



General Assembly

Amendment

February Session, 2022

LCO No. 5163



Offered by:
REP. WOOD K., 29th Dist.

To: House Bill No. 5400

File No. 302

Cal. No. 232

"AN ACT CONCERNING THE REGULATION OF INSURANCE IN THE STATE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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4 repealed and the following is substituted in lieu thereof (*Effective from*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

6 (b) (1) When any policy of insurance is procured [or renewed] under
7 the authority of such license providing a line of insurance or its
8 component that does not, on the effective date of coverage, appear on
9 the current published list, both the licensee and the insured shall write
10 signed statements setting forth facts showing that such licensee and
11 such insured were unable after diligent effort to procure, from any
12 authorized insurer or insurers, the full amount of insurance required to
13 protect the interest of such insured, and further showing (A) that the
14 amount of insurance procured from an unauthorized insurer or insurers
15 is only the excess over the amount so procurable from authorized

16 insurers, (B) the type of policy, and (C) if such policy is for real property,
 17 the location of such property. Such licensee shall file such signed
 18 statements in electronic format with the commissioner on February
 19 fifteenth, May fifteenth, August fifteenth and November fifteenth of
 20 each year.

21 (2) When any policy of insurance is renewed, the licensee shall not be
 22 required to write and file the signed statement set forth in subdivision
 23 (1) of subsection (b) of this section if the policy is renewed with the
 24 unauthorized insurer.

25 ~~[(2)]~~ (3) The provisions of subdivision (1) of this subsection shall not
 26 apply to (A) any such policy providing or including flood insurance,
 27 including flood insurance procured from the National Flood Insurance
 28 Program, or (B) any policy of insurance procured under the authority of
 29 such license for an insured that is an exempt commercial purchaser, as
 30 defined in Section 527 of the Dodd-Frank Wall Street Reform and
 31 Consumer Protection Act, P.L. 111-203, as amended from time to time,
 32 provided (i) the surplus lines broker has disclosed to such exempt
 33 commercial purchaser that such insurance may or may not be available
 34 from an authorized insurer, that may provide greater protection with
 35 more regulatory oversight, and (ii) such exempt commercial purchaser
 36 has subsequently requested such broker, in writing, to procure such
 37 policy from an unauthorized insurer."

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