

2018 ANNUAL REPORT
OF THE
NEW YORK STATE SENATE
STANDING COMMITTEE ON INSURANCE

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HEALTH INSURANCE

S.425 (Seward) – Small Group Size Repealer

This legislation conforms the insurance law definition of “small group” with the definition of “small employer” under the recently enacted federal PACE Act.

2/13/18 Passed Senate

S.1156-C (Ortt) – Mental Health and Substance Use Disorder Parity Report Act

This legislation requires insurers and health plans to submit certain data to multiple state agencies as a way of measuring compliance with federal and state mental health and substance abuse parity laws.

6/20/18 Passed Senate

S.1783 (Klein) – Wellness Program Participation

Authorizes health insurers to provide actuarially appropriate reductions in health insurance premiums for participation in a qualified wellness program.

2/12/18 Reported from Committee, Cal. 441

S.2168-A (Serino) – Lyme and other tick-borne related diseases coverage

This bill requires the New York State Health Care Quality and Cost Containment Commission to meet each year, and to submit a report on the impact of providing insurance coverage for Lyme and other tick-borne related diseases.

3/26/18 Passed Senate

S.3660-A (Griffo) – Municipal Consortium Expansion

This bill amends municipal health insurance consortia requirements to encourage formation of municipal consortiums, while ensuring the continued financial stability of these entities.

6/19/18 Passed Senate

S.4241-C (Seward) – Protections from excessive hospital emergency charges

This bill subjects hospital charges for emergency services to the independent dispute resolution process established to protect against excessive emergency charges.

3/26/18 Reported from committee, Cal. 728

S.4546 (Seward) – Modernizing the anti-rebating and inducement law

This legislation allows insurance producers to provide additional services relating to the interpretation, management and communication of the insurance policy and its resulting costs. This bill assists insurers and employers in the development and implementation of care coordination services and other incidental or ancillary programs and services.

3/13/18 Passed Senate

S.5890-B (Seward) – Health savings account pilot program extender

This bill extends the provisions, which allow HMOs to offer to certain municipalities a group high deductible health plan in conjunction with a health savings account.

9/7/18 Chapter 264

S.6663 (Ortt) – Parity for substance use disorder coverage

This bill would add “substance use disorder” to the insurance law to align state law with current federal law on substance use disorders.

6/19/18 Passed Senate

S.6624 (Seward) – Rating of individual and small group health insurance policies

This bill would allow health plans to use the “file and use” methodology for any adjustments to a health insurance rate filing or application for commercial community rated products.

6/21/17 Passed Senate

S.7940-B (Seward) – Easing administrative burdens on continuing care retirement communities

This bill would allow a continuing care retirement community (CCRC) to attest to the Department of Financial Services that the CCRC’s cybersecurity policies are compliant with cybersecurity regulations promulgated by the superintendent.

6/18/18 Passed Senate

S.8441-B (Phillips) – Insurance coverage for in vitro fertilization and other fertility preservation services

This bill would require insurance coverage in every policy issued in New York State for hospital, surgical or medical care for the treatment of infertility by means of in-vitro fertilization or standard fertility preservation.

6/20/18 Passed Senate

S.8499 (Seward) – Extending excess medical malpractice insurance

This bill would extend for five years the statutory clarification that the Medical Malpractice Insurance Pool (MMIP) is not required to offer a second layer of excess medical malpractice insurance coverage.

7/1/18 Chapter 99

S.8539 (Serino) – Examining insurance coverage for Lyme disease

This bill would require the Department of Financial Services in consultation with the Commissioner of Health to conduct a study considering the current scope of health insurance coverage for Lyme and tick-borne diseases.

5/16/18 Passed Senate

S.8924 (Seward) – Ensuring insurance coverage for Enteral formula

This bill clarifies the original intent of Hannah’s Law to ensure that individuals suffering from severe protein allergic conditions have access to proper nourishment.

6/20/18 Passed Senate

S.8965 (Seward) – Expanding participation in municipal cooperative health benefit plans

This bill would expand participation in municipal cooperative health benefit plans to public libraries, urban renewal agencies and quasi-government organizations.

6/19/18 Passed Senate

S.8995 (Seward) – Extends provisions relating to stop loss coverage for small groups
This bill would extend for 5 years provisions allowing for the sale of stop loss coverages to certain small groups and exempting certain municipal corporations from small group rating standards.

6/19/18 Passed Senate

LIFE INSURANCE

S.7393 (Seward) – Lost policy search timeframe extension

This bill would lengthen the timeframe in which an insurer must complete a lost policy search in the last policy finder system from 30-45 days to 60 days to conform with the National Association of Insurance Commissioners (NAIC) standards.

5/7/18 Passed Senate

S.8151 (Seward) – Duty to cooperate

This bill would clarify that the beneficiary or anyone claiming a right under a life insurance policy has a duty to cooperate with an insurers' investigation of a death occurring within the two-year contestability period.

5/7/18 Reported from Committee, Cal. 1053

S.8978-A (Seward) – Principle based reserves

This bill would amend the Insurance Law to conform to the laws of other states by allowing principle based reserving for certain life insurance policies.

6/18/18 Passed Senate

PROPERTY/CASUALTY INSURANCE

S.427 (Seward) – Enacts the “personal motor vehicle sharing act”

The purpose of this legislation is to provide insurance coverage for vehicle owners and renters participating in a personal vehicle sharing program.

3/26/18 Reported from Committee, Cal. 727

S.696 (Seward) – Information sharing to combat auto insurance fraud

This legislation provides immunity for reports of suspected insurance fraud made by or to organizations specifically dedicated to the investigation and prosecution of insurance fraud.

6/4/18 Passed Senate

S.1859 (DeFrancisco) – Motor Vehicle Coverage

This bill exempts vehicle glass repair shops from Section 2610 subsection (c) of the Insurance law to reflect the nature and volume of glass repair.

6/21/17 Chapter 36

S.2526-B (Seward) – Electronic delivery of property/casualty insurance notices

This bill would permit insurance notices and documents to be delivered electronically with policyholder consent.

6/18/18 Passed Senate

S.2746 (Golden) – Utilization of regional cost data

This bill would require an insurer and independent adjuster to adjust certain claims made under an insurance policy that provides coverage for loss or damage to property using cost data appropriate for the region of the state where the loss or damage occurred.

6/20/18 Passed Senate

S.3554 (Seward) – Loss prevention and risk management programs

This bill would allow insurers to offer incentives to both insureds and prospective insureds for participating in certain loss prevention and risk management programs through the use of “telematics devices” that monitor the driving habits of those individuals voluntarily participating in the rewards program.

5/7/18 Reported from committee, Cal. 1027

S.3665 (Klein) – Reduction of motor vehicle insurance fraud and theft

This bill grants the department of financial services the authority to investigate fraudulent activities in the motor vehicle insurance market and implements applicable penalties.

6/20/18 Passed Senate

S.3960-A (Seward) – Continuing education credits

This legislation permits insurance producers to receive continuing education credit for active membership in a statewide professional insurance producer association.

6/7/18 Passed Senate

S4010-A (Seward) – Organization of assessment corporations

This bill clarifies that assessment cooperative property and casualty insurance companies are authorized to write umbrella insurance policies and standalone liability coverage.

5/30/18 Reported from Committee, Cal. 1385

S.4420-A (Golden) – Retroactive cancellations

This legislation permits an insurer to retroactively cancel an auto insurance policy within the first 60 days if the initial premium payment was rejected due to the nonexistence or unauthorized use of a bank account or unauthorized use of a credit card account.

4/17/18 Passed Senate

S.4654 (Seward) – Free Trade Zone modernization

This bill modernizes the insurance law by repealing the requirement that business be underwritten and transacted from an office within New York State to be eligible for placement in the Free Trade Zone.

2/12/18 Passed Senate

S.4719 (Seward) – Commercial modernization

This bill modernizes the regulation of commercial lines insurance by expanding the list of lines of business exempt from rate and form filing requirements. This bill promotes competitive property and casualty insurance markets for business-to-business insurance transactions.

5/7/18 Reported from Committee, Cal. 1039

S.5847 (Seward) – Enhancing service contract provisions

This bill allows New York State registered service contract providers to issue service contracts that include meaningful protection from unanticipated charges at lease-end related to excess use or wear and tear of a leased vehicle.

3/21/18 Passed Senate

S.5970 (Klein) – Fraud prevention measures

This bill seeks to reduce the incidence of auto insurance fraud including fraud committed by those who misrepresent where they live, operate their automobile, and garage such vehicle for insurance coverage purposes.

6/20/18 Passed Senate

S.6445-A (Seward) – Streamlining of license renewal dates

This bill would combine the three separate insurance producer business entity license expiration dates into one common date.

6/18/18 Passed Senate

S.6455 (DeFrancisco) – Provides notice to motorcyclists of available insurance coverage

This bill would require insurance companies to notify motorcyclists that no fault insurance provisions for automobiles do not apply to motorcyclists, and that state underinsured motorist coverage is available.

6/19/18 Passed Senate

S.6704 (Seward) – Clarification on the prohibition of commissions and rebates

This bill clarifies that providing a benefit with the intention to compensate or offer compensation, directly or indirectly, for any past or present placement for a particular piece of title insurance business by a title insurance corporation, agent, or representative is a prohibited illegal inducement under section 6409(d) of the Insurance Law.

1/16/18 Passed Senate

S.6954-A (Seward) – Independent adjuster licensing

This legislation would streamline the licensing process for individuals who have completed a certification course offered by a nationally recognized claims association.

3/26/18 Reported from committee, Cal. 730

S.7288 (Seward) – Supplementary insurance cleanup

This bill makes corrections to Chapter 490 of 2017 to remove any policy of commercial risk insurance from the provisions, as well as modify the opt-out form notice language.

4/18/18 Chapter 15

S.7540 (Seward) – Reducing financial impact of administrative requirements

This bill would establish parity between the treatment of taxes and regulatory compliance expenses for domestic mutual property and casualty insurers and cooperative insurers by excluding three mandated regulatory expenses from the management expense cap calculations.

2/12/18 Reported from Committee, Cal. 444

S.7746-A (Seward) – Extends provisions relating to the free trade zone and commercial modernization

This bill would extend through 2020 the authority for a domestic medical malpractice insurer to secure a license to use the Free Trade Zone. Additionally, the bill would extend the current provisions, which permit insurers to write insurance without the Department of Financial Services prior approval of rates and forms until 2023.

6/4/18 Passed Senate

S.7626 (Seward) – Extends the establishment of excess line advisory organization

This bill would extend the statutory authority of the Excess Line Association of New York (ELANY) until July 1, 20124.

6/4/18 Passed Senate

S.7634-A (Marchione) – Online learning for insurance agent licensure

This bill would allow those seeking licensure as insurance agents to obtain the equivalent of ninety classroom hours of training through online coursework.

6/18/18 Passed Senate

S.7901 (Golden) – Clarifying the department's role in establishing fees for title insurers

This bill would clarify that the Department of Financial Services is not authorized to establish fees for ancillary or discretionary non-insurance services provided by title insurance companies.

6/18/18 Committee discharged to Rules Committee

S.8144 (Seward) – Strengthens licensing requirements for bail bond agents

This bill would strengthen licensing requirements for bail bond agents by requiring fingerprinting, mandatory pre-licensing coursework, continuing education and standards for passing the written exam.

5/30/18 Reported from Committee, Cal. 1388

S.8147 (Seward) – Catastrophic business disruption insurance

This bill would create a new kind of business disability-related coverage known as catastrophic business insurance, which would protect businesses from financial loss caused when an individual integral to the successful functioning of the business becomes disabled due to sickness, ailment or bodily injury.

6/19/18 Passed Senate