

§2002-A. Exemptions from provisions

1. The following kinds of insurance must be procured from authorized insurers and are not eligible for export in the surplus lines market:

A. Life insurance; [PL 1993, c. 153, §16 (NEW).]

B. Health insurance, except disability insurance; or [PL 2019, c. 20, §1 (AMD).]

C. Employee benefit excess insurance. [PL 1993, c. 153, §16 (NEW).]
[PL 2019, c. 20, §1 (AMD).]

2. This surplus lines law may not be used to place reinsurance. Nothing in this subsection prohibits the cession or assumption of reinsurance as otherwise permitted by this Title.

[PL 1993, c. 153, §16 (NEW).]

3. Producers with surplus lines authority may procure the following kinds of insurance from eligible surplus lines insurers without adherence to the procedures set forth in section 2004 or any other requirement to determine whether the full amount or type of insurance sought can be obtained from admitted insurers:

A. Wet marine and transportation insurance; [PL 1993, c. 153, §16 (NEW).]

B. Insurance on subjects located, resident or to be performed wholly outside of this State, or on vehicles or aircraft owned and principally garaged outside this State; [PL 1993, c. 153, §16 (NEW).]

C. Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations; [PL 2011, c. 331, §2 (AMD); PL 2011, c. 331, §§16, 17 (AFF).]

D. Insurance on aircraft owned or operated by manufacturers of aircraft or of aircraft operated in commercial interstate flight, or cargo of such aircraft, or against liability other than workers' compensation and employer's liability arising out of the ownership, maintenance or use of such aircraft; or [PL 2011, c. 331, §2 (AMD); PL 2011, c. 331, §§16, 17 (AFF).]

E. Insurance placed by a producer with surplus lines authority for an exempt commercial purchaser if:

(1) The producer has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that provides greater protection with more regulatory oversight; and

(2) The exempt commercial purchaser has subsequently requested in writing for the producer to procure or place such insurance from a nonadmitted insurer. [PL 2011, c. 331, §2 (NEW); PL 2011, c. 331, §§16, 17 (AFF).]

[PL 2011, c. 331, §2 (AMD); PL 2011, c. 331, §§16, 17 (AFF).]

SECTION HISTORY

PL 1993, c. 153, §16 (NEW). PL 1997, c. 592, §48 (AMD). PL 2011, c. 331, §2 (AMD). PL 2011, c. 331, §§16, 17 (AMD). PL 2019, c. 20, §1 (AMD).

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