



COMPLIANCE CHART

Export List Authority and Procedures

updated January 2021

State	Export List	Statutory Authority	Other Guidance	Process	Timing	Criteria for Inclusion on the List	Other
Alabama	None	None	None	N/A	N/A	N/A	
Alaska	Yes	AS 21.06.180	3 AAC 25.040 Order No. R 17-10	Requests for changes to the list may be considered at a hearing where the Commissioner or Deputy Commissioner acts as presiding officer. Changes to the list will be issued through an order by the Commissioner.	Hearing held annually or more often as necessary.	Only those kinds of insurance for which insureds generally are unable to secure coverage from admitted insurers will be included on the surplus lines placement list.	Hearing typically held in conjunction with Alaska Independent Insurance Agents & Brokers Convention (Sept. or Oct). Last updated 11-16-17
Arizona	Yes	A.R.S. § 20-409.09.13-15	Docket No. 13A-071-INS	Requests for changes to the list may be made directly to the Insurance Department or through the ASIA. Department will hold a hearing where Commissioner or Deputy Commissioner acts as presiding officer. After the hearing the director will declare changes to the list by order.	Hearings held at the discretion of the Commissioner after a request from a broker.	Risks must be readily procurable from authorized insurers otherwise they are eligible for the export list.	Last update 10-4-13
Arkansas	None	None	None	N/A	N/A	N/A	
California	Yes	CA Ins Code § 175.5.1	SLA to CA Bulletin #1358	Requests for changes to the list may be made directly to the Insurance Department or through the CSLA. The Department holds an annual hearing where a Department lawyer acts as presiding officer. Changes to the list are announced in a Department bulletin.	Hearing held annually or more often as necessary.	The Commissioner may declare permissible for placement risk for which there is not a reasonable or adequate market among admitted insurers or that the type of coverage is for new, innovative products for which a reasonable or adequate market among admitted insurers has not had time to develop.	Typically held in Nov. or Dec. and list is released in Jan. Last updated 5-28-20
Colorado	Authorized to create list but has not been implemented.	C.R.S.A. § 10.5.106	None	N/A	N/A	N/A	
Connecticut	Yes	C.G.S.A. § 38c-741(a)	None	Requests for changes to the list may be made by petitioning the Insurance Department in writing. No hearing is held and the Commissioner has ultimate discretion regarding changes to the list.	Commissioner will republish list every six months.	Risks must be unavailable in the admitted market and ample timing/opportunity must have been given to the admitted market to create a product.	Last updated 2-25-14
Delaware	None	None	None	N/A	N/A	N/A	
District of Columbia	None	None	None	N/A	N/A	N/A	
Florida	Authorized to create list but has not been implemented; has specific statutory exemptions.	F.S.A. § 626.916(2) F.S.A. § 626.917 F.S.A. § 627-715 F.S.A. 627.0627(6)(d)	Diligent Effort/Surplus Lines Disclosure Matrix	N/A	N/A	N/A	Diligent effort exemptions exist for wet marine/transportation and aviation risks (F.S.A. § 626.917) and commercial risks outlined in F.S.A. 627.0627(d)1 not including residential property, residential multi-peril and commercial residential property. Note: the commercial risks exemption list specifically excludes residential property, residential multi-peril and commercial residential property and therefore three declarations from the admitted market are required for these risks, unless the property value exceeds \$700,000, in which case only one declaration from the admitted market is required (F.S.A. § 626.914)
Georgia	None	None	None	N/A	N/A	N/A	
Hawaii	None	None	None	N/A	N/A	N/A	
Idaho	Yes	I.C. § 41-1216	None	Items are declared eligible for export by emergency order of the Department of Insurance.	There is no requirement or guidance for the frequency of issuing changes to the list.	Must find that there is no reasonable or adequate market among authorized insurers either as to the acceptance of a risk, contract terms or premiums or premium rate.	On July 1, 2019 the Department rescinded IDAPA 18.01.18 and issued an emergency order declaring eligible for export most of the items on the list enumerated in the previous rule. In the coming weeks the DOI is considering additional items for inclusion on the list that will be issued by Order in the future.
Illinois	None	None	None	N/A	N/A	N/A	
Indiana	None	None	None	N/A	N/A	N/A	
Iowa	None	None	None	N/A	N/A	N/A	
Kansas	None	None	None	N/A	N/A	N/A	
Kentucky	None	None	None	N/A	N/A	N/A	
Louisiana	N/A	N/A	None	N/A	N/A	N/A	No diligent effort.
Maine	Authorized to create list but Superintendent hasn't issued any orders of exemption to date.	24-A M.R.S. § 2006	None	N/A	N/A	N/A	
Maryland	Yes	COMAR 31.03.06.10	None	Hearings are held at the department's discretion and in accordance with the Administrative Procedures Act. Changes are announced in the Maryland Register and the Code of Maryland Regulations (COMAR).	There is no requirement or guidance for the frequency of export list hearings.	Risks must be unavailable in the admitted market.	Last update 8-21-15
Massachusetts	None	None	None	N/A	N/A	N/A	
Michigan	Yes	MCL A. 500.1910(d)	None	Requests for changes to the list may be made in writing to the Department of Insurance and Financial Services. Changes to the list are made at the discretion of the Commissioner without a hearing.	There is no requirement or guidance for the frequency of export list review.	Risks must be unavailable in the admitted market. Department will consult admitted filings and other state export lists to determine unavailability.	Requests be addressed to: Sue Griggs, Product Review Section Department of Insurance and Financial Services PO Box 30220 Lansing, MI 48909 Last updated 5-23-2019 517-284-8700
Minnesota	None	None	None	N/A	N/A	N/A	
Mississippi	None	None	None	N/A	N/A	N/A	
Missouri	None	None	None	N/A	N/A	N/A	
Montana	Yes	MCA 33-2-322(3)	None	Requests for changes to the list may be made via email directly to the Insurance Department. Changes are made at the discretion of the Commissioner without a hearing.	There is no requirement or guidance for the frequency of export list review.	Risks must be unavailable in the admitted market. Department will consult admitted and nonadmitted filings as well as the Surplus Lines Advisory Organization (Montana Surplus Lines Agents' Association) to determine unavailability.	Requests for changes to the Surplus Line Approved Risk List should be directed to Pam Daugherty at (406) 444-9751 or pdaugherty@mt.gov. Last updated 2-1-19
Nebraska	None	None	None	N/A	N/A	N/A	
Nevada	Yes	N.R.S. 685A.060	None	Requests for changes to the list may be made to the Nevada SLA. SLA conducts a market analysis of risks unavailable in the admitted market. After approval of the SLA board, the SLA submits recommendations to the Commissioner who may approve or deny additions to the list. Changes issued by Commissioner's order.	Market analysis and recommendations submitted annually.	It must be determined that no reasonable or adequate market is available among authorized insurers either as to acceptance of the risk, contract terms, or premium or premium rate.	Nevada includes a list of risks that are ineligible for export without declarations from insurers marketing that line or class of insurance in Nevada. Last updated 3-19-17
New Hampshire	None	None	None	N/A	N/A	N/A	
New Jersey	Yes	N.J.A.C. 17:27-3.6 (2-21-14)	Notice of Public Hearing on Exportable List	Requests for changes to the list may be made in written testimony or in person at the hearing with prior notice to the Department. Changes to the list are issued in the Hearing Officer's Report about a month after the hearing.	Hearing held annually after a 30 day notice issued by the Insurance Department.	Sufficient evidence must be presented that the conditions of procurability in the admitted market have changed. Must demonstrate that a reasonable or adequate market does not exist among authorized insurers for a risk to be added to the list.	Hearing usually held between November and January of each year preceded by a 30 day notice published in the NJ Register. Written notification should be submitted to: Denise M. Iles, Chief, Legislation and Regulation New Jersey Department of Banking and Insurance 20 West State Street PO Box 325 Trenton, NJ 08625-0325 Fax: (609) 292-0896 E-Mail: legreg@doibk.nj.gov . Hearing 12-18-14

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New Mexico	Yes	N.M. Admin Code 13.19.2.17	None	Requests for changes may be made to the Insurance Department in writing. Changes to the list are made at the discretion of the Superintendent and issued through an Insurance Department bulletin. Persons aggrieved by changes to the list may request a hearing in accordance with the NM Administrative Procedures Act (NMAA, 1978 59A-4-15).	There is no requirement or guidance for the frequency of export list review.	Risks must be unavailable in the admitted market.	Last updated 2-27-15
New York	Yes	11 NYCRR 27.5(a)	Bulletin No. 2013-16	Requests for changes to the list may be made to ELANY or applications may be submitted to the NY Insurance Department of Financial Services. Notice is sent to licensed brokers to announce hearing. Hearings are held in accordance with Administrative Procedures Act and the list is published in Section 27.3 of New York Regulation 41.	Statute calls for annual hearing.	Applications may request either a total or partial reduction in the number of declarations as provided in section 2118 (b) (4) of the Insurance Law. Applications shall include: (a) a detailed description of the coverage for which either a total or partial exemption is requested; and (b) a statement indicating the reasons why the coverage should be considered to be unavailable from authorized insurers. In making the determination, consideration shall be given to relevant market conditions and market surveys.	Last hearing held in 2013. Last updated 7-14-15.
North Carolina	None	None	None	N/A	N/A	N/A	
North Dakota	Yes	NDAC 45-09-01 Appendix 1	None	Requests for changes to the list may be made by petitioning either the Commissioner or the Legislative Administrative Rules Committee and hearings will be held at the discretion of those two entities in accordance with the Administrative Agencies Practices Act (§ 28-32-02). Changes to the list will be published in the ND Administrative Code.	There is no requirement or guidance for the frequency of export list review.	Risks must be unavailable in the admitted market.	Last updated 7-1-12
Ohio	None	None	None	N/A	N/A	N/A	
Oklahoma	Flood only	36 OAS 155 Auto § 1106.2	None	N/A	N/A	N/A	No diligent effort is required for flood insurance risks.
Oregon	None	None	None	N/A	N/A	N/A	
Pennsylvania	Yes	31 Pa. Code § 124.6	None	Notice of requests for changes to the list is annually published in the "PA Bulletin." An internal meeting is held at the PA Insurance Department with a representative of the SLA present to determine if there is sufficient evidence to determine if a risk is unavailable in the admitted market. Changes to the list are published in the "PA Bulletin."	Notice issued annually in February or March; changes to the list issued in May.	Risks must be unavailable in the admitted market.	All notices and changes published in the Pennsylvania Bulletin. Last updated 9-5-20
Rhode Island	Yes	Gen. Laws 1956, § 27-3-386c	None	Export list is contained in statute. Changes may only be made through the legislative process.	There is no requirement or guidance for the frequency of export list review.	Criteria is determined at the sole discretion of the Rhode Island General Assembly.	Last updated 1-1-17
South Carolina	None	None	None	N/A	N/A	N/A	
South Dakota	None	None	None	N/A	N/A	N/A	
Tennessee	None	None	None	N/A	N/A	N/A	
Texas	None	None	None	N/A	N/A	N/A	
Utah	Yes	R520-171.5	None	Requests for changes to the list may be made to the SLA of Utah during their annual review period. Risks are reviewed by SLA Board and submitted to Commissioner for final approval.	SLA Board conducts a review annually but changes are permissible more frequently if necessary.	Risks must be readily available/accessible to producers in the admitted market or the risk is eligible for inclusion on the list.	SLA Board review generally conducted in April. Last updated 4-30-18
Vermont	None	None	None	N/A	N/A	N/A	
Virginia	N/A	N/A	None	N/A	N/A	N/A	No diligent effort.
Washington	None	None	None	N/A	N/A	N/A	
West Virginia	Yes	WV Code § R. 114-20-7	None	Requests for changes to the list may be made to the Insurance Department. Notice of the hearing is posted in local papers and on the Department website. An annual hearing is presided by the Department's Associate General Counsel.	Hearing held annually.	Risks must be unavailable in the admitted market. Generally, Department staff consults with other states before revising list.	Hearing generally between September and November. Last updated 1-28-21
Wisconsin	N/A	N/A	None	N/A	N/A	N/A	No diligent effort.
Wyoming	Yes (see FAQ)	W.S. 4977 § 26-11-106	None	Requests for changes to the list may be made to the Insurance Department. Department will hold a hearing on any risks being considered for inclusion. Changes to the list will be published by order or bulletin.	There is no requirement or guidance for the frequency of export list review.	Risks must be unavailable in the admitted market.	Last hearing was held in 1985.

These materials are intended to serve as reference tools and should not be relied upon as definitive sources or as substitutes for your own thorough review of the applicable laws, regulations, rules, bulletins, or other materials published by relevant state or federal governments or agencies. These materials are also not a substitute for legal advice on the subject matter.

If you have any questions or comments about this chart please contact Senior State Relations Manager, John Meetz, at john@wsia.org