

1 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
2 INSURANCE DIVISION

3  
4 DIVISION 071

5  
6 INSURANCE LICENSING

7  
8 Surplus Lines

9  
10 **836-071-0500 (Amended)**

11 **Nonresident Licensing and Placement [Filing] Requirements**

12  
13 (1) This rule establishes requirements that a nonresident surplus lines licensee or a nonresident  
14 insurance producer not licensed in this state must satisfy in connection with placement of a  
15 surplus lines insurance policy **where Oregon is determined to be the home state as defined in**  
16 **ORS 735.405(8)** *[on a risk with exposures located both in this state and outside this state and in*  
17 *connection with filing requirements following such a placement]*. Establishment of such  
18 requirements is authorized under ORS 735.410 with respect to placement *[and under 735.425*  
19 *with respect to filing]*.

20 (2) A person who is licensed as a resident agent or producer in another state must be licensed in  
21 this state as a nonresident surplus lines insurance licensee in order to place *[in this state]* a  
22 surplus lines insurance policy on a risk **where Oregon is determined to be the home state**  
23 *[with exposures located both in this state and outside this state]*.

24 (3) When a nonresident surplus lines licensee transacts surplus lines insurance *[in this state]* on a  
25 risk **where Oregon is determined to be the home state** *[with exposures located both in this*  
26 *state and outside this state]*, the nonresident surplus lines licensee shall comply with the  
27 placement requirements in ORS 735.410(1) **and (2) related to an exempt commercial**  
28 **purchaser** *[and the filing requirements in 735.425(1) and (2)]*.

29 *[(4) When a nonresident surplus lines licensee or a nonresident insurance producer not licensed*  
30 *in this state transacts surplus lines insurance outside this state on a risk with exposures located*  
31 *both in this state and outside this state, the agent or producer shall file with the Surplus Lines*  
32 *Association of Oregon a report on the Oregon portion of the transaction, disclosing the policy*  
33 *information and Oregon allocation.]*

34  
35 Stat. Auth.: ORS 731.244 **&** 735.410[ **&** 735.425]

36 Stats. Implemented: ORS 735.410 [**&** 735.425]

37 Hist.: ID 6-2002, f. & cert. ef. 2-6-02

38  
39 **836-071-0501 (NEW)**

40 **Allocation of Coverage Totals on Multi-state Policies**

41  
42 **(1) This rule establishes requirements that a surplus lines licensee must satisfy in**  
43 **connection with the reporting of a surplus lines insurance policy where Oregon is**  
44 **determined to be the home state as defined in ORS 735.405(8), and the requirements that**  
45 **an insured who obtains independently procured insurance must satisfy in connection with**

1 the reporting of a surplus lines insurance policy in section 5, chapter 660, Oregon Laws  
2 2011 where Oregon is determined to be the home state.

3 (2) For each surplus lines insurance policy with coverage starting at any time beginning  
4 January 1, 2012 through December 31, 2016 where Oregon is determined to be the home  
5 state, each insured who obtains independently procured insurance must include in their  
6 written report filed with the Director of the Department of Consumer and Business  
7 Services the allocated premium, by coverage for Oregon and other applicable states in  
8 accordance with the filing instructions on the Surplus Line Association of Oregon web site  
9 in addition to the filing requirements in section 5, chapter 660, Oregon Laws 2011.

10 Notwithstanding the January 1, 2012 through December 31, 2016 time period referenced  
11 above, on or after January 1, 2015 the Director may determine that insureds no longer  
12 need to include this allocated premium information in their filed written report.

13 (3) For each surplus lines insurance policy with coverage starting at any time beginning  
14 January 1, 2012 through December 31, 2016 where Oregon is determined to be the home  
15 state, a surplus lines licensee must include in their statement filed with the Director the  
16 allocated premium, by coverage for Oregon and other applicable states in accordance with  
17 the filing instructions on the Surplus Line Association of Oregon web site in addition to the  
18 filing requirements in ORS 735.425(1) and (2). Notwithstanding the January 1, 2012  
19 through December 31, 2016 time period referenced above, on or after January 1, 2015 the  
20 Director may determine that surplus lines licensees no longer need to include this allocated  
21 premium information in their filed statement.

22 (4) The written report required in section 5, chapter 660, Oregon Laws 2011 and the  
23 statements required in ORS 735.425(1) must be filed with the Surplus Line Association of  
24 Oregon.

25  
26 Stat. Auth.: ORS 731.244 & 735.425

27 Stats. Implemented: ORS 735.425 & section 5, chapter 660, Oregon Laws 2011  
28  
29