

1153

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

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 blanket group accident
and health insurance coverage

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

1 Section 1. Subsection (a) of section 4237 of the insurance law,
2 subparagraph (F) of paragraph 3 as amended by chapter 369 of the laws of
3 1985, is amended to read as follows:

4 (a) (1) Any policy or contract of insurance against death or injury
5 resulting from accident which insures a group of persons conforming to
6 the requirements of one of the subparagraphs (A) through [(F)] (M) of
7 paragraph three [hereof] OF THIS SUBSECTION shall be deemed a blanket
8 accident policy.

9 (2) Any policy or contract which insures a group of persons conforming
10 to the requirements of subparagraph (C), (E) or [(F)] (M) of paragraph
11 three [hereof] OF THIS SUBSECTION against total or partial disability,
12 excluding such disability from accident, shall be deemed a blanket
13 health insurance policy.

14 (3) Any policy or contract of insurance which combines the coverage of
15 blanket accident insurance and of blanket health insurance on such a
16 group of persons shall be deemed a blanket accident and health insurance
17 policy:

18 (A) Under a policy or contract issued to any railroad, steamship,
19 motorbus or airplane carrier of passengers OR OWNER, OPERATOR OR LESSEE
20 OF ANY MEANS OF TRANSPORTATION, which shall be deemed the policyholder,
21 a group defined as all persons who may become such passengers may be
22 insured against death or bodily injury either while, or as a result of,
23 being such passengers.

24 (B) Under a policy or contract issued to an employer, who shall be
25 deemed the policyholder, covering any group of employees defined by

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

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1 reference to [exceptional] hazards incident to [such employment] AN
2 ACTIVITY, ACTIVITIES, OR OPERATIONS OF THE POLICYHOLDER, insuring such
3 employee against death or bodily injury resulting while, or from, being
4 exposed to such [exceptional] hazards. DEPENDENTS OF THE EMPLOYEE AND
5 GUESTS OF THE EMPLOYER OR EMPLOYEES MAY ALSO BE INCLUDED WHERE EXPOSED
6 TO THE SAME HAZARDS.

7 (C) Under a policy or contract issued to a college, school, or other
8 institution of learning or to the head or principal thereof, who or
9 which shall be deemed the policyholder.

10 (D) Under a policy or contract issued in the name of

11 (i) any county, city, town, village or fire district,

12 (ii) any duly organized fire department, or fire company, of any such
13 municipal corporation or fire district, FIRST AID, CIVIL DEFENSE, OR
14 OTHER SUCH GROUP whether or not any such corporation has been incorpo-
15 rated under any general or special law,

16 (iii) any fire corporation incorporated under or subject to the
17 provisions of section one thousand four hundred two of the not-for-pro-
18 fit corporation law, or any general or special law, if such corporation
19 is by law under the general control of, or recognized as a fire corpo-
20 ration by, the governing board of a city, town, village or fire
21 district, which municipal corporation, fire district, fire department,
22 fire company or fire corporation, as the case may be, shall be deemed
23 the policyholder, covering all, but not less than twenty-five, volunteer
24 members of such department, company or corporation. A district corpo-
25 ration which has the general powers of and operates as a fire district
26 shall be considered a fire district for the purposes of this paragraph.
27 A volunteer fireman whose services are offered and accepted pursuant to
28 the provisions of section two hundred nine-i of the general municipal
29 law shall be deemed a volunteer member of any such fire department, fire
30 company or fire corporation except for the purpose of determining the
31 minimum number of twenty-five volunteer members for which any such poli-
32 cy or contract must provide coverage. Any such policy or contract issued
33 to a municipal corporation or a fire district shall be subject to any
34 limitations on the amount, coverage or benefits as are set forth in any
35 applicable general, special or local law or city or village charter.

36 (E) Under a policy or contract issued to and in the name of an incor-
37 porated or unincorporated association of persons having a common inter-
38 est or calling, which association shall be deemed the policyholder,
39 having not less than fifty members, covering all OR ANY GROUP OF the
40 members of such association or if part or all of the premium is to be
41 derived from funds contributed by the insured members and if the oppor-
42 tunity to take such insurance is offered to all eligible members, then
43 such policy must cover not less than seventy-five percent of any class
44 or classes of members determined by conditions pertaining to membership
45 in the association.

46 (F) UNDER A POLICY OR CONTRACT ISSUED TO A SPORTS TEAM OR TO A CAMP OR
47 SPONSOR THEREOF, WHICH TEAM, CAMP OR SPONSOR SHALL BE DEEMED THE POLICY-
48 HOLDER, COVERING MEMBERS, CAMPERS, EMPLOYEES, VOLUNTEERS, SUPERVISORS OR
49 OFFICIALS.

50 (G) UNDER A POLICY OR CONTRACT ISSUED TO ANY INCORPORATED OR UNINCOR-
51 PORATED RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL OR CIVIC ORGAN-
52 IZATION, OR BRANCH THEREOF, WHICH ORGANIZATION SHALL BE DEEMED THE POLI-
53 CYHOLDER, COVERING ANY GROUP OF MEMBERS, PARTICIPANTS, OR VOLUNTEERS
54 DEFINED BY REFERENCE TO HAZARDS INCIDENT TO ANY ACTIVITY OR ACTIVITIES
55 OR OPERATIONS SPONSORED OR SUPERVISED BY OR ON THE PREMISES OF SUCH
56 POLICYHOLDER.

1 (H) UNDER A POLICY OR CONTRACT ISSUED TO A RESTAURANT, HOTEL, MOTEL,
2 RESORT, INNKEEPER OR OTHER GROUP WITH A HIGH DEGREE OF POTENTIAL CUSTOM-
3 ER LIABILITY, WHICH SHALL BE DEEMED THE POLICYHOLDER, COVERING PATRONS
4 OR GUESTS.

5 (I) UNDER A POLICY OR CONTRACT ISSUED TO A HEALTH CARE PROVIDER OR
6 OTHER ARRANGER OF HEALTH SERVICES, WHICH SHALL BE DEEMED THE POLICYHOLD-
7 ER, COVERING PATIENTS, DONORS, OR SURROGATES PROVIDED THE COVERAGE IS
8 NOT MADE A CONDITION OF RECEIVING CARE.

9 (J) UNDER A POLICY OR CONTRACT ISSUED TO A BANK, ASSOCIATION, FINAN-
10 CIAL OR OTHER INSTITUTION, VENDOR, OR TO A PARENT HOLDING COMPANY, OR TO
11 THE TRUSTEE, TRUSTEES OR AGENT DESIGNATED BY ONE OR MORE BANKS, ASSOCI-
12 ATIONS, FINANCIAL OR OTHER INSTITUTIONS, OR VENDORS, WHICH SHALL BE
13 DEEMED THE POLICYHOLDER, COVERING ACCOUNTHOLDERS, DEBTORS, GUARANTORS OR
14 PURCHASERS.

15 (K) UNDER A POLICY OR CONTRACT ISSUED TO A TRAVEL AGENCY OR OTHER
16 ORGANIZATION THAT PROVIDES TRAVEL RELATED SERVICES, WHICH AGENCY OR
17 ORGANIZATION SHALL BE DEEMED THE POLICYHOLDER, TO COVER ALL OR ANY GROUP
18 OF PERSONS FOR WHOM TRAVEL RELATED SERVICES ARE PROVIDED.

19 (L) AN ENTERTAINMENT, THEATER, ARTS OR EVENT PRODUCTION COMPANY OR
20 ORGANIZATION, WHICH SHALL BE DEEMED THE POLICYHOLDER, COVERING ALL OR
21 ANY GROUP OF PARTICIPANTS, VOLUNTEERS, AUDIENCE MEMBERS, CONTESTANTS,
22 EMPLOYEES OR WORKERS ENGAGED IN ANY ACTIVITY, ACTIVITIES, OR OPERATIONS
23 OF THE POLICYHOLDER.

24 (M) Under a policy or contract issued to insure; (i) any other
25 [substantially similar group] RISK OR CLASS OF RISKS approved by the
26 superintendent as eligible for insurance under a blanket accident and
27 health insurance policy or contract; THE DISCRETION OF THE SUPERINTEN-
28 DENT MAY BE EXERCISED ON AN INDIVIDUAL RISK BASIS OR CLASS OF RISKS, OR
29 BOTH; or (ii) any other group approved by the superintendent upon a
30 finding that: (I) there is a common enterprise or economic or social
31 affinity or relationship; (II) the premiums charged are reasonable in
32 relation to the benefits provided; and (III) the issuance of the policy
33 would result in economies of acquisition or administration, would be
34 actuarially sound, and would not be contrary to the best interest of the
35 public. The superintendent shall promulgate regulations setting forth
36 any such groups that have been accepted as qualifying pursuant to this
37 subparagraph.

38 S 2. This act shall take effect immediately.