

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF INSURANCE  
333 WILLOUGHBY AVENUE, 9TH FLOOR  
P.O. BOX 110805, JUNEAU, ALASKA 99811-0805  
(907) 465-4609

**PRODUCING BROKER'S SURPLUS LINES AFFIDAVIT OF DUE DILIGENCE**  
**AS 21.34.020**

<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	Date Bound	Policy Term
	Kind of Insurance Policy Type Code		
<b>4</b>	<b>DECLINATIONS – COMPLETE EITHER A OR B</b>		
	A. <input type="checkbox"/> Placement From Surplus Lines Placement List		
	Description of Risk		
	B. <input type="checkbox"/> Other Placements		
	Admitted Insurer		Date
	Underwriter	Location	Telephone Number
	Reason for Declination		
	Admitted Insurer		Date
	Underwriter	Location	Telephone Number
	Reason for Declination		
	Admitted Insurer		Date
	Underwriter	Location	Telephone Number
	Reason for Declination		
<b>5</b>	I certify that coverage for the amount or kind of insurance requested by the insured(s) cannot be obtained from an insurer admitted in Alaska after conducting a diligent search in accordance with 3 AAC 25.030. I further certify that the insured(s) has/have received in writing the surplus lines notice as required in AS 21.34.110.		
	Date	Signature	Producer License No.

**Original to Producing Broker and One copy to Surplus Lines Broker**

**AFFIDAVIT OF DUE DILIGENCE  
3 AAC 25.030**

- (a) A producing broker who wishes to procure insurance from a nonadmitted insurer through a surplus lines broker first shall use due diligence in determining whether the insurance is available from an admitted insurer. Due diligence requires that the producing broker contact admitted insurers that customarily write the kind of insurance required by the insured. Due diligence will be presumed if unavailability is documented by:
- (1) declinations from admitted insurers, or
  - (2) affirmation that the coverage is on the director's current list under 3 AAC 25.040 of kinds of insurance that may be placed with eligible nonadmitted insurers.
- (b) As a minimum effort in satisfying the requirements of (a)(1) of this section, the producing broker shall obtain declinations from admitted insurers with which the producing broker has an agency appointment or broker contract according to the following schedule:

Appointments and broker contracts	Declinations
0	1
1	1
2	2
3	2
4 or more	3

Except as provided in (d) of this section, declinations must be secured within 90 days before the effective date of the insurance.

- (c) Documentation of declinations shall be in writing from the contacted admitted insurers, if possible. Oral declinations shall be documented in writing by the producing broker and shall include the name, office location, and phone number of the insurer, the name and position of the person contacted, the date of contact, and a detailed explanation of the declination.
- (d) A dated written declination from an insurer for a kind of insurance for a class of business may be cited for other insureds for a period not to exceed 180 days after issuance of the declination. All individual insurers of a group of insurers associated through common ownership or control together constitute only one declination.
- (e) An affidavit including the information in (c) of this section shall be signed by the producing broker and delivered to the surplus lines broker that procured the coverage.
- (f) A copy of the affidavit shall be maintained in the insured's files of both the producing broker and the surplus lines broker.