

2152

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to waivers for families of victims of terrorist attacks

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

1 Section 1. Section 5-1708-a of the general obligations law, as added
2 by chapter 568 of the laws of 2003 and subdivision (d) as further
3 amended by section 104 of part A of chapter 62 of the laws of 2011, is
4 amended to read as follows:

5 S 5-1708-a. Waiver for families of victims of terrorist attacks.
6 Notwithstanding the provisions of section four thousand two hundred
7 twenty-four of the insurance law:

8 (a) An annuity issuer, or an employee or other representative of such
9 issuer, shall be permitted to waive or offer to waive the commission or
10 other compensation otherwise payable thereto as a result of the sale of
11 a policy or contract subject to the provisions of section four thousand
12 two hundred twenty-four of the insurance law to a member of the immedi-
13 ate family of a person who was a victim of the September eleventh, two
14 thousand one terrorist attacks against the United States OR ANY TERROR-
15 IST ATTACK AS DEFINED BY SUBDIVISION (E) OF THIS SECTION; and

16 (b) In connection with such waiver, the insurance company may, at the
17 election of the policyowner or contract owner:

18 (i) contribute the amount of such waived commission or other compen-
19 sation to a charitable organization that meets the requirements of
20 section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
21 is organized for the benefit of families of victims of [such attack]
22 TERRORIST ATTACKS; or

23 (ii) deduct from the premium an amount equal to such waived commission
24 or other compensation otherwise payable thereto as a result of the sale.

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

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1 (c) For purposes of this section, the term "victim" shall mean a dece-
2 dent who died as a result of wounds or injury incurred as a result of
3 [the] ANY terrorist attacks [against the World Trade Center or the
4 Pentagon on September eleventh, two thousand one, or the terrorist-re-
5 lated aircraft crash in Pennsylvania on such date], but shall not
6 include any individual identified by the United States attorney general
7 to have been a participant or conspirator in such attack or a represen-
8 tative of such an individual.

9 (d) An issuer seeking to avail itself of the provisions of this
10 section shall first submit its plan of implementation to the superinten-
11 dent of financial services for prior approval. If the plan is approved,
12 such issuer shall thereafter, upon request of such superintendent,
13 submit a report to such superintendent regarding its experience in the
14 implementation of such provisions.

15 (E) FOR PURPOSES OF THIS SECTION, THE TERM "TERRORIST ATTACK" SHALL
16 MEAN PREMEDITATED, POLITICALLY MOTIVATED VIOLENCE PERPETRATED AGAINST
17 NONCOMBATANT TARGETS BY SUBNATIONAL GROUPS OR CLANDESTINE AGENTS, LISTED
18 ON THE U.S. DEPARTMENT OF STATE'S LIST OF FOREIGN TERRORIST ORGANIZA-
19 TIONS OR LISTED AT THE TIME OF SUCH ATTACK.

20 S 2. This act shall take effect immediately.