

THE **E&S** Empire Express

Affidavit Reform Bill Enacted

On December 30, 2022, Governor Kathy Hochul signed **Senate Bill 8127** into law. The legislation, which was conceived and advocated for by ELANY, removes three declination data elements from both the Part A and Part C affidavits. Brokers are no longer required to record the name of the representative declining the risk, the affiliation of the representative, and the insurer’s reason for declining to underwrite the risk.

The legislature and Governor agreed that these data elements were unnecessary and served to complicate and slow the affidavit submission and approval process. This benefited neither consumers nor brokers, who desire a quick and efficient review of excess line policies. The New York Department of Financial Services (DFS) has revised its affidavit forms to reflect these changes.

Brokers should note that this change in law does not impact a broker’s duty to obtain three declinations before placing a risk in the excess line market (except for Export List risks and Exempt Commercial Purchasers), and affidavits must still be filed with ELANY. All other affidavit information and reporting elements must continue to be completed.

ELANY thanks Senator Neil Breslin and Assemblymember Pamela Hunter for sponsoring the bill in their respective chambers, and Governor Hochul for signing it. We would also like to thank Big I NY, Council of Insurance Brokers of Greater New York, Professional Insurance Agents of New York, Professional Insurance Wholesalers Association of New York State, and Wholesale and Specialty Insurance Association for their active support. ■

Inactive Brokers Poised to be Exempted from DFS Cybersecurity Regulation

Late last year, the Department of Financial Services published for comment significant revisions to its cybersecurity regulation. We are pleased to report that the proposed language contains an ELANY proposal to fully exempt brokers who 1) have not received compensation, commission or anything of value for acting or aiding in soliciting, negotiating, selling or placing an insurance policy for at least one year, and 2) do not directly or indirectly operate, maintain, utilize or control any information systems, and that do not, and are not required to, directly or indirectly control, own, access, generate, receive or possess nonpublic information as defined by the regulation.

ELANY sought this exemption for brokers who are no longer acting as brokers but wish to maintain their license as a credential, such as retirees or those who teach but are no longer brokering business. Currently, inactive brokers must comply with certain requirements of the regulation, such as conducting risk assessments. Because inactive brokers do not maintain nonpublic information, applying requirements to them makes little sense and has proven to be a confusing burden. The DFS listened to our arguments with an open mind, and we commend them for responding in a positive way.

ELANY formed a producer group coalition to pursue this change and we thank Big I of NY, Professional Insurance Agents of New York, Professional Insurance Wholesalers Association of New York State, Council of Insurance Brokers of Greater New York, NAIFA-NY, and New York State Association of Health Underwriters for their active support.

We expect a final revised regulation to be adopted in the coming months and are optimistic that the inactive broker exemption will be part of it. ■

INSIDE

- Legislative Insurance Chairs Appointed..... 2
- ELANY Stamping Fee Reduced..... 2
- Premium Tax Filings Due by March 15th..... 2
- Former Board Member Dave Isenberg Passes Away..... 2
- Filings Hit New High in 2022..... 3
- Broker Entity Licenses Expire June 30, 2023.... 3
- DFS Articulates Workplace Violence Insurance Policy Requirements 3
- ELANY Welcomes New Staff 3-4



Excess Lines Association of New York
120 Wall Street, 24th Floor
New York, NY 10005
646.292.5500 | info@elany.org

www.elany.org



Legislative Insurance Chairs Appointed

Senator Neil Breslin has been reappointed as Chair of the New York State Senate Insurance Committee. Senator Breslin is a long-time member of the Committee and has sponsored several ELANY bills over the years, including the just-enacted affidavit reform bill. Assemblymember David Weprin has been appointed as the new Chair of the Assembly Insurance Committee. He replaces former Assemblymember Kevin Cahill. ELANY congratulates both on their respective appointments and looks forward to working with them. ■



Senator Neil Breslin



Assemblymember David Weprin

ELANY Stamping Fee Reduced

The ELANY stamping fee has been reduced to 0.15% effective January 1, 2023. The excess line tax remains 3.6% of New York taxable premium. The new 0.15% stamping fee applies to the filing of all excess line policies which incept on or after January 1, 2023. The stamping fee on endorsements is the same percentage as charged on the original policy filed. Therefore, the stamping fee for all endorsements on policies that incept on or after January 1, 2023 is 0.15%.

The stamping fee for endorsements on policies incepting prior to January 1, 2023 is as follows:

- January 1, 2017 through December 31, 2022 is 0.17%;
- July 1, 2015 through December 31, 2016 is 0.18%;
- July 1, 2005 through June 30, 2015 is 0.20%;
- July 1, 2004 through June 30, 2005 is 0.30%;
- Prior to July 1, 2004 is 0.40%. ■

Premium Tax Filings Due by March 15th

Excess line brokers must file 2022 premium tax returns on or before **March 15th** even if no business was placed in 2022. For more information, please see our [bulletin](#).



Dave Isenberg

Former Board Member Dave Isenberg Passes Away

The Insurance Industry and everyone who has ever done business with the D C White Agency, worked for or with ELANY, PIA, PIWA or a host of other industry-related businesses lost a great leader and friend when Dave Isenberg passed away on November 11. Dave's impact on the industry and his colleagues and friends ran deep. He was well known throughout the industry, particularly the New York market, as an influential leader and expert in his field. His special and unique personality and demeanor engendered warm feelings among his peers leaving most everyone he met favorably impressed.

Dave's friends on the ELANY Board expressed many kind thoughts and memories of their times with Dave. "Dave was a consummate professional yet big hearted, generous and humble," said Jim Richardson. Eric Keller expressed his gratitude for having come to know Dave, who he remembers as a true gentleman, always kind and welcoming. "Dave

Dave Isenberg...

continued from page 2

was both a knowledgeable and passionate professional but more importantly, a wonderful human being," noted Lance Becker. Kevin McGill said, "Dave's dedication to his wife, children and grandchildren was boundless." Janet Pane felt "Dave was a gifted teacher and mentor, yet he was always curious and respectful of the views of others." Bob Shapiro simply said, "He was my good friend for 60 years."

Heartfelt, Dan Maher said, "I first met Dave in 1982 on the New York Insurance Exchange and had the pleasure of acting as counsel to D C White in the mid-90s and then having Dave serve on the ELANY Board for many years, which allowed us to travel together and occasionally ski and play some golf. He was always a positive influence on both my personal and professional life."

Dave leaves behind his wife Arlene, his daughter Jill and her children Molly and Noah, his daughter Loren and her husband, Gary and their children Jed and Libby and his son Gary and his wife Jackie and their children Ben and Macy. ■

Filings Hit New Highs in 2022

Policy and endorsement filings with ELANY hit new highs in 2022. Excess line brokers filed 385,000 documents, an 8.3% increase over 2021. Net premium hit \$7.5 billion, a 21% increase over the prior year. Real estate, rental and leasing, along with construction, led the way on both transactions and premium. Consistent with prior years, the increase in premium significantly outpaced that in transactions filed, demonstrating that premium growth is closely related to pricing while actual growth in the number of risks being written in the excess line market is more modest. ■

Broker Entity Licenses Expire June 30, 2023

All licenses issued to entities (corporations, LLCs, and partnerships) expire on a common date. The Insurance Law was amended in 2018 to change the expiration date of licenses issued to business entities from October 31 of even-numbered years to June 30 of odd-numbered years. Accordingly, Property and Casualty Broker (BR), Excess Line Broker (EX) and Life and Accident/Health and Variable Life/Variable Annuity Broker (LB) entity licenses will expire on June 30, 2023. Entity licenses may be renewed [here](#). ■

DFS Articulates Workplace Violence Insurance Policy Requirements

The Department of Financial Services has informed ELANY of requirements that excess line workplace violence/active shooter policies must meet. There are four primary areas of note:

- Business interruption and extra expense coverage must be triggered by physical damage
- Death, medical and funeral benefits may only be offered if the policy covers third-party liability
- Insureds under a policy cannot include unrelated third parties, such as entities that are not subsidiaries or affiliates of the insured, or customers and guests of the insured
- Third-party liability policies must obligate the insurer to provide a defense, and pay damages, on behalf of the insured. Reimbursement of defense costs or liability payments is unacceptable

For a more in-depth discussion of the requirements, please see [ELANY Bulletin No. 2023-04](#).

ELANY Welcomes...

John "Rosey" Rosenblatt as Communications & Marketing Manager, New Examiners, and Executive Assistant

ELANY is pleased to announce the addition of **John "Rosey" Rosenblatt** to ELANY's management team as Communications & Marketing Manager.



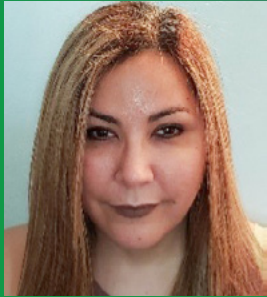
John "Rosey" Rosenblatt

Rosey comes to ELANY from Rosey Media, LLC, which he founded in 2007. Rosey worked directly with brands, developing social media strategies and managing all aspects of internal and external communications, social media distribution, ad buying and data tracking. He has extensive experience with multiple industry sectors and has consulted with companies including NBC, ABC, Nickelodeon, Buzzfeed, DDB, J&J, Welch's, and NYU. Rosey also worked full time at Facebook, supporting media partners and assisting in marketing plans. He began his media career working at *Saturday Night Live* as

continued on p. 4

ELANY Welcomes...

continued from page 3



Christine Briglia



Maria Campos



Marisa Chiacu



Myrtha Magliulo



Nick Reid

a Director of Photography and producer, and was the original Director of Photography of The SNL Digital Shorts. Rosey holds an MBA from Fordham University and a BA from Adelphi University.

“Rosey brings skills and experience to ELANY which will help us communicate with brokers in better, more dynamic ways,” said ELANY Executive Director Dan Maher. “His extensive work in marketing, branding, social media and video are a welcome addition to ELANY’s capabilities.”

Christine Briglia returns to ELANY as Executive Assistant after being away for three years. Prior to ELANY, she worked in publishing for over 20 years. Christine currently lives in Queens with her husband and two children.

Maria Campos began her insurance career in 2015 as a life insurance agent for Seguros Bolivar in Colombia. She is licensed as a personal lines insurance broker in New York and her prior experience at Empire Comprehensive Insurance Brokerage included servicing and managing personal lines accounts. Maria holds a Finance and Foreign Trade degree from Universidad Sergio Arboleda (Colombia) and continues to pursue educational opportunities to keep improving as an insurance professional.

Marisa Chiacu previously worked for Kroll Business Services as a Claims Consultant, where she acquired both hard and soft skills in the workforce. Marisa is fluent in English, Spanish, and Romanian. She graduated from Connecticut College in 2019 with a B.A. in International Relations and Hispanic Studies. Marisa has plans to pursue graduate studies in the future.

Marissa enjoys traveling, learning about other cultures, and exploring New York City.

Myrtha Magliulo brings 20 years of financial services experience to ELANY, previously working at JPMorgan Chase. She is bilingual in Spanish and English. Myrtha lives in New Jersey with her husband and twin daughters. She enjoys spending time at her lake house with family and friends.

Nick Reid worked in the legal and healthcare fields for over 10 years. He graduated from Manhattanville College with a BS in Political Science and a Masters in Sports Business Management. He holds a Juris Doctor from Nova Southeastern University. Nick lives in the Bronx with his wife and they are expecting their first child in a few months. He is a devoted New York sports fan and semiprofessional Latin dancer. ■



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