

(1) MAILED AND POSTMARKED BY THE UNITED STATES POSTAL SERVICE ON OR BEFORE THE FILING DATE; OR

(2) DELIVERED ON OR BEFORE THE FILING DATE TO A PRIVATE DELIVERY SERVICE RECOGNIZED BY THE COMMISSIONER, IF THE DELIVERY IS EVIDENCED BY A RECEIPT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 195(c).

The Insurance Article Review Committee notes, for consideration by the General Assembly, that the meaning of the reference in item (2) of this section to a private delivery service "recognized by the Commissioner" is unclear.

Defined term: "Commissioner" § 1-101

3-306. PROCURING SURPLUS LINES INSURANCE AUTHORIZED.

(A) IN GENERAL.

SURPLUS LINES INSURANCE MAY BE PROCURED FROM AN UNAUTHORIZED INSURER IF:

(1) FOR SURPLUS LINES INSURANCE PROCURED THROUGH A BROKER, THE SURPLUS LINES INSURANCE IS PROCURED THROUGH A QUALIFIED SURPLUS LINES BROKER;

(2) A DILIGENT SEARCH IS MADE AMONG THE AUTHORIZED INSURERS THAT ARE WRITING THE PARTICULAR KIND AND CLASS OF INSURANCE IN THE STATE;

(3) EXCEPT FOR INSURANCE AGAINST LIABILITY OF PERSONS DESCRIBED IN § XX-XXX OF THIS ARTICLE [48A § 551(C)(1), (2), AND (3)], THE AMOUNT OF SURPLUS LINES INSURANCE PROCURED FROM AN UNAUTHORIZED INSURER IS ONLY THE EXCESS OVER THE AMOUNT THAT CAN BE PROCURED FROM AUTHORIZED INSURERS;

(4) FOR INSURANCE AGAINST LIABILITY OF PERSONS DESCRIBED IN § XX-XXX OF THIS ARTICLE [48A § 551(C)(1), (2), AND (3)], THE INSURANCE CANNOT BE OBTAINED FROM THREE OR MORE AUTHORIZED INSURERS THAT ARE WRITING ON A BROAD BASIS THAT PARTICULAR KIND AND CLASS OF INSURANCE;

(5) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE SURPLUS LINES INSURANCE IS NOT PROCURED SOLELY TO GET:

(I) A LOWER PREMIUM RATE THAN WOULD BE ACCEPTED BY AN AUTHORIZED INSURER; OR

(II) MORE FAVORABLE TERMS OF THE INSURANCE CONTRACT;
AND