



Texas Department of Insurance

Financial, Company Licensing & Registration, Mail Code 305-2C

333 Guadalupe • P. O. Box 149104, Austin, Texas 78714-9104

512-322-3507 telephone • 512-322-3550 fax • www.tdi.state.tx.us

Memorandum

To: **SURPLUS LINES AGENTS AND INSURERS**

From: Kathy A. Wilcox, Registration Officer
Company Licensing & Registration

Date: January 1, 2009

Subject: Evidence Filing Requirements for 2009 Surplus Lines Eligibility

The following are the requirements and due dates for filing documentation for 2009 eligibility for surplus lines insurers. Each insurer wanting to maintain eligibility or to become eligible must meet the listed filing requirements.

These filing requirements are in accordance with the Texas Insurance Code, Chapter 981 and related provisions of the Texas Administrative Code, 28 TAC §15.8. Texas Administrative Code, 28 TAC §15.8 (j) requires the Texas Department of Insurance to maintain the "Surplus Lines Insurers List" compiled from the information submitted to meet the eligibility requirements. Any new information or updates to previously filed documentation must be submitted to the Texas Department of Insurance with copy to the Surplus Lines Stamping Office of Texas in a timely manner. This includes name changes, addresses, changes in officers and directors, etc. All questions and/or comments pertaining to the Surplus Lines Insurers List are to be directed to the Texas Department of Insurance.

The minimum capital and surplus requirement is \$15 million as of December 31, 1995. Failure to maintain at least \$15 million capital and surplus may result in the removal of the insurer from the Texas Department of Insurance "Surplus Lines Insurers List." Failure to comply with the evidence filing requirements may also subject the insurer to removal from the list.

Enclosed is a Business Plan Outline to be used to meet the business plan filing requirements. Business Plans must be current within 3 years. If the current business plan on file has financial projections for years prior to 2006, a new plan will need to be filed by March 31, 2009.

Inquiries about the contents of this memo should be directed to Company Licensing and Registration, Texas Department of Insurance, registrationteam@tdi.state.tx.us or 512/322-3535.

Attached is a Checklist for both foreign (U.S. domiciled) and alien (non-U.S. domiciled) companies. The Checklist must be completed and filed with the required documents.

NOTE: All Documents must be submitted in duplicate as follows

Original Documents

Texas Department of Insurance
Company Licensing & Registration, MC 305-2C
333 Guadalupe
P.O. Box 149104
Austin, TX 78714-9104
512-322-3535, FAX 512-322-3550
registrationteam@tdi.state.tx.us

Duplicate Copies

Surplus Lines Stamping Office of Texas
805 Las Cimas Parkway, Suite 150
Austin, TX 78746-5493
P. O. Box 160170
Austin, TX 78716-0170
512-346-3274 ext 220, FAX 512-346-3422
evidence@slosot.org

Note: Documents filed solely with the Stamping Office are not deemed to be filed with the Texas Department. All evidence submitted must have the complete name of the surplus lines insurer clearly displayed.

Due Date

The ***DUE DATE*** for filing documents varies based on the type of evidence required. A due date is indicated for each type of evidence.

If an insurer is unable to comply with the due dates, a written explanation must be filed with the Texas Department of Insurance (with a copy to the Surplus Lines Stamping Office of Texas) using the Comments Section of the proper Checklist. The explanation must include date the evidence will be filed. ***Failure to make timely filings may result in the suspension or revocation of the insurer's eligibility.***

An insurer may also be asked to provide additional information as deemed necessary to perform an evaluation of the insurer's eligibility. This may include, but is not limited to detailed policy information regarding direct premium written in Texas.

NOTE: Texas Department of Insurance will allow certain evidence, as indicated on the check list, to be filed electronically at e-mail addresses listed above, for insurers renewing their eligibility. All evidence for new submissions must be filed in hard copy.