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DATE: August 10, 2001

TO: All Surplus Lines Licensees

FROM: Kenneth A. Rudert - Executive Director

SUBJECT: Surplus Lines Filing Requirements

[Attached](#) is a copy of a notice from the Pennsylvania Insurance Department ("Insurance Department") that appeared in the Pennsylvania Bulletin on April 19, 1997, relative to surplus lines filing requirements.

Please keep in mind that the Pennsylvania Surplus Lines Association ("PSLA") is under contract with the Insurance Department. It is our responsibility to examine declarations and to report to the Insurance Department any declaration that does not appear to be in compliance with Article XVI of the Insurance Company Law (40 P.S. §991.1601 et seq.) (the "Surplus Lines Law") or the rules or regulations adopted thereunder. Additionally, PSLA is to advise the Department of licensees who have failed to file a required declaration.

PSLA has noted that a significant number of incomplete filings are being received where a 1609-SLL has been submitted without the required 1609-PB. A surplus lines licensee who, in an attempt to satisfy the filing deadline of Section 1609(a)(2) of the Surplus Lines Law, elects to file a declaration without the declaration of the producing broker now needs to include a cover letter DISCLOSING THE FULL NAME AND ADDRESS OF THE PRODUCING BROKER.

It is important to remember that Section 1625 of the Surplus Lines Law provides the Insurance Department the statutory authority to impose a civil penalty on any producing broker for violation of any provision of the Surplus Lines

Law.

The Surplus Lines Law has not substantially changed its focus over the last 35 years. What has changed is that since 1997 PSLA has been given the responsibility to assure the Insurance Department that all surplus lines filings are in full compliance with the Surplus Lines Laws and Regulations.

PSLA would like to remind everyone again to take a closer review of the current Surplus Lines Law (in effect since April 1993 - original law in effect since March 1966), the newly passed Regulations (in effect since March of 2000) and the PSLA Procedures Manual. In addition, we hold workshops throughout the Commonwealth during the year (see Newsletter and Workshop Mailings for specific dates and locations). Attendance is welcome by the licensee(s) as well as their staff and if applicable, their producing broker(s). In some circumstances, we will present the workshop at your facility.

As always, if you have any questions, please do not hesitate to give us a call.

Attachment /All Surplus Lines Licensees/Surplus Lines Filing Requirements

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