

**NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES
NEW 11 NYCRR PART 6
(INSURANCE REGULATION 195)**

ELECTRONIC FILINGS AND SUBMISSIONS

I, Linda A. Lacewell, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law, and Sections 301 and 316 of the Insurance Law, do hereby promulgate new Part 6 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 195) to take effect 180 days after publication in the State Register, to read as follows:

(ALL MATERIAL IS NEW)

Section 6.1. Definitions

(a) *Accident and health insurance company* shall have the meaning set forth in Insurance Law section 107(a)(1).

(b) *Article 43 corporation* means a corporation organized pursuant to Insurance Law Article 43.

(c) *Insurer* means an insurer authorized to do an insurance business in this State, including an Article 43 corporation and a health maintenance organization.

(d) *Life insurance company* shall have the meaning set forth in Insurance Law section 107(a)(28).

(e) *NAIC* means the National Association of Insurance Commissioners.

(f) *SERFF* means the NAIC's System for Electronic Rates and Forms Filing or any system designated by the superintendent as substantially similar.

(g) *Filer* means an insurer or other person or entity required to make a filing with or submission to the superintendent.

Section 6.2. Required electronic filings and submissions

(a) Except where the Insurance Law requires a filer to submit a hard copy, a filer shall submit to the superintendent the following electronically, in a form and manner acceptable to the superintendent:

(1) *Insurance Fraud Prevention Plans and Reports*. A report required by Insurance Law section 405(a) and a fraud prevention plan, subsequent plan amendments, and annual reports required by Insurance Law section 409(a), (d), and (g).

(2) *Rates and Forms*. Through SERFF, a rate, rating plan, rating rule, rating manual, rating classification, territory, or insurance contract or policy form, except when the filer is a charitable annuity society or assessment cooperative but including when the filer is a student health plan certified pursuant to Insurance Law section 1124.

(3) *Compensation Schedules.* Through SERFF, a schedule of rates of commissions, compensation and other fees or allowances to agents and brokers as required by Insurance Law section 4216(e) and sections 185.9 and 187.8 of this Title.

(4) *Annual and Quarterly Statements.* An annual financial statement and the required independently audited financial statement of a student health plan certified pursuant to Insurance Law section 1124 or municipal cooperative health benefit plan certified pursuant to Insurance Law Article 47 and a quarterly financial statement of such a municipal cooperative health benefit plan. In addition, the filer also shall file the statements as hard copies.

(5) *Risk Retention and Purchasing Group Documents.* The information required by Insurance Law sections 5903, 5904, and 5908(a) and (d).

(6) *Holding Company and Parent Corporation Applications and Reports.* The following holding company and parent corporation applications and reports:

(i) an application for acquisition or retention of control or a notice of proposed divestiture of control submitted pursuant to Insurance Law section 1506 and section 80-1.6 of this Title;

(ii) an application for a determination of non-control submitted pursuant to Insurance Law section 1501(c) and section 80-1.3 of this Title;

(iii) a report submitted pursuant to section 80-1.4 of this Title and 10 NYCRR 98-1.1.16(e);

(iv) a request for approval of a transaction and a notice of a proposed transaction submitted pursuant to Insurance Law section 1505(c) and (d) and section 80-1.5 of this Title or 10 NYCRR 98-1.10(c) and 10 NYCRR 98-1.11(b);

(v) notice to acquire, divest, invest in, or organize pursuant to Insurance Law section 1603, 1701, 1705 or 1710 or section 81-1.1 of this Title;

(vi) a registration and any amendment thereto submitted pursuant to Insurance Law section 1604(a) or 1717(a);

(vii) notification of a transaction submitted pursuant to Insurance Law section 1608(e) or 1712(b);

(viii) a report submitted pursuant to section 81-1.2 of this Title;

(ix) a request for a waiver submitted pursuant to section 81-1.3 or 81-2.10 of this Title;

(x) a report submitted pursuant to Insurance Law section 1708 and section 81-2.4 of this Title; and

(xi) a report submitted pursuant to section 81-2.3 or 81-2.5 of this Title.

(7) *Agreement for an advance or borrowing; surplus note or principal or interest payments.* An agreement submitted for approval pursuant to Insurance Law section 1307(d) and an application for approval of the issuance of a surplus note or principal and interest payments pursuant to Insurance Law section 1307.

(8) *Dividend distributions.* An application or notice of intent to declare and distribute a dividend when required to notify the superintendent.

(9) *Medicare supplement insurance advertising filing.* Through SERFF, a filing made pursuant to section 215.5(d) of this Title.

(10) *Free trade zone report.* A financial report submitted pursuant to section 16.7(a) of this Title.

(b)(1) An insurer shall file electronically with the NAIC:

(i) its annual and quarterly statements pursuant to Insurance Law section 307 or 308 or the Public Health Law and regulations promulgated thereunder;

(ii) its New York supplement or New York data requirement, with regard to health maintenance organizations; and

(iii) its audited financial statement.

(2) The electronic submission shall include all of the schedules, supplements, and exhibits, except for the NAIC Supplemental Compensation Exhibit.

(3) An insurer that files a statement, schedule, supplement, or exhibit electronically pursuant to this subdivision also shall file a hard copy with the superintendent, provided, however, that a foreign insurer, other than a life insurance company or accident and health insurance company, need not file a hard copy of a statement, schedule, supplement, or exhibit other than the New York supplement jurat page containing the original signature of the insurer's principal officers and the notary administering the oath.

(c) Notwithstanding any provision of this section, a filer shall submit to the superintendent a hard copy of all notarized documents and witness statements.

Section 6.3. Exemptions from electronic filing and submission requirements

(a) A filer required to make an electronic filing or a submission pursuant to section 6.2 of this Part may apply to the superintendent for an exemption from the requirement that the filing or submission be electronic by submitting a written request to the superintendent for approval at least 30 days before the filer shall submit to the superintendent the particular filing or submission that is the subject of the request.

(b) The request for an exemption shall:

(1) set forth the filer's NAIC number or license number, if applicable;

(2) identify the specific filing or submission for which the filer is applying for the exemption;

(3) specify whether the filer is making the request for an exemption based upon undue hardship, impracticability, or good cause, and set forth a detailed explanation as to the reason that the superintendent should approve the request; and

(4) specify whether the request for an exemption extends to future filings or submissions, in addition to the specific filing or submission identified in paragraph (2) of this subdivision.

(c) The filer requesting an exemption shall submit, upon the superintendent's request, any additional information necessary for the superintendent to evaluate the filer's request for an exemption.

(d) The filer shall be exempt from the electronic filing or submission requirement upon the superintendent's written determination so exempting the filer, where the determination specifies the basis upon which the superintendent is granting the request and to which filings or submissions the exemption applies.

(e) If the superintendent approves a filer's request for an exemption from the electronic filing or submission requirement, then the filer shall make a filing or submission in a form and manner acceptable to the superintendent.



Department of Financial Services

ANDREW M. CUOMO
Governor

LINDA A. LACEWELL
Superintendent

I, Linda A. Lacewell, Superintendent of Financial Services, do hereby certify that the foregoing is the new Part 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 195), signed by me on November 7, 2019, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law, and Sections 301 and 316 of the Insurance Law, to take effect 180 days after publication of the Notice of Adoption in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed rule was published in the New York State Register on May 15, 2019. No other publication or prior notice is required by statute.

Linda A. Lacewell
Superintendent of Financial Services

Date: November 7, 2019