



**THE SURPLUS LINE ASSOCIATION  
OF CALIFORNIA**

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**November 27, 2013**

**BULLETIN #1293**

RE: EXPORT LIST HEARING

The California Department of Insurance (CDI) has scheduled the annual public hearing on the Export List for Thursday, December 19, 2013 at 10:00 a.m. in San Francisco at 45 Fremont Street, 22nd Floor hearing room. The hearing will discuss the coverage and risk categories for which a surplus line placement can be made for a California home state insured without having to conduct a diligent search of the admitted market (Sec. 1763.1). Enclosed is a copy of the CDI notice of public hearing and a copy of the current Export List.

Sincerely,

A handwritten signature in black ink that reads "Benjamin J. McKay". The signature is written in a cursive, flowing style.

Benjamin J. McKay, J.D., M.P.A.  
Executive Director

## NOTICE OF PUBLIC HEARING REGARDING EXPORT LIST

NOTICE IS HEREBY GIVEN that the Insurance Commissioner of the State of California will hold a public hearing, at the time and place set forth below, concerning the renewal of the export list in the surplus lines area.

December 19, 2013  
10:00 a.m.  
Department of Insurance  
45 Fremont Street, 22nd Floor .  
San Francisco, California 94105

THE HEARING ROOM IS ACCESSIBLE TO PERSONS WITH-MOBILITY IMPAIRMENTS. IF ACCOMMODATIONS NEED TO BE MADE FOR OTHER DISABILITIES, SUCH AS HEARING IMPAIRMENT, PLEASE PHONE THE CONTACT PERSON LISTED IN THIS NOTICE BY DECEMBER 12 SO ARRANGEMENTS CAN BE MADE.

### EXPORT LIST

Pursuant to Insurance Code Section 1763.1, the Commissioner may by order declare permissible for placement for a California home state insured with a nonadmitted insurer and exempt from all the requirements of Section 1763, except the filing of a confidential written report, any type of insurance coverage or risk for which he or she finds after a public hearing that there is not a reasonable or adequate market among admitted insurers.

Pursuant to this mandate, the Commissioner has previously collected information on whether or not there is a reasonable or adequate market among admitted insurers for certain risks or coverages. The Department reviewed the export lists in other states. We contacted California surplus line brokers and surveyed them as to the risks most placed by them. We received industry input from admitted carriers and through the Surplus Line Association. We also have held annual public hearings and solicited public comment from all interested parties including surplus line brokers, admitted insurers, trade associations representing admitted insurers, agents and brokers, and consumer groups to provide us with evidence of a lack of a reasonable or adequate market amongst admitted carriers for a particular risk or coverage. After this process, the Department adopted the attached EXPORT LIST.

### RENEWAL

Pursuant to Insurance Code Section 1763.1 a public hearing shall be held annually regarding the export list. The above noticed hearing is being set to take testimony on the export list to see if any items should be added or removed.

In preparing your comments and/or testimony please be aware that items not appearing on this list will still be exportable but subject to the full documentation of the search being performed pursuant to Insurance Code Section 1763.

HEARING AND WRITTEN TESTIMONY

As stated before, this hearing is public and interested parties may testify as time permits. The hearing will be structured with time and place priority afforded to those who have signed up in advance to speak. If you wish to sign up in advance to speak, submit your written request to the contact person listed below.

PLEASE BE AWARE THAT IN ORDER FOR THE COMMISSIONER TO CONSIDER ADDING A RISK OR COVERAGE TO THE EXPORT LIST, THE COMMISSIONER MUST HAVE EVIDENCE THAT THERE IS NOT AN ADEQUATE OR REASONABLE MARKET FOR THE RISK OR COVERAGE IN THE ADMITTED MARKET. SUBMISSION OF A STATEMENT SIMPLY REQUESTING A RISK OR COVERAGE TO BE ADDED TO THE LIST WITHOUT OTHER SUPPORTING EVIDENCE OF THE LACK OF AN ADEQUATE OR REASONABLE ADMITTED MARKET WILL NOT BE ENOUGH FOR THE COMMISSIONER TO ADD A RISK OR COVERAGE TO THE LIST.

All written testimony, comments, or documents must be sent to the Department of Insurance in triplicate (original and two copies) and received by the Department of Insurance at the address given below no later than 5:00 p.m. on December 19, 2013. All written testimony received at the hearings will be considered part of the hearing record. The Department of Insurance will not accept any written testimony, comments, or documents which are transmitted to it by facsimile.

Please direct any questions regarding this notice, opportunities to testify, and written submissions for the record, to: Carol Frair, Senior Staff Counsel, California Department of Insurance, 45 Fremont Street, 24th Floor, San Francisco, CA 94105, (415) 538-4408.

DATED: November 18, 2013

DAVE JONES  
Insurance Commissioner

By Carol Frair Carol F. Frair, Senior Staff Counsel

## **ACCIDENT/DISABILITY**

BRIDGE PLAN \*

HIGH LIMITS DISABILITY \*\*

INTERNATIONAL MAJOR MEDICAL

## **AUTOMOBILES**

EXOTIC/CLASSIC/ANTIQUE AUTOS WITH A VALUE IN EXCESS OF \$100,000

## **AVIATION**

AVIATION EXCESS LIABILITY

SHORT TERM MEDIA/ENTERTAINMENT NON-OWNED CONTINGENT AIRCRAFT LIABILITY  
(FILM/ENTERTAINMENT PRODUCTIONS)

## **CRIME**

EXCESS CRIME

KIDNAP & RANSOM

## **FIRE & ALLIED LINES**

AMUSEMENT PARKS/CARNIVALS AND AMUSEMENT DEVICES

COMMERCIAL DIC/STAND ALONE EARTHQUAKE

DISASTER INCOME PROTECTION

EXCESS FLOOD

EXPLOSIVE MANUFACTURING/SALES/STORAGE

HAY IN THE OPEN

HOMEOWNERS EARTHQUAKE/EXCESS LIMITS OR DEDUCTIBLE BUYBACK

INDIVIDUAL INSUREDS WITH LARGE SCHEDULES WHERE THE TIV(TOTAL INSURED VALUES)ARE  
IN EXCESS OF \$500 MILLION

SAWMILLS

VACANT BUILDINGS

## **GENERAL LIABILITY**

AMBULANCE SERVICES INCLUDING PROFESSIONAL LIABILITY

AMUSEMENT PARKS/CARNIVALS/DEVICES

BLASTING CONTRACTORS

BUILDING MOVING

CLINICAL AND SIMILAR TESTS OF PHARMACEUTICAL, MEDICAL,

BIOLOGICAL & OTHER SIMILAR PRODUCTS

CONTRACTORS ENGAGED IN CONSTRUCTION OF NEW TRACT HOMES AND/OR NEW CONDOMINIUMS

CRANE & RIGGING CONTRACTORS

DEMOLITION CONTRACTORS

EMPLOYMENT PRACTICES LIABILITY

ENVIRONMENTAL IMPAIRMENT REMEDIATION AND POLLUTION LIABILITY

EXCESS LIABILITY WHERE PART OF UNDERLYING IS NONADMITTED

EXPLOSIVES INCLUDING MANUFACTURING/SALES/STORAGE

FIREWORKS DISPLAYS

FOSTER FAMILY (OCCURRENCE BASED ONLY)

HOT AIR BALLOON

LIMITS THAT ATTACH IN EXCESS OF \$150 MILLION

OILFIELD CONTRACTORS

OUTFITTERS AND GUIDES

PATENT/TRADEMARK/COPYRIGHT INFRINGEMENT

PRODUCTS RECALL

PRODUCTS/COMPLETED OPERATIONS(WRITTEN ON A STAND ALONE BASIS)

SEASONAL OR MOBILE FAIRS, CONCESSIONAIRES, VENDORS AND FAIRS, WITH OR WITHOUT LIQUOR LIABILITY

SECURITY GUARD SERVICES

SHORT TERM MEDIA/ENTERTAINMENT RAILROAD PROTECTIVE LIABILITY .  
(FILM/ENTERTAINMENT PRODUCTIONS)

SHORT TERM SPECIAL EVENTS (EXCLUDING HOLE-IN-ONE)

TATTOO AND BODY PIERCING SHOPS

## **INLAND MARINE**

ALL VESSELS IN EXCESS OF 30 FEET AND RATED WITH A MAXIMUM SPEED OF 45 MPH

ANY VESSEL/WITH A MAXIMUM RATED SPEED IN EXCESS OF 55 MPH

EXCESS MOTOR TRUCK CARGO

PERSONAL ARTICLES FLOATERS WRITTEN ON A STAND ALONE BASIS · WHERE THE VALUE OF THE SCHEDULE IS IN EXCESS OF \$1M OR CONTAINS A SINGLE ITEM(S) OVER \$100,000

## **MISCELLANEOUS**

EVENT CANCELLATION

POLITICAL RISKS INCLUDING EXPROPRIATION, CONFISCATION, UNFAIR CALLING

PRIZE INDEMNIFICATION (EXCLUDING HOLE-IN-ONE COVERAGE)

SHORT TERM MEDIA/ENTERTAINMENT FAILURE TO SURVIVE FOR \$5 MILLION AND OVER (FILM/ENTERTAINMENT PRODUCTIONS)

## **PROFESSIONAL LIABILITY /ERRORS & OMISSION**

ARCHITECTS & ENGINEERS/CONDO COVERAGE ONLY

CAMPAIGN TREASURERS

CREDITORS' COMMITTEES

PHYSICIAN/MEDICAL GROUP/HOSPITAL BILLING E/0

TATTOO & BODY PIERCING SHOPS E/0

\* The Bridge Plan covers 65 year old people who must wait a certain period before they can enroll in Medicare. These people either 1) failed to meet the residency requirement of Medicare and must wait 5 years to meet the residency requirement or 2) failed to enroll during the proper Medicare enrollment period and now must wait a brief period before they are eligible to enroll.

\*\* High .Limits Disability is coverage that offers benefit amounts over the admitted market maximum issue and participation limits and/or includes occupations which are not eligible.