

**NEW YORK STATE
INSURANCE DEPARTMENT**

**THIRD AMENDMENT TO REGULATION NO. 87
(11 NYCRR 29)
SPECIAL PROHIBITIONS**

**SECOND AMENDMENT TO REGULATION NO. 125
(11 NYCRR 34)
REQUIREMENTS PERTAINING TO THE LOCATION OF AN INSURANCE AGENT OR
BROKER AT EACH PLACE OF INSURANCE BUSINESS: REPORTING
REQUIREMENTS**

**THIRTIETH AMENDMENT TO REGULATION NO. 62
(11 NYCRR 52)
MINIMUM STANDARDS FOR FORM, CONTENT AND SALE OF HEALTH
INSURANCE, INCLUDING STANDARDS OF FULL AND FAIR DISCLOSURE**

**FIRST AMENDMENT TO REGULATION NO. 74
(11 NYCRR 53)
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**SECOND AMENDMENT TO REGULATION NO. 78
(11 NYCRR 55)
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AND HEALTH INSURANCE POLICIES**

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(11 NYCRR 87)
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**FOURTH AMENDMENT TO REGULATION NO. 126
(11 NYCRR 95)
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**NINTH AMENDMENT TO REGULATION NO. 64
(11 NYCRR 216)
UNFAIR CLAIMS SETTLEMENT PRACTICES AND CLAIM COST CONTROL
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**SEVENTH AMENDMENT TO REGULATION NO. 90
(11 NYCRR 218)
PROHIBITION OF GEOGRAPHICAL REDLINING IN WRITING PRIVATE PASSENGER
AUTOMOBILE AND FIRE OR FIRE AND EXTENDED COVERAGE INSURANCE
POLICIES**

**FOURTH AMENDMENT TO REGULATION NO. 71
(11 NYCRR 241)
AVAILABILITY OF DEPARTMENT RECORDS**

**THIRD AMENDMENT TO REGULATION NO. 116
(11 NYCRR 242)
ACCESS TO PERSONAL INFORMATION**

**FIRST AMENDMENT TO REGULATION NO. 155
(11 NYCRR 390)
SERVICE CONTRACTS**

**FIRST AMENDMENT TO REGULATION NO. 156
(11 NYCRR 400)
CERTIFIED CAPITAL COMPANIES UNDER SECTION 11 OF THE TAX LAW**

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201 and 301 of the Insurance Law, do hereby promulgate the following amendments to Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to take effect upon publication in the State Register and to read as follows:

(MATTER UNDERLINED IS NEW; MATTER IN BRACKETS IS DELETED)

The mailing address set forth at the end of Exhibit B following Section 29.6(b) of Part 29 is hereby amended to read as follows:

Mail the original disclosure statement to:

New York State Insurance Department
Licensing Services Bureau
[Agency Building One
Nelson A. Rockefeller Plaza]
One Commerce Plaza

Albany, N.Y. 12257

Mail a copy of the disclosure statement to the most senior official of the governmental unit which ordered the insurance services or coverages listed thereon.

Section 34.4(a) is hereby amended to read as follows:

(a) Every agent or broker that maintains more than one place of business must give written notice to the Insurance Department, Licensing Bureau, [Agency Building One, Empire State Plaza] One Commerce Plaza, Albany, NY 12257. The notice shall specify the location of each satellite office and the supervising person or persons responsible for each satellite office. The notice must include the license numbers of the agent or broker and the supervising person, and shall be signed by the agent and broker, or a sublicensee or a licensed partner, where appropriate, and by the supervising person.

Section 52.24(d)(1) is hereby amended to read as follows:

(1) The report must be furnished to the superintendent by all commercial insurers, article 43 corporations and HMO's. Such report should be sent to the Superintendent of Insurance, [Agency Building One, Empire State Plaza] One Commerce Plaza, Albany, NY 12257.

Section 53-3.7(b) is hereby amended to read as follows:

(b) The illustration actuary shall certify that the disciplined current scale used in illustrations is in conformity with the Actuarial Standard of Practice No. 24 for Compliance with the NAIC Model Regulation on Life Insurance Illustrations promulgated by the Actuarial Standards Board, and that the illustrated scales used in insurer-authorized illustrations meet the requirements of this Subpart. A copy of Actuarial Standard of Practice No. 24 as adopted by the Actuarial Standards Board in December of 1995 may be obtained from the American Academy of Actuaries, 1100 Seventeenth Street NW, Washington, DC 20036 and a copy is available for public inspection at the Insurance Department offices at [Agency Bldg. One, Empire State Plaza] One Commerce Plaza, Albany, NY and at 25 Beaver Street, New York, NY and at the New York Department of State, 41 State Street, Third Floor, Albany, NY 12231.

Section 55.2(f)(2)(ii) is hereby amended to read as follows:

(ii) Affidavits filed with the Superintendent of Insurance shall refer to Labor Law, section 217 and this Part, and shall be addressed to:

Chief, Health Bureau
New York State Insurance Department
[Agency Building 1
Empire State Plaza]
One Commerce Plaza
Albany, NY 12257

Section 87.1(a) is hereby amended to read as follows:

(a) The name of any proposed domestic insurance corporation, the name of any foreign or alien insurer seeking to be licensed in this State, and the proposed name, of any insurer seeking to change its name shall be submitted to the Office of General Counsel, New York State Insurance Department, [Agency Building One, Empire State Plaza] One Commerce Plaza, Albany, N.Y. 12257.

Section 95.5(a)(6) is hereby amended to read as follows:

(6) Any company requesting any exception from or waiver of any of the requirements of this Part, or which is required to file any statement or memorandum pursuant to section 95.9 or 95.11 of this Part, shall submit such request, statement or memorandum to the superintendent on or before the time it files its annual statement with the superintendent pursuant to Section 307 of the Insurance Law, attention of:

Life Bureau, Actuarial Valuation Unit
New York State Insurance Department
[Agency Building One, Empire State Plaza]
One Commerce Plaza
Albany, N.Y. 12257

Section 95.11(e) is hereby amended to read as follows:

(e) When reserves for any contracts and policies are determined in accordance with this section where no actuarial opinion and memorandum acceptable to the superintendent has been filed, the calculations for the reserves, and an accompanying explanation of the basis of such calculations, shall be sent to the superintendent, attention of:

Life Bureau, Actuarial Valuation Unit
New York Insurance Department
[Empire State Plaza
Agency Building One]
One Commerce Plaza
Albany, New York 12257

The explanation should include a demonstration of how the reserves comply with this section.

Section 216.6(h) is hereby amended to read as follows:

(h) Any notice rejecting any element of a claim involving personal property insurance shall contain the identity and the claims processing address of the insurer, the insured's policy number, the claim number, and the following statement prominently set out:

"Should you wish to take this matter up with the New York State Insurance Department, you may write to or visit the Consumer Services Bureau, New York State Insurance Department, at: 25 Beaver Street, New York, NY 10004; [Agency Building One, Governor Nelson A. Rockefeller Empire State Plaza] One Commerce Plaza, Albany, NY 12257; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202."

Section 216.7(d)(3) is hereby amended to read as follows:

(3) Any letter of explanation or rejection of any element of a claim shall contain the identity and claims processing address of the insurer, the insured's policy number, the claim number and the following statement, prominently set out:

"Should you wish to take this matter up with the New York State Insurance Department, you may write to or visit the Consumer Services Bureau, New York State Insurance Department, at either 25 Beaver Street, New York, NY 10004; [Agency Building One, Governor Nelson A. Rockefeller Empire State Plaza] One Commerce Plaza, Albany, NY 12257; or Walter Mahoney Office Building, 65 Court Street, Buffalo, NY 14202."

Section 218.5(a) is hereby amended to read as follows:

(a) The following notice shall be clearly and prominently set out in boldface type on the front (except that the company name, company representative, company address and company phone number may be stamped, or typed in the appropriate place in the notice), so that it draws the [readers] reader's attention on all notices of refusal to issue, cancellation or nonrenewal, except where the cancellation is for nonpayment of premium; and on all notices of termination of agents' and brokers' contracts or accounts, which are subject to this Part mailed or delivered on and after January 1, 1988:

If you have any questions in regard to this termination, please contact this company's representative at (company phone number, name of company representative, company address).

The New York Insurance Law prohibits insurers from engaging in redlining practices based upon geographic location of the risk or the producer. If you have any reason to believe that we have acted in violation of such law, you may file your complaint by writing to the State of New York Insurance Department, Consumer Services Bureau, at either 25 Beaver Street, New York, NY 10004 or [Agency Building One, The Governor Nelson A. Rockefeller Empire State Plaza] One Commerce Plaza, Albany, NY 12257.

Section 241.1(a) is hereby amended to read as follows:

(a) A current list, detailed by subject matter, of all records in the possession of the department shall be available for public inspection and copying in the department's Bureau of Public Affairs and Research [and Statistics at Agency Building One, Governor Nelson A. Rockefeller Empire State Plaza] One Commerce Plaza, Albany, N.Y. 12257, (518) 474-6615, or 25 Beaver Street, New York, N.Y. 10004, (212) 480-2283. The list shall specify whether records are available at the department's Albany or New York City office or both offices

Section 242.2(b) is hereby amended to read as follows:

(b) The address and telephone number of the privacy compliance officer is:

Office of General Counsel
Insurance Department
[Empire State Plaza
Agency Bldg. 1]
One Commerce Plaza
Albany, NY 12257

(518) 473-0785

and

Office of General Counsel
Insurance Department
25 Beaver Street
New York, NY [10001] 10004

(212) 480-5259

Section 242.4(a) is hereby amended to read as follows:

(a) Records shall be made available at the main office of the agency, which is located at:

Insurance Department
[Empire State Plaza
Agency Bldg. 1]
One Commerce Plaza
Albany, NY 12257

Section 390.9(a) is hereby amended to read as follows:

(a) The notice to the superintendent of termination of the service contract reimbursement insurance policy required by section 7909 of the Insurance Law shall be in writing and shall be mailed or delivered to the superintendent at the following address:

New York State Insurance Department
Licensing Bureau--Registration Unit
[Agency Building One
Empire State Plaza]
One Commerce Plaza
Albany, NY 12257

Section 390.11(b) is hereby amended to read as follows:

(b) If the statements of the service contract provider's parent or indirect parent are used to meet the provider's financial responsibility requirement, then the parent or indirect parent shall guarantee the provider's obligations relating to the service contracts sold by the provider in this State. The provider shall mail or deliver the guarantee to the superintendent with the registration application at the following address:

New York State Insurance Department
Licensing Bureau--Registration Unit
[Agency Building One
Empire State Plaza]
One Commerce Plaza
Albany, NY 12257

Section 400.3(a) is hereby amended to read as follows:

(a) A partnership, corporation, trust or limited liability company organized on a for-profit basis that is located, headquartered and licensed or registered to conduct business in New York and has as its primary business activity the investment of cash in qualified businesses may make application to the Superintendent of Insurance to be designated as a certified capital company. The application form, including filing instructions, may be obtained upon request by contacting:

New York State Insurance Department Taxes and Accounts Bureau
[Empire State Plaza]
One Commerce Plaza
Albany, New York 12257

(518) 474-8567

I, Gregory V. Serio, Superintendent of Insurance, do hereby certify that the foregoing are amendments to 11 NYCRR Parts 29, 34, 52, 53, 55, 87, 95, 216, 218, 241, 242, 390, and 400 (Regulation Nos. 87, 125, 62, 74, 78, 104, 126, 64,90, 71, 116, 155, and 156), promulgated by me on February 13, 2003, pursuant to the authority granted by Sections 201 and 301 of the Insurance Law, to take effect upon publication in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed amendment was published in the State Register on November 27, 2002. No other publication or prior notice is required by statute.

Gregory V. Serio
Superintendent of Insurance

FEBRUARY 13, 2003