



**STATE OF NEW YORK
INSURANCE DEPARTMENT
160 WEST BROADWAY
NEW YORK, NEW YORK 10013**

**Circular Letter No. 7 (1995)
April 26, 1995**

TO: All Excess Line Brokers

RE: 1995 Tax Filing Pursuant to Section 2118(d) of the Insurance Law

Section 2118(d) of the Insurance Law requires an excess line broker to make certain payments to the Superintendent of Insurance on March 15 of each year for the taxes on all policies procured by the licensee during the next preceding calendar year. On March 15 the licensee is also required to file with the Superintendent a return in a form prescribed by the Superintendent, showing such information as may be necessary for proper distribution of such payments.

The Department interprets the above provision to mean that the return and taxes must be received by the Department by March 15, or, if received after that date, must be postmarked with a United States Postal Service postmark date no later than March 15, or if the return is sent by an independent carrier, it must have been at the carrier on or before March 15. Licensees are reminded that they may rely on a United States Postal Service postmark but may not rely on an internal meter for proof of mailing.

For 1995 only, in view of special problems arising from the fact that some excess line brokers were not in receipt of accurate premium data, the Insurance Department will waive any penalties if the return and taxes were received by the Department by March 31, 1995, or, if received after that date, postmarked with a United States Postal Service postmark date no later than March 31, 1995; or if the return was sent by independent carrier, it must have been at the carrier on or before March 31, 1995.

For all years after 1995, the Department will apply the United States Postal Service postmark rule, as clarified above, with respect to compliance with the March 15 due date.

If you have any questions, please direct them to Frank M. D'Amico, Director of Taxes and Accounts, Bureau of Taxes and Accounts, New York State Insurance Department, Agency Building One, Empire State Plaza, Albany, New York 12257 ((518) 474-8705).