

**NOTICE**

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**Department of Business Regulation**

233 Richmond Street  
Providence, RI 02903

**Insurance Bulletin Number 2005-11**

**Surplus Line Affidavit by Broker Forms  
Delinquency in Filings**

The Department of Business Regulation (“Department”) issues this Bulletin to remind insurance producers and surplus line brokers of their obligations pursuant to [R.I.G.L. § 27-3-38](#) and [Insurance Regulation 11](#). This Bulletin supplements Insurance Bulletins [2003-1](#) and [2003-16](#).

Based upon our review of affidavit by brokers forms filed with this Department, the Department finds that in many instances insurance producers have failed to submit the completed affidavits within a timely manner to the surplus line broker for filing with this Department. R.I.G.L. § 27-3-38 requires that affidavits shall be filed by the surplus line broker with the insurance commissioner within sixty (60) days after the policies have been procured. The law places the duty to file affidavits with the surplus line broker. However, if the insurance producer fails to properly complete and execute the affidavit by broker forms within a timely manner, surplus line brokers are unable to comply with the statutory requirement.

The Department will continue to monitor the affidavits filed with this Department. Should we find continued delays in either the submission of the affidavit by the insurance producer to the surplus line broker and/or the failure of the surplus line broker to submit the affidavits within the required 60-day period, the Department will investigate and take administrative action against the insurance producer and/or surplus line broker as deemed appropriate in accordance with the Administrative Procedures Act.

Joseph Torti, III  
Associate Director and Superintendent of Insurance  
September 19, 2005