

STATE OF NEW YORK

7181

IN SENATE

January 10, 2020

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the financial services law, in relation to civil immunity for information shared with the National Insurance Crime Bureau

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, as amended by a
2 chapter of the laws of 2019, amending the financial services law relat-
3 ing to immunity from civil liability for certain information relating to
4 insurance or banking violations, as proposed in legislative bills
5 numbers S. 3505-A and A. 3214-A, is amended to read as follows:

6 § 405. Immunity. In the absence of fraud or bad faith, no person
7 subject to the provisions of this chapter, the banking law or the insur-
8 ance law shall be subject to civil liability, and no civil cause of
9 action of any nature shall arise against such person for any: (a) infor-
10 mation relating to suspected violations of the banking law or the insur-
11 ance law furnished to law enforcement officials, their agents and
12 employees; (b) information relating to suspected violations of the bank-
13 ing law or the insurance law furnished to other persons subject to the
14 provisions of this chapter; (c) information furnished in reports to the
15 financial frauds and consumer protection unit, its agents or employees
16 or any state agency investigating fraud or misconduct relating to finan-
17 cial fraud, its agents or employees; and (d) information relating to
18 insurance fraud as defined in section 176.05 of the penal law furnished
19 to ~~[or from]~~ the National Insurance Crime Bureau. For the purposes of
20 this section the National Insurance Crime Bureau is a nonprofit dedi-
21 cated to ~~[investigation and enforcement of the banking law or the insur-~~
22 ~~ance law]~~ the prosecution of insurance fraud and vehicle crime. The
23 superintendent or any employee of the financial frauds and consumer
24 protection unit, in the absence of fraud or bad faith, shall not be
25 subject to civil liability and no civil cause of action of any nature
26 shall arise against the superintendent or any such employee by virtue of
27 the publication of any report or bulletin related to the official activ-
28 ities of the financial frauds and consumer protection unit. Nothing

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

LBD08049-06-0

1 herein is intended to abrogate or modify in any way any common law priv-
2 ilege or immunity heretofore enjoyed by any person.

3 § 2. This act shall take effect on the same date and in the same
4 manner as a chapter of the laws of 2019, amending the financial services
5 law relating to immunity from civil liability for certain information
6 relating to insurance or banking violations, as proposed in legislative
7 bills numbers S. 3505-A and A. 3214-A, takes effect.