

New York
INSURANCE LAW — CHAPTER 28 OF THE
CONSOLIDATED LAWS
Article 21 — AGENTS, BROKERS, ADJUSTERS,
CONSULTANTS AND INTERMEDIARIES

Ins. Law § 2105 Excess line brokers; licensing

FORMER CITATION Ins. Law § 122

(a) The superintendent may issue an excess line broker's license to any person, firm, association or corporation who or which is licensed as an insurance broker under section two thousand one hundred four of this article, or who or which is licensed as an excess line broker in the licensee's home state, provided, however, that the applicant's home state grants non-resident licenses to residents of this state on the same basis, except that reciprocity is not required in regard to the placement of liability insurance on behalf of a purchasing group or any of its members; authorizing such person, firm, association or corporation to procure, subject to the restrictions herein provided, policies of insurance from insurers which are not authorized to transact business in this state of the kind or kinds of insurance specified in paragraphs four through fourteen, sixteen, seventeen, nineteen, twenty, twenty-two, twenty-seven, twenty-eight, thirty-one, thirty-two, thirty-three and thirty-four of subsection (a) of section one thousand one hundred thirteen of this chapter¹ and in subsection (h) of this section, provided, however, that the provisions of this section and section two thousand one hundred eighteen of this article shall not apply to ocean marine insurance and other contracts of insurance enumerated in subsections (b) and (c) of section two thousand one hundred seventeen of this article.² Such license may be

¹ These are fire insurance; miscellaneous property insurance; water damage insurance; burglary and theft insurance; glass insurance; boiler and machinery insurance; elevator insurance; animal insurance; collision insurance; personal injury liability insurance; property damage liability insurance; fidelity and surety insurance; credit insurance; motor vehicle and aircraft physical damage insurance; marine and inland marine insurance; residual value insurance; prize indemnification insurance; service contract reimbursement insurance; salary protection insurance; donor medical expense insurance; excess business disability insurance; and business interruption insurance.

² §2117(b) Permits any licensed standard lines broker to place coverage with a nonadmitted insurer for reinsurance on risks produced by the broker; property coverage on risks permanently located in another state; and various types of ocean marine coverage. Subsection (c) permits standard lines brokers to place coverage with a nonadmitted insurer for legal liability arising out of the ownership, operation and maintenance of motor vehicles and aircraft garaged out of state and used in operations conducted entirely out of state, provided that, if they are used in conjunction with property located out of state, the broker may place coverage only with insurers admitted in the other state. The subsection also permits standard lines brokers to place fidelity bonds for public and private trustees located out of state, bonds on safety deposit boxes, and contract bonds on risks located out of state with insurers not authorized in New York but authorized in the other state.

suspended or revoked by the superintendent whenever in his or her judgment such suspension or revocation will best promote the interests of the people of this state.

(b) Before the superintendent issues any such license or renewal, there shall be filed in the superintendent's office an application by the person, firm, association or corporation desiring such license, in such form or forms, and supplements thereto, and containing information the superintendent prescribes. For each business entity, the sub-licensee or sub-licensees named in the application shall be designated responsible for the business entity's compliance with the insurance laws, rules and regulations of this state. A person or entity licensed as an excess line broker in his, her or its home state may receive a non-resident excess line broker license pursuant to subsection (a) of this section with the submission of the application.

(c)(1) At the time of application for every such license, and for every renewal, each applicant shall pay the superintendent the following fees:

(A) Two hundred dollars for each year or fraction of a year in which a license shall be valid, if the applicant maintains an office in, or acts as an excess line broker in placing insurance on risks located in, any county in this state having a population of one hundred thousand or more inhabitants.

(B) Twenty-five dollars for each year or fraction of a year in which a license shall be valid in all other cases.

(2) The population of any county shall be determined by the most recent official census, whether by the United States or by this state.

(d) Every license issued pursuant to this section shall be for a term expiring with the expiration of the qualifying broker license and may be renewed for the ensuing period of twenty-four months upon the filing of an application in conformity with subsection (b) of this section and paying the fee prescribed by subsection (c) of this section. In the case of a license issued to a new applicant, the superintendent may issue a license for a term of more than two years, provided however, such term shall not exceed thirty months.

(e) Any such license issued to a firm, association or corporation shall authorize as sub-licensee only the sub-licensees named in its license as insurance broker, and each such sub-licensee may act thereunder only in the name of and on behalf of the licensee.

(f) Repealed. L. 2001, c. 74 (SB 4372), § 4, eff. 6-29-2001.

(g) The superintendent may issue a replacement for a currently in force license which has been lost or destroyed. Before such replacement license shall be issued, there shall be on file in the office of the superintendent a written application for such replacement license, affirming under penalty of perjury that the original license has been lost or destroyed, together with a fee of fifteen dollars.

(h) Pursuant to subsection (a) of this section, an excess line broker may procure policies of insurance from insurers which are not authorized to transact business in this state for personal accident insurance and accident disability insurance, in which

the insured is a non-resident of this state, and the nature of the risk to be insured is related to the operation of motor vehicles at high speeds for the enjoyment of spectators, is unusual and difficult to place and where such broker, after diligent effort, could not procure substantially similar coverage from an insurer authorized to do business in this state.

(i) Pursuant to subsection (a) of this section, an excess line broker may procure policies of salary protection insurance from insurers that are not authorized to transact business in this state.

HISTORY L. 1984, c. 367, § 1; L. 1984, c. 368, § 1; L. 1993, c. 285, §§ 4, 5; L. 1997, c. 239, §§ 1, 2; L. 1997, c. 294, § 2; L. 2000, c. 578, § 2; L. 2001, c. 74 (SB 4372), § 4; L. 2003, c. 687 (SB 5729), § 27; L. 2005, c. 59 (SB 3669), pt. F, § 5; L. 2006, c. 495 (AB 11129), § 2, eff. 8-16-2006; 2011, SB 2811, ss 7, 9, eff. 7-21-2011; 2012, SB 2704, s 3, eff. 11-15-2012; 2020, SB 7506, pt. L, s 24, eff. 2-15-2021; 2021, SB 5760, s 2, eff. 8-2-2021; 2024, AB 10342, s 2, eff. 10-27-2024.2024; 2024, AB 10344, s 2, eff. 1-12-2025.