

# Table of Contents

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## 18.01.18 - Open Lines for Export - Surplus Lines

000. Legal Authority. ....	2
001. Title And Scope. ....	2
002. (Reserved) ....	2
003. Administrative Appeals. ....	2
004. Definitions. ....	2
005. -- 010. (Reserved) ....	2
011. Procedure. ....	2
012. Severability. ....	2
013. Open Lines For Export - Surplus Lines. ....	2
014. -- 999. (Reserved) ....	10

**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.**

**01. Code AH Accident and Health.**

(1-1-94)

- a. Accidental death -- high limit or hazardous occupation. (1-1-94)
- b. Accidental death -- world wide coverage. (1-1-94)
- c. Air crew personal accident. (1-1-94)
- d. Aviation accident, personal. (1-1-94)
- e. Dread disease. (1-1-94)
- f. Twenty-four (24) hour accident -- high limits. (1-1-94)
- g. High Limit Disability -- Uninsurable and Excess. (4-11-06)
- h. International Travel Medical. (4-11-06)
- 02. Code AL Auto Liability. (1-1-94)**
  - a. Ambulance service. (1-1-94)
  - b. Automobile "Bobtail" liability. (1-1-94)
  - c. Automobile bus or livery. (1-1-94)
  - d. Automobile diving schools. (1-1-94)
  - e. Auto racing liability. (1-1-94)
  - f. Auto U-drive. (1-1-94)
  - g. Butane-propane hauling, (1-1-94)
  - h. Explosive hauling. (1-1-94)
  - i. Gasoline distribution. (1-1-94)
  - j. Go-karts. (1-1-94)
  - k. Logging truck liability (1-1-94)
  - l. Auto Excess liability. (4-11-06)
  - m. Midget autos. (1-1-94)
  - n. Private patrol service. (1-1-94)
  - o. Taxi cabs. (1-1-94)
  - p. Used auto dealers (4-11-06)
  - q. Non-owned/hired auto monoline. (4-11-06)
- 03. Code AP Auto Physical Damage. (1-1-94)**
  - a. Butane, propane hauling. (4-11-06)

- b. Fleet -- Monoline. (4-11-06)
- c. Racing. (4-11-06)
- d. Logging trucks. (1-1-94)
- e. Long haul trucks. (1-1-94)
- f. Taxi cabs. (1-1-94)
- g. Emergency vehicles. (4-11-06)
- h. Tow truck operations. (4-11-06)
- 04. Code AV Aviation and Aircraft.** (1-1-94)
- a. Air cargo. (1-1-94)
- b. Aircraft -- excess liability. (4-11-06)
- c. Airmeet liability. (1-1-94)
- d. Aviation -- workmen's compensation and employers' liability. (1-1-94)
- e. Hangar-Keeper's legal liability. (1-1-94)
- 05. Code FA Fire and Allied Lines.** (1-1-94)
- a. Amusement devices. (1-1-94)
- b. Amusement parks and carnivals. (1-1-94)
- c. Business Interruption -- value, excess. (1-1-94)
- d. Business Interruption -- contingent, excess. (1-1-94)
- e. Bowling alleys. (1-1-94)
- f. Chattel Mortgage, non-filing or non-recording. (1-1-94)
- g. Commercial/Residential Protection class 9 and 10. (4-11-06)
- h. Crop Insurance -- all weather hazards. (1-1-94)
- i. Drought insurance. (1-1-94)
- j. Earthquake. (1-1-94)
- k. Greenhouses -- wind and hail. (1-1-94)
- l. Polyurethane insulated buildings. (1-1-94)
- m. Residential with water losses. (4-11-06)
- n. Sawmills. (1-1-94)
- o. Valued business interruption. (1-1-94)

- p. Woodhandlers. (1-1-94)
- q. Distress Fire -- unprotected lodges, restaurants and taverns. (1-1-94)
- r. Residential and Commercial with EIFS exposure- synthetic stucco. (4-11-06)
- s. Bars, taverns, private clubs. (4-11-06)
- t. Single family dwellings seventy-five thousand dollars (\$75,000) or less, duplexes. (4-11-06)
- u. Builders Risk PC 7-10 -- Course of Construction. (4-11-06)
- v. Vacant buildings. (4-11-06)
- w. Nuclear energy property. (4-11-06)
- x. Buildings built prior to 1975 without significant updating or renovation. (4-11-06)
- y. Restaurants without auto fire suppression. (4-11-06)
- 06. Code GL General Liability.** (1-1-94)
- a. Amusement devices. (1-1-94)
- b. Amusement parks. (1-1-94)
- c. Anhydrous ammonia dealers and haulers. (1-1-94)
- d. Animal rides. (1-1-94)
- e. Carnivals. (1-1-94)
- f. Artisan Contractors. (4-11-06)
- g. Corporate officers, directors, and trustees liability. (1-1-94)
- h. Demolition contractors liability. (1-1-94)
- i. Dude ranch liability. (1-1-94)
- j. Environmental impairment. (1-1-94)
- k. Excess limits liability. (1-1-94)
- l. Exterminators liability. (1-1-94)
- m. Fairgrounds, fairs, liability. (1-1-94)
- n. False arrest, municipal or other public body. (1-1-94)
- o. Go-karts, spectators liability. (1-1-94)
- p. Ground applicators -- chemical drift. (1-1-94)
- q. Health club liability. (1-1-94)

<b>r.</b>	Residential/Assisted Living/Nursing homes.	(4-11-06)
<b>s.</b>	Recreational vehicle rental: snowmobiles, atvs, jet skis.	(4-11-06)
<b>t.</b>	Liquified petroleum dealers.	(1-1-94)
<b>u.</b>	Liquor liability and Dram Shop Act liability.	(1-1-94)
<b>v.</b>	Loggers All Lines.	(4-11-06)
<b>w.</b>	Non-accidental seepage and pollution.	(1-1-94)
<b>x.</b>	Nursing home liability.	(1-1-94)
<b>y.</b>	Outfitters and guides.	(1-1-94)
<b>z.</b>	EIFS Contractors.	(4-11-06)
<b>aa.</b>	Products liability.	(1-1-94)
<b>bb.</b>	Radio and T.V. broadcasters and producers liability.	(1-1-94)
<b>cc.</b>	Rodeos and horse shows - liability.	(1-1-94)
<b>dd.</b>	Equine Liability.	(4-11-06)
<b>ee.</b>	Ski-lifts and tows liability.	(1-1-94)
<b>ff.</b>	Snowmobile dealers.	(1-1-94)
<b>gg.</b>	Special schools.	(1-1-94)
<b>hh.</b>	Spectator liability -- special events.	(1-1-94)
<b>ii.</b>	Swimming pools.	(1-1-94)
<b>jj.</b>	Theatrical presentations.	(1-1-94)
<b>kk.</b>	General contractors.	(4-11-06)
<b>ll.</b>	Petroleum drilling and maintenance -- on and off shore.	(1-1-94)
<b>mm.</b>	Social service agencies.	(4-11-06)
<b>nn.</b>	Non profit clubs, associations, charitable organizations.	(4-11-06)
<b>oo.</b>	Gun dealers.	(4-11-06)
<b>pp.</b>	Bullet manufacturers.	(4-11-06)
<b>qq.</b>	Antique dealers/pawn shops.	(4-11-06)
<b>rr.</b>	Motorcycle dealership.	(4-11-06)
<b>ss.</b>	Security service.	(4-11-06)
<b>tt.</b>	Homeowners association.	(4-11-06)

<b>uu.</b>	Used auto dealers.	(4-11-06)
<b>vv.</b>	Aircraft hangers.	(4-11-06)
<b>ww.</b>	Bars, taverns, private clubs.	(4-11-06)
<b>xx.</b>	Products Liability Monoline.	(4-11-06)
<b>yy.</b>	Real Estate Developers.	(4-11-06)
<b>zz.</b>	Gas/Fuel Distributors.	(4-11-06)
<b>aaa.</b>	Quarry/Sand/Gravel Ops.	(4-11-06)
<b>bbb.</b>	Garbage/Refuse Collection.	(4-11-06)
<b>ccc.</b>	Irrigation Systems.	(4-11-06)
<b>ddd.</b>	Pawn Shops.	(4-11-06)
<b>eee.</b>	Recreation Vehicles and Mobile Home Dealers.	(4-11-06)
<b>fff.</b>	Janitorial.	(4-11-06)
<b>ggg.</b>	Vacant Buildings.	(4-11-06)
<b>hhh.</b>	Lessors Risk Only (Rental Dwellings).	(4-11-06)
<b>iii.</b>	Boats/houseboats.	(4-11-06)
<b>jjj.</b>	Bridges.	(4-11-06)
<b>kkk.</b>	Mining Equipment.	(4-11-06)
<b>lll.</b>	Alcohol/drug rehabilitation centers/programs.	(4-11-06)
<b>mmm.</b>	Automobile wrecking yards.	(4-11-06)
<b>nnn.</b>	Building Moving.	(4-11-06)
<b>ooo.</b>	Child care.	(4-11-06)
<b>ppp.</b>	Courier services.	(4-11-06)
<b>qqq.</b>	Crane rental.	(4-11-06)
<b>rrr.</b>	Detective agencies.	(4-11-06)
<b>sss.</b>	Employment Agencies -- temporary.	(4-11-06)
<b>ttt.</b>	Environmental remediation.	(4-11-06)
<b>uuu.</b>	Firearms liability -- gun smithing.	(4-11-06)
<b>vvv.</b>	Fire alarm systems -- installation contractors.	(4-11-06)

<b>www.</b>	Fraternities.	(4-11-06)
<b>xxx.</b>	Freight Handlers -- lumpers.	(4-11-06)
<b>yyy.</b>	Fuel tank testers.	(4-11-06)
<b>zzz.</b>	Garage Service.	(4-11-06)
<b>aaaa</b>	Habitational (apartments, condos, residential).	(4-11-06)
<b>bbbb.</b>	Habitational materials -- manufacturers.	(4-11-06)
<b>07.</b>	<b>Code IM Inland Marine.</b>	(1-1-94)
<b>a.</b>	Anhydrous ammonia apparatus.	(1-1-94)
<b>b.</b>	Cameras -- all risk coverage.	(1-1-94)
<b>c.</b>	Cargo -- excess limits.	(1-1-94)
<b>d.</b>	Coin dealers -- all risk coverage.	(1-1-94)
<b>e.</b>	Coin operated devices.	(1-1-94)
<b>f.</b>	Data processing equipment -- excess limits.	(1-1-94)
<b>g.</b>	Fine arts -- all risk coverage.	(1-1-94)
<b>h.</b>	Furs -- all risk coverage.	(1-1-94)
<b>i.</b>	Jewelry -- all risk coverage.	(1-1-94)
<b>j.</b>	All motor truck cargo.	(4-11-06)
<b>k.</b>	Professional musical instrument floater.	(1-1-94)
<b>08.</b>	<b>Code OM Ocean Marine.</b>	(1-1-94)
<b>a.</b>	Ocean marine.	(1-1-94)
<b>09.</b>	<b>Code MS Miscellaneous Specialty Lines.</b>	(1-1-94)
<b>a.</b>	Excess crime.	(1-1-94)
<b>b.</b>	Hole-in-one insurance.	(1-1-94)
<b>c.</b>	Mortality -- livestock and pets.	(1-1-94)
<b>d.</b>	Twin insurance.	(1-1-94)
<b>e.</b>	Water damage including flood.	(1-1-94)
<b>f.</b>	Difference in condition.	(1-1-94)
<b>g.</b>	Intellectual property -- copyright/patent infringement.	(4-11-06)
<b>h.</b>	Garagekeepers Legal.	(4-11-06)

- i. Food Borne Illness. (4-11-06)
- j. Asbestos -- all coverages. (4-11-06)
- k. International exposures. (4-11-06)
- l. Kidnap, ransom. (4-11-06)
- 10. Code PL Professional Liability and Malpractice (Includes Errors and Omissions). (1-1-94)**
  - a. Abstractors. (1-1-94)
  - b. Accountants. (1-1-94)
  - c. Ambulance personnel. (1-1-94)
  - d. Anesthetists. (1-1-94)
  - e. Architects. (1-1-94)
  - f. Attorneys and mediators. (4-11-06)
  - g. Beauty and barber shops. (1-1-94)
  - h. Beauty and barber schools. (1-1-94)
  - i. Cemeteries. (1-1-94)
  - j. Chiropodists. (1-1-94)
  - k. Chiropractors. (1-1-94)
  - l. County clerks. (1-1-94)
  - m. Dentists. (1-1-94)
  - n. Druggists. (1-1-94)
  - o. Engineers. (1-1-94)
  - p. Hospitals. (1-1-94)
  - q. Insurance agents. (1-1-94)
  - r. Consultants. (4-11-06)
  - s. Nurses. (1-1-94)
  - t. Opticians. (1-1-94)
  - u. Optometrists. (1-1-94)
  - v. Osteopaths. (1-1-94)
  - w. Physicians and surgeons. (1-1-94)

<b>x.</b>	Psychologists and sociologists.	(1-1-94)
<b>y.</b>	Insurance companies.	(4-11-06)
<b>z.</b>	Real estate agents.	(1-1-94)
<b>aa.</b>	Surveyors.	(1-1-94)
<b>bb.</b>	Title insurance company and agents.	(1-1-94)
<b>cc.</b>	X-ray specialists.	(1-1-94)
<b>dd.</b>	Seedsmen.	(1-1-94)
<b>ee.</b>	Employment Practices.	(4-11-06)
<b>ff.</b>	Computer technology.	(4-11-06)
<b>gg.</b>	Law Enforcement.	(4-11-06)
<b>hh.</b>	Appraisers.	(4-11-06)
<b>ii.</b>	Social Services.	(4-11-06)
<b>jj.</b>	Actuaries.	(4-11-06)
<b>kk.</b>	Clinical labs.	(4-11-06)
<b>ll.</b>	Drug testing.	(4-11-06)
<b>mm.</b>	Foster care Agencies.	(4-11-06)
<b>nn.</b>	Property management.	(4-11-06)
<b>oo.</b>	Public officials.	(4-11-06)
<b>pp.</b>	Residential home inspectors.	(4-11-06)
<b>014. -- 999.</b>	<b>(RESERVED)</b>	

# Subject Index

## D

Definitions, IDAPA 18.01.18, Open  
Lines For Export - Surplus Lines 2  
Diligent Search 2  
Lines Other Than Open Lines for  
Export 2  
Open Lines 2  
Open Lines for Export 2  
Other Lines 2

## O

Open Lines For Export - Surplus  
Lines 2  
Code AH Accident & Health 2  
Code AL Auto Liability 3  
Code AP Auto Physical  
Damage 3  
Code AV Aviation & Aircraft 4  
Code FA Fire & Allied Lines 4  
Code GL General Liability 5  
Code IM Inland Marine 8  
Code MS Miscellaneous Specialty  
Lines 8  
Code OM Ocean Marine 8  
Code PL Professional Liability &  
Malpractice (Includes Errors &  
Omissions) 9

## P

Procedure 2