

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Gelber offered the following:

2  
3 **Amendment**

4 Remove line(s) 439-500 and insert:

5 premium for coverage from the authorized insurer is more than 15  
6 ~~25~~ percent greater than the premium for comparable coverage from  
7 the corporation. If the risk is not able to obtain any such  
8 offer, the risk is eligible for either a standard policy  
9 including wind coverage or a basic policy including wind  
10 coverage issued by the corporation; however, if the risk could  
11 not be insured under a standard policy including wind coverage  
12 regardless of market conditions, the risk shall be eligible for  
13 a basic policy including wind coverage unless rejected under  
14 subparagraph 8. However, with regard to a policyholder of the  
15 corporation, the policyholder remains eligible for coverage from  
16 the corporation regardless of any offer of coverage from an

373609

4/25/2007 3:27:02 PM

Amendment No.

17 authorized insurer or surplus lines insurer. The corporation  
18 shall determine the type of policy to be provided on the basis  
19 of objective standards specified in the underwriting manual and  
20 based on generally accepted underwriting practices.

21 (I) If the risk accepts an offer of coverage through the  
22 market assistance plan or an offer of coverage through a  
23 mechanism established by the corporation before a policy is  
24 issued to the risk by the corporation or during the first 30  
25 days of coverage by the corporation, and the producing agent who  
26 submitted the application to the plan or to the corporation is  
27 not currently appointed by the insurer, the insurer shall:

28 (A) Pay to the producing agent of record of the policy,  
29 for the first year, an amount that is the greater of the  
30 insurer's usual and customary commission for the type of policy  
31 written or a fee equal to the usual and customary commission of  
32 the corporation; or

33 (B) Offer to allow the producing agent of record of the  
34 policy to continue servicing the policy for a period of not less  
35 than 1 year and offer to pay the agent the greater of the  
36 insurer's or the corporation's usual and customary commission  
37 for the type of policy written.

38  
39 If the producing agent is unwilling or unable to accept  
40 appointment, the new insurer shall pay the agent in accordance  
41 with sub-sub-sub-subparagraph (A).

42 (II) When the corporation enters into a contractual  
43 agreement for a take-out plan, the producing agent of record of

373609

4/25/2007 3:27:02 PM

Amendment No.

44 the corporation policy is entitled to retain any unearned  
45 commission on the policy, and the insurer shall:

46 (A) Pay to the producing agent of record of the  
47 corporation policy, for the first year, an amount that is the  
48 greater of the insurer's usual and customary commission for the  
49 type of policy written or a fee equal to the usual and customary  
50 commission of the corporation; or

51 (B) Offer to allow the producing agent of record of the  
52 corporation policy to continue servicing the policy for a period  
53 of not less than 1 year and offer to pay the agent the greater  
54 of the insurer's or the corporation's usual and customary  
55 commission for the type of policy written.

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57 If the producing agent is unwilling or unable to accept  
58 appointment, the new insurer shall pay the agent in accordance  
59 with sub-sub-sub-subparagraph (A).

60 b. With respect to commercial lines residential risks, for  
61 a new application to the corporation for coverage, if the risk  
62 is offered coverage under a policy including wind coverage from  
63 an authorized insurer at its approved rate, the risk is not  
64 eligible for any policy issued by the corporation unless the  
65 premium for coverage from the authorized insurer is more than 15  
66 ~~25~~ percent greater than the premium for comparable coverage from