

7306

2013-2014 Regular Sessions

I N A S S E M B L Y

May 10, 2013

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to life insurance policies that credit additional amounts in accordance with an equity index

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

1 Section 1. Subparagraph (A) of paragraph 8 of subsection (a) of  
2 section 3203 of the insurance law is amended to read as follows:  
3 (A) that the policyholder shall be entitled to a loan at any time the  
4 policy is in force in an amount not exceeding the loan value, and under  
5 the conditions, specified in section four thousand two hundred twenty-  
6 two of this chapter, provided three full years' premiums have been paid  
7 or, in the case of policies that provide that the policyholder may vary  
8 the amount and frequency of premiums to be paid to the insurer, after  
9 three years from the issue of the policy, if the policy is not in  
10 default, PROVIDED THAT POLICIES CREDITING ADDITIONAL AMOUNTS IN ACCORD-  
11 ANCE WITH AN EQUITY INDEX SHALL BE ENTITLED TO A LOAN, ELECTED BY THE  
12 POLICY OWNER, AT ANY TIME DURING THE EQUITY INDEX PERIOD AND THAT, IN  
13 THE EVENT THAT A POLICY LOAN THAT REDUCES THE ACCOUNT VALUE IS ELECTED  
14 PRIOR TO THE END OF THE EQUITY INDEX PERIOD, THE ADDITIONAL AMOUNTS  
15 DETERMINED AT THE END OF THE EQUITY INDEX PERIOD SHALL REFLECT THE  
16 CHANGE IN ACCOUNT VALUES DURING SUCH EQUITY INDEX PERIOD;  
17 S 2. Paragraph 14 of subsection (a) of section 3203 of the insurance  
18 law is amended to read as follows:  
19 (14) (A) in any policy under which additional amounts may be credited  
20 for any period pursuant to subsection (b) of section four thousand two  
21 hundred thirty-two of this chapter, that states that the insurer shall  
22 credit any such amount no less frequently than annually during such  
23 period; PROVIDED THAT ANY POLICY THAT CREDITS ADDITIONAL AMOUNTS IN  
24 ACCORDANCE WITH AN EQUITY INDEX SHALL STATE THAT THE INSURER SHALL CRED-  
25 IT ANY SUCH AMOUNT NO LESS FREQUENTLY THAN EVERY THREE YEARS, AND

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

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1 (B) THAT ANY POLICY CREDITING ADDITIONAL AMOUNTS IN ACCORDANCE WITH AN  
2 EQUITY INDEX LESS FREQUENTLY THAN ANNUALLY SHALL ALSO OFFER AN OPTION  
3 THAT CREDITS ADDITIONAL AMOUNTS NO LESS FREQUENTLY THAN ANNUALLY.

4 S 3. Subparagraph (I) of paragraph 2 of subsection (b) of section 3209  
5 of the insurance law is relettered subparagraph (J) and a new subpara-  
6 graph (I) is added to read as follows:

7 (I) FOR A LIFE INSURANCE POLICY CREDITING ADDITIONAL AMOUNTS IN  
8 ACCORDANCE WITH AN EQUITY INDEX LESS FREQUENTLY THAN ANNUALLY, STATE-  
9 MENTS THAT NO ADDITIONAL AMOUNTS WILL BE CREDITED TO THE EQUITY INDEX  
10 ACCOUNT OF THE POLICY IF THE POLICYHOLDER FULLY SURRENDERS THE POLICY  
11 PRIOR TO THE EXPIRATION OF THE EQUITY INDEX CREDITING PERIOD, SO THE  
12 POLICYHOLDER SHOULD CONSIDER OTHER ALTERNATIVES TO FULL SURRENDER BEFORE  
13 THAT PERIOD EXPIRES, SUCH AS A POLICY LOAN OR A PARTIAL SURRENDER FROM  
14 THE EQUITY INDEX ACCOUNT; AND

15 S 4. Subsection (b) of section 3209 of the insurance law is amended by  
16 adding a new paragraph 3 to read as follows:

17 (3) A LIFE INSURANCE POLICY CREDITING ADDITIONAL AMOUNTS IN ACCORDANCE  
18 WITH AN EQUITY INDEX LESS FREQUENTLY THAN ANNUALLY SHALL DISCLOSE TO THE  
19 POLICYHOLDER AT THE TIME OF A REQUEST FOR FULL SURRENDER OF THE POLICY  
20 BY THE POLICYHOLDER PRIOR TO THE EXPIRATION OF THE EQUITY INDEX PERIOD  
21 THAT NO ADDITIONAL AMOUNTS WILL BE CREDITED TO THE EQUITY INDEX ACCOUNT  
22 OF THE POLICY IF THE POLICYHOLDER FULLY SURRENDERS THE POLICY PRIOR TO  
23 THE EXPIRATION OF THE EQUITY INDEX PERIOD SO THE POLICYHOLDER SHOULD  
24 CONSIDER OTHER ALTERNATIVES TO FULL SURRENDER BEFORE THAT PERIOD  
25 EXPIRES, SUCH AS A POLICY LOAN OR A PARTIAL SURRENDER FROM THE EQUITY  
26 INDEX ACCOUNT.

27 S 5. The opening paragraph of paragraph 3 of subsection (n-1) of  
28 section 4221 of the insurance law, as added by chapter 365 of the laws  
29 of 1986, is amended to read as follows:

30 A policy that meets the requirements of this subsection must provide  
31 for cash surrender values that meet the requirements of either subpara-  
32 graph (A) or subparagraph (B) and comply with the provisions of subpara-  
33 graphs (C) and (D) of this paragraph, PROVIDED THAT, FOR PARTIAL SURREN-  
34 DERS UNDER POLICIES THAT CREDIT ADDITIONAL AMOUNTS IN ACCORDANCE WITH AN  
35 EQUITY INDEX LESS FREQUENTLY THAN ANNUALLY, THE ADDITIONAL AMOUNTS  
36 DETERMINED AT THE END OF THE EQUITY INDEX PERIOD SHALL REFLECT THE  
37 CHANGE IN ACCOUNT VALUES DURING SUCH EQUITY INDEX PERIOD.

38 S 6. This act shall take effect immediately.