

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 543 by Representative Pierre

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "R.S. 22:431," and insert "R.S. 22:46(2) and (17), 431,"

3 AMENDMENT NO. 2

4 On page 1, line 2, delete "and 438," and insert "438, and 439(F) and to enact R.S. 22:46(7.1)
5 and (8.1),"

6 AMENDMENT NO. 3

7 On page 1, line 11, delete "R.S. 22:431," and insert "R.S. 22:46(2) and (17), 431,"

8 AMENDMENT NO. 4

9 On page 1, line 11, delete "and 438" and insert "438, and 439(F)"

10 AMENDMENT NO. 5

11 On page 1, line 12, after "reenacted" insert "and R.S. 22:46(7.1) and (8.1) are hereby
12 enacted"

13 AMENDMENT NO. 6

14 On page 1, between lines 12 and 13 insert the following:

15 "§46. General definitions

16 In this Code, unless the context otherwise requires, the following definitions
17 shall be applicable:

18 * * *

19 (2) "Approved unauthorized insurer" means an insurer without a certificate
20 of authority, or otherwise qualified under the provisions of this Code, ~~and which that~~
21 meets the eligibility criteria of R.S. 22:435(A)(2) and (B) and is on the list of
22 approved unauthorized insurers under the provisions of R.S. 22:436, and from which
23 a licensed surplus lines broker may procure insurance under the provisions of R.S.
24 22:432.

25 * * *

26 (7.1) "Eligible unauthorized insurer" means an insurer without a certificate
27 of authority, or otherwise qualified under the provisions of this Code, that meets the
28 eligibility criteria of R.S. 22:435(A)(2) and (B) and from which a licensed surplus
29 lines broker may procure insurance under the provisions of R.S. 22:432.

30 * * *

31 (8.1)(a) "Home state" means, with respect to an insured on a surplus lines
32 insurance policy, one of the following:

33 (i) The state in which an insured maintains its principal place of business or,
34 in the case of an individual, the individual's principal residence.

35 (ii) If one hundred percent of the insured risk is located out of the state
36 referred to in Item (i) of this Subparagraph, the state to which the greatest percentage
37 of the insured's taxable premium for that insurance contract is allocated.

38 (iii) If more than one insured from an affiliated group are named insureds on
39 a single surplus lines insurance contract, the state, as determined pursuant to Item (i)
40 or (ii) of this Subparagraph, of the member of the affiliated group that has the largest
41 percentage of premium attributed to it under the surplus lines insurance contract.

(b) The home state as determined in Subparagraph (a) of this Paragraph is the state that has sole statutory and regulatory jurisdiction over the placement of unauthorized insurance pursuant to 15 U.S.C. 8202 and the exclusive authority to require the payment of any premium tax on unauthorized insurance pursuant to 15 U.S.C. 8201.

* * *

(17) "Surplus lines insurance" means any property and casualty insurance in this state on ~~properties, risks, or exposures~~ property, risk, or exposure located or to be performed in this state, permitted to be placed through a licensed surplus lines broker with an approved unauthorized insurer or eligible unauthorized insurer.

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AMENDMENT NO. 7

On page 1, line 17, delete "Permitting" and insert "Facilitating the placement of" and delete "to be placed"

AMENDMENT NO. 8

On page 2, line 1, delete "which will permit" and insert "that permits"

AMENDMENT NO. 9

On page 2, line 2, delete "encourage" and insert "encourages"

AMENDMENT NO. 10

On page 2, line 5, after "insurers" insert "or eligible unauthorized insurers"

AMENDMENT NO. 11

On page 2, line 6, after "Subpart." delete the remainder of the line and delete lines 7 and 8 in their entirety

AMENDMENT NO. 12

On page 2, line 17, after "insurers" insert "or eligible unauthorized insurers"

AMENDMENT NO. 13

On page 2, line 21, after "authorized insurers." delete the remainder of the line and delete lines 22 and 23 in their entirety

AMENDMENT NO. 14

On page 2, line 18, after "22:46(2)" insert "and (7.1)"

AMENDMENT NO. 15

On page 2, line 21, after "authorized insurers." delete the remainder of the line and delete lines 22 and 23 in their entirety

AMENDMENT NO. 16

On page 3, delete lines 23 and 24 and insert "§435. Solvency and eligibility requirements"

AMENDMENT NO. 17

On page 3, line 25, delete "not knowingly" and insert "only"

1 AMENDMENT NO. 18

2 On page 3, line 27 delete "Not financially" and insert "Financially"

3 AMENDMENT NO. 19

4 On page 4, line 1, delete "Not authorized" and insert "Authorized"

5 AMENDMENT NO. 20

6 On page 11, line 2, after "produce." delete the remainder of the line and delete lines 3
7 through 24

8 AMENDMENT NO. 21

9 On page 11, delete lines 26 through 28 in their entirety and insert in lieu thereof:

10 "A. The commissioner of insurance shall maintain a list of approved unauthorized
11 insurers from those eligible unauthorized insurers that apply for approval and satisfy the
12 criteria established by the commissioner. Placement on the list of approved unauthorized
13 insurers shall be prima facie evidence that an unauthorized insurer meets the financial and
14 eligibility criteria of R.S. 22:435(A) and (B)."

15 AMENDMENT NO. 22

16 On page 12, line 4, after "following" insert ", unless available to the commissioner through
17 the NAIC or from public sources"

18 AMENDMENT NO. 23

19 On page 14, line 13, delete "Certificate" and insert "Acknowledgment"

20 AMENDMENT NO. 24

21 On page 14, line 15, after "insurer" insert "or eligible unauthorized insurer"

22 AMENDMENT NO. 25

23 On page 14, line 17, delete "a certificate" and insert "an acknowledgment"

24 AMENDMENT NO. 26

25 On page 14, line 20, delete "certificate" and insert "acknowledgment"

26 AMENDMENT NO. 27

27 On page 14, line 25, after "insurer" insert "or eligible unauthorized insurer"

28 AMENDMENT NO. 28

29 On page 15, line 2, delete "Louisiana"

30 AMENDMENT NO. 29

31 On page 15, line 4, after "insurer" insert "or eligible unauthorized insurer"

32 AMENDMENT NO. 30

33 On page 15, line 5, delete "certificates" insert "acknowledgments"

1 AMENDMENT NO. 31

2 On page 15, line 6, after "insurer" insert "or eligible unauthorized insurer"

3 AMENDMENT NO. 32

4 On page 15, line 7, delete "certificate" insert "acknowledgment"

5 AMENDMENT NO. 33

6 On page 15, between lines 8 and 9 insert the following:

7 "* * *

8 §439. Tax on surplus lines

9 * * *

10 F. The home state of the insured for purposes of this Section shall be as
11 defined in R.S. 22:46(8.1)~~the Nonadmitted and Reinsurance Reform Act of 2010 (15~~
12 U.S.C. 8206(6)).

13 * * *"