

3665--A

Cal. No. 552

2011-2012 Regular Sessions

I N   S E N A T E

March 1, 2011

---

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to permitting unauthorized foreign or alien insurers to contact nonresident persons, firms, associations or corporations to make insurance contracts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subsection (b) of section 1101 of the insurance law is  
2     amended by adding a new paragraph 8 to read as follows:  
3     (8) NOTWITHSTANDING THE FOREGOING, A PERSON, AS DEFINED IN SECTION ONE  
4     THOUSAND FIVE HUNDRED ONE OF THIS CHAPTER, ON BEHALF OF AN UNAUTHORIZED  
5     FOREIGN OR ALIEN INSURER DULY LICENSED TO TRANSACT THE BUSINESS OF  
6     INSURANCE BY THE LAWS OF ITS DOMICILE MAY, FROM WITHIN THIS STATE,  
7     CONTACT ANY PERSON, FIRM, ASSOCIATION OR CORPORATION NOT A RESIDENT OF  
8     THIS STATE FOR THE PURPOSE OF PROPOSING TO MAKE ANY INSURANCE CONTRACT  
9     OR TO SOLICIT APPLICATIONS OR PERFORM SERVICES FOR ANY SUCH POLICIES OR  
10    CONTRACTS WITH RESPECT TO PERSONS OR RISKS NOT RESIDENT OR LOCATED IN  
11    THIS OR ANY OTHER STATE, PROVIDED THAT SUCH PERSON IS IN THE SAME HOLD-  
12    ING COMPANY SYSTEM WITH A DOMESTIC INSURER AND THE AFOREMENTIONED UNAU-  
13    THORIZED FOREIGN OR ALIEN INSURER. SUCH ACTIVITIES SHALL NOT BE DEEMED  
14    UNDER THIS CHAPTER AS DOING AN INSURANCE BUSINESS IN THIS STATE AND SUCH  
15    PERSON MAY MAINTAIN AN OFFICE IN THIS STATE UNDER ITS OWN NAME, AND  
16    EMPLOY PERSONS WITHIN THIS STATE, IN FURTHERANCE OF SUCH ACTIVITIES. FOR  
17    THE PURPOSES OF THIS SECTION, PERMITTED SERVICES INCLUDE, BUT ARE NOT  
18    LIMITED TO, UNDERWRITING, NEGOTIATING CONTRACT TERMS, QUOTING PREMIUMS,  
19    COLLECTING OF PREMIUMS, AND CLAIMS HANDLING.  
20    S 2. Section 2117 of the insurance law is amended by adding a new  
21    subsection (k) to read as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD09628-02-1

1 (K) NOTWITHSTANDING ANYTHING IN THIS CHAPTER, A PERSON, AS DEFINED IN  
2 SECTION ONE THOUSAND FIVE HUNDRED ONE OF THIS CHAPTER, ON BEHALF OF AN  
3 UNAUTHORIZED FOREIGN OR ALIEN INSURER DULY LICENSED TO TRANSACT THE  
4 BUSINESS OF INSURANCE BY THE LAWS OF ITS DOMICILE MAY, FROM WITHIN THIS  
5 STATE, CONTACT ANY PERSON, FIRM, ASSOCIATION OR CORPORATION NOT A RESI-  
6 DENT OF THIS STATE FOR THE PURPOSE OF PROPOSING TO MAKE ANY INSURANCE  
7 CONTRACT OR TO SOLICIT APPLICATIONS OR PERFORM SERVICES FOR ANY SUCH  
8 POLICIES OR CONTRACTS WITH RESPECT TO PERSONS OR RISKS NOT RESIDENT OR  
9 LOCATED IN THIS OR ANY OTHER STATE, PROVIDED THAT SUCH PERSON IS IN THE  
10 SAME HOLDING COMPANY SYSTEM WITH A DOMESTIC INSURER AND THE AFOREMEN-  
11 TIONED UNAUTHORIZED FOREIGN OR ALIEN INSURER. SUCH ACTIVITIES SHALL NOT  
12 BE DEEMED UNDER THIS CHAPTER AS DOING AN INSURANCE BUSINESS IN THIS  
13 STATE AND SUCH PERSON MAY MAINTAIN AN OFFICE IN THIS STATE UNDER ITS OWN  
14 NAME, AND EMPLOY PERSONS WITHIN THIS STATE, IN FURTHERANCE OF SUCH  
15 ACTIVITIES. FOR THE PURPOSES OF THIS SECTION, PERMITTED SERVICES  
16 INCLUDE, BUT ARE NOT LIMITED TO, UNDERWRITING, NEGOTIATING CONTRACT  
17 TERMS, QUOTING PREMIUMS, COLLECTING OF PREMIUMS, AND CLAIMS HANDLING.  
18 S 3. This act shall take effect immediately.