not included in premium for the purpose of computing taxes and stamping fees (U.A.C. R590-157-3(A) and U.A.C. R590-157-4(C)).
	U.A.C. R590-157-3			
Vermont	Surplus Lines Broker License Info; FAQs: Can a surplus lines broker charge a fee?	A Surplus Lines Broker should not be charging a policy fee for service that is already paid for by the receipt of commission by the broker as part of the sale. In instances where additional services are provided to the insured, a broker can charge a fee that is reasonable in relationship to the service provided. Vermont law requires a broker to obtain a prior written agreement with a client, policyholder, or other member of the public concerning the fees or charges made by that broker for that broker procuring, servicing, or providing advice on insurance contracts. Are fees taxable? Per SSAP No. 53, premium is defined as “. . .the contractually determined amount charged by the reporting entity to the policyholder for the effective period of the contract based upon the expectation of risk, policy benefits, and expenses associated with the coverage provided by the terms of the insurance contract.”	Premium Only	
Virginia	VA Code Ann. § 38.2-310	All fees, charges, premiums or other consideration charged for the insurance or for the procurement of insurance shall be stated in the policy except in the case of fidelity, surety, title, and group insurance, and except for consulting services as provided in Article 4 (§ 38.2-1837 et seq.) of Chapter 18 of this title. Except as provided in this subsection, no person shall charge or receive any fee, compensation, or consideration for insurance or for the procurement of insurance that is not included in the premium or stated in the policy.	Yes	
Washington	WAC 284-15-030	Reportable premium must include policy fee. Taxes and fees apply to all Company and Broker/Producer fees added to a policy.	Yes	
	Taxes and Fees			
West Virginia	W. Va. Code, § 33-12C-7	A surplus lines licensee may charge a prospective policyholder a fee for the cost of underwriting, issuing, processing, inspecting, service or auditing the policy for placement with the surplus lines insurer if (1) the service is required by the surplus lines insurer; (2) the service is actually provided by the individual insurance producer or the cost of the service is actually incurred by the surplus lines licensee; and (3) the provision or cost of the service is reasonable, documented and verifiable.	Yes	
Wisconsin	W.S.A. 618.40	Taxable premium includes premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.	Yes	
	Surplus Lines Insurers and Agents			
Wyoming	W.S.1977 § 26-11-118	Surplus lines tax is applicable to any fees levied on the policy.	Yes	

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