

**AFFIDAVIT OF DUE DILIGENCE**  
**3 AAC 25.035**

**Documentation**

- (a) A producing broker and the surplus lines broker shall retain in the insured's file an acceptable form of documentation to establish that the producing broker and the surplus lines broker have complied with AS 21.34.020 and 3 AAC 25.010(a). An acceptable form of documentation required by this subsection includes
- (1) documentation of declinations from admitted insurers;
  - (2) evidence that the full amount, kind, or class of insurance could not be obtained from admitted insurers;
  - (3) affirmation that the coverage is on the director's current surplus lines placement list under 3 AAC 25.040;
  - (4) an exception from the director under AS 21.34.020(a)(4); or
  - (5) documentation that
    - (A) the broker procuring or placing the surplus lines insurance has disclosed to an exempt commercial purchaser that insurance may be available from the admitted market that may provide greater protection with more regulatory oversight; and
    - (B) the exempt commercial purchaser has requested in writing that the broker procure or place the insurance from a nonadmitted insurer.
- (b) A declination from an insurer for a class of insurance may be cited for other insureds for no more than 180 days.
- (c) To be an acceptable form of documentation under (a)(1) of this section, an oral declination must be documented in writing and include the name, business location, and phone number of the insurer, the name and position of the person contacted, the date of contact, and the reason for the declination.
- (d) A producing broker shall include in the documentation required under (a) of this section a description of the kind of insurance that is adequate for the director to determine whether insurance coverage is available in the admitted market to cover the kind of insurance.

**NOTE: The producer must provide documentation to the surplus lines broker that the diligent search requirements under 3 AAC 25.010(a) have been met no later than 15 days after binding of the insurance contract.**

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**PRODUCING BROKER'S SURPLUS LINES AFFIDAVIT OF DUE DILIGENCE**

AS 21.34.020; 3 AAC 25.010(a); 3 AAC 25.035

<b>1</b>	Name of Producing Broker Firm		Alaska License #
	Mailing Address of Firm		Telephone #
<b>2</b>	Name of Alaska Surplus Lines Broker Firm		Alaska License #
<b>3</b>	Insured's Name		Policy Term
	Kind of Insurance and Policy Type Code		
<b>4 DILIGENT SEARCH EFFORTS - COMPLETE 4A, 4B, 4C, OR 4D</b>			
<b>4A</b>	<input type="checkbox"/> <b>Placement from Surplus Lines Placement List</b>		
	Description of Class of Business or Type of Risk, Line of Coverage and Code from Placement List		
<b>4B</b>	<input type="checkbox"/> <b>Declinations of admitted companies actually writing the particular kind or class of insurance</b>		
	Admitted Insurer		Date
	Underwriter	Location	Phone #
	Reason for Declination		
	Admitted Insurer		Date
	Underwriter	Location	Phone #
	Reason for Declination		
<b>4C</b>	<input type="checkbox"/> <b>Evidence that the full amount, kind, or class of insurance could not be obtained from admitted insurers</b> (documentation attached)		
<b>4D</b>	<input type="checkbox"/> <b>An exception from the director under AS 21.34.020(a)(4)</b> (documentation attached)		
<b>5</b>	I certify that coverage for the amount, kind or class of insurance required by the insured(s) cannot be obtained from an insurer admitted in Alaska. The diligent search was conducted in compliance with AS 21.34.020.		
	Signature	Date	Producer License #