

New York
INSURANCE LAW — CHAPTER 28 OF THE
CONSOLIDATED LAWS
Article 21 — AGENTS, BROKERS, ADJUSTERS,
CONSULTANTS AND INTERMEDIARIES

Ins. Law s 2109 Agents and brokers; temporary license in case of death, service in armed forces or disability

Former Citations

Ins. Law s 120; Ins. Law s 120-a; Ins. Law s 120-b

(a) The superintendent may issue a temporary insurance agent's license, title insurance agent's license or insurance broker's license, or both an insurance agent's and insurance broker's license, without requiring the applicant to pass a written examination or to satisfy the requirements of subsection (c) of section two thousand one hundred four of this article except as to age, in the case of a license issued pursuant to paragraph two of this subsection, in the following cases:

(1) in the case of the death of a person who at the time of his death was a licensed accident and health insurance agent under subsection (a) of section two thousand one hundred three of this article, a licensed insurance agent or licensed title insurance agent under subsection (b) of such section or a licensed insurance broker:

(A) to the executor or administrator of the estate of such deceased agent or broker;

(B) to a surviving next of kin of such deceased agent or broker, where no administrator of his estate has been appointed and no executor has qualified under his duly probated will;

(C) to the surviving member or members of a firm or association, which at the time of the death of a member was such a licensed insurance agent, licensed title insurance agent or licensed insurance broker; or (D) to an officer or director of a corporation upon the death of the only officer or director who was qualified as a sub-licensee or to the executor or administrator of the estate of such deceased officer or director;

(2) to any person who may be designated by a person licensed pursuant to this chapter as an insurance agent, title insurance agent or an insurance broker, or both an insurance agent and insurance broker, and who is absent because of service in any branch of the armed forces of the United States, including a partnership or corporation that is licensed pursuant to this chapter as an insurance agent, title insurance agent or as an insurance broker, or both an insurance agent and insurance broker, in a case where the sub-licensee or all

sub-licensees, if more than one, named in the license or licenses issued to such partnership or corporation is or are absent because of service in any branch of the armed forces of the United States; and

(3) to the next of kin of a person who has become totally disabled and prevented from pursuing any of the duties of his or her occupation, and who at the commencement of his or her disability was a licensed accident and health insurance agent under subsection (a) of section two thousand one hundred three of this article, a licensed insurance agent under subsection (b) of such section, a licensed title insurance agent or a licensed insurance broker.

(b)(1) Before any such license or licenses shall be issued, there shall be filed in the office of the superintendent a written application by the person or persons desiring such license or licenses, together with a written designation of such person or persons, in the case of a license issued pursuant to paragraph two of subsection (a) hereof, in such form or forms and supplements thereto, and containing such information, as the superintendent prescribes.

(2) No fee shall be charged for any such license or any renewal thereof, except that fees for the renewals of any license issued pursuant to paragraph two of subsection (a) hereof shall be one-half of the fees otherwise required by this chapter for such license.

(c) Such license or licenses shall authorize the person or persons named therein to renew the business of the deceased, absent or disabled insurance agent, title insurance agent, or insurance broker, or both an insurance agent and insurance broker, as the case may be, or of the firm or, in the case of a license issued pursuant to paragraph one or three of subsection (a) of this section, the association whose business is being continued thereunder, each such agent or broker being referred to in this section as "original licensee", expiring during the period in which such temporary license or licenses are in force, to collect premiums due and payable to the original licensee or, in the case of a license issued pursuant to paragraph one of subsection (a) of this section, to his or her estate, and to perform such other acts as an insurance agent, a title insurance agent or an insurance broker, or both an insurance agent or insurance broker, as the case may be, as are incidental to the continuance of the insurance business of such original licensee.

(d) A person eligible for such a temporary agent's license may be licensed only as an agent of the insurer or insurers which such original licensee was licensed to represent at the time of such death, entrance upon military or naval duty or disability.

(e)(1) In the case of a license or licenses issued pursuant to paragraph one of subsection (a) of this section, the license or licenses may be issued for a term not exceeding ninety days from the death of such deceased, and the superintendent may in his discretion renew such license or licenses for an additional term or terms of ninety days each, not exceeding in the aggregate fifteen months.

(2) The superintendent may issue renewal licenses for an additional term or terms of ninety days each exceeding the aggregate period of fifteen months when in his judgment it will best serve the interests of any person serving in the armed forces of the United States.

(3) A license issued to the next of kin shall not be renewed if, before the expiration of its term, an administrator or executor of the deceased shall have applied for and qualified for such a license.

(4) No person or persons so licensed shall, by virtue of such license, be authorized to solicit, negotiate or sell new insurance.

(f)(1) In the case of a license or licenses issued pursuant to paragraph two of subsection (a) hereof, the license or licenses may be issued for a term not exceeding six months, and the superintendent may in his discretion renew such license or licenses for an additional term or terms of six months each.

(2) The term of any such license or renewal shall in no event extend beyond sixty days after the final discharge of such absent insurance producer from military or naval duty, and each such license or renewal shall expire on such day as if that were the day specified therein for the expiration thereof.

(3) No person so licensed shall solicit new business under such license.

(g)(1) In the case of a license or licenses issued pursuant to paragraph three of subsection (a) hereof, the license or licenses may be issued for a term not exceeding ninety days from the disability of such person, and the superintendent may in his discretion renew such license or licenses for an additional term or terms of ninety days each, not exceeding in the aggregate fifteen months.

(2) No person or persons so licensed shall, by virtue of such license, be authorized to solicit, negotiate or sell new insurance.

(h)(1) In the case of a person seeking a temporary license to act as a title insurance agent pursuant to subsection (a) of this section, the superintendent may issue a license for a term not to exceed one hundred eighty days to such person provided the person:

(A) demonstrates to the satisfaction of the superintendent that a title insurance corporation is willing to appoint him or her;

(B) submits to the next available title insurance agent examination; and

(C) demonstrates to the satisfaction of the superintendent that he or she is qualified, competent, experienced and trustworthy to act as a title insurance agent.

(2) Any person issued a license pursuant to this subsection shall, by virtue of such license, be authorized to solicit, negotiate or sell new policies of title insurance.

History L. 1984, c. 367, s 1; L. 2003, c. 687 (SB 5729), ss 31 — 35, eff. 10-21-2003; 2014, SB 6357, pt. V, ss 4 — 6, eff. 9-27-2014.