

3628

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sen. BRESLIN -- 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 permitting foreign insurance companies to transfer their corporate domicile to New York

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

- 1 Section 1. Section 7120 of the insurance law, as added by chapter 26  
2 of the laws of 1992, is amended to read as follows:  
3 S 7120. Redomestication of foreign [life] insurance companies. (a)  
4 Definitions. In this section:  
5 (1) "Redomestication" means the transfer to this state of the corpo-  
6 rate domicile of an authorized foreign [life insurance] company, as  
7 provided for in this section.  
8 (2) "Transferring [insurer] COMPANY" means any authorized foreign  
9 [life insurance] company seeking redomestication.  
10 (b) A transferring [insurer] COMPANY shall:  
11 (1) file with the superintendent a certificate in such form as  
12 prescribed by the superintendent signed by the insurance supervisory  
13 official of the state where such transferring [insurer] COMPANY is domi-  
14 ciled approving the proposed redomestication and confirming that upon  
15 redomestication the transferring [insurer] COMPANY shall no longer be  
16 subject as a domestic [insurer] COMPANY to the requirements of its  
17 current state of domicile;  
18 (2) comply with the applicable requirements of this chapter regarding  
19 the organization and licensing of a domestic [stock or mutual life  
20 insurance] company OF THE SAME TYPE;  
21 (3) demonstrate to the satisfaction of the superintendent that upon  
22 redomestication, the transferring [insurer] COMPANY will be in compli-  
23 ance with the requirements of this chapter and any regulations promul-  
24 gated thereunder applicable to a domestic [stock or mutual life insur-  
25 ance] company [as the case may be] OF THE SAME TYPE;

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

LBD10726-01-9

1 (4) submit to the superintendent all documents and filings necessary  
2 to comply with paragraphs two and three of this subsection; and

3 (5) submit new policy forms to the superintendent for use after redo-  
4 mestication, if so ordered by the superintendent, or use existing policy  
5 forms with appropriate endorsements if allowed by, and under such condi-  
6 tions as approved by, the superintendent.

7 (c) After the transferring [insurer] COMPANY has complied with the  
8 provisions of this section, the superintendent may, in accordance with  
9 section one thousand one hundred two of this chapter issue a new license  
10 to the transferring [insurer] COMPANY to reflect the change in its state  
11 of corporate domicile. The duration of its license shall be governed by  
12 section one thousand one hundred three of this chapter. Upon issuance  
13 of such new license the redomestication shall become effective and the  
14 transferring [insurer] COMPANY shall be a domestic [insurer] COMPANY.

15 (d) Simultaneous with the redomestication taking effect:

16 (1) all materials and documents that were submitted to the superinten-  
17 dent by the transferring [insurer] COMPANY pursuant to the requirements  
18 of this section shall be filed in the office of the superintendent; and

19 (2) the superintendent shall, in accordance with section one thousand  
20 two hundred one OR OTHER APPLICABLE PROVISIONS of this chapter issue to  
21 the [insurer] COMPANY a certified copy of its new declaration and char-  
22 ter and A certificate of incorporation. The new charter of the [insurer]  
23 COMPANY may provide for the continuation of the corporate existence of  
24 the transferring [insurer] COMPANY and in such case the original date of  
25 incorporation of the transferring [insurer] COMPANY shall be the date of  
26 incorporation of the new domestic [insurer] COMPANY.

27 (e) All outstanding insurance policies and contracts shall remain in  
28 full force and effect with no change and need not be endorsed as to the  
29 new name of the company, if any, or its new location unless ordered by  
30 the superintendent.

31 (f) All agents' appointments and licenses, rates, and other items  
32 [which] THAT the superintendent allows, existing at the time of redomes-  
33 tication, shall continue in full force and effect in accordance with  
34 applicable provisions of this chapter.

35 S 2. This act shall take effect immediately.