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**Informational Statement:**  
**Disallowance of Nonadmitted Insurers Writing Primary Automobile Liability Insurance Coverage in Nevada**

This informational statement is intended to address inquiries regarding whether a nonadmitted insurer, as that term is defined in NRS 685A.0375, may write commercial automobile liability insurance.<sup>1</sup> Under existing Nevada law, nonadmitted insurers are prohibited from writing primary automobile liability coverage in either personal or commercial lines of business.

NRS 685A.040(2), describes the conditions for export of insurance coverage to the nonadmitted market, and since a robust and competitive commercial automobile insurance market exists in Nevada among admitted (authorized) carriers, the requirement of NRS 685A.040(2) does not allow for the nonadmitted placement of statutorily mandatory component of commercial automobile liability insurance coverage for minimum financial responsibility limits (“first-dollar automobile liability insurance”). A nonadmitted insurer may only write excess automobile liability insurance (above the statutory minimum limits – or above an even higher retention) – as long as the insured obtains at least the minimum required limits from an admitted Property and Casualty insurer or a risk-retention group, or becomes a qualified self-insurer pursuant to NRS 485.380.<sup>2</sup>

For those businesses unable to find first-dollar automobile liability coverage from the voluntary market, it is possible to apply for coverage with the Nevada Automobile Insurance Plan, which

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<sup>1</sup> **NRS 685A.0375 “Nonadmitted insurer” defined.**

1. “Nonadmitted insurer” means an insurer not authorized to engage in the business of insurance in this State.
2. The term includes a domestic surplus lines insurer.
3. The term does not include a risk retention group as that term is defined in 15 U.S.C. § 3901(a)(4).  
(Added to NRS by [2011, 2011](#); A [2019, 1701](#))

<sup>2</sup> The text of NRS 485.380 can be found at <https://www.leg.state.nv.us/NRS/NRS-485.html#NRS485Sec380>

is Nevada's residual-market plan. The Nevada Automobile Insurance Plan is considered to be an authorized insurer, and their contact information can be found on the following website:

<https://www.aipso.com/Plan-Sites/Nevada>.

Nonadmitted insurers should *not* attempt to register with the Department of Motor Vehicles ("DMV") to participate in the DMV's Nevada LIVE program for verification of mandatory commercial automobile insurance. The Nevada LIVE program exists for the purpose of verifying the required minimum primary financial responsibility limits for automobile liability insurance policies, and thus the insurer providing those minimum limits would be the entity that needs to interface with Nevada LIVE.<sup>3</sup>

In determining which lines of business require a diligent search of the admitted market, surplus-lines brokers are encouraged to consult the Export List maintained by the Nevada Surplus Lines Association at <http://nsla.org/Export List/Export List.aspx>, as well as its complement, the list of lines ineligible for automatic export and requiring a diligent search of the admitted market: <http://nsla.org/Ineligible For Export List/Ineligible For Export List.aspx>.

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<sup>3</sup> The statements above do not apply to Transportation Network Companies ("TNCs"), for which separate requirements apply pursuant to NRS 690B.470, a statute which expressly allows TNCs to obtain the required liability insurance from "an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to [chapter 685A](#) of NRS or procured directly from a nonadmitted insurer, as defined in [NRS 685A.0375](#)".