

# STATE OF NEW YORK

7540

## IN SENATE

January 22, 2018

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

AN ACT to amend the insurance law, in relation to enhancing the financial condition of domestic mutual property and casualty insurance companies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subsection (a) of section 4110 of the insurance law, as  
2 amended by chapter 1 of the laws of 2015, is amended to read as follows:

3 (a) No domestic mutual property/casualty insurance company licensed to  
4 write a kind of insurance specified in paragraph seven, eight, nine,  
5 ten, eleven, thirteen, fourteen, fifteen, sixteen or seventeen of  
6 subsection (a) of section one thousand one hundred thirteen of this  
7 chapter shall expend in any one calendar year for management expenses a  
8 greater amount than thirty percent of the sum of its net premium income  
9 and seventy-five percent of its investment income for such year;  
10 provided that any insurer whose principal line of business is medical  
11 malpractice liability insurance or any insurer who is the subject of a  
12 proceeding pursuant to article seventy-four of this chapter shall not  
13 expend in any one calendar year for management expenses, a greater  
14 amount than thirty percent of its net premium income for such year.  
15 Management expenses shall be held to include all expenses of the company  
16 except expenses incurred in the investigation, adjustment and settlement  
17 of claims, taxes, fees and expenses of examination, expenses incurred in  
18 complying with subsection (b) of section three hundred seven of this  
19 chapter, subsection (g) of section four thousand one hundred seventeen  
20 of this article and part five hundred of title twenty-three of the New  
21 York Codes, Rules and Regulations, and taxes, repairs and expenses on  
22 real estate. In applying the provisions of this section the net premium  
23 income of, and expenses of, boiler and machinery insurance or elevator  
24 insurance shall not be included. In the event expenses incurred in  
25 making a new system upgrade result in this subsection's management  
26 expenses limit being exceeded, then the insurer shall inform the super-  
27 intendent sixty days in advance of the expense limit being exceeded.

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

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1 Subject to approval by the superintendent, the limit shall be temporar-  
2 ily raised to the amount necessary to encompass the aforestated new  
3 system upgrade, provided that in no event shall the limit be raised more  
4 than five percentage points and shall not be in effect for more than  
5 three years, and provided further that an insurer may submit to the  
6 superintendent, for the superintendent's prior approval, a written  
7 request to temporarily raise the limit for up to an additional three  
8 years, for a total of no more than six years. An insurer shall submit  
9 such written request to the superintendent at least sixty days but not  
10 more than one hundred twenty days before the expiration of the initial  
11 period during which the limit was raised. The insurer shall not increase  
12 premiums solely as a result of the management expenses cap limit being  
13 exceeded. For purposes of this subsection, a new system upgrade is  
14 defined as the acquisition of electronic data processing apparatus and  
15 related equipment constituting a data processing, record keeping or  
16 accounting system and operating and non-operating software.

17 § 2. Subsection (b) of section 6613 of the insurance law, as amended  
18 by chapter 284 of the laws of 1989, is amended to read as follows:

19 (b) Management expenses shall include all the expenses of such compa-  
20 ny, except expenses incurred in the investigation, adjustment and  
21 settlement of claims, taxes, fees, expenses of examination, expenses  
22 incurred in complying with subsection (b) of section three hundred seven  
23 of this chapter, subsection (g) of section four thousand one hundred  
24 seventeen of this chapter and part five hundred of title twenty-three of  
25 the New York Codes, Rules and Regulations, and taxes, repairs, and  
26 expenses on real estate.

27 § 3. This act shall take effect immediately.