STATE OF NEW YORK

9481

IN SENATE

May 16, 2024

Introduced by Sen. MAYER -- (at request of the Department of Financial Services) -- 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 authorizing stand-alone business interruption insurance

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

Section 1. Paragraph 34 of subsection (a) of section 1113 of the insurance law, as renumbered by chapter 359 of the laws of 2021, is renumbered paragraph 35 and a new paragraph 34 is added to read as follows:

(34) "Business interruption insurance" means insurance against loss of use and occupancy, rents, and profits resulting from a business closure due to: (A) loss of or damage to insured or neighboring property; (B) an act or threatened act of violence while the perpetrator is on the business premises; or (C) a government order.

§ 2. Subsection (a) of section 2105 of the insurance law, as amended by chapter 359 of the laws of 2021, is amended to read as follows:

(a) The superintendent may issue an excess line broker's license to any person, firm, association or corporation who or which is licensed as an insurance broker under section two thousand one hundred four of this article, or who or which is licensed as an excess line broker in the licensee's home state, provided, however, that the applicant's home state grants non-resident licenses to residents of this state on the same basis, except that reciprocity is not required in regard to the placement of liability insurance on behalf of a purchasing group or any of its members; authorizing such person, firm, association or corporation to procure, subject to the restrictions herein provided, policies of insurance from insurers [~~which~~] **that** are not authorized to transact business in this state of the kind or kinds of insurance specified in paragraphs four through fourteen, sixteen, seventeen, nineteen, twenty, twenty-two, twenty-seven, twenty-eight, thirty-one, thirty-two [~~and~~]**,** thirty-three **and thirty-four** of subsection (a) of section one thousand one hundred thirteen of this chapter and in subsection (h) of this

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

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section, provided, however, that the provisions of this section and section two thousand one hundred eighteen of this article shall not apply to ocean marine insurance and other contracts of insurance enumerated in subsections (b) and (c) of section two thousand one hundred seventeen of this article. Such license may be suspended or revoked by the superintendent whenever in [~~his or her~~] the superintendent's judgment such suspension or revocation will best promote the interests of the people of this state.

§ 3. Subsection (a) of section 4101 of the insurance law is amended to read as follows:

§ 4101. Definitions. In this article: (a) "Basic kinds of insurance" means the kinds of insurance described in the following paragraphs of subsection (a) of section one thousand one hundred thirteen of this chapter numbered therein as set forth in parentheses below:

fire (4);
burglary and theft (7);
glass (8);
boiler and machinery (9);
elevator (10);
animal (11);
personal injury liability (13);
property damage liability (14) - basic as to stock companies only;
workers' compensation and employers' liability (15);
fidelity and surety (16);
credit (17);
marine and inland marine (20);
marine protection and indemnity (21) - basic as to mutual companies only;
business interruption insurance (34).

§ 4. Group A of table one of paragraph 1 of subsection (a) of section 4103 of the insurance law, as amended by chapter 359 of the laws of 2021, is amended to read as follows:

Group A:

7	$300,000	$150,000
8, 9, 10, 11, or 14 - for each such kind	$100,000	$ 50,000
13 or 15 - for each such kind	$500,000	$250,000
16	$900,000	$450,000
17	$400,000	$200,000
Basic additional amount required for any one or more of the above kinds of insurance	$100,000	$ 50,000
3(i), 3(ii), 6{1} or 12{2} - for each such kind	$100,000	$ 50,000
22	$2,000,000	$1,000,000
24	$400,000	$200,000
26(B)	$200,000	$100,000
26(A), 26(C) or 26(D) - for each such kind	$600,000	$300,000
27	$300,000	$150,000
28	$2,000,000	$1,000,000
30	$400,000	$200,000
31	$100,000	$ 50,000

32	$100,000	$ 50,000
33	$100,000	$ 50,000
34	**$2,000,000**	**$1,000,0000**

§ 5. Table two of paragraph 1 of subsection (a) of section 4107 of the insurance law, as amended by chapter 805 of the laws of 1984, is amended to read as follows:

TABLE TWO

Kind of insurance specified in the following numbered paragraphs of subsection (a) of § 1113	Number of Members	Number of Applications	Number of Separate Risks	Number of Insurance Policies	Initial Surplus	Minimum Surplus to be Maintained	Other Requirements
4	50	300	300	--	$ 300,000{1}	$ 200,000{1}	see note{2}
7	20	20	200	20	$ 300,000	$ 200,000	see note{3}
8	20	20	300	20	$ 150,000	$ 100,000	see note{3}
9	20	20	200	20	$ 300,000	$ 200,000	see note{3}
10	20	20	300	20	$ 150,000	$ 100,000	see note{3}
11	20	20	300	20	$ 150,000	$ 100,000	see note{3}
13	100	100	500{4}	--	$ 500,000{5}	$ 400,000{5}	see note{6}
15	40{7}	40	2,500{7}	--	$ 500,000	$ 400,000	see note{6}
	30{7}	30	5,000{7}	--	$ 500,000	$ 400,000	see note{6}
	20{7}	20	7,500{7}	--	$ 500,000	$ 400,000	see note{6}
	10{7}	10	10,000{7}	--	$ 500,000	$ 400,000	see note{6}
16	--	--	---	--	$1,500,000	$1,000,000	
17	20	20	2,000	20	$ 750,000	$ 500,000	see note{3}
20	50	300	300	--	$1,000,000{8}	$ 500,000{8}	see note{9}
21	20	20{10}	200{11}	--	$ 500,000	$ 500,000	see note{12}
34	**20**	**20**	**200**	**20**	**$2,000,000**	**$1,000,000**	**see note {3}**

§ 6. This act shall take effect on the thirtieth day after it shall have become a law.