

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 276

5 By: Senator B. Johnson
6 By: Representative Steimel
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING SURPLUS LINES
10 INSURANCE; TO CLARIFY THAT SURPLUS LINES INSURANCE IS
11 ACCEPTABLE COVERAGE FOR FINANCIAL RESPONSIBILITY OF
12 MOTOR VEHICLE INSURANCE COVERAGE; AND FOR OTHER
13 PURPOSES.
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Subtitle

16
17 TO AMEND THE LAW CONCERNING SURPLUS
18 LINES INSURANCE; AND TO CLARIFY THAT
19 SURPLUS LINES INSURANCE IS ACCEPTABLE
20 COVERAGE FOR FINANCIAL RESPONSIBILITY OF
21 MOTOR VEHICLE INSURANCE COVERAGE.
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 27-19-605 is amended to read as follows:
26 27-19-605. Requirements as to policy or bond.

27 (a) ~~No~~ A policy or bond shall not be effective under § 27-19-604
28 unless issued by an insurance company or surety company authorized or
29 eligible to do business in this state except as provided in subsection (b) of
30 this section, nor unless the policy or bond is subject, if the accident
31 resulted in bodily injury or death, to a limit, exclusive of interest and
32 costs, of not less than twenty-five thousand dollars (\$25,000) because of
33 bodily injury or death of one (1) person in any one (1) accident and subject
34 to said limit for one (1) person, to a limit of not less than fifty thousand
35 dollars (\$50,000) because of bodily injury or death of two (2) or more
36 persons in any one (1) accident, and if the accident has resulted in injury



1 to or destruction of property, to a limit of not less than twenty-five
2 thousand dollars (\$25,000) because of injury to or destruction of property of
3 others in any one (1) accident.

4 (b) ~~No~~ A policy or bond shall not be effective under § 27-19-604 with
5 respect to any vehicle which was not registered in this state or was a
6 vehicle which was registered elsewhere than in this state at the effective
7 date of the policy or bond or the most recent renewal thereof, unless the
8 insurance company or surety company issuing the policy or bond is authorized
9 or eligible to do business in this state, or if the company is not authorized
10 to do business in this state, unless it shall execute a power of attorney
11 authorizing the Secretary of the Department of Finance and Administration to
12 accept service on its behalf of notice or process in any action upon the
13 policy or bond arising out of an accident.

14 (c) The Office of Driver Services may rely upon the accuracy of the
15 information in a required report of an accident as to the existence of
16 insurance or a bond unless and until the Office of Driver Services has reason
17 to believe that the information is erroneous.

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19 SECTION 2. Arkansas Code § 27-19-712 is amended to read as follows:
20 27-19-712. Certificate of insurance as proof.

21 (a)(1) Proof of financial responsibility for the future may be
22 furnished by filing with the Office of Driver Services the written
23 certificate of any insurance carrier duly authorized or eligible to do
24 business in this state certifying that there is in effect a motor vehicle
25 liability policy for the benefit of the person required to furnish proof of
26 financial responsibility.

27 (2) The certificate shall give the effective date of the motor
28 vehicle liability policy, which date shall be the same as the effective date
29 of the certificate, and shall designate by explicit description or by
30 appropriate reference all vehicles covered thereby, unless the policy is
31 issued to a person who is not the owner of a motor vehicle.

32 (b)(1) A nonresident may give proof of financial responsibility by
33 filing with the Office of Driver Services a written certificate of an
34 insurance carrier authorized or eligible to transact business in the state in
35 which the vehicle owned by the nonresident is registered, or in the state in
36 which the nonresident resides, if he or she does not own a vehicle, provided

1 the certificate otherwise conforms with the provisions of this subchapter.

2 (2) The Office of Driver Services shall accept the certificate
3 upon condition that the insurance carrier complies with the following
4 provisions with respect to the policies so certified:

5 (A) The insurance carrier shall execute a power of
6 attorney authorizing the Secretary of the Department of Finance and
7 Administration to accept on its behalf service of notice or process in any
8 action arising out of a motor vehicle accident in this state; and

9 (B) The insurance carrier shall agree in writing that the
10 policies shall be deemed to conform with the laws of this state relating to
11 the terms of motor vehicle liability policies issued therein.

12 (c) If any insurance carrier not authorized or eligible to transact
13 business in this state, which has qualified to furnish proof of financial
14 responsibility, defaults in any such undertakings or agreements, the Office
15 of Driver Services shall not thereafter accept as proof any certificate of
16 the carrier, whether theretofore filed or thereafter tendered, as proof, so
17 long as the default continues.

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19 SECTION 3. Arkansas Code § 27-19-713(a), concerning the definition of
20 "motor vehicle liability policy", is amended to read as follows:

21 (a) Certification. As used in this chapter, "motor vehicle liability
22 policy" means an "owner's policy" or an "operator's policy" of liability
23 insurance, certified as provided in § 27-19-712 as proof of financial
24 responsibility for the future, and issued, except as otherwise provided in §
25 27-19-712 by an insurance carrier duly authorized or eligible to transact
26 business in this state, to or for the benefit of the person named therein as
27 insured.

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29 SECTION 4. Arkansas Code § 27-22-104(a)(1), concerning minimum
30 coverage of motor vehicle insurance required, is amended to read as follows:

31 (a)(1) It is unlawful for a person to operate a motor vehicle within
32 this state unless the motor vehicle and the person's operation of the motor
33 vehicle are each covered by:

34 (A) A certificate of self-insurance under § 27-19-107; or

35 (B) An insurance policy issued by an insurance company
36 authorized or eligible to do business in this state.

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SECTION 5. Arkansas Code § 27-22-202(4), concerning the definition of "insurer" used under the Arkansas Online Insurance Verification System Act, is amended to read as follows:

(4) "Insurer" means a motor vehicle insurance company licensed or authorized or eligible to do business in this state.