§ 1112. Reciprocal provisions as to taxes, license fees, deposits, and other requirements. (a) (1) If, by the laws, or the action of any public official, of any other state, any insurer organized or domiciled in this state, or its duly authorized agents, shall be, required to deposit securities in such other state to protect policyholders or for any other purpose, or shall be required to pay taxes, fines, penalties, fees for licenses or certificates of authority or any other sum for the privilege of doing business in such other state, or shall be subjected to any restrictions, obligations, conditions or penalties, imposed for such privilege, and such requirements are greater than those required of similar insurers organized or domiciled in such other state by the laws of this state for the privilege of doing business herein, then all similar insurers organized or domiciled in such other state and their duly authorized agents in this state shall make like deposits for like purposes with the superintendent, and pay him for taxes, fines, penalties, fees for licenses or certificates of authority or for any other requirement for the privilege of doing business in this state, an amount determined in the manner prescribed by such other state, and shall be subjected to such greater requirements imposed by such other state upon similar insurers of this state and their duly authorized agents.

(2) (i) For the amount due under this subsection for the calendar year nineteen hundred eighty-nine, an initial payment shall be made by each insurer subject to this subsection of an amount equal to the lesser of (a) ninety percent of the amount finally determined to be due under this subsection for the calendar year nineteen hundred eighty-seven or (b) eighty percent of the amount finally determined to be due under this subsection for the calendar year nineteen hundred eighty-nine. Such initial payment shall be made on or before March fifteenth, nineteen hundred ninety.

(ii) For the amount due under this subsection for calendar years after nineteen hundred eighty-nine, an estimated payment shall be due and payable on or before the fifteenth day of December. This payment shall be equal to the lesser of (a) ninety percent of the amount finally determined to be due under this subsection for the second preceding calendar year or (b) eighty percent of the amount finally determined to be due under this subsection for the calendar year.

(iii) If any insurer fails to pay all or any part of the initial payment or estimated payment due pursuant to subparagraph (i) or (ii) of this paragraph, it shall be deemed to have made an underpayment. There shall be added to the amount due pursuant to paragraph one of this subsection, an amount at the rate set for underpayments by the commissioner of taxation and finance pursuant to section one thousand ninety-six of the tax law, minus four percentage points, or if no rate is set, at the rate of six percent per annum upon the amount of the underpayment for the period of the underpayment. In computing the amount of any interest required to be paid, such interest shall not be compounded. The amount of the underpayment shall be, with respect to the initial payment or any estimated payment, the excess of the amount required to be paid over the amount, if any, paid on or before the last day prescribed for such payment. If the superintendent demands payment of the initial payment or any estimated payment, and if such amount is paid within ten days after the date of such demand, interest on the amount so paid shall not be imposed for the period after the date of such demand. No portion of the interest imposed pursuant to this subparagraph may be waived.

(iv) Notwithstanding the provisions of section sixteen of the state finance law, interest shall be allowed and paid at the rate set for overpayments by the commissioner of taxation and finance pursuant to section one thousand ninety-six of the tax law, or if no rate is set, at the rate of six percent per annum upon any overpayment, from the date payment was due to a date (to be determined by the superintendent) preceding the date of a refund check by not more than thirty days. In the case of a payment which is made after the last date prescribed for payment of such payment, no interest shall be allowed or paid for any day before the date on which the payment was made. In computing the amount of interest required to be paid, such interest shall not be compounded. No interest shall be allowed or paid if the amount thereof is less than one dollar.

(v) If the period for which the amount is imposed pursuant to paragraph one of this subsection is less than twelve months, every insurer shall make estimated payments in accordance with regulations of the superintendent.

(b) If the superintendent finds that by the laws or official acts of

any foreign country, insurers organized in this state are arbitrarily denied the privilege of doing business in such foreign country, or are subjected to unreasonable requirements therein, he may revoke the licenses of all insurers of such country doing business in this state, and may refuse to issue licenses to every insurer of such country thereafter applying for a license to do business in this state, or in lieu thereof, he may impose like requirements upon every insurer of such country, until he shall find that such arbitrary denial or unreasonable requirements no longer apply.

(c) If, by the existing or future laws of any other state, any broker resident within this state and duly licensed as such under this chapter may not be licensed as a broker in such other state, then no broker resident in such other state shall be licensed as a broker within this state, anything in this chapter to the contrary notwithstanding. If a license fee exceeding forty dollars per annum is imposed by any other state for issuing a license to a broker resident within this state, or the amount of commissions which may be paid to such broker on premiums on risks located in any other state shall be limited under the laws of such state, then, all brokers resident in such other state shall upon being licensed in this state pay a like fee in lieu of that prescribed by this chapter, and insurance companies authorized to transact business in this state shall not pay to any such nonresident broker any commissions on premiums on risks located in this state exceeding those which the laws of such other state permit brokers of this state to receive on premiums on risks located in such other state.

* (d) (1) Should the insurance department, commissioner, director, or other similar insurance regulatory official of any other state or territory of the United States impose any sanctions, fines, penalties, financial or deposit requirements, prohibitions, restrictions, regulatory requirements, or other obligations of any kind upon any insurance company organized or chartered in this state and licensed to transact business in such other state or territory, because of the failure of the New York insurance department to obtain, maintain, or receive accreditation certification or any similar form of approval, compliance, or acceptance from, by, or as a member of the National Association of Insurance Commissioners, or any committee, task force, working group, or advisory committee thereof, or because of the failure

of the department to comply with any directive, financial annual statement requirement, model act or regulation, market conduct or financial examination report or requirement, or any report of any kind of the National Association of Insurance Commissioners, or any committee, task force, working group, or advisory committee thereof, the superintendent shall without exception or exclusion, impose upon any and all insurance companies organized or chartered in such other state or territory and licensed to do business in this state the same sanctions, fines, penalties, financial or deposit requirements, prohibitions, restrictions, regulatory requirements, or other obligations imposed upon the insurance companies of this state.

(2) To the extent that it would be detrimental to the adequate and proper regulation of insurance in this state to use existing employees or resources of the department in order to comply in a timely manner with paragraph (1) of this subsection, the superintendent may engage such other qualified persons and services as may be necessary. The superintendent shall recover all of the costs of such compliance in the manner prescribed in section 313 of the insurance law.

* NB Expired March 31, 1995

* (e) The provisions of this section shall not apply to insurance companies organized or domiciled in a state or country whose laws do not impose retaliatory taxes or other charges or which grant, on a reciprocal basis, exemptions therefrom to insurance companies organized or domiciled in this state.

* NB Expired March 31, 1995, relettering expired on such date is actually (d) from 367/84 on such date