STATE OF NEW YORK

8340

IN SENATE

May 15, 2020

Introduced by Sen. BIAGGI -- 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 mandating transparency of the expenses of title insurance corporations and authorizing the department of financial services to lower title insurance rates

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

Section 1. Section 6403 of the insurance law is amended by adding a new subsection (d) to read as follows:

(d) (1) On or before April first of each year, every title insurance corporation shall, for the prior calendar year, provide the superintendent and the public with a detailed financial statement to supplement and expand upon any other information otherwise provided to the department as it relates to such title insurance corporation's expenses. Such expenses shall include, but not be limited to, marketing expenses, lobbying expenses, salaries of employees, and any other expenses and forms of compensation.

(2) The superintendent shall, in both written form and as part of the department's website, make such financial statements available to the public. No person shall be required to file a request for such financial statements pursuant to article six of the public officers law in order to receive a copy thereof, but upon request and payment of the fee for copying such document, it shall be provided in a timely manner. With respect to the electronic copy of such financial statements, which shall be accessible on the department's website, the department shall highlight the availability of such information to the public on such website and the link to each title insurance corporation's financial statement shall be accessible in a simple and easy manner.

(3) The superintendent may promulgate such rules and regulations he or she deems necessary for the proper administration of the provisions of this section, and such rules and regulations may be promulgated on an emergency basis if the superintendent warrants such action to be necessary.

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

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§ 2. Subsection (b) of section 2321 of the insurance law is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding paragraphs one and two of this subsection, if the superintendent finds any title insurance rate filing to be excessive, the superintendent may order the filing withdrawn and the rate suspended prospectively upon fifteen days prior written notice to the rate service organization or to the insurer which filed them. The superintendent shall determine an adjusted, lower rate deemed to be in compliance with the standards set forth in this article, and the rate so determined shall apply.

§ 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.