

(d) Notwithstanding subsection (a) of this section, a surplus [line] LINES broker licensed under Subtitle 13 of this article may ~~charge a reasonable policy fee not to exceed \$75 on any policy procured by a qualified agent or broker to whom the surplus lines broker pays a commission.~~ ~~RECOUP FROM THE PROSPECTIVE INSURED THE ACTUAL COST OF AN INSPECTION REQUIRED FOR THE PLACEMENT OF SURPLUS LINES INSURANCE FOR A RISK IF:~~

~~(1) THE INSPECTION IS AUTHORIZED BY THE INSURER;~~

~~(2) THE COST OF THE INSPECTION IS ACTUALLY INCURRED BY THE SURPLUS LINES BROKER AND NOT RETAINED BY THE SURPLUS LINES BROKER; AND~~

~~(3) THE COST OF THE INSPECTION IS DOCUMENTED AND VERIFIABLE.~~

(f) Irrespective of the number of insurers participating on a risk[, only]:

(1) ONLY ONE INSPECTION FEE MAY BE CHARGED TO RECOUP THE ACTUAL COST OF AN INSPECTION UNDER SUBSECTION (H) OF THIS SECTION FOR EACH POLICY OR CERTIFICATE OF COVERAGE; AND

(2) ONLY one policy fee provided under subsection (d) of this section may be charged for each policy or certificate of coverage.

(H) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A SURPLUS LINES BROKER LICENSED UNDER SUBTITLE 13 OF THIS ARTICLE MAY RECOUP FROM THE PROSPECTIVE INSURED THE ACTUAL COST OF AN INSPECTION REQUIRED FOR THE PLACEMENT OF SURPLUS LINES INSURANCE FOR A RISK IF:

(1) THE INSPECTION IS REQUIRED BY THE INSURER;

(2) THE COST OF THE INSPECTION IS ACTUALLY INCURRED BY THE SURPLUS LINES BROKER AND NOT RETAINED BY THE SURPLUS LINES BROKER;

(3) THE SURPLUS LINES BROKER HAS NO FINANCIAL INTEREST IN OR OWNERSHIP OF, AND DOES NOT RECEIVE ANY COMPENSATION FROM, THE PERSON PERFORMING THE INSPECTION; AND

(4) THE COST OF THE INSPECTION IS DOCUMENTED AND VERIFIABLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 9, 1995.