
**Rules of
 Department of Insurance
 Division 200—Financial Examination
 Chapter 6—Surplus Lines**

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**Title 20—DEPARTMENT OF
INSURANCE**
Division 200—Financial Examination
Chapter 6—Surplus Lines

**20 CSR 200-6.100 Surplus Lines Insurance
Forms**

PURPOSE: This rule prescribes forms to be followed in making filings pursuant to sections 384.031 and 384.057, RSMo and effectuates or aids in the interpretation of sections 384.017(2), 384.031 and 384.057, RSMo.

(1) Forms.

(A) Appendix 1 of this rule is the form prescribed by the director for the confidential written report required by section 384.031, RSMo.

(B) Appendix 3 of this rule is the form prescribed by the director for the annual report required by section 384.057, RSMo.

(2) Proof of filing will be provided to the surplus lines licensee making the filings if the surplus lines licensee encloses a duplicate copy of filings and a self-addressed, stamped envelope.

AUTHORITY: sections 374.045, RSMo Supp. 1998 and 384.017, 384.031 and 384.057, RSMo 1994.* This rule was previously filed as 4 CSR 190-10.103. Original rule filed May 4, 1987, effective Aug. 1, 1987. Emergency rule filed June 2, 1987, effective July 1, 1987, expired Sept. 1, 1987. Emergency rescission filed June 16, 1987, effective June 26, 1987, expired Aug. 1, 1987. Amended: Filed Jan. 17, 1990, effective May 1, 1990. Amended: Filed April 23, 1999, effective Nov. 30, 1999.

*Original authority: 374.045, RSMo 1967, amended 1993, 1995; 384.017, RSMo 1987, amended 1989; 384.031, RSMo 1987, amended 1989; and 384.057, RSMo 1987, amended 1989.



APPENDIX 1

MISSOURI DEPARTMENT OF INSURANCE SURPLUS LINES FILING

STATE OF MISSOURI—DEPARTMENT OF INSURANCE
P.O. BOX 690, JEFFERSON CITY, MO 65102

(SUBMIT IN DUPLICATE)

RISK # _____

SURPLUS LINE INSURER AND % OF PARTICIPATION _____ % _____ SURPLUS LINES LICENSEE

SURPLUS LINE INSURER AND % OF PARTICIPATION _____ % _____ PRODUCING BROKER

1. NAME AND ADDRESS OF INSURED: _____

2. COMPLETE DESCRIPTION OF RISK AND ITS LOCATION: _____

3. COMPLETE DESCRIPTION OF COVERAGE (no abbreviation): _____

4. SPECIFIC REASON FOR SURPLUS LINES PLACEMENT: _____

5. IF MULTI-STATE RISK, ALLOCATION BASIS MUST BE ATTACHED.

6. POLICY NUMBER _____ DATE EFFECTIVE _____

DATE TERMINATES _____ PREMIUM EFFECTIVE _____

(If multi-state coverage, attach tax allocation basis)

7. IF NOT A DIRECT PLACEMENT WITH SURPLUS LINES INSURER(S), NAME AND ADDRESS OF AMERICAN BROKERAGE FIRM OF LLOYD'S CORRESPONDENT:

NAME

ADDRESS

THIS PORTION TO BE USED FOR AMENDED FILINGS ONLY

(Fill in above: RISK #, SURPLUS LINES LICENSEE'S NAME and NAME AND ADDRESS OF INSURED)

THE FOLLOWING INFORMATION IS HEREBY MADE A PART OF THE ABOVE NUMBERED ORIGINAL FILING

ADDITIONAL PREMIUM _____ DATE EFFECTIVE _____

RETURN PREMIUM _____ DATE EFFECTIVE _____

ADDITIONAL INFORMATION NOT SUBMITTED ON ORIGINAL FILING: _____

I DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, THAT THE ABOVE IS A TRUE AND ACCURATE RECORD OF THE SURPLUS LINES INSURANCE PROCURED PURSUANT TO CHAPTER 384, RSMO _____

DIRECTOR OF INSURANCE

SURPLUS LICENSEE'S BROKER'S SIGNATURE

FILED: _____

THIS FORM IS DUE WITHIN THIRTY (30) DAYS OF THE EFFECTIVE DATE OF COVERAGE.

APPENDIX 3
SURPLUS LINES LICENSEE'S TAX REPORT
STATE OF MISSOURI--DEPARTMENT OF INSURANCE
P.O. BOX 690, JEFFERSON CITY, MO 65102

UNDER PROVISIONS OF THE MISSOURI SURPLUS LINES LAW, CHAPTER 384, RSMo, THIS REPORT IS FOR THE TWELVE (12)-MONTH PERIOD ENDING _____, _____ FOR THE INSURANCE PLACED IN COMPANIES NOT ADMITTED TO DO BUSINESS IN THE STATE OF MISSOURI. THIS REPORT MUST BE MADE BEFORE MARCH 2 OF THE YEAR NEXT SUCCEEDING THE YEAR IN WHICH THE INSURANCE WAS SO PROCURED.

NAME _____ (LAST) (FIRST) (MIDDLE)

ADDRESS _____ (STREET) (CITY) (STATE) (ZIP CODE)

Table with 4 columns: RISK NUMBER, NAME AND ADDRESS OF INSURED, DEBIT, CREDIT. Includes sub-headers for PREMIUM (DEBIT, CREDIT).

Total Debits
Less Credits
NET PREMIUMS

TAX DUE ON NET PREMIUMS (5%) \$ _____

STATE OF _____)
COUNTY OF _____)

SS.

_____ BEING DULY SWORN UPON HIS OATH ACCORDING TO LAW STATES THAT THE FOREGOING REPORT(S) IS TRUE ACCORDING TO HIS BEST KNOWLEDGE AND BELIEF.

SURPLUS LINES LICENSEE'S SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____,

MY TERM EXPIRES _____

(NOTARY PUBLIC)



20 CSR 200-6.200 Surplus Lines Advisory Organizations

This rule was previously filed as 4 CSR 190-10.104. Emergency rule filed June 2, 1987, effective July 1, 1987, expired Sept. 1, 1987. Emergency rescission filed June 16, 1987, effective June 26, 1987, expired Sept. 1, 1987.

20 CSR 200-6.300 Surplus Lines Insurance Fees and Taxes

PURPOSE: This rule clarifies and effectuates the provisions of Chapter 384, RSMo as amended by Senate Bill 250 in the First Regular Session of the 85th General Assembly with regard to the premium charged by surplus lines insurers. This rule is pursuant to the provisions of sections 374.045, 384.051, 384.057 and 384.059, RSMo.

(1) For purposes of determining net premiums, as that term is used in sections 384.051, 384.057 and 384.059, RSMo, the gross amount of charges for surplus lines insurance shall include any fee charged to the insured and paid to the surplus lines insurer for the placement of the surplus lines insurance.

(2) The fees may include, but are not limited to, policy fees, inspection fees, fees charged by a broker acting as a managing general agent for a surplus lines insurer or any other fee charged by surplus lines insurer for the placement of surplus lines insurance.

(3) All fees charged to the insured by the surplus lines insurer shall be considered premium for purposes of the premium tax imposed by sections 384.051 and 384.059, RSMo.

(4) Fees paid by an insured to a broker and retained by a broker pursuant to a broker service agreement as permitted by 20 CSR 700-1.100 shall not be considered premium for purposes of the premium tax imposed by sections 384.051 and 384.059, RSMo.

AUTHORITY: sections 374.045, RSMo 1986 and 384.051, 384.057 and 384.059, RSMo Supp. 1990. This rule was previously filed as 4 CSR 190-10.105. Original rule filed Jan. 17, 1990, effective June 11, 1990. Amended: Filed Sept. 24, 1991, effective Feb. 6, 1992.*

**Original authority: 374.045, RSMo 1967 and 384.051, 384.057 and 384.059, RSMo 1987, amended 1989.*

20 CSR 200-6.400 Surplus Lines Premium Tax Allocation Formulas

PURPOSE: This rule implements the surplus lines premium tax allocation provisions contained in section 384.061, RSMo.

(1) For purposes of determining the amount of premium properly allocable to that portion of the risk located in this state pursuant to the provisions of section 384.061, RSMo, the following formulas shall be used where applicable:

- (A) Products Liability = $\frac{\text{Missouri Sales Revenue}}{\text{Total Sales Revenue}}$
- (B) Fire and Extended Coverage = $\frac{\text{Missouri Property Value}}{\text{All Property Value}}$
- (C) Employee Liability = $\frac{\text{Missouri Salaries Paid}}{\text{All Salaries Paid}}$
- and
- (D) Transportation Insurance = $\frac{\text{Missouri Revenue Miles}}{\text{All Revenue Miles}}$

(2) To the extent that the formulas contained in section (1) are inapplicable or do not adequately reflect that portion of the risk located within this state, the tax payable shall be computed on the portions of the premium properly allocable to that portion of the risks located in this state. The formula may be based on the rating basis for the particular policy. The surplus lines licensee shall obtain the approval of the director prior to the use of any other formula for determining the amount of premium allocable to that portion of the risk located within this state.

AUTHORITY: sections 374.045, RSMo 1986 and 384.061, RSMo Supp. 1990. Original rule filed Sept. 24, 1991, effective Feb. 6, 1992.*

**Original authority: 374.045, RSMo 1967 and 384.061, RSMo 1967, amended 1989.*

20 CSR 200-6.500 Standards for Determining the Availability of Coverage

PURPOSE: This rule specifies the standards for determining whether there is an available market in Missouri for the class of coverage required by a prospective insured, both as to the type of coverage and the quality of coverage, such that an insurer admitted to business in Missouri must be used, or whether, in the alternative, a surplus lines licensee may be used to obtain coverage from a nonadmitted insurer.

(1) For purposes of section 384.017, RSMo, an available market shall be deemed not to exist for the type and quality of coverage required by the insured if, at the time of the request, the surplus lines licensee and the licensee's producing agent or broker, if any, have been unable, after the exercise of due diligence, to obtain such coverage from both—

(A) Those admitted insurers with whom the surplus lines licensee and any producing agent or broker have been appointed to act, respectively, as agents; and

(B) Those other admitted insurers to whom the surplus lines licensee and any producing agent or broker have reasonable access and from whom they either knew they could obtain coverage or from whom they would typically be able to obtain coverage, during the normal course of business.

AUTHORITY: sections 374.045, RSMo 1986 and 384.017, RSMo Supp. 1989. Original rule filed Aug. 4, 1992, effective May 5, 1993.*

**Original authority: 374.045, RSMo 1967 and 384.017, RSMo 1987, amended 1989.*

20 CSR 200-6.600 Licensing Requirements

PURPOSE: The purpose of this rule is to prescribe procedures to be followed in assessing the required bond amount posted with the department by, and the licensing of, a surplus lines licensee pursuant to section 384.043, RSMo.

(1) Examination Requirements. As used in section 384.043, RSMo, the qualifying examination for a nonresident who holds a surplus lines license in his/her home state shall be the home state's surplus lines examination or the home state's fire and casualty examination, whichever is applicable. If the applicant does not hold a surplus lines license in his/her home state, the qualifying examination shall be the Missouri surplus lines examination.

(2) Bonding Requirement. Every licensee required to post a bond with the director pursuant to section 384.043.2(4), RSMo, shall conduct an annual review of the licensee's tax liability required by section 384.057, RSMo, for the previous tax year to determine the appropriate amount of the bond to be posted with the director as required by section 384.043.2(4), RSMo. If such review indicates that a change in bond amount is required, an updated bond shall be filed with the department before April 16 of each year

with the licensee's annual premium tax payment made pursuant to section 384.059, RSMo. Should tax liability for the previous year change after April 16, an updated bond to reflect the new tax liability shall be filed within thirty (30) days after notification from the Department of Insurance.

(3) In assessing the amount of tax liability to be considered for purposes of section 384.043.2(4), RSMo, a licensee shall consider his/her tax liability in their home state for the previous tax year. Licensees who have incurred tax liability in the state of Missouri during the previous tax year shall utilize their tax liability in the state of Missouri to determine the amount of the bond required by section 384.043.2(4).

AUTHORITY: section 374.045, RSMo 2000.
Original rule filed Sept. 5, 2001, effective
March 30, 2002.*

**Original authority: 374.045, RSMo 1967, amended
1993, 1995.*