

5017

2013-2014 Regular Sessions

I N A S S E M B L Y

February 14, 2013

Introduced by M. of A. BARCLAY, BLANKENBUSH, LOSQUADRO, TENNEY -- read once and referred to the Committee on Insurance

AN ACT to amend the financial services law, in relation to assessments to defray operating expenses of the department of financial services

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

1 Section 1. Subsection (a) of section 206 of the financial services  
2 law, as added by section 1 of part A of chapter 62 of the laws of 2011,  
3 is amended to read as follows:  
4 (a) For each fiscal year commencing on or after April first, two thou-  
5 sand [twelve] THIRTEEN, assessments to defray operating expenses,  
6 including all direct [and indirect] costs, of the department, except  
7 expenses incurred in the liquidation of banking organizations, shall be  
8 assessed by the superintendent in accordance with this subsection.  
9 Persons regulated under the insurance law shall be assessed by the  
10 superintendent for the operating expenses of the department that are  
11 solely attributable to regulating persons under the insurance law, which  
12 shall include any expenses that were permissible to be assessed in  
13 fiscal year two thousand nine-two thousand ten, with the assessments  
14 allocated pro rata upon all domestic insurers and all licensed United  
15 States branches of alien insurers domiciled in this state within the  
16 meaning of paragraph four of subsection (b) of section seven thousand  
17 four hundred eight of the insurance law, in proportion to the gross  
18 direct premiums and other considerations, written or received by them in  
19 this state during the calendar year ending December thirty-first imme-  
20 diately preceding the end of the fiscal year for which the assessment is  
21 made (less return premiums and considerations thereon) for policies or  
22 contracts of insurance covering property or risks resident or located in  
23 this state the issuance of which policies or contracts requires a  
24 license from the superintendent. Persons regulated under the banking law  
25 shall be assessed by the superintendent for the operating expenses of

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

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1 the department that are solely attributable to regulating persons under  
2 the banking law in such proportions as the superintendent shall deem  
3 just and reasonable. Operating expenses of the department not covered by  
4 the assessments set forth above shall be assessed by the superintendent  
5 in such proportions as the superintendent shall deem just and reasonable  
6 upon all domestic insurers and all licensed United States branches of  
7 alien insurers domiciled in this state within the meaning of paragraph  
8 four of subsection (b) of section seven thousand four hundred eight of  
9 the insurance law, and upon any regulated person under the banking law,  
10 other than mortgage loan originators, except as otherwise provided by  
11 sections one hundred fifty-one and two hundred twenty-eight of the work-  
12 ers' compensation law and by section sixty of the volunteer firefight-  
13 ers' benefit law. The provisions of this subsection shall not be appli-  
14 cable to a bank holding company, as that term is defined in article  
15 three-A of the banking law. Persons regulated under the banking law will  
16 not be assessed for expenses that the superintendent deems to benefit  
17 solely persons regulated under the insurance law, and persons regulated  
18 under the insurance law will not be assessed for expenses that the  
19 superintendent deems to benefit solely persons regulated under the bank-  
20 ing law.

21 S 2. This act shall take effect on the first of January next succeed-  
22 ing the date on which it shall have become a law.