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Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE
STATE OF IDAHO

In the Matter of:

SECTION 41-1216(1), IDAHO CODE

Docket No. 18-3665-19

**EMERGENCY TEMPORARY
ORDER DECLARING CLASSES OF
INSURANCE COVERAGE OR RISK
ELIGIBLE FOR EXPORT AS OF
JULY 1, 2019**

The Director of the Idaho Department of Insurance (“Director”), acting pursuant to the authority found in the Administrative Procedures Act, Idaho Code § 67-5201, *et seq.*, and the Idaho Insurance Code, in particular sections 41-210(2) and 41-1216(1), hereby issues this temporary order on an emergency basis in accordance with Idaho Code § 67-5247.

Idaho Code § 41-210(2) provides that the Director “shall have the powers and authority expressly conferred upon him by or reasonably implied from the provisions of [title 41, Idaho Code].”

Idaho Code § 41-1216(1) provides:

The director may by order or by rule declare eligible for export generally and without compliance with the provisions of sections 41-1214(2), 41-1214(3) and 41-1215, Idaho Code, any class or classes of insurance coverage or risk which he finds, consistent with the procedural requirements of chapter 52, title 67, Idaho Code, that there is no reasonable or adequate market among authorized insurers either as to acceptance of the risk, contract terms, or premium or premium rate. Any such order shall continue in effect during the existence of the conditions upon which predicated, but subject to earlier termination by the director.

The classes of insurance coverage eligible for export, as contemplated by Idaho Code § 41-1216(1) has been set forth by administrative rule at section .013 of Department of Insurance Rule 18, IDAPA 18.01.18 (“Rule 18”).

The Idaho Legislature adjourned on April 11, 2019, without passing legislation to extend administrative rules set to expire on July 1, 2019. Among the rules set to expire is Rule 18, the expiration of which will terminate the list of classes of insurance coverage eligible for export in accordance with chapter 12, title 41, Idaho Code, and effectively make all classes ineligible for export, whether or not those classes are available in the Idaho market.

The Director hereby finds that expiration of Rule 18 constitutes an immediate danger to the public health, safety, or welfare by putting certain Idaho consumers and businesses at risk of significant financial or other harm if there is no reasonable or adequate market among Idaho-authorized insurers as to the acceptance of the risk, contract terms, or premium or premium rate for the particular insurance coverage needed. These particular insurance coverages include, but are not limited to:

- Professional liability coverage for medical providers and other professionals who protect the public health, safety, and welfare;
- Liability coverage for transportation of goods that are essential to Idaho’s economy; and
- Insurance policies that are essential to operation of the agricultural sector of Idaho’s economy.

The Director finds, upon the recommendation of the Surplus Line Association of Idaho, that certain lines of coverage that are currently authorized for export do not require emergency reauthorization because there appears to be a reasonable or adequate market among Idaho-

authorized insurers as to the acceptance of the risk, contract terms, or premium or premium rate for the particular insurance coverage needed.

The Director further finds that such risk of harm justifies the use of an emergency proceeding within the meaning of Idaho Code § 67-5247(1), and that this emergency order constitutes the minimum actions necessary to prevent or avoid the immediate danger that justifies the use of the Director's emergency powers.

Having considered the classes of insurance coverage or risk previously eligible for export in accordance with expiring Rule 18, as well as the coverage currently available through Idaho-authorized insurers, the Director further finds that there is no reasonable or adequate market among Idaho-authorized insurers either as to acceptance of the risk, contract terms, or premium or premium rates for the class or classes of insurance coverage or risk described in **Exhibit A** to this Emergency Temporary Order.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Idaho Code § 41-1216(1), that, **effective July 1, 2019**, the class or classes of insurance coverage or risk described in Exhibit A are eligible for export in accordance with chapter 12, title 41, Idaho Code. This emergency order shall remain effective until the issuance of the Final Order in this action; and

IT IS FURTHER ORDERED that the Department shall begin informal disposition proceedings, pursuant to Idaho Code § 67-5241, to develop a final order authorizing a list of classes of insurance coverage or risk that are eligible for export in accordance with chapter 12, title 41, Idaho Code.

DATED this 1 day of July, 2019.

STATE OF IDAHO
DEPARTMENT OF INSURANCE


DEAN L. CAMERON
Director

NOTIFICATION REGARDING SERVICE OF ORDER

This is an emergency order of the Director of the Idaho Department of Insurance. It is not a final order of the Department. Pursuant to Idaho Code § 67-5247(3), the Department gives such notice of this emergency order as is reasonable to all persons who are required to comply with this order. This emergency order may affect any or all Idaho resident and nonresident surplus lines brokers, any and all Idaho-authorized insurers, and any and all eligible surplus lines carriers that offer the classes of insurance coverage declared eligible for export in accordance with this order. Therefore, the Department has determined that the most efficient and expedient method of service is by publication of this emergency order on the Department's website, as well as service of this emergency order on the Surplus Line Association of Idaho, Inc., which entity maintains a membership of Idaho-licensed surplus lines brokers and a listing of eligible surplus lines insurers, in accordance with Idaho Code §§ 41-1214(1) and 41-1217(2), respectively, and publishes on its website a list of the classes of insurance eligible for export, for the benefit of said brokers and insurers.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2019, I caused a true and correct copy of the foregoing **EMERGENCY TEMPORARY ORDER DECLARING CLASSES OF INSURANCE COVERAGE OR RISK ELIGIBLE FOR EXPORT AS OF JULY 1, 2019** to be served upon the following by the designated means:

Surplus Line Association of Idaho, Inc. Wendy Tippetts, Manager 595 S. 14 th Street Boise, ID 83702 wendy@idahosurplusline.org	<input checked="" type="checkbox"/> first class mail <input type="checkbox"/> certified mail <input type="checkbox"/> hand delivery <input type="checkbox"/> facsimile <input checked="" type="checkbox"/> email
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Pamela Murray

7.1.2019		EMERGENCY EXPORT LIST	
ACCIDENT & HEALTH	AH-103	ACC & HEALTH - DILIGENT SEARCH APPLIES	
	AH-999	Exempt Commercial Purchaser	
	AH-001	Acc. death-high limit/hazardous occ	
	AH-002	Acc. death-world wide coverage	
	AH-003	Air crew personal accident	
	AH-004	Aviation accident, personal	
	AH-005	Dread disease	
	AH-006	24 hour acc.-high limits	
	AH-007	High limit disability-uninsurable & excess	
	AH-008	International travel medical	
AUTO LIABILITY	AL-103	AUTO LIAB - DILIGENT SEARCH APPLIES	
	AL-999	Exempt Commercial Purchaser	
	AL-001	Ambulance service	
	AL-002	Automobile "Bobtail" liab.	
	AL-003	Automobile bus or livery	
	AL-004	Automobile driving schools	
	AL-005	Auto racing liab.	
	AL-007	Butane-Propane hauling	
	AL-008	Explosive hauling	
	AL-009	Gasoline distribution	
	AL-010	Go-karts	
	AL-011	Logging truck liab.	
	AL-013	Midget autos	
	AL-014	Private patrol service	
	AL-015	Taxi cabs	
	AL-016	Used auto dealers	
	AL-017	Non-owned / hired auto monoline	
	AL-018	Auto excess liability	
AUTO PHYSICAL DAMAGE	AP-103	AUTO PHY DMG - DILIGENT SEARCH APPLIES	
	AP-999	Exempt Commercial Purchaser	
	AP-003	Racing	
	AP-004	Logging trucks	
	AP-005	Long haul trucks	
	AP-006	Taxi cabs	
	AP-007	Emergency vehicles	
	AP-008	Tow truck operations	
	AP-009	Butane, propane hauling	
	AP-010	Fleet - monoline	
AVIATION & AIRCRAFT	AV-103	AVIATION - DILIGENT SEARCH APPLIES	
	AV-999	Exempt Commercial Purchaser	
	AV-001	Air cargo	
	AV-005	Aircraft-excess passenger liab.	
	AV-010	Airmeet liab.	
	AV-012	Aviation-wrk-comp./employers liab.	
	AV-013	Hanger-keeper's legal liab.	
FIRE & ALLIED LINES	FA-103	FIRE & ALLIED - DILIGENT SEARCH APPLIES	
	FA-999	Exempt Commercial Purchaser	
	FA-001	Amusement devices	
	FA-002	Amusement parks & carnivals	
	FA-003	Business interruption-valued excess	
	FA-004	Business interruption-contingent excess	
	FA-006	Chattel mortgages, non-filing or non-recording	
	FA-008	Crop Insurance-all weather hazards	
	FA-009	Drought insurance	
	FA-010	Earthquake	
	FA-011	Greenhouses-wind & hail	
	FA-012	Polyurethane insulated buildings	
	FA-014	Sawmills	

	FA-015	Valued business interruption	
	FA-016	Woodhandlers	
	FA-017	Distress fire - Unprot lodges, restaur. taverns	
	FA-019	Bars, taverns, private clubs	
	FA-020	Single fam dwellings \$75,000 & less, duplexes	
	FA-021	Builders risk PC 7-10 - course of construction	
	FA-022	Vacant buildings	
	FA-023	Nuclear energy property	
	FA-024	Buildings built prior to 1975	
	FA-025	Restaurants w/o auto fire suppression	
	FA-026	Commercial / Residential prot class 9 & 10	
	FA-027	Residential with water losses	
GENERAL LIABILITY	GL-103	GENL LIAB - DILIGENT SEARCH APPLIES	
	GL-999	Exempt Commercial Purchaser	
	GL-001	Amusement devices	
	GL-002	Amusement parks	
	GL-003	Anhydrous ammonia dealers & haulers	
	GL-004	Animal rides	
	GL-005	Carnivals	
	GL-007	Corporate officer, director & trustee liab.	
	GL-008	Demolition contractors liab.	
	GL-009	Dude ranch liab.	
	GL-010	Environmental impairment	
	GL-011	Excess limits liab.	
	GL-012	Exterminators liab.	
	GL-013	Fairgrounds, fairs, liab.	
	GL-014	False arrest, mun. or other public	
	GL-016	Ground applicators-chemical drift	
	GL-018	Residential / asstd Living / nursing homes	
	GL-020	Liquified petroleum dealers	
	GL-021	Liquor liab. & dram shop act liab.	
	GL-022	Loggers - All lines	
	GL-023	Non-acc. seepage & pollution	
	GL-025	Outfitters & guides	
	GL-027	Products liab.	
	GL-028	Radio & TV broadcasters / producers	
	GL-029	Rodeos & horse shows-liab.	
	GL-030	Equine liability	
	GL-031	Ski-lifts & tows liab.	
	GL-032	Snowmobile dealers	
	GL-033	Special schools	
	GL-034	Spectator liab.-special events	
	GL-035	Swimming pools	
	GL-036	Theatrical presentation	
	GL-038	Petroleum drilling/maint. on & off shore	
	GL-039	Social service agencies	
	GL-040	Non profit clubs, assoc, charitable organizations	
	GL-041	Gun dealers	
	GL-042	Bullet manufacturers	
	GL-043	Antique dealers / pawn shops	
	GL-044	Motorcycle dealerships	
	GL-045	Security services	
	GL-047	Used auto dealers	
	GL-049	Bars, taverns, private clubs	
	GL-050	Products liability monoline	
	GL-051	Real estate developers	
	GL-052	Gas / fuel distributors	
	GL-053	Quarry / sand / gravel operations	
	GL-054	Garbage / refuse collection	
	GL-055	Irrigation systems	
	GL-056	Pawn shops	

	OM-999	Exempt Commercial Purchaser	
	OM-001	Ocean marine	
PROF LIAB / MALPRACTICE	PL-103	PROF LIAB - DILIGENT SEARCH APPLIES	
	PL-999	Exempt Commercial Purchaser	
	PL-001	Abstractors	
	PL-002	Accountants	
	PL-003	Ambulance personnel	
	PL-004	Anesthetists	
	PL-005	Architects	
	PL-006	Attorneys & mediators	
	PL-007	Beauty & barber shops	
	PL-008	Beauty & barber schools	
	PL-009	Cemetaries	
	PL-010	Chiropodists	
	PL-011	Chiropractors	
	PL-012	County clerks	
	PL-013	Dentists	
	PL-014	Druggists	
	PL-015	Engineers	
	PL-016	Hospitals	
	PL-017	Insurance agents	
	PL-018	Consultants	
	PL-019	Nurses	
	PL-020	Opticians	
	PL-021	Optometrists	
	PL-022	Osteopaths	
	PL-023	Physicians & surgeons	
	PL-024	Psychologists & sociologists	
	PL-026	Real estate agents	
	PL-027	Surveyors	
	PL-028	Title insurance company & agents	
	PL-029	X-ray specialists	
	PL-030	Seedsmen	
	PL-031	Employment practices	
	PL-032	Computer technology	
	PL-033	Law enforcement	
	PL-034	Appraisers	
	PL-035	Social services	
	PL-036	Actuaries	
	PL-037	Clinical labs	
	PL-038	Drug testing	
	PL-039	Foster care agencies	
	PL-040	Property management	
	PL-041	Public officials	
	PL-042	Residential home inspectors	
	PL-043	Insurance companies	