S T A T E O F N E W Y O R K

7105

2015-2016 Regular Sessions

I N A S S E M B L Y

April 23, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

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

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

(B) Under a policy or contract issued to an employer, who shall be deemed the policyholder, covering any group of employees defined by reference to [exceptional] hazards incident to [such employment] AN ACTIVITY, ACTIVITIES, OR OPERATIONS OF THE POLICYHOLDER, insuring such

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

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employee against death or bodily injury resulting while, or from, being exposed to such [exceptional] hazards. DEPENDENTS OF THE EMPLOYEE AND GUESTS OF THE EMPLOYER OR EMPLOYEES MAY ALSO BE INCLUDED WHERE EXPOSED TO THE SAME HAZARDS.

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

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

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

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

(iii) any fire corporation incorporated under or subject to the provisions of section one thousand four hundred two of the not-for-profit corporation law, or any general or special law, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district, which municipal corporation, fire district, fire department, fire company or fire corporation, as the case may be, shall be deemed the policyholder, covering all, but not less than twenty-five, volunteer members of such department, company or corporation. A district corporation which has the general powers of and operates as a fire district shall be considered a fire district for the purposes of this paragraph. A volunteer fireman whose services are offered and accepted pursuant to the provisions of section two hundred nine-i of the general municipal law shall be deemed a volunteer member of any such fire department, fire company or fire corporation except for the purpose of determining the minimum number of twenty-five volunteer members for which any such policy or contract must provide coverage. Any such policy or contract issued to a municipal corporation or a fire district shall be subject to any limitations on the amount, coverage or benefits as are set forth in any applicable general, special or local law or city or village charter.

(E) Under a policy or contract issued to and in the name of an incorporated or unincorporated association of persons having a common interest or calling, which association shall be deemed the policyholder, having not less than fifty members, covering all OR ANY GROUP OF the members of such association or if part or all of the premium is to be derived from funds contributed by the insured members and if the opportunity to take such insurance is offered to all eligible members, then such policy must cover not less than seventy-five percent of any class or classes of members determined by conditions pertaining to membership in the association.

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

(G) UNDER A POLICY OR CONTRACT ISSUED TO ANY INCORPORATED OR UNINCORPORATED RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL OR CIVIC ORGANIZATION, OR BRANCH THEREOF, WHICH ORGANIZATION SHALL BE DEEMED THE POLICYHOLDER, COVERING ANY GROUP OF MEMBERS, PARTICIPANTS, OR VOLUNTEERS DEFINED BY REFERENCE TO HAZARDS INCIDENT TO ANY ACTIVITY OR ACTIVITIES OR OPERATIONS SPONSORED OR SUPERVISED BY OR ON THE PREMISES OF SUCH POLICYHOLDER.

(H) UNDER A POLICY OR CONTRACT ISSUED TO A RESTAURANT, HOTEL, MOTEL, RESORT, OR INNKEEPER, WHICH SHALL BE DEEMED THE POLICYHOLDER, COVERING PATRONS OR GUESTS.

(I) UNDER A POLICY OR CONTRACT ISSUED TO A BANK, ASSOCIATION, FINANCIAL OR OTHER INSTITUTION, VENDOR, OR TO A PARENT HOLDING COMPANY, OR TO THE TRUSTEE, TRUSTEES OR AGENT DESIGNATED BY ONE OR MORE BANKS, ASSOCIATIONS, FINANCIAL OR OTHER INSTITUTIONS, OR VENDORS, WHICH SHALL BE DEEMED THE POLICYHOLDER, COVERING ACCOUNTHOLDERS, DEBTORS, GUARANTORS OR PURCHASERS.

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

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

(L) UNDER A POLICY OR CONTRACT ISSUED TO AN ESTABLISHED ORGANIZATION WHETHER INCORPORATED OR NOT, HAVING COMMUNITY RECOGNITION AND OPERATED FOR THE WELFARE OF THE COMMUNITY AND ITS MEMBERS AND NOT FOR PROFIT, WHICH SHALL BE DEEMED THE POLICYHOLDER AND COVERING ALL VOLUNTEER WORKERS WHO SERVE WITHOUT PECUNIARY COMPENSATION AND THE MEMBERS OF THE ORGANIZATION AGAINST LOSS FROM ACCIDENTS THAT OCCUR WHILE ENGAGED IN THE ACTUAL PERFORMANCE OF DUTIES ON BEHALF OF SUCH ORGANIZATION OR IN ACTIVITIES THEREOF.

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

S 2. This act shall take effect immediately.