STATE OF NEW YORK

1595

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

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

AN ACT extending certain payments and debt collections for the COVID-19 covered period

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

Section 1. For the purposes of this act, "COVID-19 covered period" means March 7, 2020 until the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in executive orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by executive orders 202.28 and 202.31 and as further extended by any future executive order, issued in response to the COVID-19 pandemic continue to apply in the county of the insurer or debtors residence.

§ 2. Notwithstanding any provision of law to the contrary, the grace period for insurance policies covered under sections 3203 and 4510 of the insurance law for the deferral of payment of premiums and fees shall be extended to the end of the COVID-19 covered period, for any life insurance policyholder or fraternal benefit society certificate holder, as those terms are used in such sections, facing a financial hardship as a result of the COVID-19 pandemic.

§ 3. Notwithstanding any provision of law to the contrary and subject to the consideration by the superintendent of financial services of the liquidity and solvency of the applicable insurer, corporations subject to article 43 of the insurance law, or health maintenance organizations certified pursuant to article 44 of the public health law, covered under subparagraph (c) of paragraph 1 of subsection (d) of section 3216 and subsection (g) of section 4306 of the insurance law shall:

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

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(1) extend the period for the deferral of payment of premiums to the end of the COVID-19 covered period for any comprehensive health insurance policy holder or contract holder under an individual policy or contract, as those terms are used in such sections, who is facing a financial hardship as a result of the COVID-19 pandemic; and

(2) require that the applicable insurer, corporation subject to article 43 of the insurance law, or health maintenance organization certified pursuant to article 44 of the public health law shall be responsible for the payment of claims during such period and shall not retroactively terminate the insurance policy or contract for non-payment of premium during such period.

§ 4. Notwithstanding any provision of law to the contrary, no insurer covered under paragraphs 16, 17, 20, 21, 24, 26, and 30 of subsection (a) of section 1113, section 1116 and articles 34, 53, 54, and 55 of the insurance law and sections 54 and 226 of the workers' compensation law shall cancel, not renew, or conditionally renew any insurance policy issued to an individual or small business, or, in the case of a group insurance policy, insuring certificate holders that are individuals or small businesses, until the end of the COVID-19 covered period, for any policyholder, or in the case of a group insurance policy, group policyholder or certificate holder, facing financial hardship as a result of the COVID-19 pandemic. The foregoing relief shall also apply to the kinds of insurance set forth in the insurance law.

§ 5. This act shall take effect immediately.