

STATE OF NEW YORK

7449--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 10, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to limiting certain regulations or orders promulgated by the superintendent; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds that term life insurance products are a primary vehicle for the
3 financial security and protection of the families of many New Yorkers.
4 Furthermore, the legislature finds that New York is trailing behind the
5 rest of the country in the sale of term life insurance products. There-
6 fore, it is the intent of the legislature to help to create more oppor-
7 tunities for the availability of term life insurance policies in New
8 York.

9 § 2. The insurance law is amended by adding a new section 4227 to read
10 as follows:

11 § 4227. Limitations on the superintendent. (a) Notwithstanding any
12 other provision of law, the superintendent is prohibited from promulgat-
13 ing any regulation, rule, advisory or otherwise imposing any suitabil-
14 ity, best interest or fiduciary standard, or enforcing any such regu-
15 lation, rule, advisory or otherwise, pertaining to the provision of
16 counsel, advice or a recommendation to a consumer or potential consumer
17 of term life insurance, by a licensed insurance agent or broker, or a
18 life insurance company authorized to do business in this state, in
19 conjunction with the purchase of a term life insurance policy, as that
20 term is defined in this chapter, or in conjunction with the exercise of
21 any right or contractual option or amendment pursuant to the provisions

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

LBD08778-02-2

1 of any such policy, when the insured face amount of such policy, or
2 potential policy is of one million dollars or less.

3 (b) Any provision of the superintendent's regulations or orders in
4 effect on the effective date of this section which may be contrary to
5 this section shall be deemed null and void. Particularly, any provision
6 of 11 NYCRR Part 224 contrary to this section shall be null and void and
7 the superintendent shall amend such regulation accordingly, by the
8 consensus regulatory process.

9 § 3. By July 1, 2023, the superintendent of the department of finan-
10 cial services shall submit to the governor, the temporary president of
11 the senate and the speaker of the assembly, a report on any effects that
12 its suitability and best interest in life insurance and annuity trans-
13 action regulations have had on the term life insurance market, includ-
14 ing, but not limited to, whether such regulations have contributed to
15 declining availability of such products.

16 § 4. This act shall take effect immediately; provided, however, that
17 section two of this act shall expire and be deemed repealed on December
18 31, 2023 or on the one hundred eightieth day after the issuance of the
19 report described in section three of this act, whichever date is later,
20 provided that the department of financial services shall notify the
21 legislative bill drafting commission upon the completion of the report
22 described in section three of this act in order that the commission may
23 maintain an accurate and timely effective data base of the official text
24 of the laws of the state of New York in furtherance of effecting the
25 provisions of section 44 of the legislative law and section 70-b of the
26 public officers law.