



**STATE OF NEW YORK
INSURANCE DEPARTMENT
25 BEAVER STREET
NEW YORK, NEW YORK 10004**

David A. Paterson
Governor

Kermitt J. Brooks
Acting Superintendent

Circular Letter No. 18 (2009)

July 24 , 2009

TO: All Licensed Excess Line Brokers, Insurance Brokers and Insurance Producer Organizations, and the Excess Line Association of New York (ELANY)

RE: Excess Line Export List

STATUTORY REFERENCE: New York Insurance Law § 2118 and 11 NYCRR 27 (Regulation 41)

The purpose of this Circular Letter is to advise insurance producers that the Superintendent has performed its annual review of the excess line "Export List", as required by New York Insurance Law § 2118(b)(4).

Insurance Law § 2118 provides that a broker must obtain three declinations from authorized insurers before the broker may procure coverage from an eligible excess line insurer. However, under Insurance Law § 2118(b)(4), the Superintendent may, after a hearing on a record, and upon findings and conclusions, determine that another number of such declinations is appropriate in regard to particular coverages. Pursuant to that authority, the Superintendent has promulgated 11 NYCRR § 27.3(g) of Regulation 41, which sets forth specified coverages for which the Superintendent has determined that no declination from an authorized insurer is required before placing the risk in the excess line market. That list of coverages is commonly known as the "Export List." The Superintendent also has proposed an 11th amendment to Regulation 41, based upon a public hearing that was held on June 13, 2008, which would add certain classes of coverage to the Export List.

Because Insurance Law § 2118(b)(4) requires the Superintendent to review the Export List annually, the Superintendent has examined relevant market conditions and other factors, including availability of particular coverages from authorized insurers. The Superintendent has determined that the coverages set forth on the current Export List, including the coverages that the 11th amendment to Regulation 41 proposes to add is appropriate, and need not be expanded nor contracted at this time.

Please direct any questions regarding this circular letter to:

Jack Stein
Principal Insurance Examiner
New York State Insurance Department

Property Bureau – 2nd Floor
25 Beaver Street
New York, NY 10004
(212) 480-5479
By Email: jstein@ins.state.ny.us

Very truly yours,

Michael Moriarty
Deputy Superintendent
Property and Capital Markets Bureaus