

October 17, 1986

SUBJECT: INSURANCE

WITHDRAWN

Circular Letter No. 19 (1986)

TO: ALL AUTHORIZED INSURERS, ACCREDITED REINSURERS, FRATERNAL BENEFIT SOCIETIES, ARTICLE 43 CORPORATIONS, CHARITABLE ANNUITY SOCIETIES, RECIPROCAL, PENSION FUNDS, RETIREMENT SYSTEMS, UNDERWRITING MEMBERS OF THE NEW YORK INSURANCE EXCHANGE, INC; AND THE STATE FUND.

RE: PENALTIES FOR LATE FILINGS OF ANNUAL STATEMENTS, INSURANCE EXPENSE EXHIBITS, QUARTERLY STATEMENTS AND CERTIFIED ANNUAL STATEMENTS REQUIRED TO BE FILED WITH THIS DEPARTMENT.

Pursuant to Section 307 of the New York Insurance Law, every organization which is required to report to or is subject to examination by the Superintendent must make an annual statement filing with this Department on or before the March 1 following the annual statement year. On or before April 1 property/casualty insurers and the State Insurance Fund are required to file, the Insurance Expense Exhibit' including the New York 'supplement thereto. Section 307 also requires certain-insurers, as specified by Regulation No. 118 (11 NYCRR 89), to file certified financial statements on or before June 30 of each year.

The Superintendent, pursuant to Section 308 of the New York Insurance Law, requires every licensed -property/casualty and accident and health insurer, domestic life insurer and every underwriting member of the New York Insurance Exchange, Inc. to file quarterly statements each May 15, August 15 and November 15 for the calendar quarter preceding such filing date.

The Department has noted that an increasing number of organizations are failing to file required documents on or before their due dates. The purpose of this Circular Letter is to inform all organizations that late filings are a serious concern of this Department and will not be tolerated. This Department is actively developing a computer 'based data base that will perform timely analysis of the data contained in these filings. Receipt of the filings on or before their due dates will be a critical element in its effectiveness.

Therefore, all organizations are hereby put on notice that beginning with the December 31, 1986 annual statement filing, due March 1, 1987, insurers filing annual statements, quarterly statements or certified financial statements after the due dates thereof will be subject to statutory penalties. The Department considers each day after the due date to be a separate violation under Section-109 of the Insurance Law. In the first instance of late filing the Department intends to impose, for each day after the due date until and including the day the late filing is received, a fine computed according to the following schedule:

For the first 15 days after the due date	- Not less than \$ 50.00, each day
For the 16th through the 30th day	- Not less than \$ 100.00, each day

For the 31st day and thereafter

- Not less than \$ 200.00, each day

Furthermore organizations which, in the future, continue to make late filings of required documents, either in hardcopy or on electronic media, will be subject to increased penalties by this Department.

Very Truly yours,

[SIGNATURE]

JAMES P. CORCORAN

SUPERINTENDENT OF INSURANCE