ELANY recently received an excess line transaction filing that included a “Filing Fee” being charged to an insured. This was a separate charge from the “stamping fee,” which was also billed. The “filing fee” referenced could be misleading to the insured as it could be misconstrued. In the past, ELANY noted some brokers were charging an “ELANY Fee,” which is clearly misleading.

While a broker can charge a fee on a transaction pursuant to the provisions of Section 2119 of the New York Insurance Law, any and all fees charged should be “transparent” to the insured so that they understand who is receiving the “fee.”

The charging of a mislabeled “fee” is a misrepresentation to the insured and is improper. To avoid potential fines, discipline and restitution requirements imposed by New York insurance regulators, the billing of mislabeled fees should cease immediately.

For further advice on this subject matter, please visit our website [www.elany.org](http://www.elany.org) and refer to the following ELANY Guidance: “Bulletin No. 2012-19 – Broker Fees;” “Lexicon/FAQ Topics:” “Broker Service Fees,” “Inspection Fees,” and “Policy Fees”; and the ELANY Educational Video – “Fees Which Can be Charged on NY Excess Line Transactions.”