



Ohio Revised Code

Section 3905.332 Designation as domestic surplus lines insurer.

Effective: March 20, 2019

Legislation: Senate Bill 273 - 132nd General Assembly

(A) Notwithstanding any other provision of the Revised Code, a domestic insurer may be designated a domestic surplus lines insurer pursuant to this section.

(B) A domestic insurer shall not be designated a domestic surplus lines insurer unless all of the following are met:

(1) The domestic insurer possesses minimum capital and surplus of at least fifteen million dollars.

(2) The domestic insurer is seeking to become a domestic surplus lines insurer pursuant to a resolution adopted by its board of directors.

(3) The superintendent of insurance has authorized the designation of the insurer as a domestic surplus lines insurer in writing.

(C) A domestic surplus lines insurer shall be considered an unauthorized insurer for the purposes of writing surplus lines insurance coverage pursuant to the requirements of this chapter.

(D)(1) A domestic surplus lines insurer shall only write surplus lines insurance in this state in accordance with the requirements of this chapter.

(2) A domestic surplus lines insurer may write surplus lines insurance in any other jurisdiction in which the insurer is eligible to write surplus lines insurance, provided that the domestic surplus lines insurer complies with any requirements of that jurisdiction.

(E) A domestic surplus lines insurer shall not engage in the business of insurance in this state on an admitted basis.

(F) Surplus lines insurance written by a domestic surplus lines insurer is subject to the tax on



premiums as required in section 3905.36 of the Revised Code and is exempt from the tax on premiums required in section 5725.18 of the Revised Code.

(G) A domestic surplus lines insurer shall be considered a nonadmitted insurer as defined in 15 U.S.C. 8206 with respect to surplus lines insurance issued in this state.

(H) Surplus lines insurance policies issued in this state by a domestic surplus lines insurer are not subject to the provisions of Chapter 3955. of the Revised Code nor are they subject to the protection of either Ohio insurance guaranty association account established pursuant to section 3955.06 of the Revised Code.

(I) Surplus lines insurance policies issued in this state by a domestic surplus lines insurer are not subject to and are exempt, in the same manner and to the same extent as surplus lines insurance policies issued by an insurer domiciled in another state, from all statutory requirements relating to all of the following:

(1) Insurance rating and rating plans;

(2) Policy forms;

(3) Policy cancellation and renewal.

(J) Unless otherwise specified in this section or specifically exempted under this chapter, a domestic surplus lines insurer shall be subject to all financial, reserve, and solvency requirements under this title that are imposed on domestic admitted insurers, as applicable.