

tion among the States of premium taxes that have been adopted during such period by any States.

**(4) Nationwide system**

The Congress intends that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provide for the reporting, payment, collection, and allocation of premium taxes for nonadmitted insurance consistent with this section.

**(c) Allocation based on tax allocation report**

To facilitate the payment of premium taxes among the States, an insured's home State may require surplus lines brokers and insureds who have independently procured insurance to annually file tax allocation reports with the insured's home State detailing the portion of the nonadmitted insurance policy premium or premiums attributable to properties, risks, or exposures located in each State. The filing of a nonadmitted insurance tax allocation report and the payment of tax may be made by a person authorized by the insured to act as its agent.

(Pub. L. 111-203, title V, §521, July 21, 2010, 124 Stat. 1589.)

EFFECTIVE DATE

Pub. L. 111-203, title V, §512, July 21, 2010, 124 Stat. 1589, provided that: "Except as otherwise specifically provided in this subtitle [see Short Title note below], this subtitle shall take effect upon the expiration of the 12-month period beginning on the date of the enactment of this subtitle [July 21, 2010]."

SHORT TITLE

Pub. L. 111-203, title V, §511, July 21, 2010, 124 Stat. 1589, provided that: "This subtitle [subtitle B (§§511-542) of title V of Pub. L. 111-203, enacting this chapter and provisions set out as a note under this section] may be cited as the 'Nonadmitted and Reinsurance Reform Act of 2010'."

**§ 8202. Regulation of nonadmitted insurance by insured's home State**

**(a) Home State authority**

Except as otherwise provided in this section, the placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured's home State.

**(b) Broker licensing**

No State other than an insured's home State may require a surplus lines broker to be licensed in order to sell, solicit, or negotiate nonadmitted insurance with respect to such insured.

**(c) Enforcement provision**

With respect to section 8201 of this title and subsections (a) and (b) of this section, any law, regulation, provision, or action of any State that applies or purports to apply to nonadmitted insurance sold to, solicited by, or negotiated with an insured whose home State is another State shall be preempted with respect to such application.

**(d) Workers' compensation exception**

This section may not be construed to preempt any State law, rule, or regulation that restricts the placement of workers' compensation insur-

ance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer. (Pub. L. 111-203, title V, §522, July 21, 2010, 124 Stat. 1590.)

**§ 8203. Participation in national producer database**

After the expiration of the 2-year period beginning on July 21, 2010, a State may not collect any fees relating to licensing of an individual or entity as a surplus lines broker in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of surplus lines brokers and the renewal of such licenses.

(Pub. L. 111-203, title V, §523, July 21, 2010, 124 Stat. 1590.)

**§ 8204. Uniform standards for surplus lines eligibility**

A State may not—

(1) impose eligibility requirements on, or otherwise establish eligibility criteria for, nonadmitted insurers domiciled in a United States jurisdiction, except in conformance with such requirements and criteria in sections 5A(2) and 5C(2)(a) of the Non-Admitted Insurance Model Act, unless the State has adopted nationwide uniform requirements, forms, and procedures developed in accordance with section 8201(b) of this title that include alternative nationwide uniform eligibility requirements; or

(2) prohibit a surplus lines broker from placing nonadmitted insurance with, or procuring nonadmitted insurance from, a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the NAIC.

(Pub. L. 111-203, title V, §524, July 21, 2010, 124 Stat. 1590.)

**§ 8205. Streamlined application for commercial purchasers**

A surplus lines broker seeking to procure or place nonadmitted insurance in a State for an exempt commercial purchaser shall not be required to satisfy any State requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from admitted insurers if—

(1) the broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) the exempt commercial purchaser has subsequently requested in writing the broker to procure or place such insurance from a nonadmitted insurer.

(Pub. L. 111-203, title V, §525, July 21, 2010, 124 Stat. 1591.)