

1762--A

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to posting insurance policies on the internet

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

1 Section 1. The insurance law is amended by adding a new section 3455
2 to read as follows:
3 S 3455. POSTING OF INSURANCE POLICIES ON THE INTERNET. (A) NOTWITH-
4 STANDING SECTION THREE HUNDRED NINE OF THE STATE TECHNOLOGY LAW OR ANY
5 OTHER PROVISION OF THE LAW TO THE CONTRARY, STANDARD PROPERTY AND CASU-
6 ALTY INSURANCE POLICIES AND ENDORSEMENTS THAT DO NOT CONTAIN PERSONALLY
7 IDENTIFIABLE INFORMATION MAY BE MAILED, DELIVERED, OR POSTED ON THE
8 INSURER'S WEBSITE.
9 (B) IF THE INSURER ELECTS TO POST INSURANCE POLICIES AND ENDORSEMENTS
10 ON ITS WEBSITE IN LIEU OF MAILING OR DELIVERING THEM TO THE INSURED, IT
11 MUST COMPLY WITH ALL OF THE FOLLOWING CONDITIONS:
12 (1) THE POLICY AND ENDORSEMENTS MUST BE ACCESSIBLE AND REMAIN THAT WAY
13 FOR AS LONG AS THE POLICY IS IN FORCE;
14 (2) AFTER THE EXPIRATION OF THE POLICY, THE INSURER MUST ARCHIVE ITS
15 EXPIRED POLICIES AND ENDORSEMENTS FOR A PERIOD OF FIVE YEARS, AND MAKE
16 THEM AVAILABLE UPON REQUEST;
17 (3) THE POLICIES AND ENDORSEMENTS MUST BE POSTED IN A MANNER THAT
18 ENABLES THE INSURED TO PRINT AND SAVE THE POLICY AND ENDORSEMENTS USING
19 PROGRAMS OR APPLICATIONS THAT ARE WIDELY AVAILABLE ON THE INTERNET AND
20 FREE TO USE; AND

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

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1 (4) THE INSURER PROVIDES THE FOLLOWING INFORMATION IN, OR SIMULTANEOUS
2 WITH, EACH DECLARATIONS PAGE PROVIDED AT THE TIME OF ISSUANCE OF THE
3 INITIAL POLICY AND ANY RENEWALS OF THAT POLICY:

4 (A) A DESCRIPTION OF THE EXACT POLICY AND ENDORSEMENT FORMS PURCHASED
5 BY THE INSURED;

6 (B) A METHOD BY WHICH THE INSURED MAY OBTAIN, UPON REQUEST AND WITHOUT
7 CHARGE, A PAPER COPY OF THEIR POLICY;

8 (C) THE INTERNET ADDRESS WHERE THEIR POLICY AND ENDORSEMENTS ARE POST-
9 ED; AND

10 (D) THE INSURER PROVIDES NOTICE, IN THE FORMAT PREFERRED BY THE
11 INSURED, OF ANY CHANGES TO THE FORMS OR ENDORSEMENTS, THE INSURED'S
12 RIGHT TO OBTAIN, UPON REQUEST AND WITHOUT CHARGE, A PAPER COPY OF SUCH
13 FORMS OR ENDORSEMENTS, AND THE INTERNET ADDRESS WHERE SUCH FORMS OR
14 ENDORSEMENTS ARE POSTED.

15 S 2. This act shall take effect January 1, 2017.