

(d) (1) Notwithstanding subsection (a) of this section, a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article may charge a reasonable policy fee [, not exceeding \$75,] ~~on each policy procured by a qualified agent or qualified broker to whom the surplus lines broker pays a commission not exceeding;~~

(I) \$100 ON EACH PERSONAL LINES POLICY PROCURED BY A QUALIFIED AGENT OR QUALIFIED BROKER TO WHOM THE SURPLUS LINES BROKER PAYS A COMMISSION; OR

(II) \$250 ON EACH COMMERCIAL LINES POLICY PROCURED BY A QUALIFIED AGENT OR QUALIFIED BROKER TO WHOM THE SURPLUS LINES BROKER PAYS A COMMISSION.

(2) The policy fee charged in accordance with this subsection must be reasonably related to the cost of underwriting, issuing, processing, and servicing the policy by the surplus lines broker for the surplus lines insurer.

(3) Notwithstanding subsection (a) of this section, a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article may recoup from the prospective insured the actual cost of an inspection required for the placement of surplus lines insurance if:

(i) the inspection is required by the surplus lines insurer;

(ii) the cost of the inspection is actually incurred by the surplus lines broker and not retained by the surplus lines broker;

(iii) the surplus lines broker does not have a financial interest in and does not receive compensation from the person that performs the inspection; and

(iv) the cost of the inspection is documented and verifiable.

(4) Regardless of the number of insurers participating on a risk:

(i) only one inspection fee may be charged to recoup the actual cost of an inspection under paragraph (3) of this subsection for each policy or certificate of coverage; and

(ii) only one policy fee may be charged under paragraph (1) of this subsection for each policy or certificate of coverage.

(5) On a form approved by the Commissioner, the surplus lines broker shall make a clear and conspicuous written disclosure of:

(i) any inspection fee;

(ii) the total amount of the policy fee; and

(iii) the premium tax on the policy.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.