

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1181

Introduced by

Representatives Keiser, Frantsvog, Ruby, Vigesaa

Senators Andrist, Klein

1 A BILL for an Act to create and enact section 26.1-44-03.2 of the North Dakota Century Code,
2 relating to domestic surplus lines insurers.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Section 26.1-44-03.2 of the North Dakota Century Code is created and
5 enacted as follows:

6 **26.1-44-03.2. Domestic surplus lines insurers.**

- 7 1. A North Dakota domestic insurer may be designated a domestic surplus lines insurer
8 if:
9 a. The insurer possesses a policyholder surplus of at least fifteen million dollars;
10 b. The designation is in compliance with a resolution of the insurer's board of
11 directors; and
12 c. The commissioner has provided written approval of the designation.
13 2. A domestic surplus lines insurer may write surplus lines insurance in North Dakota and
14 any other jurisdiction in which the insurer is eligible. A domestic surplus lines insurer
15 may insure in this state any risk if:
16 a. Produced pursuant to chapter 26.1-44;
17 b. The premium is subject to surplus lines premium tax pursuant to section
18 26.1-44-03.1; and
19 c. Issued pursuant to the surplus lines insurance multistate compliance compact.
20 3. For purposes of the federal Nonadmitted and Reinsurance Reform Act of 2010
21 [15 U.S.C. 8201 et seq.], a domestic surplus lines insurer is considered a nonadmitted
22 insurer as defined under that Act, with respect to risks insured in this state.

- 1 4. A domestic surplus lines insurer may not issue a policy designed to satisfy the motor
2 vehicle financial responsibility requirements in chapter 26.1-41 or any other law
3 mandating insurance coverage by a licensed insurance company.
- 4 5. Except as specifically exempted from such requirements, a domestic surplus lines
5 insurer is subject to compliance with all financial examination and solvency
6 requirements that apply to domestic insurers under chapter 26.1-03 regarding
7 examinations, ~~and~~ reports, ~~and tax~~.
- 8 6. A domestic surplus lines insurer is not subject to the provisions of chapter 26.1-38.1
9 regarding the life and health insurance guaranty association nor to chapter 26.1-39
10 regarding property and casualty insurance.