

4712

2011-2012 Regular Sessions

I N S E N A T E

April 15, 2011

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to private air ambulance service

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

- 1 Section 1. Legislative intent. The legislature hereby finds the insurance law inadequate in its current form as section 1108 of such law provides no exemptions for air ambulance companies wishing to subscribe memberships. Some areas of the state are severely lacking in air transport and rescue services. By creating a new subsection in section 1108 of the insurance law, we create an environment conducive to air ambulance companies while creating protections for their membership and the people within their catchment area.
- 2 S 2. Section 1108 of the insurance law is amended by adding a new subsection (k) to read as follows:
- 3 (K) A PRIVATE AIR AMBULANCE SERVICE THAT SOLICITS MEMBERSHIP SUBSCRIPTIONS, ACCEPTS MEMBERSHIP APPLICATIONS, CHARGES MEMBERSHIP FEES, AND PROVIDES AIR AMBULANCE SERVICES TO SUBSCRIPTION MEMBERS AND DESIGNATED MEMBERS OF THEIR HOUSEHOLD IS NOT AN INSURER IF THE PRIVATE AIR AMBULANCE SERVICE:
- 4 (1) HAS A VALID OPERATING CERTIFICATE ISSUED BY THE DEPARTMENT OF HEALTH;
- 5 (2) POSTS A SURETY BOND WITH ONE OR MORE SURETY COMPANIES TO BE APPROVED BY THE DEPARTMENT OF HEALTH, IN THE AMOUNT OF FIVE THOUSAND DOLLARS FOR EVERY ONE THOUSAND SUBSCRIBERS OR PORTION THEREOF;
- 6 (3) PROVIDES IN THE MEMBERSHIP MATERIALS A STATEMENT PROVIDING CLEAR DISCLOSURE TO APPLICANTS AND MEMBERS THAT THIS IS NOT INSURANCE AND MEMBERSHIP CANNOT BE CONSIDERED SECONDARY INSURANCE COVERAGE OR A SUPPLEMENT TO ANY INSURANCE COVERAGE;
- 7 (4) PRODUCT IS ONLY OFFERED BY PROVIDERS OF THE SERVICE; AND

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

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1 (5) HAS SUBMITTED EVIDENCE OF ITS COMPLIANCE WITH THIS SECTION TO THE
2 SUPERINTENDENT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE
3 DEPARTMENT.

4 S 3. This act shall take effect on the one hundred twentieth day after
5 it shall have become a law. Effective immediately, the addition, amend-
6 ment and/or repeal of any rule or regulation necessary for the implemen-
7 tation of this act on its effective date is authorized to be made on or
8 before such effective date.