

Draft date: 2/20/24

2024 Spring National Meeting
Phoenix, Arizona

SURPLUS LINES (C) TASK FORCE

Saturday, March 16, 2024

11:30 a.m. – 12:00 p.m.

Phoenix Convention Center—105 West—Level 1

ROLL CALL

Larry D. Deiter, Chair	South Dakota	Timothy J. Temple	Louisiana
Cassie Brown, Vice Chair	Texas	Kathleen A. Birrane	Maryland
Mark Fowler	Alabama	Gary D. Anderson	Massachusetts
Lori K. Wing-Heier	Alaska	Grace Arnold	Minnesota
Ricardo Lara	California	Mike Chaney	Mississippi
Michael Conway	Colorado	Remedio C. Mafnas	N. Mariana Islands
Karima M. Woods	District of Columbia	Scott Kipper	Nevada
Michael Yaworsky	Florida	Justin Zimmerman	New Jersey
John F. King	Georgia	Mike Causey	North Carolina
Michelle B. Santos	Guam	Glen Mulready	Oklahoma
Gordon I. Ito	Hawaii	Michael Humphreys	Pennsylvania
Dean L. Cameron	Idaho	Michael Wise	South Carolina
Dana Popish Severinghaus	Illinois	Carter Lawrence	Tennessee
Amy L. Beard	Indiana	Tregenza A. Roach	U.S. Virgin Islands
Vicki Schmidt	Kansas	Mike Kreidler	Washington

NAIC Support Staff: Andy Daleo

AGENDA

1. Consider Adoption of its 2023 Fall National Meeting Minutes
—*Director Larry D. Deiter (SD)* Attachment One
2. Consider Adoption of the Report of the Surplus Lines (C) Working Group
—*Stewart Guerin (LA)*
3. Discuss Service of Process—*Director Larry D. Deiter (SD)*
4. Discuss Any Other Matters Brought Before the Task Force
—*Director Larry D. Deiter (SD)*
5. Adjournment

Draft Pending Adoption

Draft: 12/11/23

Surplus Lines (C) Task Force
Orlando, Florida
December 1, 2023

The Surplus Lines (C) Task Force met in Orlando, FL, Dec. 1, 2023. The following Task Force members participated: James J. Donelon, Chair (LA); Larry D. Deiter, Vice Chair (SD); Lori K. Wing-Heier represented by Kayla Erickson (AK); Mark Fowler (AL); Ricardo Lara represented by Benjamin Chan (CA); Michael Conway represented by Rolf Kaumann (CO); Karima M. Woods represented by Laura Alexander (DC); Michael Yaworsky represented by Virginia Christy (FL); Doug Ommen represented by Mathew Cunningham (IA); Dean L. Cameron represented by Randy Pipal (ID); Dana Popish Severinghaus represented by Julie Rachford (IL); Vicki Schmidt represented by Julie Holmes (KS); Gary D. Anderson represented by Jim McCarty (MA); Kathleen A. Birrane represented by Erin Nickles (MD); Mike Causey represented by Angela Hatchell (NC); Scott Kipper (NV); Glen Mulready represented by Eli Snowbarger (OK); Michael Humphreys represented by Michael McKenney (PA); Michael Wise represented by Lauren Robertson (SC); Carter Lawrence represented by Trey Hancock (TN); Cassie Brown represented by Amy Garcia (TX); and Mike Kreidler represented by Jeff Baughman (WA).

1. Adopted its Summer National Meeting Minutes

Baughman made a motion, seconded by Kaumann, to adopt the Task Force's Aug. 13, 2023, minutes (see *NAIC Proceedings – Fall 2023, Surplus Lines (C) Task Force*). The motion passed unanimously.

2. Discussed Issues with the Current Service of Process Forms

Thomas Dawson (McDermott Will & Emery) submitted a comment letter (**Attachment 1**) on an issue regarding the Uniform Certificate of Authority Application, Uniform Consent to Service of Process (Form 12), which is that a number of states require nonadmitted insurers to file. Dawson commented that the form was designed for admitted insurers and not for surplus lines insurers. Dawson indicated that a decision in *Mallory v. Norfolk Southern Railway Company* (No. 21-1168) concluded that parties to a suit are at home in the state that the commissioner or secretary of state was appointed as service of process, regardless of the cause of action. Dawson commented that the *Nonadmitted Insurance Model Act* (#870), Section 9 discusses service of process and suit on any cause of action arising from a policy regarding an insurer on the *NAIC Quarterly Listing of Alien Insurers*. Further, Dawson commented that the *Unauthorized Insurers Process Act* (#850) outlines the same limitations. Dawson commented that he is not advocating to amend Model #870 but to create a new service of process form that is specific to surplus lines insurers in order to improve uniformity across states. Dawson indicated that the overall goal would be to ensure the new form is consistent with Model #870 and Model #850. Sabrina Miesowitz (Lloyd's America) commented that there is a service of process form specific for certified and reciprocal reinsurers and that a solution could be to draft a similar form that references surplus lines insurers. Commissioner Donelon directed the formation of a drafting group to review the language within Model #870 and Model #850 and consider the development of a service of process form specifically for surplus lines insurers.

Having no further business, the Surplus Lines (C) Task Force adjourned.

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