

**New York
INSURANCE LAW — CHAPTER 28 OF THE
CONSOLIDATED LAWS
Article 5 — CERTIFICATES OF INSURANCE
Ins. Law s 501 Definitions**

For purposes of this article:

(a) "Certificate" or "certificate of insurance" means any document or instrument, or addendum thereto no matter how titled or described, prepared or issued by an insurer or insurance producer as evidence of property/casualty insurance coverage. "Certificate" or "certificate of insurance" shall not include a policy of insurance or an insurance binder.

(b) "Certificate holder" means any person, other than a policyholder, that is identified on the certificate as a certificate holder.

(c) "Insurance producer" has the meaning ascribed to it by subsection (k) of section two thousand one hundred one of this chapter.

(d) "Insurer" means any person "doing an insurance business" within the meaning of this chapter.

(e) "Person" means any individual, partnership, corporation, association, or other entity, but shall not include any governmental entity, or any agency, board, bureau, commission, department, division, institution, office, or public authority of a state, federal or foreign government.

(f) "Governmental entity" means any public entity as defined in paragraph fifty-one of subsection (a) of section one hundred seven of this chapter, any state authority as defined in subdivision one of section two of the public authorities law, any local authority as defined in subdivision two of section two of the public authorities law, and any interstate or international authority as defined in subdivision three of section two of the public authorities law and any individual acting in his or her capacity as an employee, officer, or elected official of any such governmental entity.

(g) "Policyholder" means a person who has contracted with an insurer for property/casualty insurance coverage.

(h) "Property/casualty insurance" means a kind of insurance that is either a basic kind of insurance or a non-basic kind of insurance, as such terms are defined in section four thousand one hundred one of this chapter, but shall not include a kind of insurance specified under paragraph three or thirty-one of subsection (a) of section one thousand one hundred thirteen of this chapter.

History 2014, SB 6545, s 1, eff. 7-28-2015; 2015, AB 4616, s 2, eff. 3-13-2015; 2015, AB 4616, s 1, eff. 7-28-2015.

Ins. Law s 502 Prohibitions

In this state:

(a) With respect to a certificate of insurance evidencing that a policy provides personal injury liability insurance or property damage liability insurance, as defined in paragraphs thirteen and fourteen of subsection (a) of section one thousand one hundred thirteen of this chapter, no person or governmental entity shall wilfully require, as a condition of awarding a contract for work, or if a contract has already been awarded as a condition for work to commence or continue under the contract, or if the contract has been performed or partially performed as a condition for payment to be made under the contract, the issuance of a certificate of insurance unless the certificate is:

(1) a form promulgated by the insurer issuing the policy referenced in the certificate of insurance; or

(2) a standard certificate of insurance form issued by an industry standard-setting organization and approved for use by the superintendent or any other form approved for use by the superintendent.

(b) No person or governmental entity shall wilfully require the inclusion of terms, conditions or language of any kind, including warranties or guarantees, that the insurance policy provides coverage or otherwise sets forth terms and conditions in a certificate of insurance, if the insurance policy referenced by such certificate of insurance does not expressly include such terms, conditions, or language. This subsection shall not prohibit any person or governmental entity from including minimum insurance requirements, coverage limits, terms, or other conditions in the solicitation of bids as part of a competitive process, and it shall not prohibit any person or governmental entity from requesting, or an insurer or insurance producer from responding to such a request with, clarification regarding the terms of the policy, or endorsement thereto.

(c) A certificate of insurance shall not amend, extend, or alter the coverage provided by the insurance policy to which the certificate of insurance makes reference. A certificate of insurance shall further not confer to any person any rights beyond those expressly provided by the policy of insurance referenced therein.

History 2014, SB 6545, s 1, eff. 7-28-2015; 2015, AB 4616, s 2, eff. 3-13-2015; 2015, AB 4616, s 1, eff. 7-28-2015.

Ins. Law s 503 Enforcement

Former Citations *Ins. Law s 504*

If the superintendent finds, after notice and hearing, that any person, other than a governmental entity, has wilfully violated this article, then the superintendent may

order the person to pay to the people of this state a penalty in a sum of one thousand dollars for the first violation and two thousand dollars for each subsequent violation.

History 2014, SB 6545, s 1, eff. 7-28-2015; 2015, AB 4616, s 2, eff. 3-13-2015; 2015, AB 4616, s 1, renumbered and amd. 7-28-2015.

Ins. Law s 504 Rules and regulations

Former Citations *Ins. Law s 505*

The superintendent may adopt rules or regulations as the superintendent considers appropriate to carry out the provisions of this article.

History 2014, SB 6545, s 1, eff. 7-28-2015; 2015, AB 4616, s 2, eff. 3-13-2015; 2015, AB 4616, s 1, renumbered and amd. 7-28-2015.