

STATE OF NEW YORK

6620

2019-2020 Regular Sessions

IN ASSEMBLY

March 14, 2019

Introduced by M. of A. BARCLAY, BLANKENBUSH, FINCH -- read once and referred to the Committee on Insurance

AN ACT to amend the financial services law, in relation to assessments to defray operating expenses of the department of financial services

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

1 Section 1. Subsection (a) of section 206 of the financial services
2 law, is amended to read as follows:

3 (a) For each fiscal year commencing on or after April first, two thou-
4 sand [~~twelve~~] nineteen, assessments to defray operating expenses,
5 including all direct [~~and indirect~~] costs, of the department, except
6 expenses incurred in the liquidation of banking organizations, shall be
7 assessed by the superintendent in accordance with this subsection.
8 Persons regulated under the insurance law shall be assessed by the
9 superintendent for the operating expenses of the department that are
10 solely attributable to regulating persons under the insurance law, which
11 shall include any expenses that were permissible to be assessed in
12 fiscal year two thousand nine-two thousand ten, with the assessments
13 allocated pro rata upon all domestic insurers and all licensed United
14 States branches of alien insurers domiciled in this state within the
15 meaning of paragraph four of subsection (b) of section seven thousand
16 four hundred eight of the insurance law, in proportion to the gross
17 direct premiums and other considerations, written or received by them in
18 this state during the calendar year ending December thirty-first imme-
19 diately preceding the end of the fiscal year for which the assessment is
20 made (less return premiums and considerations thereon) for policies or
21 contracts of insurance covering property or risks resident or located in
22 this state the issuance of which policies or contracts requires a
23 license from the superintendent. Persons regulated under the banking law
24 shall be assessed by the superintendent for the operating expenses of
25 the department that are solely attributable to regulating persons under

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

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1 the banking law in such proportions as the superintendent shall deem
2 just and reasonable. Operating expenses of the department not covered by
3 the assessments set forth above shall be assessed by the superintendent
4 in such proportions as the superintendent shall deem just and reasonable
5 upon all domestic insurers and all licensed United States branches of
6 alien insurers domiciled in this state within the meaning of paragraph
7 four of subsection (b) of section seven thousand four hundred eight of
8 the insurance law, and upon any regulated person under the banking law,
9 other than mortgage loan originators, except as otherwise provided by
10 sections one hundred fifty-one and two hundred twenty-eight of the work-
11 ers' compensation law and by section sixty of the volunteer firefight-
12 ers' benefit law. The provisions of this subsection shall not be appli-
13 cable to a bank holding company, as that term is defined in article
14 three-A of the banking law. Persons regulated under the banking law will
15 not be assessed for expenses that the superintendent deems to benefit
16 solely persons regulated under the insurance law, and persons regulated
17 under the insurance law will not be assessed for expenses that the
18 superintendent deems to benefit solely persons regulated under the bank-
19 ing law.

20 § 2. This act shall take effect on the first of January next succeed-
21 ing the date on which it shall have become a law.