

# STATE OF NEW YORK

8151

## IN SENATE

April 9, 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 representations by an insured

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

1 Section 1. Subsection (a) of section 3105 of the insurance law is  
2 amended to read as follows:

3 (a) (1) A representation is a statement as to past or present fact,  
4 made to the insurer by, or by the authority of, the applicant for insur-  
5 ance or the prospective insured, at or before the making of the insur-  
6 ance contract as an inducement to the making thereof. A misrepresen-  
7 tation is a false representation, and the facts misrepresented are those  
8 facts which make the representation false.

9 (2) Any person having or claiming a right under a life insurance poli-  
10 cy that (A) provides a death benefit and (B) has been in force fewer  
11 than two years following the date of issue or the date of reinstatement  
12 if evidence of insurability is requested, shall provide reasonable  
13 assistance to the insurer in obtaining the necessary information to  
14 determine whether a misrepresentation was made by the applicant for  
15 insurance or the prospective insured.

16 § 2. This act shall take effect immediately.

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

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