

STATE OF NEW YORK

3771

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. BRESLIN -- 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 prohibitions on rebating and discrimination

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

1 Section 1. Subsection (c) of section 4224 of the insurance law, as
2 amended by chapter 496 of the laws of 2013, is amended to read as
3 follows:
4 (c) (1) Except as permitted by section three thousand two hundred
5 thirty-nine of this chapter or subsection (f) of this section, no such
6 life insurance company and no such savings and insurance bank and no
7 officer, agent, solicitor or representative thereof and no such insurer
8 doing in this state the business of accident and health insurance and no
9 officer, agent, solicitor or representative thereof, and no licensed
10 insurance broker and no employee or other representative of any such
11 insurer, agent or broker, shall pay, allow or give, or offer to pay,
12 allow or give, directly or indirectly, as an inducement to any person to
13 insure, or shall give, sell or purchase, or offer to give, sell or
14 purchase, as such inducement, or interdependent with any policy of life
15 insurance or annuity contract or policy of accident and health insur-
16 ance, any stocks, bonds, or other securities, or any dividends or
17 profits accruing or to accrue thereon, or any valuable consideration or
18 inducement whatever not specified in such policy or contract other than
19 any valuable consideration, including but not limited to merchandise or
20 periodical subscriptions, not exceeding twenty-five dollars in value;
21 nor shall any person in this state knowingly receive as such inducement,
22 any rebate of premium or policy fee or any special favor or advantage in
23 the dividends or other benefits to accrue on any such policy or
24 contract, or knowingly receive any paid employment or contract for

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

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1 services of any kind, or any valuable consideration or inducement what-
2 ever which is not specified in such policy or contract.

3 (2) Notwithstanding the provisions of paragraph one of this
4 subsection, any services provided, or offered to be provided, by a life
5 insurance company or any officer, agent, solicitor or representative
6 thereof, or by an insurer doing in this state the business of accident
7 and health insurance and an officer, agent, solicitor or representative
8 thereof, or by a licensed insurance broker, an employee or other repre-
9 sentative of any such, insurer, agent or broker; provided that such
10 services are offered or delivered as part of the sale or renewal of an
11 insurance policy, contract or group insurance policy and offered or
12 delivered in a non-discriminatory manner to all similarly situated
13 insureds or potential insureds, whether or not such services are speci-
14 fied in such policy or contract, shall not be considered to be an
15 inducement or rebate prohibited by this section unless the superinten-
16 dent determines, after a notice and hearing, that the offer and sale of
17 such services constituted the sole reason for the purchase of such
18 insurance policy, contract or group insurance policy and that, but for
19 the offer or delivery of such service, the purchase of such policy or
20 contract would not have taken place.

21 § 2. This act shall take effect on the sixtieth day after it shall
22 have become a law.