



STATE OF TENNESSEE  
**DEPARTMENT OF COMMERCE AND INSURANCE**  
**Division of Insurance**

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**ALIEN SURPLUS LINES INSURER  
ELIGIBILITY REQUIREMENTS IN TENNESSEE**

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Surplus Lines insurers are governed by Tennessee Code Annotated Title 56, Chapter 14, which was amended on June 10, 2011 via Public Acts Chapter No. 446 (House Bill No. 966).

With regard to Alien surplus lines insurers\*, Tenn. Code Ann. § 56-14-109(b)(2) states in part,

“No unauthorized insurer shall be or become an eligible surplus lines insurer, unless... The unauthorized insurer is not a United States domiciled insurer but is listed by the NAIC International Insurers Department.”

[\* The term “alien surplus lines insurer” is held to include Lloyd’s syndicates on a per-syndicate basis]

Thus it is the NAIC International Insurers Department, and not the Tennessee Division of Insurance, which maintains the authoritative list of alien surplus lines insurers that are eligible in Tennessee. In that regard:

- (a) Alien surplus lines insurers are not subject to the Tennessee annual review for determination of continuing eligibility, nor its \$270.00 fee, designated in Tenn. Code Ann. § 56-4-101(3);
- (b) Requests from Alien surplus lines insurers directed to Tennessee to ‘surrender eligibility’ in this State will be respectfully non-considered (in that eligibility in Tennessee is determined by inclusion on the NAIC International Insurers Department list);
- (c) Tennessee will not be maintaining a concurrent nor supplemental state-specific list of eligible Alien surplus lines insurers.

The NAIC International Insurers Department list of [eligible] Alien surplus lines insurers is currently available at this location: [http://www.naic.org/committees\\_e\\_surplus\\_lines\\_fawg.htm](http://www.naic.org/committees_e_surplus_lines_fawg.htm) (see link to “Quarterly Listing of Alien Insurers”).

Note that in accordance with Tenn. Code Ann. § 56-14-105(d), the following kinds of insurance shall not be eligible for surplus lines insurance: (1) Primary personal automobile liability; (2) Surety; and (3) Workers’ compensation, except as provided in § 56-14-105(a).