

**NEW YORK STATE  
INSURANCE DEPARTMENT**

**FIRST AMENDMENT TO REGULATION NO. 80  
(11 NYCRR 85)**

**ALLOWANCE OF AIRCRAFT AS AN ADMITTED ASSET**

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, and 1301(a)(19) of the Insurance Law, do hereby promulgate the following First Amendment to Part 85 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 80) 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The statutory authority references for Part 85 are repealed and a new statutory authority is added to read as follows:

Insurance Law Sections 201, 301 and 1301(a)(19)

Sections 85.0, 85.1, and 85.8 are amended to read as follows:

§ 85.0 Preamble.

Section [70(10-a)] 1301(a)(19) of the Insurance Law was added by chapter 614 of the Laws of 1976, effective January 17, 1977[. Section 70(10-a)], and permits an aircraft to be allowed as an admitted asset of an insurer provided prior written approval has been secured from the superintendent pursuant to compliance with such standards as he shall by regulation prescribe; such standards, in outline, are to include, but not be limited to, the following:

- (a) a reasonable need for the proposed acquisition of the aircraft is shown.
- (b) the purchase price is in keeping with prevailing cost scales,
- (c) the purchase price shall not exceed a prescribed percentage of admitted assets, and
- (d) there shall be an orderly program of depreciation.

§ 85.1 Application.

An application for a determination that an aircraft acquired after the effective date of section [70(10-a)] 1301(a)(19) and after the effective date of this Part by a domestic or foreign insurer or United States branch of an alien insurer be allowed as an admitted asset shall be filed with the superintendent for prior written approval that such acquisition is in compliance with the standards promulgated by this Part.

§ 85.8 Exception.

Notwithstanding the provisions of section 85.1 of this Part, an application for a determination that an aircraft acquired before the effective date of section [70(10-a)] 1301(a)(19) and before the effective date of this Part shall be allowed as an aircraft admitted asset if, not later than 45 days after the effective date of this Part an application for such determination is filed with the superintendent for prior written approval. The admitted asset value shall be allowed in the December 31, 1977 and subsequent annual statements, and shall be based upon the depreciated cost permitted by section 85.4 of this Part calculated from the date of purchase.