S T A T E O F N E W Y O R K

7249

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. MORELLE -- read once and referred 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:

Section 1. Section 7120 of the insurance law, as added by chapter 26 of the laws of 1992, is amended to read as follows:

S 7120. Redomestication of foreign [life] insurance companies. (a) Definitions. In this section:

(1) "Redomestication" means the transfer to this state of the corporate domicile of an authorized foreign [life insurance] company, as provided for in this section.

(2) "Transferring [insurer] COMPANY" means any authorized foreign [life insurance] company seeking redomestication.

(b) A transferring [insurer] COMPANY shall:

(1) file with the superintendent a certificate in such form as prescribed by the superintendent signed by the insurance supervisory official of the state where such transferring [insurer] COMPANY is domiciled approving the proposed redomestication and confirming that upon redomestication the transferring [insurer] COMPANY shall no longer be subject as a domestic [insurer] COMPANY to the requirements of its current state of domicile;

(2) comply with the applicable requirements of this chapter regarding the organization and licensing of a domestic [stock or mutual life insurance] company OF THE SAME TYPE;

(3) demonstrate to the satisfaction of the superintendent that upon redomestication, the transferring [insurer] COMPANY will be in compliance with the requirements of this chapter and any regulations promulgated thereunder applicable to a domestic [stock or mutual life insurance] 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.

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

(5) submit new policy forms to the superintendent for use after redomestication, if so ordered by the superintendent, or use existing policy forms with appropriate endorsements if allowed by, and under such conditions as approved by, the superintendent.

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

(d) Simultaneous with the redomestication taking effect:

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

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

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

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

S 2. This act shall take effect immediately.