

# STATE OF NEW YORK

1318

2023-2024 Regular Sessions

## IN SENATE

January 11, 2023

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the insurance law, in relation to clarifying the excess line insurance placement affidavit requirements

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

1 Section 1. Subparagraph (C) of paragraph 3 of subsection (b) of  
2 section 2118 of the insurance law, as amended by a chapter of the laws  
3 of 2022 amending the insurance law relating to simplifying the excess  
4 line insurance placement affidavit requirements, as proposed in legisla-  
5 tive bills numbers S. 8127 and A. 9088, is amended to read as follows:

6 (C) Every licensee, or affirming broker, in connection with the place-  
7 ment of each risk pursuant to this section [~~not otherwise exempt from~~  
8 ~~the diligent effort requirement~~], shall record on the affidavit  
9 required pursuant to subparagraph (A) of this paragraph the name, date  
10 of the declination, and national association of insurance commission-  
11 ers code of each authorized insurer declining a risk and information  
12 relied upon that formed the basis of such licensee's or affirming  
13 broker's reason to believe that the authorized insurer might consider  
14 writing the type of coverage or class of insurance involved. [~~No addi-~~  
15 ~~tional diligent effort information shall be reported on the affidavit~~] A  
16 licensee or affirming broker shall not be required to record on the  
17 affidavit the name of the representative declining the risk, the repre-  
18 sentative's affiliation, or the reason for the declination.

19 § 2. This act shall take effect on the same date and in the same  
20 manner as a chapter of the laws of 2022 amending the insurance law  
21 relating to simplifying the excess line insurance placement affidavit  
22 requirements, as proposed in legislative bills numbers S. 8127 and A.  
23 9088, takes effect.

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

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