STATE OF NEW YORK

4158

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. COMRIE -- 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 certain policy review

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

Section 1. The insurance law is amended by adding a new section 5305 to read as follows:

§ 5305. Policy review. (a) Within ninety days after the effective date of this section and every two years thereafter, an insurer participating in the assigned risk plan pursuant to this article shall review the risk profiles of each policy holder that has been assigned to such insurer through the plan to determine if such policy holders are eligible for motor vehicle insurance coverage written by such insurer in the voluntary market. Such insurer shall, upon renewal, write motor vehicle insurance coverage in the voluntary market for any policy holder determined to be eligible for such coverage.

(b) An insurer shall send written notice of the review required by subsection (a) of this section to each policy holder at least thirty days prior to the date that such review is conducted. Such notice shall also inform each policy holder of a policy holder's right to search for and obtain coverage on the voluntary market at any time.

(c) An insurer shall also send written notice of the determination of eligibility for coverage in the voluntary market made pursuant to subsection (a) of this section to a policy holder within ten days after such determination is made.

(d) Any person insured pursuant to this article may file a complaint with the superintendent regarding any violations of this section by insurers participating in the assigned risk plan.

§ 2. Section 309 of the insurance law is amended by adding a new subsection (d) to read as follows:

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

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(d) As part of an examination, the superintendent shall review determinations made pursuant to section five thousand three hundred five of this chapter regarding the eligibility of policy holders for coverage on the voluntary market to ensure such determinations are issued in compliance with such section, that such determinations are based on sound underwriting and actuarial principles and that policy holders eligible for coverage in the voluntary market are being provided with such coverage in compliance with such section.

§ 3. This act shall take effect immediately.