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**IDAPA 18  
TITLE 01  
CHAPTER 18**

**18.01.18 - OPEN LINES FOR EXPORT - SURPLUS LINES**

**000. LEGAL AUTHORITY.**

Title 41, Chapter 12, Idaho Code.

(1-1-94)

**001. TITLE AND SCOPE.**

The purpose of this Rule is to provide a list of open lines for export as provided by Section 41-1216, Idaho Code, OPEN LINES FOR EXPORT.

(1-1-94)

**002. (RESERVED)**

**003. ADMINISTRATIVE APPEALS.**

All administrative appeals shall be governed by Chapter 2, Title 41, Idaho Code, and the Idaho Administrative Procedure Act, Title 67, Chapter 52, Idaho Code and IDAPA 04.11.01, Idaho Rules of Administrative Procedure, Idaho Rules of Administrative Procedure of the Attorney General - General Provisions.

(4-11-06)

**004. DEFINITIONS.**

**01. Open Lines for Export.** The term "Open Lines for Export" shall mean the class or classes of business which the Director by order or by rule has declared eligible for export in accordance with Section 41-1216, Idaho Code, and for which there appears to be no reasonable or adequate market among authorized insurers, either to acceptance of risk, contract terms, or premium or premium rate.

(5-3-03)

**02. Lines Other Than Open Lines for Export.** The term "Lines Other than Open Lines for Export" shall mean the class or classes of business not on the list of open lines for export which are to be offered to eligible surplus lines insurers in accordance with Sections 41-1214, and 41-1215, Idaho Code.

(1-1-94)

**03. Diligent Search.** Diligent search or effort by the Surplus Line producer, for purposes of Section 41-1214(2), Idaho Code, shall be deemed to have been exercised if the Surplus Line producer or the referring insurance producer shall submit a risk to at least three authorized companies, which are engaged in writing in Idaho the type of coverage sought, or if there are no companies actually engaged in writing such coverage, the risk shall be submitted to at least three companies which, in the Surplus Line producer's or the insurance producer's professional judgment, are the most likely to accept the risk.

(1-1-94)

**005. -- 010. (RESERVED)**

**011. PROCEDURE.**

**01. Open Lines.** Insurance written in those classes that have been declared open lines for export need not comply with Sections 41-1214(2), 41-1214(3) and 41-1215, Idaho Code, but the proper submission must be provided to the Director or to a delegated association, if one has been delegated pursuant to Section 41-1232(c), Idaho Code, within thirty (30) days after the insurance policy is received by the Idaho broker.

(5-3-03)

**02. Other Lines.** Insurance written in those classes termed lines other than open lines for export are to be carefully processed to assure all concerned that the intent of Sections 41-1214 and 41-1215, Idaho Code, has been satisfied. The required broker's affidavit and submission must be provided to the Director or a delegated association, if one has been delegated, within thirty (30) days after the insurance policy is received by the Idaho broker.

(5-3-03)

**012. SEVERABILITY.**

If any provision of this Rule shall be held invalid, the remainder of the Rule shall not be affected thereby.

(1-1-94)

**013. OPEN LINES FOR EXPORT - SURPLUS LINES.**

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(1-1-94)

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  - n. Private patrol service. (1-1-94)
  - o. Taxi cabs. (1-1-94)
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  - d. Aviation -- workmen's compensation and employers' liability. (1-1-94)
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