

**PRE-HEARING NOTICE – EXPORT LIST HEARING  
REQUEST FOR PROPOSED ADDITIONS OR DELETIONS TO THE EXPORT LIST**

The Insurance Commissioner of the State of California plans to hold a public hearing concerning the renewal of the Export List in the surplus lines area shortly. The next Export List hearing will be held this year, and the date and time for such public hearing will be announced in a formal notice that will precede the hearing.

The purpose of this pre-hearing notice is to request information in advance of the Export List hearing from any parties that might make a recommendation of an addition or deletion of an Export List item. If you anticipate requesting an addition or deletion, then please notify the Department. There are instructions at the end of this notice on who to notify and how to notify us if you anticipate requesting an addition or deletion.

Once the Department has this information, then the Department will include it in the Notice of Export List hearing and public comment period. The information will provide advance notice to the public of possible additions and deletions. The Notice of Export List hearing with this information will be posted on the Department website so that the public can have an immediate reference as to what items have been suggested as possible additions and deletions to the Export List.

Please note that submission of the item for addition or deletion in response to this request does not satisfy the requirements for addition or removal of an item from the Export List; further instructions will follow in the later formal notice of the Export List hearing, and those instructions will detail the procedures for changes to the export list.

**EXPORT LIST**

Pursuant to the recently amended Insurance Code Section 1763.1, subdivision (a), effective January 1, 2018, 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 “that 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.” (Cal. Ins. Code § 1763.1, subd. (a).)

Please note that there has been new wording added to the Export List statute as a result of AB 1641 and that new wording took effect on January 1, 2018. This new wording added the phrase “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.” (*Ibid.*)

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## PRENOTICE REQUEST FOR SUGGESTED ADDITIONS OR DELETIONS

The Department hereby requests that any parties anticipating the recommendation of an addition or deletion of an Export List item submit the item to the Department so that the Department may include the item in the formal Export List hearing notice.

In your submission, please indicate the name of the risk or coverage sought to be added to, or removed from, the export list. This submission will not be regarded as testimony for the hearing, but will assist the Department in preparing the formal hearing notice by identifying risks or coverages that may be proposed as changes to the Export List, and relaying that information to the public in the formal Export List hearing notice.

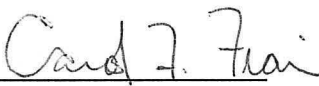
Please also note that notifying the Department per this request of an anticipated change to the export list does not guarantee that the proposed change will be made to the Export List; any proposed changes must be submitted to the Department per the formal Export List hearing notice that will follow this request. The submission of those proposed changes must occur during the formal period for submitting testimony and written comments, and must satisfy the statutory requirements of Insurance Code Section 1763.1 in order to be considered as changes to the Export List.

Testimony and written comments for the Export List hearing are not requested or accepted at this time, but will be requested in the formal Export List hearing notice that will be published after this request. The formal hearing notice will contain detailed instructions regarding the Export List hearing and the submission of testimony and public comment.

Please provide information on suggested additions and deletions to the Export List, and direct any questions regarding this request to: Audrie Lee, California Department of Insurance, 45 Fremont Street, 24th Floor, San Francisco, CA 94105, (415) 538-4434, or simply email [alee@insurance.ca.gov](mailto:alee@insurance.ca.gov).

DATED: February 2, 2018

DAVE JONES  
Insurance Commissioner

By   
Carol F. Frair, Asst. Chief Counsel CAB