

**NEW YORK STATE  
INSURANCE DEPARTMENT**

**SECOND AMENDMENT TO REGULATION NO. 58  
(11 NYCRR 13)**

**MASS MERCHANDISING OF PERSONAL PROPERTY-LIABILITY  
INSURANCE**

I, GREGORY V. SERIO, Superintendent of Insurance of New York, pursuant to the authority granted by Sections 201, 301, 2101, 2102, 2324, 3425, and Article 23 of the Insurance Law, do hereby promulgate the following Second Amendment to Part 13 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 58), to take effect upon publication in the State Register, to read as follows:

(Matter in brackets is deleted; new matter is underlined)

The statutory authority references for Part 13 are repealed and a new statutory authority is added to read as follows:

Insurance Law Sections 201, 301, 2101, 2102, 2324, 3425, and Article 23

Subdivision (b) of Section 13.2 is amended to read as follows:

(b) *Personal property-liability insurance* means insurance to which [sections 167-a or 167-b] section 3425 of the Insurance Law applies.

Section 13.7 is amended to read as follows:

§13.7 Producers.

No person shall act as an insurance agent or an insurance broker in connection with a mass merchandising plan for any kind of insurance unless such person is duly licensed, under article [VI] 21 of the Insurance Law, as an agent or broker for such kind of insurance.

The opening paragraph of subdivision (a) of section 13.12 is amended to read as follows:

For purposes of [sections 167-a and 167-b] section 3425 of the Insurance Law, limiting the cancellation and nonrenewal of insurance policies, the failure of [a] an employer, association or organization to remit premiums when due for any reason (including but not limited to interruption or termination of employment or membership) shall not be regarded as “nonpayment of premium” by any insured under any such plan providing for remittance of premium by such employer, association or organization, unless such insured shall have been given written notice of such failure to remit and shall not himself have paid such premium by the later of: