

Bulletin No. 2023-18

July 13, 2023

RE: CHANGES TO ELANY’S LIST OF E&S INSURERS

The following companies have been **added** to ELANY’s List of E&S Insurers:

<u>Company</u>	<u>Code</u>	<u>Effective Date</u>
Golden Bear Insurance Company 709 North Center Street Stockton, CA 95202	39861	June 28, 2023
Berkley Prestige Insurance Company 7233 East Butherus Drive Scottsdale, AZ 85260	17412	June 28, 2023

The following is a name change to ELANY’s List of E&S Insurers:

<u>Company</u>	<u>Code</u>	<u>Effective Date</u>
XL Select Insurance Company	19607	January 24, 2023
<i>to:</i> At-Bay Specialty Insurance Company		

XL Select was sold to At-Bay, Inc. effective January 23, 2023, and subsequently changed its name to At-Bay Specialty Insurance Company effective January 24, 2023. The sale and the name change were approved by Delaware Department of Insurance.

The following Lloyd’s Syndicates have been **added** to ELANY’s list of E&S Insurers.

<u>Syndicate</u>	<u>Effective Date</u>
Lloyd’s Syndicate #1996	July 1, 2023

Unauthorized insurers on ELANY’s List of E&S Insurers undergo a thorough financial analysis by ELANY. This analysis goes beyond verifying that the insurers meet the minimum standards of eligibility imposed by the Nonadmitted and Reinsurance Reform Act (NRRRA). In addition, ELANY gathers, reviews and/or verifies the following information, as referenced in [§27.13](#) of Regulation 41:

- Annual financial statement;
- Report on examination;

- A certification from the insurer's domiciliary jurisdiction indicating which lines of business the insurer is authorized to write;
- Listed insurers substantially comply with the solvency requirements for NY authorized insurers;
- Listed insurers' surplus to policyholders is sufficient to support their writings, outstanding liabilities, financial needs and is at least \$48 million;
- Listed insurers' claims practices provide for fair and timely settlement with claimants; and
- Company management is trustworthy and competent.

Excess line brokers are relieved from maintaining listed insurer financial records where such records are maintained by ELANY. While other insurers may meet the NRRRA minimum requirements and are therefore eligible in New York, ELANY only lists insurers where sufficient information was provided to determine satisfactory financial stability, the proper mitigation of operating risk and ability to support current and future obligations.

Insurance Law [§2118](#) and Regulation 41 provide that a licensed excess line broker is required to use due care in selecting an unauthorized insurer. For any unauthorized insurer not included on ELANY's List of E&S Insurers, the excess line broker themselves need to maintain all of the information referenced in [§27.13](#) of Regulation 41.

ELANY's List of E&S Insurers can be accessed at the ELANY website along with financial snapshots of each insurer that include customized financial analysis.

Should you have any questions regarding the content of this bulletin, please direct them to Alex Sarfo at asarfo@elany.org or (646) 292-5572.

All current ELANY bulletins and other current ELANY publications can be found on our [website](#)

Follow ELANY

