

# STATE OF NEW YORK

---

3505--A

Cal. No. 248

2019-2020 Regular Sessions

## IN SENATE

February 8, 2019

---

Introduced by Sens. BRESLIN, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the financial services law, in relation to immunity from civil liability for certain information relating to insurance or banking violations

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

1 Section 1. Section 405 of the financial services law is amended to  
2 read as follows:  
3 § 405. Immunity. In the absence of fraud or bad faith, no person  
4 subject to the provisions of this chapter, the banking law or the insur-  
5 ance law shall be subject to civil liability, and no civil cause of  
6 action of any nature shall arise against such person for any: (a) infor-  
7 mation relating to suspected violations of the banking law or the insur-  
8 ance law furnished to law enforcement officials, their agents and  
9 employees; (b) information relating to suspected violations of the bank-  
10 ing law or the insurance law furnished to other persons subject to the  
11 provisions of this chapter; ~~and~~ (c) information furnished in reports  
12 to the financial frauds and consumer protection unit, its agents or  
13 employees or any state agency investigating fraud or misconduct relating  
14 to financial fraud, its agents or employees; and (d) information  
15 furnished to or from the National Insurance Crime Bureau. For the  
16 purposes of this section the National Insurance Crime Bureau is a  
17 nonprofit dedicated to investigation and enforcement of the banking law  
18 or the insurance law. The superintendent or any employee of the finan-  
19 cial frauds and consumer protection unit, in the absence of fraud or bad  
20 faith, shall not be subject to civil liability and no civil cause of  
21 action of any nature shall arise against the superintendent or any such

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

LBD08049-05-9

1 employee by virtue of the publication of any report or bulletin related  
2 to the official activities of the financial frauds and consumer  
3 protection unit. Nothing herein is intended to abrogate or modify in any  
4 way any common law privilege or immunity heretofore enjoyed by any  
5 person.

6 § 2. This act shall take effect immediately.