

# STATE OF NEW YORK

7701

2021-2022 Regular Sessions

## IN ASSEMBLY

May 20, 2021

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to improving insurance consumer servicing options

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

1 Section 1. Subparagraph (C) of paragraph 2 of subsection (b) of  
2 section 1101 of the insurance law is amended to read as follows:

3 (C) transactions involving the continuance or servicing of life or  
4 accident and health insurance policies or annuity contracts lawfully  
5 issued or delivered in this state by an authorized insurer and occurring  
6 subsequent to the termination of such insurer's authority to do an  
7 insurance business in this state. Notwithstanding the foregoing, the  
8 superintendent's approval granted pursuant to section one thousand one  
9 hundred five of this article may authorize transactions involving the  
10 continuance or servicing of life insurance policies or annuity contracts  
11 to be effected from outside this state by telephone, video call, facsim-  
12 ile, web portal, electronic transfer of funds, or by any other electron-  
13 ic means approved by the superintendent, provided that the insurer shall  
14 not have any other contact or interaction with a person in this state  
15 other than as specified and in the manner provided in this paragraph;

16 § 2. Subparagraph (D) of paragraph 2 of subsection (b) of section 1101  
17 of the insurance law is amended to read as follows:

18 (D) transactions with respect to policies or annuity contracts  
19 lawfully issued without this state occurring subsequent to issue, if, at  
20 the time of issue, such policies or contracts covered subjects of insur-  
21 ance or risks not resident or located in this state. Notwithstanding  
22 the foregoing, transactions described in this subparagraph involving the  
23 continuance or servicing of life insurance policies or annuity contracts  
24 may be effected from outside this state by telephone, video call,  
25 facsimile, web portal, electronic transfer of funds, or by any other

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

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1 electronic means approved by the superintendent, provided that the  
2 insurer shall not have any other contact or interaction with a person in  
3 this state other than as specified and in the manner provided in this  
4 paragraph;

5 § 3. Section 1105 of the insurance law is amended to read as follows:

6 § 1105. Voluntarily ceasing to maintain license. When an authorized  
7 insurer proposes to cease to maintain its existing licensing status in  
8 this state, the insurer shall at least forty-five days prior to such  
9 proposed action submit to the superintendent a plan to protect the  
10 interests of the people of this state. Such proposed action shall not  
11 become effective without the approval of such plan by the superinten-  
12 dent. The plan shall include requirements and procedures for meeting the  
13 insurer's contractual obligations, providing security protection in the  
14 event of a subsequent insolvency, and meeting any applicable statutory  
15 obligations, including its obligations pursuant to articles fifty-three,  
16 fifty-four and fifty-five of this chapter. Such plan shall be in compli-  
17 ance with a regulation to be promulgated by the superintendent. A plan  
18 may request that the insurer be permitted to continue or service a life  
19 insurance policy or annuity contract from outside this state by tele-  
20 phone, video call, facsimile, web portal, electronic transfer of funds,  
21 or by any other electronic means as approved by the superintendent  
22 pursuant to subparagraph (C) of paragraph two of subsection (b) of  
23 section one thousand one hundred one of this article. In order to  
24 protect the interests of the people of this state, the superintendent  
25 may require the deposit of securities in this state, in trust, in the  
26 name of the superintendent.

27 § 4. This act shall take effect immediately.