

# 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:

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

3 § 5305. Policy review. (a) Within ninety days after the effective date  
4 of this section and every two years thereafter, an insurer participating  
5 in the assigned risk plan pursuant to this article shall review the risk  
6 profiles of each policy holder that has been assigned to such insurer  
7 through the plan to determine if such policy holders are eligible for  
8 motor vehicle insurance coverage written by such insurer in the volun-  
9 tary market. Such insurer shall, upon renewal, write motor vehicle  
10 insurance coverage in the voluntary market for any policy holder deter-  
11 mined to be eligible for such coverage.

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

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

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

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

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

LBD03198-01-1

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

9     § 3. This act shall take effect immediately.