Re: 11th Amendment to Regulation 41 (11 NYCRR 27)

ELANY is pleased to announce the expansion of the “export list” effective for placements made on or after September 2, 2009.

The “export list” sets forth types of insurance coverages, that the New York Superintendent of Insurance has determined are generally not available from licensed insurers, and therefore, three declinations are not necessary. It should be noted that risks on the “export list” only exempt the broker from the declination process requirement and not from any other affidavit and documentation filing requirements.

For retail excess line brokers, who use ELANY’s on line filing system, you can find these coverages under the “Export List”. Click on the appropriate export list coverage code, then complete the Part A affidavit question 3(a) by checking “yes”. This coverage is on the export list, and no declination information is required. Complete the balance of the affidavit and submit it.

For wholesale excess line brokers, you complete the online Part A affidavit as described above, but do not forget to tell your retail broker to 1) answer question 4(a) in the Part C affidavit “yes” 2) skip the declination information requirements, and just sign and send you the completed Part C affidavit.

The following coverages that have been added to the “export list” will require no declinations:

**Commercial Excess and Umbrella Liability**
1. Coverage for commercial excess liability where the underlying policy limits or self insured retention is at least $10,000,000 per occurrence.
2. Coverage for commercial umbrella liability where the underlying automobile and general liability coverages or self insured retentions contain limits of at least $10,000,000 per occurrence.

**Commercial Property**
1. Excess commercial property insurance where the policy provides limits in excess of $50,000,000 in underlying coverage.
2. Primary or excess property insurance coverage for property used for business purposes when the total insured values exceed $200,000,000.

**Contract Frustration**
- Coverage as defined in Section 1113(a)(17)(E) of the Insurance Law.

**Employed Lawyers Liability**
- Employed lawyer's liability insurance for lawyers who are employed as lawyers by a business entity and not a law firm.
CONSTRUCTION CONTRACTORS LIABILITY COVERAGE:

General Liability

 Owners, Landlords and Tenants
 Manufacturers and Contractors

Special Multi Peril Coverage

- Primary or excess liability coverage for general contractors, subcontractors, and all construction trades for damages that arise out of construction, building, demolition or renovation of any building or structure.

Owners Contractors Protective

- Primary or excess liability coverage purchased by a contractor to protect the interests of the property owner relating to a specific construction project.

Prize Indemnification

- Coverage as defined in Section 1113(a)(27) of the Insurance Law.

Special Events

- Primary or excess liability coverage for unique exposures of limited duration, which require varied and specialized terms, conditions and coverages generally issued to sponsors, organizers, performers and participants of trade shows, parades, flea markets, concerts, fairs and other similar events.

Vacant Commercial Property

- Primary or excess property insurance for vacant or unoccupied buildings used for commercial purposes.

For the complete list of all coverages that are included on the “export list”, please see the attached 11th amendment to Regulation 41.

Please contact ELANY should you need additional information.

All current ELANY bulletins and other current ELANY publications can be found on our website at www.elany.org