# Rules of
Department of Insurance, Financial Institutions and Professional Registration

Division 200—Insurance Solvency and Company Regulation

Chapter 6—Surplus Lines

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Chapter 6—Surplus Lines

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 200—Insurance Solvency and Company Regulation
Chapter 6—Surplus Lines

20 CSR 200-6.100 Surplus Lines Insurance Forms

PURPOSE: This rule prescribes forms to be followed in making filings pursuant to sections 384.031 and 384.057, RSMo, and effects or aids in the interpretation of sections 384.077(2), 384.031, and 384.057, RSMo.

(1) Forms.

(A) Surplus Lines Filing Report—Appendix 1 is the method prescribed by the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration for filing the confidential written report required by section 384.031, RSMo. The Surplus Lines Filing Report—Appendix 1 data must be filed electronically using the systems, software, and/or method prescribed by the director.

(B) Surplus Lines Licensee’s Tax Report—Appendix 3 is the method prescribed by the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration for filing the annual report required by section 384.057, RSMo. The Surplus Lines Licensee’s Tax Report—Appendix 3 data must be filed electronically using the systems, software, and/or method prescribed by the director.

(C) Copies of the forms are available at the department’s office, at the department website, www.insurance.mo.gov, or by mailing a written request to the Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

(2) Proof of filing. Proof of filing will be provided to the surplus lines licensee making electronic filings by means or methods prescribed by the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration.


20 CSR 200-6.200 Surplus Lines Advisory Organizations


20 CSR 200-6.300 Surplus Lines Insurance Fees and Taxes

PURPOSE: This rule clarifies and effectuates the provisions of Chapter 384, RSMo as amended by Senate Bill 250 in the First Regular Session of the 85th General Assembly with regard to the premium charged by surplus lines insurers. This rule is pursuant to the provisions of sections 374.045, 384.051, 384.057 and 384.059, RSMo.

(1) For purposes of determining net premiums, as that term is used in sections 384.051, 384.057 and 384.059, RSMo, the gross amount of charges for surplus lines insurance shall include any fee charged to the insured and paid to the surplus lines insurer or surplus lines licensee for the placement of the surplus lines insurance. Notwithstanding the provisions of section (4) of this rule, any compensation received by the surplus lines licensee for the placement of surplus lines insurance. This rule is pursuant to the provisions of sections 384.051, 384.057, 384.059, RSMo.

PURPOSE: This rule clarifies and effectuates the provisions of Chapter 384, RSMo as amended by Senate Bill 250 in the First Regular Session of the 85th General Assembly with regard to the premium charged by surplus lines insurers. This rule is pursuant to the provisions of sections 374.045, 384.051, 384.057 and 384.059, RSMo.


20 CSR 200-6.400 Surplus Lines Premium Tax Allocation Formulas

PURPOSE: This rule implements the surplus lines premium tax allocation provisions contained in section 384.061, RSMo.

(1) For purposes of determining the amount of premium properly allocable to that portion of the risk located in this state pursuant to the provisions of section 384.061, RSMo, the following formulas shall be used where applicable:

(A) Products Liability = Missouri Sales Revenue
Total Sales Revenue

(B) Fire and Extended Coverage = Missouri Property Value
All Property Value

(C) Employee Liability = Missouri Salaries Paid
All Salaries Paid
and

(D) Transportation Insurance =

\[
\frac{\text{Missouri Revenue Miles}}{\text{All Revenue Miles}}
\]

(2) To the extent that the formulas contained in section (1) are inapplicable or do not adequately reflect that portion of the risk located within this state, the tax payable shall be computed on the portions of the premium properly allocable to that portion of the risks located in this state. The formula may be based on the rating basis for the particular policy. The surplus lines licensee shall obtain the approval of the director prior to the use of any other formula for determining the amount of premium allocable to that portion of the risk located within this state.


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### 20 CSR 200-6.500 Standards for Determining the Availability of Coverage

**PURPOSE:** This rule specifies the standards for determining whether there is an available market in Missouri for the class of coverage required by a prospective insured, both as to the type of coverage and the quality of coverage, such that an insurer admitted to business in Missouri must be used, or whether, in the alternative, a surplus lines licensee may be used to obtain coverage from a nonadmitted insurer.

(1) For purposes of section 384.017, RSMo, an available market shall be deemed not to exist for the type and quality of coverage required by the insured if, at the time of the request, the surplus lines licensee and the licensee’s producing insurance producer, if any, have been unable, after the exercise of due diligence, to obtain such coverage from both—

(A) Those admitted insurers with whom the surplus lines licensee and any producing insurance producer have been appointed to act, respectively, as insurance producers; and

(B) Those other admitted insurers to whom the surplus lines licensee and any producing insurance producer have reasonable access and from whom they either knew they could obtain coverage or from whom they would typically be able to obtain coverage, during the normal course of business.


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### 20 CSR 200-6.600 Licensing Requirements

(Rescinded September 30, 2005)


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