

6131

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. SEWARD -- 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 making technical corrections thereto

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

1 Section 1. Paragraph 1 of subsection (b) of section 7437 of the insur-  
2 ance law, as added by chapter 600 of the laws of 2011, is amended to  
3 read as follows:

4 (1) Notwithstanding any other provision of this article, including any  
5 other provision of this article permitting the modification of  
6 contracts, or other law of this state, no person shall be stayed or  
7 prohibited from exercising: (A) a contractual right to cause the termi-  
8 nation, liquidation, acceleration or close out of any obligation under  
9 OR IN CONNECTION WITH a netting agreement or qualified financial  
10 contract with an insurer, other than an insurer licensed to write finan-  
11 cial guaranty insurance, because of: (i) the insolvency, financial  
12 condition or default of the insurer at any time, provided that the right  
13 is enforceable under applicable law other than this article; or (ii) the  
14 commencement of any proceeding under this article; (B) any right under a  
15 security arrangement relating to one or more netting agreements or qual-  
16 ified financial contracts, OTHER THAN A RIGHT AGAINST AN INSURER  
17 LICENSED TO WRITE FINANCIAL GUARANTY INSURANCE; or (C) subject to any  
18 provision of subsection (b) of section seven thousand four hundred twen-  
19 ty-seven of this article, any right to offset or net out any termination  
20 value, payment amount, or other transfer obligation arising under or in  
21 connection with one or more qualified financial contracts, OTHER THAN A  
22 RIGHT AGAINST AN INSURER LICENSED TO WRITE FINANCIAL GUARANTY INSURANCE,  
23 where the counterparty or its guarantor is organized under the laws of  
24 the United States, a state, or a foreign jurisdiction approved by the  
25 Securities Valuation Office of the National Association of Insurance  
26 Commissioners as eligible for netting.

27 S 2. This act shall take effect on the same date and in the same  
28 manner as chapter 600 of the laws of 2011 took effect.

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