



**STATE OF WEST VIRGINIA
OFFICES OF THE INSURANCE COMMISSIONER**

**REQUEST FOR PUBLIC COMMENTS REGARDING
SURPLUS LINES EXPORT LIST**

The Offices of the Insurance Commissioner is soliciting comments regarding the surplus lines export list. All comments must be submitted on or before **October 16, 2023, at 5:00 p.m.** to:

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Associate General Counsel
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Offices of the Insurance Commissioner
900 Pennsylvania Avenue, 8th Floor
Charleston, WV5302

Pursuant to W.Va. Code R. §114-20-7, the Insurance Commissioner may maintain an export list of insurance coverages and classes that may be placed with surplus lines insurers for insureds whose home state is West Virginia. The export list, if maintained, must be published, at least, annually but may be revised and republished at any time. The Insurance Commissioner has previously collected information on whether there is a reasonable or adequate market among admitted insurers for certain risks. The current surplus lines export list is published on the Insurance Commissioner's website at www.wvinsurance.gov.

Items not appearing on this list may still be exportable to the surplus lines market but subject to the full documentation of the search being performed pursuant to W. Va. Code §33-12C-5. Insurance coverages and classes included on the export list may be placed with surplus lines insurers without completing a diligent search of admitted carriers. The Insurance Commissioner may declare eligible for placement with a non-admitted insurer and exempt from all the requirements of W.Va. Code R. §114-20-3, any type of insurance coverage or risk for which he or she finds, after consideration, that there is not a reasonable or adequate market among admitted insurers. The Insurance Commissioner may consider the following in determining the insurance coverages and classes to be listed: the current marketplace, information from the surplus line licensees, information from admitted and surplus lines insurers doing business in West Virginia, information from other sources, including producers and consumers, and any other information the Insurance Commissioner deems relevant.

Any person may request, in writing, that at the next publication of the export list, the Insurance Commissioner add or remove a coverage or class of insurance from the list. The person must provide evidence of market conditions to substantiate the request. Accordingly, prior to the 2023 re-publication of the Surplus Lines Export List, the Insurance Commissioner is soliciting public comments.

TO CONSIDER ADDING OR REMOVING A RISK OR COVERAGE TO OR FROM THE EXPORT LIST, THE INSURANCE 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 OR REMOVED WITHOUT OTHER SUPPORTING EVIDENCE OF THE LACK OF AN ADEQUATE OR REASONABLE ADMITTED MARKET WILL NOT BE SUFFICIENT.

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