



General Assembly

**Substitute Bill No. 6379**

January Session, 2013



**AN ACT CONCERNING SURPLUS LINES INSURANCE BROKERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of subsection (b) of section 38a-741 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (b) (1) When any policy of insurance is procured or renewed under  
5 the authority of such license providing a line of insurance or its  
6 component that does not, on the effective date of coverage, appear on  
7 the current published list, both the licensee and the insured shall  
8 [execute affidavits] write signed statements setting forth facts showing  
9 that such licensee and such insured were unable after diligent effort to  
10 procure, from any authorized insurer or insurers, the full amount of  
11 insurance required to protect the interest of such insured, and further  
12 showing (A) that the amount of insurance procured from an  
13 unauthorized insurer or insurers is only the excess over the amount so  
14 procurable from authorized insurers, (B) the type of policy, and (C) if  
15 such policy is for real property, the location of such property. With  
16 respect to a homeowners insurance policy, "diligent effort" means such  
17 licensee received at least six declinations from authorized insurers for  
18 such coverage. Such licensee shall file such [affidavits] signed  
19 statements in electronic format with the commissioner [not later than  
20 forty-five days after such policies have been procured] on February

21 first, May first, August first and November first of each year.

22 Sec. 2. Section 38a-777 of the general statutes is repealed and the  
23 following is substituted in lieu thereof (*Effective from passage*):

24 Any licensee under sections 38a-741 to 38a-744, inclusive, as  
25 amended by this act, or section 38a-794 who negotiates, continues or  
26 renews any contract for insurance in any unauthorized company, and  
27 who [neglects] fails to make and file the [affidavit and] statements  
28 required [by said sections] under section 38a-741, as amended by this  
29 act, or who wilfully makes a false [affidavit or] statement, or who  
30 negotiates, continues or renews any such contract of insurance after  
31 the revocation or during the suspension of the licensee's license, shall  
32 forfeit the license if not previously revoked and shall be fined not more  
33 than four thousand dollars or imprisoned not more than six months, or  
34 both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	38a-741(b)(1)
Sec. 2	<i>from passage</i>	38a-777

**INS**      *Joint Favorable Subst.*