



Overview

Part C Affidavit Requirement

All wholesale transactions submitted to ELANY by excess line brokers should include a Part C Affidavit, prepared and signed by the retail-producing broker if the producing broker obtained any declinations or delivered the Notice of Excess Line Placement to the insured. The filings are submitted to ELANY under regulation [§2118\(b\)\(1\),\(2\),\(3\)](#) and [\(e\)\(2\)\(c\)](#). Learn more: <https://www.elany.org/publications-and-resources/publications/elany-says?url=affidavits>

ELANY offers online tools for completing a Part C Affidavit with or without a Notice of Excess Line Place / Total Cost Form (NELP/TCF).

Benefits of the online tools:

- The forms are DFS-approved affidavit forms.
- Eliminates need to enter the producing broker's name and address
- Ability to electronically sign the Part C Affidavit ("rubber stamp" signatures are not permissible)
- Declining companies are selected, not entered
- Automatic calculation of excess line tax and stamping fee on Total Cost Form (TCF) (if elected)
- Ability to download and share the completed document(s)
- Significantly reduces the questions from ELANY for mismatched, incomplete, or unreadable producer or company details

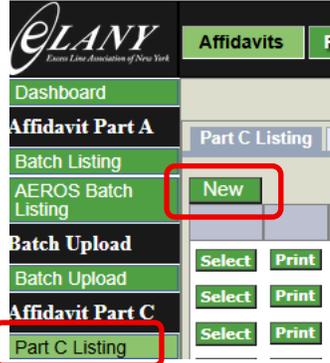
Tools

- **Option 1 – ELANY website** <https://eefs.elany.org/eefs/aff/PartCLicense.xhtml>
 - No login required
 - No ELANY storage of documents
- **Option 2 – EEFS/AEROs** [ELANY Log in page](#)
 - Producing Broker login to EEFS/AEROs is required. Email ELANYHelpdesk@elany.org to register for a login.
 - ELANY storage of documents that can be edited if needed

System Instructions

1. Launch the tool

- **Option 1 – ELANY website** <https://eefs.elany.org/eefs/aff/PartCLicense.xhtml>
- **Option 2 – EEFS/AEROS** <https://eefs.elany.org/eefs/> (login required)
 - Select “Part C Listing” from the left menu, then click the New button at the top displayed list.



2. Producing Broker Details

Option 1 – ELANY Website

Enter the producing broker license number and search for the broker details.

Please enter the License Number for the Broker for which you are creating the Part C Affidavit

Producing Broker License No:

Please review the Producing Broker information section for accuracy.

License No	<input type="text" value="111111"/>
Company Name	<input type="text" value="TEST PRODUCING BROKER - ELANY USE OI"/> <small>(As it appears on License)</small>
Street	<input type="text" value="120 WALL STREET"/>
City	<input type="text" value="NEW YORK"/>
State	<input type="text" value="NY"/>
Zip Code	<input type="text" value="10006"/>

Is the above information correct?

Helpful Tips:

- If you do not know the license number or enter a number that gives an error message, use the [NY Dept of Financial Services producer license search site](#) to find or validate the number is correct as entered and/or is an active license.
- If the license number is valid and active, but the system generates an error message, then email ELANYHelpdesk@elany.org for help.

OPTION 2 - EEFS/AEROS

The tool uses the license of the logged-in producing broker to display the broker’s details.

Producing Broker Information

License Number	<input type="text" value="BR-1153703"/>
Company Name	<input type="text" value="RSG SPECIALTY LLC"/> <small>(As it appears on License)</small>
Street	<input type="text" value="180 N. STETSON AVENUE, SUITE 4600"/>
City	<input type="text" value="CHICAGO"/>
State	<input type="text" value="ILLINOIS"/>
Zip Code	<input type="text" value="60601"/>

Edits to the broker name and address can be entered for the purpose of generating a Part C Affidavit but are not saved to the ELANY database.

ELANY’s data is received from the NY Department of Financial Services (NY DFS). If changes are needed, please contact the NY DFS, so that subsequent data feeds to ELANY contain the correct data. [Address Change Request | Department of Financial Services](#)

3. Choose Form Part C Affidavit or a Part C Affidavit with a Notice of Excess Line Placement / Total Cost Form

Part C Menu Affidavit Only
 Affidavit and Notice of Excess Line Placement/Total Cost Form

The NY Department of Financial Services (NY DFS) requires a Notice of Excess Line Placement (NELP) advising the insured that the insurer is not an authorized insurer, that the insurer’s policy forms are not necessarily approved by the NY DFS and the insured is not protected by a security fund in the event of the insurer’s insolvency. The Excess Line broker will often provide this document to the producing broker (select “Affidavit Only” in this case).

Learn more: <https://www.elany.org/publications-and-resources/publications/elany-says?url=notice-of-excess-line-placement---total-cost-form>

4. Insured’s Details

- **Insured Name** – Always required and should match as it appears on the dec page, cover note or binder.
- **Insured Address** – Required for the NELP/TCF and should match if it appears on the dec page, cover note or binder.

5. Disclosure to the Insured

Disclosure to the Insured

(a) Yes No

Did you personally provide a written Notice of Excess Line Placement (Form: NELP/2011) to the insured as required by Section 2118 of the New York Insurance Law and Regulation 41 ?

Either the excess line or the producing broker can send the Notice to the insured. The party who sends the Notice should answer question 2(c) in the Part A or question 3 in the Part C affidavit affirmatively. When administered properly, the NELP provides protection to brokers from NY DFS inquiry, a coverage contest, or an errors and omissions suit.

Learn more: <https://www.elany.org/publications-and-resources/publications/elany-says?url=notice-of-excess-line-placement---total-cost-form>

6. Declination Requirement

A fundamental duty of every excess line licensee is to make a diligent effort to place risks with a licensed insurance company. This is designed to ensure that the admitted market has first opportunity to write a risk before it can go to an excess line insurer. Coverages on the Department of Financial Services' (DFS) export list and risks where the insured qualifies as an exempt commercial purchaser (ECP) are exempt from the diligent effort requirement.

Learn more: <https://www.elany.org/publications-and-resources/publications/elany-says?url=diligent-effort>

Brokers should review all three questions and change the defaults as appropriate.

Declination Information

(a) Yes No Has the Superintendent determined that declinations are not required for this type of risk ? IF ANSWER TO QUESTION (a) IS "YES", SKIP QUESTIONS (b) AND (c) GO ON TO THE AFFIRMATION SECTION.

(b) Yes No Does the insured qualify as an "Exempt Commercial Purchaser" that made a written request consistent with the requirements of New York Insurance Law Section 2118(b)(3)(F) ? IF ANSWER TO QUESTION (b) IS "YES", SKIP QUESTIONS (c) GO ON TO THE AFFIRMATION SECTION.

(c) Yes No Was the risk described above submitted by the producing broker to companies:
(1) each authorized in New York to write coverages of the kind requested;
(2) which the licensee has reason to believe might consider writing the type of coverage or class of insurance involved; and
(3) was such risk declined by each such company?

7. Declination Details

Authorized Companies Declining the Risk

Name of Company: New Declining Company 1

NAIC Code:

Date Declining:

I believed this insurer would consider underwriting this risk because:

Recent acceptance by the insurer of a risk, requiring that type of coverage or class of insurance.

Advertising by the insurer or its agent indicating it entertains that type of risk/coverage.

Media communications (Newspapers, Trade Magazines, Radio) which indicate the insurer will underwrite that type of coverage.

Communications with other professionals, such as brokers, agents, risk managers, insurance department or ELANY Personnel indicating the insurer entertains such risks.

Any other valid basis you can document:

Back Next

Name of Company – Click on select from the list. If you type into the field, the system will auto-suggest authorized companies. Be sure to select the correct Name of the company as many Insurers have similar names. The system will populate the correct NAIC code for the selected authorized insurer.

Date Declining – Declination dates should precede policy inception dates and Notice of Excess Line Placement (NELP) dates. The NY DFS expressed concerns where NELP dates or policy inception dates preceded one or more declination dates. The NY DFS asserts that if declinations are acquired after an excess line placement is made, the placement may violate the excess line law.

Reason for Considering the Insurer: Select from one of the four most common options or select 'Any other...' and enter a short bespoke reason.

Click Next to enter up to two more declinations.

8. Part C Affirmation

Affirmation

I, am the licensee or sublicensee of the named broker in Section 1 of this affirmation and I hereby affirm under penalties of perjury that all of the information contained herein is true to the best of my knowledge and belief.

Signature Date

Signature Requirement Alternatives:

1. Click **Attach** button to insert JPEG or PNG Signature (previously created & saved on your computer).
2. Click **Attach** and use Mouse to sign in the appropriate space provided.
3. To use a legal e-signature (Adobe, DocuSign, etc.) Click **Next**.

PartC Signature

Name of Insured:

Upload your Signature File:

(Currently only jpeg or png files are accepted)

Or create a signature file by signing on line below and then pressing the 'Save Signature' button.
(After saving your signature, you can attach your new file using the field above)

7a. Producer Name - Enter first and last name in the input fields.

7b. Producer Signature – To add a JPG or PNG signature or sign by a computer mouse, click the green Attach button.

To add a JPG or PNG signature

1. Click in the 'Click to choose file' input field and select the JPG or PNG file.
2. Click the green Attach button to the left.
3. Click Next

To sign with a computer mouse

1. Use a mouse to enter a signature in the large input box.
2. Click the green Save Signature button. Save as a JPG or PNG file.
3. Click in the 'Click to choose file' input field and select signature just created.
4. Click the green Attach button to the left.
5. Click Next

9. Part C Affidavit Preview

PART C - Affidavit By Producing Broker

Affidavit No.

1. PRODUCING BROKER INFORMATION

Name License No.

Street

City/State/Zip/Code

2. RISK INFORMATION:

Name of Insured

3. DISCLOSURE INFORMATION:

Yes No Did you personally provide a written Notice of Excess Line Placement (Form: NELP/2011) to the insured as required by Section 2118 of the New York Insurance Law and Regulation 41.7?

4. DECLINATION INFORMATION

(a) Yes No Has the Superintendent determined that declinations are not required for this type of risk? IF ANSWER TO QUESTION (a) IS "YES," STOP QUESTIONS (b), (AND) (c), GO ON TO THE AFFIRMATION SECTION.

(b) Yes No Does the insured qualify as an "Exempt Commercial Purchaser" that made a written request consistent with the requirements of New York Insurance Law Section 2118(b)(3)(f)? IF ANSWER TO QUESTION (b) IS "YES," STOP QUESTION (c) GO ON TO THE AFFIRMATION SECTION.

(c) Yes No Was the risk described above submitted by the producing broker to companies:
(1) each authorized in New York to write coverages of the kind requested;
(2) which the licensee has reason to believe might consider writing the type of coverage or class of insurance requested; and
(3) was such risk declined by each such company?
If the answer to QUESTION (c) above is "YES," COMPLETE THE FOLLOWING SCHEDULE:

AUTHORIZED COMPANIES DECLINING THE RISK		
NAME	NAIC	Declining Date
21ST CENTURY INSURANCE COMPANY	12963	03-03-2023

The Part C details as selected / entered, including signature if added, are displayed. Use the green Edit buttons to change the inputs.

10. Total Cost Form (if elected in Step 3)

First and foremost, fees charged by an excess line insurer are subject to premium tax, while fees charged by a broker are not. Fees paid to a Managing General Underwriter that are retained by the MGU and not remitted to the insurer are not taxable.

Broker Service Fees: Neither the New York Insurance Law nor regulations address limitations on the amount of service fees that can be charged to insureds by insurance brokers. Under Insurance Law §2119(c) and (d), an insurance broker may charge an insured a fee for services, provided there is a written memorandum, often referred to as a [Total Cost Form](#), signed by the insured and specifying or clearly defining the amount or extent of the fee. The memorandum must be retained by the broker for at least three years after the performance of the services.

Learn more: <https://www.elany.org/publications-and-resources/publications/elany-says?url=policy-fees--installment-fees-and-reinstatement-fees>

The screenshot shows the 'Total Cost Form' interface. It includes fields for 'Effective Date', 'Insurer', and 'Gross Premium' (set to 0.00). Below these are several sections for fees and taxes, each with 'Yes' and 'No' radio buttons and 'If Yes' amount fields. The 'Total Policy Cost' is shown as \$0.00. At the bottom are 'Back' and 'Next' buttons.

Field	Value
Effective Date	[Empty]
Insurer	[Dropdown]
Gross Premium	0.00
Allocated Premium	<input type="radio"/> Yes <input checked="" type="radio"/> No
Additional Insurer Imposed Policy Fee amount	<input type="radio"/> Yes <input checked="" type="radio"/> No
Additional Insurer Imposed Inspection Fee amount	<input type="radio"/> Yes <input checked="" type="radio"/> No
Do you wish to charge the Insured "Excess Line Tax" ?	<input checked="" type="radio"/> Yes <input type="radio"/> No 0.00
Do you wish to charge the insured the "Stamping Fee" ?	<input checked="" type="radio"/> Yes <input type="radio"/> No 0.00
Do you wish to charge the insured the "Broker Fee" ?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Do you wish to charge the insured the "Inspection Fee" ?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Other Expense (specify)	[Text Input]
Total Policy Cost	\$ 0.00

9a. Effective Date is required and limits the Insurer option field to insurers actively licensed by New York on the effective date.

9b. Insurer is required.

9c. Gross Premium is required. Entering a value will automatically calculate the "Excess Line Tax" and "Stamping Fee." To remove these from the TCF form, change the defaults from Yes to No.

9d. All other fee options can be entered by setting the fee default to Yes. See the [Learn More link above](#) to determine the requirements for each fee or tax.

9e. Other Expense – A description of the expense and the amount is required if the default is changed to Yes.

11. Confirm the entered data to generate a PDF

The screenshot shows the 'Part C Affidavit Data Confirmation' screen. It has a green header with the title. Below the header, there is a message: 'Please verify all information you provided is correct & complete now, then click "Yes" below to complete/finalize your affidavit.' Below this message are two buttons: 'Yes' and 'No'. At the bottom, there is a note: 'NOTE: This form will not submit directly to ELANY. Please provide the generated PDF Part C form to the broker filing the taxes.'

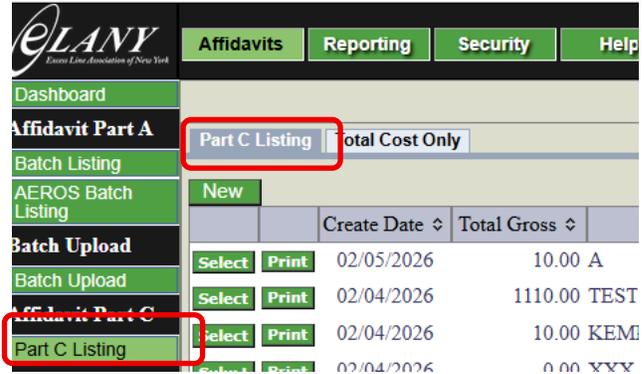
12. View generated PDF

Option 1 – ELANY Website

- The generated PDF will display in the browser (defaulting to a different tab).
- It must be saved manually and then signed (as needed by the Producing Broker (Part C Affidavit) and Insured (Total Cost Form) as needed).

Option 2 – EEFS/AEROS

- The generated PDF will display in the Affidavit Part C Listing.
- It can be edited (selected button) and printed.



ELANY Excess Line Association of New York				Affidavits	Reporting	Security	Help
Dashboard							
Affidavit Part A	Part C Listing	Total Cost Only					
Batch Listing							
AEROS Batch Listing	New						
Batch Upload		Create Date	Total Gross				
Batch Upload	Select	Print	02/05/2026	10.00	A		
Affidavit Part C	Select	Print	02/04/2026	1110.00	TEST		
Part C Listing	Select	Print	02/04/2026	10.00	KEM		
	Select	Print	02/04/2026	0.00	XXX		

12. IMPORTANT: Signatures and Sharing the PDFs with the Excess Line Broker (not ELANY)

Producing Broker's signature:

- **If the signature was attached or signed by a mouse**, send the PDF to the Excess Line broker to include when filing their Part A Affidavit with ELANY.
- **If the signature needs to be added**, obtain the producing broker's signature (e-signature or wet), and then send the signed PDF to the Excess Line broker to include when filing their Part A Affidavit with ELANY.

Insured's signature on the Total Cost Form (TCF):

- **The insured needs to sign the TCF but ELANY does not need the insured's signature to review the excess line broker's filing.**
- **Do not delay sending the TCF to the Excess Line broker** for filing purposes.
- A copy of the form with the insured's signature can be provided to the Excess Line broker when available.