

STATE OF NEW YORK

4357

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. FERNANDEZ -- 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 mandating transparency of the expenses of title insurance corporations and authorizing the department of financial services to lower title insurance rates

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

1 Section 1. Section 6403 of the insurance law is amended by adding a
2 new subsection (d) to read as follows:

3 (d) (1) On or before April first of each year, every title insurance
4 corporation shall, for the prior calendar year, provide the superinten-
5 dent and the public with a detailed financial statement to supplement
6 and expand upon any other information otherwise provided to the depart-
7 ment as it relates to such title insurance corporation's expenses. Such
8 expenses shall include, but not be limited to, marketing expenses,
9 lobbying expenses, salaries of employees, and any other expenses and
10 forms of compensation.

11 (2) The superintendent shall, in both written form and as part of the
12 department's website, make such financial statements available to the
13 public. No person shall be required to file a request for such financial
14 statements pursuant to article six of the public officers law in order
15 to receive a copy thereof, but upon request and payment of the fee for
16 copying such document, it shall be provided in a timely manner. With
17 respect to the electronic copy of such financial statements, which shall
18 be accessible on the department's website, the department shall high-
19 light the availability of such information to the public on such website
20 and the link to each title insurance corporation's financial statement
21 shall be accessible in a simple and easy manner.

22 (3) The superintendent may promulgate such rules and regulations he or
23 she deems necessary for the proper administration of the provisions of
24 this section, and such rules and regulations may be promulgated on an

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

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1 emergency basis if the superintendent warrants such action to be neces-
2 sary.

3 § 2. Subsection (b) of section 2321 of the insurance law is amended by
4 adding a new paragraph 3 to read as follows:

5 (3) Notwithstanding paragraphs one and two of this subsection, if the
6 superintendent finds any title insurance rate filing to be excessive,
7 the superintendent may order the filing withdrawn and the rate suspended
8 prospectively upon fifteen days prior written notice to the rate service
9 organization or to the insurer which filed them. The superintendent
10 shall determine an adjusted, lower rate deemed to be in compliance with
11 the standards set forth in this article, and the rate so determined
12 shall apply.

13 § 3. This act shall take effect on the first of January next succeed-
14 ing the date upon which it shall have become a law.