

# STATE OF NEW YORK

3736

2019-2020 Regular Sessions

## IN SENATE

February 13, 2019

Introduced by Sens. BRESLIN, 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 exemption from filing  
requirements only with respect to rates and policy forms

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

1 Section 1. Subsection (a) of section 6303 of the insurance law, as  
2 amended by chapter 490 of the laws of 2011, paragraph 3 as amended by  
3 chapter 75 of the laws of 2013 and the opening paragraph of paragraph 3  
4 as amended by chapter 438 of the laws of 2018, is amended to read as  
5 follows:

6 (a) The exemption that may be granted pursuant to this article shall  
7 apply only if [~~the business is underwritten and transacted from an~~  
8 ~~office within this state, and~~]:

9 (1) the risk, as defined in regulations of the superintendent, produc-  
10 es a minimum annual premium in excess of one hundred thousand dollars or  
11 such higher amount as the superintendent may prescribe by regulation;

12 (2) the coverage is for a risk or class of risks which is of an unusu-  
13 al nature, a high loss hazard, or difficult to place, pursuant to a list  
14 promulgated or amended by the superintendent; or

15 (3) until June thirtieth, two thousand twenty-three, the policy, other  
16 than a medical malpractice insurance policy, is issued to a large  
17 commercial insured that employs or retains a special risk manager to  
18 assist in the negotiation and purchase of a policy exempted under this  
19 article, provided, however, that:

20 (A)(i) the special risk manager is not employed by the insurer issuing  
21 the policy or any person in the insurer's holding company system; and

22 (ii) the special risk manager is licensed as an insurance producer in  
23 this state pursuant to article twenty-one of this chapter, unless  
24 exempted from licensing therein; and

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

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1 (B) a policy form that has not been previously filed with the super-  
2 intendent shall be filed with the superintendent for informational  
3 purposes within three business days after first delivery of a policy  
4 using such form, but no later than sixty calendar days after the incep-  
5 tion date of such policy.

6 § 2. This act shall take effect immediately.