

6463

I N   S E N A T E

February 13, 2012

---

Introduced by Sen. LIBOUS -- 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 disclosures by limited licensees which are wireless communications equipment vendors

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

1     Section 1. Subparagraph (E) of paragraph 2 of subsection (e) of  
2     section 2131 of the insurance law, as amended by chapter 368 of the laws  
3     of 2010, is amended to read as follows:  
4     (E) the price, deductible, benefits, exclusions and conditions or  
5     other limitations of such policies, AND, WITH REGARD TO WIRELESS COMMU-  
6     NICATIONS EQUIPMENT POLICIES, DISCLOSE, WHEN A COMMISSION IS PAID TO A  
7     RETAIL REPRESENTATIVE, PROVIDED THAT A COMMISSION IS TO BE SO PAID, AND  
8     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE  
9     CONTRARY REGARDING PRODUCER COMPENSATION, THE DISCLOSURES REQUIRED BY  
10    THIS SUBPARAGRAPH SHALL BE DEEMED TO BE IN FULL COMPLIANCE WITH ANY SUCH  
11    LAW, RULE OR REGULATION;  
12    S 2. Section 2131 of the insurance law is amended by adding two new  
13    subsections (m) and (n) to read as follows:  
14    (M) FOR PURPOSES OF THIS SECTION, WITH RESPECT TO INSURANCE OFFERED  
15    AND PROVIDED TO WIRELESS COMMUNICATIONS EQUIPMENT VENDORS, "COMMISSION"  
16    SHALL MEAN THE PROVISION BY A WIRELESS COMMUNICATIONS EQUIPMENT VENDOR  
17    TO A RETAIL REPRESENTATIVE OF MONETARY REMUNERATION, WHICH IS SOLELY  
18    CONTINGENT UPON A CONSUMER'S DECISION TO ENROLL IN A WIRELESS COMMUNI-  
19    CATION EQUIPMENT VENDOR INSURANCE POLICY.  
20    (N) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SECTION, THE PROVISIONS  
21    OF PART THIRTY OF TITLE ELEVEN OF NEW YORK STATE CODES, RULES AND REGU-  
22    LATIONS, AND ANY OTHER LAW, RULE OR REGULATION REGARDING DISCLOSURE OF  
23    PRODUCER COMPENSATION SHALL NOT APPLY TO WIRELESS COMMUNICATIONS EQUIP-  
24    MENT POLICIES.  
25    S 3. This act shall take effect on the thirtieth day after it shall  
26    have become a law.

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

LBD14507-01-2