STATE OF NEW YORK

3639

2019-2020 Regular Sessions

IN SENATE

February 11, 2019

Introduced by Sens. BRESLIN, SEWARD, AKSHAR -- 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:

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

(a) **(1)** A representation is a statement as to past or present fact, made to the insurer by, or by the authority of, the applicant for insurance or the prospective insured, at or before the making of the insurance contract as an inducement to the making thereof. A misrepresentation is a false representation, and the facts misrepresented are those facts which make the representation false.

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

§ 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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