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

8068--A

I N S E N A T E

June 9, 2016

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to the establishment of a state insurance company advisory board, a state insurance producer advisory board, and a state insurance adjuster advisory board

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

Section 1. The insurance law is amended by adding a new section 201 to read as follows:

S 201. STATE INSURANCE COMPANY ADVISORY BOARD. (A) THERE SHALL BE WITHIN THE DEPARTMENT A STATE INSURANCE COMPANY ADVISORY BOARD TO WORK WITH THE SUPERINTENDENT IN PROMOTING THE DEVELOPMENT AND GROWTH OF THE INSURANCE INDUSTRY IN THE STATE. THERE SHALL BE FIFTEEN MEMBERS OF THE ADVISORY BOARD WHO SHALL BE APPOINTED BY THE SUPERINTENDENT. THE MEMBERSHIP SHALL CONSIST OF: NINE REPRESENTATIVES OF DOMESTIC INSURANCE COMPANIES; AND FIVE REPRESENTATIVES OF FOREIGN INSURANCE COMPANIES THAT, TO THE EXTENT PRACTICABLE, REFLECT A RANGE OF SIZE AND GEOGRAPHICAL LOCATION WITHIN THE STATE. THE MEMBERSHIP SHALL ALSO INCLUDE ONE REPRESENTATIVE OF CONSUMERS. THE SUPERINTENDENT SHALL MAKE RULES TO GOVERN THE METHOD BY WHICH INSURERS MAY NOMINATE PERSONS TO THE BOARD AND THE PROCESS FOR SELECTING SUCH MEMBERS, PROVIDED THAT THE REPRESENTATIVES OF CONSUMERS SHALL BE SELECTED BY THE SUPERINTENDENT. THE TERM OF EACH MEMBER OF SUCH ADVISORY BOARD SHALL BE THREE YEARS, OR UNTIL A SUCCESSOR IS APPOINTED AND VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM ONLY. THE BOARD SHALL MEET AT LEAST THREE TIMES ANNUALLY PURSUANT TO THE CALL OF THE SUPERINTENDENT. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION NOR REIMBURSEMENT FOR EXPENSES. THE ADVISORY BOARD SHALL:

(1) CONSIDER AND RECOMMEND WAYS TO MAINTAIN AND GROW THE INSURANCE INDUSTRY OF THE STATE, PARTICULARLY FOCUSING ON THE DOMESTIC INSURANCE INDUSTRY, INCLUDING BRINGING TO THE SUPERINTENDENT'S ATTENTION ISSUES OF CONCERN TO THE INSURANCE INDUSTRY;

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

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(2) CONSIDER AND RECOMMEND WAYS TO ENCOURAGE AND FACILITATE INSURANCE INSTITUTIONS IN OFFERING A DIVERSITY OF AFFORDABLE INSURANCE AND FINANCIAL PRODUCTS THROUGHOUT THE STATE;

(3) RECOMMEND TO THE SUPERINTENDENT THE ESTABLISHMENT OF SUCH LAWS AS MAY BE DEEMED NECESSARY, AND THE AMENDMENT OR REPEAL THEREOF, IN FURTHERANCE OF THESE GOALS;

(4) RECOMMEND TO THE SUPERINTENDENT THE PROMULGATION OF ANY GUIDANCE AND REGULATIONS, NOT INCONSISTENT WITH THE LAW, AS MAY BE DEEMED NECESSARY, AND THE AMENDMENT OR REPEAL THEREOF, IN FURTHERANCE OF THESE GOALS; AND

(5) REPORT WITHIN THIRTY DAYS AFTER RECEIPT, ON ANY PROPOSED REGULATIONS, AMENDMENTS THERETO, OR REPEAL THEREOF, PRIOR TO FINAL ACTION THEREON BY THE SUPERINTENDENT.

(B) THE ADVISORY BOARD SHALL HAVE NO EXECUTIVE, ADMINISTRATIVE OR APPOINTIVE POWERS OR DUTIES.

S 2. The insurance law is amended by adding a new section 202 to read as follows:

S 202. STATE INSURANCE PRODUCER ADVISORY BOARD. (A) THERE SHALL BE WITHIN THE DEPARTMENT A STATE INSURANCE PRODUCER ADVISORY BOARD TO WORK WITH THE SUPERINTENDENT IN PROMOTING THE DEVELOPMENT AND GROWTH OF THE INSURANCE INDUSTRY IN THE STATE AND ADDRESS OTHER ISSUES OF MUTUAL CONCERN. THERE SHALL BE TEN MEMBERS OF THE ADVISORY BOARD WHO SHALL BE APPOINTED BY THE SUPERINTENDENT. THE MEMBERSHIP SHALL CONSIST OF: FOUR INSURANCE PRODUCERS WHOSE PRIMARY BUSINESS FOCUS IS ON LIFE INSURANCE; FOUR INSURANCE PRODUCERS WHOSE PRIMARY BUSINESS FOCUS IS ON PROPERTY/CASUALTY INSURANCE; AND TWO INSURANCE PRODUCERS WHOSE PRIMARY BUSINESS FOCUS IS ON ACCIDENT AND HEALTH INSURANCE. THE SUPERINTENDENT SHALL MAKE RULES TO GOVERN THE METHOD BY WHICH INSURERS MAY NOMINATE PERSONS TO THE BOARD AND THE PROCESS FOR SELECTING SUCH MEMBERS. THE TERM FOR EACH MEMBER OF SUCH ADVISORY BOARD SHALL BE THREE YEARS, OR UNTIL A SUCCESSOR IS APPOINTED AND VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM ONLY. THE BOARD SHALL MEET AT LEAST THREE TIMES ANNUALLY PURSUANT TO THE CALL OF THE SUPERINTENDENT. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION NOR REIMBURSEMENT FOR EXPENSES. THE ADVISORY BOARD SHALL:

(1) CONSIDER AND RECOMMEND WAYS TO MAINTAIN AND GROW THE INSURANCE INDUSTRY OF THE STATE, PARTICULARLY FOCUSING ON THE DOMESTIC INSURANCE INDUSTRY, INCLUDING BRINGING TO THE SUPERINTENDENT'S ATTENTION ISSUES OF CONCERN TO THE INSURANCE INDUSTRY;

(2) CONSIDER AND RECOMMEND WAYS TO ENCOURAGE AND FACILITATE INSURANCE INSTITUTIONS IN OFFERING A DIVERSITY OF AFFORDABLE INSURANCE AND FINANCIAL PRODUCTS THROUGHOUT THE STATE;

(3) RECOMMEND TO THE SUPERINTENDENT THE ESTABLISHMENT OF SUCH LAWS AS MAY BE DEEMED NECESSARY, AND THE AMENDMENT OR REPEAL THEREOF, IN FURTHERANCE OF THESE GOALS;

(4) RECOMMEND TO THE SUPERINTENDENT THE PROMULGATION OF ANY GUIDANCE AND REGULATIONS, NOT INCONSISTENT WITH THE LAW, AS MAY BE DEEMED NECESSARY, AND THE AMENDMENT OR REPEAL THEREOF, IN FURTHERANCE OF THESE GOALS; AND

(5) REPORT WITHIN THIRTY DAYS AFTER RECEIPT, ON ANY PROPOSED REGULATIONS, AMENDMENTS THERETO, OR REPEAL THEREOF, PRIOR TO FINAL ACTION THEREON BY THE SUPERINTENDENT.

(B) THE ADVISORY BOARD SHALL HAVE NO EXECUTIVE, ADMINISTRATIVE OR APPOINTIVE POWERS OR DUTIES.

S 3. The insurance law is amended by adding a new section 203 to read as follows:

S 203. STATE INSURANCE ADJUSTER ADVISORY BOARD. (A) THERE SHALL BE WITHIN THE DEPARTMENT A STATE INSURANCE ADJUSTER ADVISORY BOARD TO WORK WITH THE SUPERINTENDENT IN PROMOTING THE DEVELOPMENT AND GROWTH OF THE INSURANCE INDUSTRY IN THE STATE AND ADDRESS OTHER ISSUES OF MUTUAL CONCERN. THERE SHALL BE NINE MEMBERS OF THE ADVISORY BOARD WHO SHALL BE APPOINTED BY THE SUPERINTENDENT. THE MEMBERSHIP SHALL CONSIST OF: THREE PUBLIC INSURANCE ADJUSTERS; THREE INDEPENDENT INSURANCE ADJUSTERS; AND THREE INSURANCE COMPANY STAFF ADJUSTERS. THE SUPERINTENDENT SHALL MAKE RULES TO GOVERN THE METHOD BY WHICH INSURERS MAY NOMINATE PERSONS TO THE BOARD AND THE PROCESS FOR SELECTING SUCH MEMBERS. THE TERM FOR EACH MEMBER OF SUCH ADVISORY BOARD SHALL BE THREE YEARS, OR UNTIL A SUCCESSOR IS APPOINTED AND VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM ONLY. THE BOARD SHALL MEET AT LEAST THREE TIMES ANNUALLY PURSUANT TO THE CALL OF THE SUPERINTENDENT. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION NOR REIMBURSEMENT FOR EXPENSES. THE ADVISORY BOARD SHALL:

(1) CONSIDER AND RECOMMEND WAYS TO MAINTAIN AND GROW THE INSURANCE INDUSTRY OF THE STATE, PARTICULARLY FOCUSING ON THE DOMESTIC INSURANCE INDUSTRY, INCLUDING BRINGING TO THE SUPERINTENDENT'S ATTENTION ISSUES OF CONCERN TO THE INSURANCE INDUSTRY;

(2) CONSIDER AND RECOMMEND WAYS TO ENCOURAGE AND FACILITATE INSURANCE INSTITUTIONS IN OFFERING A DIVERSITY OF AFFORDABLE INSURANCE AND FINANCIAL PRODUCTS THROUGHOUT THE STATE;

(3) RECOMMEND TO THE SUPERINTENDENT THE ESTABLISHMENT OF SUCH LAWS AS MAY BE DEEMED NECESSARY, AND THE AMENDMENT OR REPEAL THEREOF, IN FURTHERANCE OF THESE GOALS;

(4) RECOMMEND TO THE SUPERINTENDENT THE PROMULGATION OF ANY GUIDANCE AND REGULATIONS, NOT INCONSISTENT WITH THE LAW, AS MAY BE DEEMED NECESSARY, AND THE AMENDMENT OR REPEAL THEREOF, IN FURTHERANCE OF THESE GOALS; AND

(5) REPORT WITHIN THIRTY DAYS AFTER RECEIPT, ON ANY PROPOSED REGULATIONS, AMENDMENTS THERETO, OR REPEAL THEREOF, PRIOR TO FINAL ACTION THEREON BY THE SUPERINTENDENT.

(B) THE ADVISORY BOARD SHALL HAVE NO EXECUTIVE, ADMINISTRATIVE OR APPOINTIVE POWERS OR DUTIES.

S 4. This act shall take effect immediately.