

Statement that the Proposed Amendment to 11 NYCRR 27 (Insurance Regulation 41) is a Consensus Rule and that No Person is Likely to Object to Its Adoption.

No person is likely to object to this amendment, which makes technical changes to Part 27 to conform to amendments to Insurance Law Section 2118(b)(3)(C) made by Chapter 833 of the Laws of 2022 (“Chapter 833”) and Chapter 93 of the Laws of 2023 (“Chapter 93”) regarding excess line affidavit requirements. Chapter 833 amended Insurance Law Section 2118(b)(3)(C) to require an excess line broker only to record on the excess line insurance placement affidavit the name and National Association of Insurance Commissioners code for each authorized insurer declining a risk and the information relied upon that formed the basis of the excess line broker’s or affirming broker’s reason to believe that the authorized insurer might consider writing the type of coverage or class of insurance involved. Chapter 93 amended the law further to require a broker to record on the affidavit the declination date and only permit a broker to omit from the affidavit the name of the representative declining the risk, the representative’s affiliation, and the reason for the declination. This amendment to Part 27 is necessary to conform to Chapter 833 and Chapter 93.

This amendment also makes technical changes to Part 27 to conform to amendments the Legislature previously made to Insurance Law Section 2105 regarding the kinds of insurance that an insurer may write in the excess line market and to change a reference from the Department’s Licensing Bureau to Licensing Unit.

The Department determines this rule to be a consensus rule, as defined in State Administrative Procedure Act Section 102(11) (“SAPA”), and the rule is proposed pursuant to SAPA Section 202(1)(b)(i). Accordingly, this rulemaking is exempt from the requirement to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments, or a Rural Area Flexibility Analysis.

Statement Setting Forth the Basis for the Finding that the Proposed Amendment to 11 NYCRR 27 (Insurance Regulation 41) Will Not Have a Substantial Adverse Impact on Jobs and Employment Opportunities

This amendment should not adversely impact jobs or employment opportunities in New York State. This amendment merely makes technical amendments to conform Part 27 to amendments made to Insurance Law Section 2118(b)(3)(C) by Chapter 833 of the Laws of 2022 and Chapter 93 of the Laws of 2023, with regard to excess line affidavits. It also makes technical amendments to Part 27 to conform to changes to Insurance Law Section 2105 previously made by the Legislature and to change references to the Department's Licensing Bureau to Licensing Unit.