

中华人民共和国保险法

Insurance Law of The People's Republic of China

(1995年6月30日第八届全国人民代表大会常务委员会第十四次会议通过)

(Adopted at the 14th Session of the Standing Committee of the Eighth National Peoples Congress on June 30, 1995, and promulgated by Order No. 51 of the President of the Peoples Republic of China on June 30, 1995)

第一章 总则 General Provisions

第一条 为了规范保险活动,保护保险活动当事人的合法权益,加强对保险业的监督管理,促进保险事业的健康发展,制定本法。

Article 1 This Law is promulgated with the purpose of regulating insurance activities, protecting the legitimate rights and interests of the parties involved, strengthening supervision and regulation of the insurance industry and promoting its healthy development.

第二条 本法所称保险,是指投保人根据合同约定,向保险人支付保险费,保险人对于合同约定的可能发生的事故因其发生所造成的财产损失承担赔偿责任,或者当被保险人死亡、伤残、疾病或者达到合同约定的年龄、期限时承担给付保险金责任的商业保险行为。

Article 2 "Insurance" is the term used in this Law to refer to a commercial insurance transaction whereby an insurance applicant, as contracted, pays insurance premiums to the insurer, and the insurer bears an obligation to indemnify for property loss or damage caused by an occurrence of a possible event that is agreed upon in the contract, or to pay the insurance benefits when the insured person dies, is injured or disabled, suffers diseases or reaches the age or term agreed upon in the contract.

第三条 在中华人民共和国境内从事保险活动,适用本法。

Article 3 All insurance activities within the territory of the People's Republic of China (hereinafter referred to as "the PRC") shall be governed by this Law.

第四条 从事保险活动必须遵守法律、行政法规，遵循自愿和诚实信用的原则。

Article 4 Any insurance activity shall be in conformity with laws and administrative regulations and shall be conducted voluntarily under the principle of utmost good faith.

第五条 经营商业保险业务，必须是依照本法设立的保险公司。其他单位和个人不得经营商业保险业务。

Article 5 Legal entities engaged in commercial insurance must be insurance companies established in accordance with this Law; no other entity or individual is permitted to transact commercial insurance business.

第六条 在中华人民共和国境内的法人和其他组织需要办理境内保险的，应当向中华人民共和国境内的保险公司投保。

Article 6 Any person or entity within the territory of the PRC that needs insurance coverage within the PRC territory shall insure himself/herself/itself with insurance companies established within the territory of the PRC.

第七条 保险公司开展业务，应当遵循公平竞争的原则，不得从事不正当竞争。

Article 7 Insurance companies shall observe the principle of fair competition when conducting insurance business and shall never engage in unfair competition.

第八条 国务院金融监督管理部门依照本法负责对保险业实施监督管理。

Article 8 The financial supervision and regulation department under the State Council shall be responsible for supervision and regulation of the insurance industry in accordance with this Law.

第二章 保险合同 Insurance Contracts

第一节 一般规定 Section 1 General Provisions

第九条 保险合同是投保人与保险人约定保险权利义务关系的协议。

Article 9 An insurance contract is an agreement whereby the insurance rights and obligations are specified and agreed by the applicant and the insurer.

投保人是指与保险人订立保险合同，并按照保险合同负有支付保险费义务的人。

An applicant refers to the party who enters into an insurance contract with an insurer and is obligated to pay the premiums under the insurance contract.

保险人是指与投保人订立保险合同，并承担赔偿或者给付保险金责任的保险公司。

An insurer refers to the insurance company which enters into an insurance contract with an applicant and is obligated to make indemnity or payments of the insurance benefits.

第十条 投保人和保险人订立保险合同，应当遵循公平互利、协商一致、自愿订立的原则，不得损害社会公共利益。

Article 10 An applicant and an insurer shall enter into an insurance contract on a fair, voluntary and mutually beneficial basis through consultation and shall never infringe upon the public interest.

除法律、行政法规规定必须保险的以外，保险公司和其他单位不得强制他人订立保险合同。

Insurance companies and other entities shall never force others to enter into any insurance contract, except for those insurances made compulsory by laws and administrative regulations.

第十一条 投保人对保险标的应当具有保险利益。

Article 11 An applicant shall have an insurable interest in the subject matter of the insurance.

投保人对保险标的不具有保险利益的，保险合同无效。

An insurance contract is null and void if the applicant has no insurable interest in the subject matter of the insurance.

保险利益是指投保人对保险标的具有的法律上承认的利益。

An insurable interest refers to the interest which the applicant has in the subject matter of the insurance and is recognized by laws.

保险标的是指作为保险对象的财产及其有关利益或者人的寿命和身体。

The subject matter of the insurance refers either to the property of the insured and related interests associated therewith, or to the life and the body of the insured, which is the object of the insurance.

第十二条 投保人提出保险要求，经保险人同意承保，并就合同的条款达成协议，保险合同成立。保险人应当及时向投保人签发保险单或者其他保险凭证，并在保险单或者其他保险凭证中载明当事人双方约定的合同内容。

Article 12 An insurance contract is formed when an applicant requests insurance and the insurer agrees to underwrite it under the terms and conditions therein agreed by both parties. The insurer shall issue to the applicant, on a timely basis, an insurance policy or any other insurance certificate which indicates the terms and conditions as agreed by both parties.

经投保人和保险人协商同意，也可以采取前款规定以外的其他书面协议形式订立保险合同。

An insurance contract may take any written form other than as prescribed above, upon the mutual agreement of the applicant and the insurer.

第十三条 保险合同成立后，投保人按照约定交付保险费；保险人按照约定的时间开始承担保险责任。

Article 13 Once an insurance contract is formed, the applicant shall pay the premium in accordance with the terms and conditions of the contract and the insurer will be at risk effective from the date as specified in the insurance contract.

第十四条 除本法另有规定或者保险合同另有约定外，保险合同成立后，投保人可以解除保险合同。

Article 14 Unless otherwise prescribed herein, or in the insurance contract, the applicant may terminate the contract after it is formed.

第十五条 除本法另有规定或者保险合同另有约定外，保险合同成立后，保险人不得解除保险合同。

Article 15 Unless otherwise prescribed herein, or in the insurance contract, the insurer may not terminate the contract after it is formed.

第十六条 订立保险合同，保险人应当向投保人说明保险合同的条款内容，并可以就保险标的或者被保险人的有关情况提出询问，投保人应当如实告知。

Article 16 The insurer shall, prior to the conclusion of an insurance contract, explain the contract terms and conditions to the applicant and may inquire about the subject matter of the insurance or person to be insured. The applicant shall make a full and accurate disclosure.

投保人故意隐瞒事实，不履行如实告知义务的，或者因过失未履行如实告知义务，足以影响保险人决定是否同意承保或者提高保险费率的，保险人有权解除保险合同。

The insurer shall have the right to terminate the insurance contract, in the case that the applicant intentionally conceals facts, or does not perform his/her obligation of making a full and accurate disclosure, or negligently fails to perform such obligation to the extent that it would materially affect the insurer's decision whether or not to underwrite the insurance or whether or not to increase the premium rate.

投保人故意不履行如实告知义务的，保险人对于保险合同解除前发生的保险事故，不承担赔偿或者给付保险金的责任，并不退还保险费。

If any applicant intentionally fails to perform his/her obligation of making a full and accurate disclosure, the insurer shall bear no obligation for making any indemnity or payment of the insurance benefits, or for returning the premiums paid for the occurrence of the insured event which

occurred prior to the termination of the contract.

投保人因过失未履行如实告知义务，对保险事故的发生有严重影响的，保险人对于保险合同解除前发生的保险事故，不承担赔偿或者给付保险金的责任，但可以退还保险费。

If an applicant negligently fails to perform his/her obligation of making a full and accurate disclosure and this materially affects the occurrence of an insured event before the termination of the contract, the insurer shall bear no obligation for making any indemnity or payment of the insurance benefits but may return the premiums paid.

保险事故是指保险合同约定的保险责任范围内的事故。

An insured event refers to an event falling within the scope of cover under the insurance contract.

第十七条 保险合同中规定有关于保险人责任免除条款的，保险人在订立保险合同时应当向投保人明确说明，未明确说明的，该条款不产生效力。

Article 17 If there are any exclusion clauses imposed by the insurer in the insurance contract, then the insurer shall give specific and clear explanations thereof to the applicant when concluding the insurance contract, otherwise such clauses shall not be enforceable.

第十八条 保险合同应当包括下列事项：

Article 18 An insurance contract shall contain the following particulars:

(一) 投保人名称和住所； Name and address of the insurer;

(二) 投保人、被保险人名称和住所，以及人身保险的受益人的名称和住所；

Names and addresses of the applicant and the insured, and name and address of the beneficiary in the case of insurance of persons;

(三) 保险标的; Subject matter of the insurance;

(四) 保险责任和责任免除; Scope of the cover and exclusions;

(五) 保险期间和保险责任开始时间;

Period of insurance and the commencement of the insurance liability;

(六) 保险价值; Insured value;

(七) 保险金额; Sum insured;

(八) 保险费以及支付办法; Premium and method of premium payment;

(九) 保险金赔偿或者给付办法;

Method of payment of indemnity or the insurance benefits;

(十) 违约责任和争议处理;

Liability arising from breach of contract and the settlement of disputes ;

(十一) 订立合同的年、月、日。 Day, month and year of the signing of the contract.

第十九条 投保人和保险人在前条规定的保险合同事项外, 可以就与保险有关的其他事项作出约定。

Article 19 The applicant and the insurer may include additional particulars for matters relating to the insurance contract other than those referred to in the preceding Article.

第二十条 在保险合同有效期内, 投保人和保险人经协商同意, 可以变更保险合同的有关内容。

Article 20 During the period of the validity of the insurance contract, the applicant and the insurer may amend the contents of the insurance contract subject to mutual agreement.

变更保险合同的，应当由保险人在原保险单或者其他保险凭证上批注或者附贴批单，或者由投保人和保险人订立变更的书面协议。

Should there be any amendments to the insurance contract, then the insurer shall endorse the original policy or any other insurance certificate, or issue an endorsement slip attached to the insurance contract or insurance certificate, or have a written agreement of amendment with the applicant.

第二十一条 投保人、被保险人或者受益人知道保险事故发生后，应当及时通知保险人。

Article 21 The applicant, the insured or the beneficiary shall notify the insurer in a timely manner of the occurrence of any insured event once it is known to them.

被保险人是指其财产或者人身受保险合同保障，享有保险金请求权的人，投保人可以为被保险人。

The insured refers to anyone whose property or person is protected by the insurance contract and who is entitled to claim for compensation. An applicant may be the insured.

受益人是指人身保险合同中由被保险人或者投保人指定的享有保险金请求权的人，投保人、被保险人可以为受益人。

The beneficiary with respect to the insurance of persons refers to that person designated by the insured or the applicant, and being entitled to claim for the insurance benefits. The applicant or the insured may be the beneficiary.

第二十二条 保险事故发生后，依照保险合同请求保险人赔偿或者给付保险金时，投保人、被保险人或者受益人应当向保险人提供其所能提供的与确认保险事故的性质、原因、损失程度有关的证明和资料。

Article 22 When a claim for indemnity or payment of the insurance benefits is lodged with the insurer after the occurrence of an insured event, the applicant, the insured or the beneficiary shall, to the best of their knowledge and ability, provide the insurer with evidence and information which is relevant to ascertain the nature of, the cause for and the extent of the loss due to the occurrence of the insured event.

保险人依照保险合同的约定，认为有关的证明和资料不完整的，应当通知投保人、被保险人或者受益人补充提供有关的证明和资料。

If the insurer, based on the provisions of the insurance contract, considers the relevant evidence or information incomplete, then the insurer shall notify the applicant, the insured or the beneficiary with a request to provide the insurer with additional evidence or information.

第二十三条 保险人收到被保险人或者受益人的赔偿或者给付保险金的请求后，应当及时作出核定；对属于保险责任的，在与被保险人或者受益人达成有关赔偿或者给付保险金额的协议后十日内，履行赔偿或者给付保险金义务。保险合同对保险金额及赔偿或者给付期限有约定的，保险人应当依照保险合同的约定，履行赔偿或者给付保险金义务。

Article 23 The insurer shall, in a timely manner after the receipt of a claim for indemnity or for payment of the insurance benefits from the insured or the beneficiary, ascertain and determine whether to make the indemnity or effect the payment of the insurance benefits, and shall fulfill its obligations for such indemnity or payment within ten (10) days after an agreement is reached with the insured or the beneficiary on the amount of indemnity or payment. If the insurance contract specifies the sum insured or the period within which the indemnity or the payment of the insurance benefits should be made, then the insurer shall fulfill its obligation for indemnity or payment of the insurance benefits as specified in the insurance contract.

保险人未及时履行前款规定义务的，除支付保险金外，应当赔偿被保险人或者受益人因此受到的损失。

If the insurer fails to fulfill the obligations specified in the preceding paragraph in a timely manner then, in addition to the payment of compensation, the insurer shall compensate the insured or the beneficiary for any damage incurred thereby.

任何单位或者个人都不得非法干预保险人履行赔偿或者给付保险金的义务，也不得限制被保险人或者受益人取得保险金的权利。

No entity or individual shall illegally interfere with the insurer's obligation for indemnity or payment of the insurance benefits, or hinder the right of the insured or the beneficiary to receive the payment.

保险金额是指保险人承担赔偿责任或者给付保险金责任的最高限额。

The sum insured refers to the maximum amount which the insurer undertakes to indemnify or pay under its insurance obligation.

第二十四条 保险人收到被保险人或者受益人的赔偿或者给付保险金的请求后，对不属于保险责任的，应当向被保险人或者受益人发出拒绝赔偿或者拒绝给付保险金通知书。

Article 24 After receiving a claim for indemnity or payment of the insurance benefits from the insured or the beneficiary, the insurer shall issue to the insured or the beneficiary a notice declining indemnity or payment of the insurance benefits for any events not falling within the scope of the cover.

第二十五条 保险人自收到赔偿或者给付保险金的请求和有关证明、资料之日起六十日内，对其赔偿或者给付保险金的数额不能确定的，应当根据已有证明和资料可以确定的最低数额先予支付；保险人最终确定赔偿或者给付保险金的数额后，应当支付相应的差额。

Article 25 If the amount of indemnity or payment of the insurance benefits cannot be determined within sixty (60) days of receipt of the claim for indemnity or payment of the insurance benefits, and relevant evidence and information thereof, then the insurer shall effect payment of the minimum amount which can be determined by the evidence and information obtained. The insurer shall pay the balance after the final amount of indemnity or payment of the insurance benefits is determined.

第二十六条 人寿保险以外的其他保险的被保险人或者受益人，对保险人请求赔偿或者给付保险金的权利，自其知道保险事故发生之日起二年不行使而消灭。

Article 26 With respect to insurance other than life insurance, the rights of the insured or the beneficiary to claim for indemnity or payment of the insurance benefits shall expire if the insured or the beneficiary fails to exercise his/her rights to claim within two (2) years from the date when the insured or the beneficiary is aware of the occurrence of the insured event.

人寿保险的被保险人或者受益人对保险人请求给付保险金的权利，自其知道保险事故发生之日起五年不行使而消灭。

With respect to life insurance, the rights of the insured or the beneficiary to claim for payment of

the insurance benefits shall expire if the insured or the beneficiary fails to exercise his/her rights to claim within five (5) years from the date when the insured or the beneficiary is aware of the occurrence of the insured event.

第二十七条 被保险人或者受益人在未发生保险事故的情况下, 谎称发生了保险事故, 向保险人提出赔偿或者给付保险金的请求的, 保险人有权解除保险合同, 并不退还保险费。

Article 27 The insurer may terminate the insurance contract and refuse to return the premiums paid if the insured or the beneficiary falsely claims that an insured event has occurred, and submits a claim for indemnity or payment of the insurance benefits, although such insured event has not occurred.

投保人、被保险人或者受益人故意制造保险事故的, 保险人有权解除保险合同, 不承担赔偿或者给付保险金的责任, 除本法第六十四条第一款另有规定外, 也不退还保险费。

If the applicant, the insured or the beneficiary intentionally causes the occurrence of an insured event, except as under the first paragraph of Article 64 of this Law, the insurer may terminate the insurance contract, bear no obligation for indemnity or payment of the insurance benefits and decline to return the premiums paid.

保险事故发生后, 投保人、被保险人或者受益人以伪造、变造的有关证明、资料或者其他证据, 编造虚假的事故原因或者夸大损失程度的, 保险人对其虚报的部分不承担赔偿或者给付保险金的责任。

If the applicant, the insured or the beneficiary, following the occurrence of an insured event, provides forged and altered relevant evidence, information or other proofs, falsifies the cause of the occurrence of the insured event or overstates the extent of the loss, then the insurer shall bear no obligation for indemnity or payment of the insurance benefits for the portion which is falsified or overstated.

投保人、被保险人或者受益人有前款所列行为之一, 致使保险人支付保险金或者支出费用的, 应当退回或者赔偿。

The applicant, the insured or the beneficiary shall refund or indemnify the insurer for any payments or expenses which were made or incurred by the insurer due to the commission of any act stipulated in the foregoing three paragraphs of this Article by the applicant, the insured or the beneficiary.

第二十八条 保险人将其承担的保险业务，以承保形式，部分转移给其他保险人的，为再保险。

Article 28 When an insurer transfers part of its accepted business to another insurer by way of cession, it is referred to as reinsurance.

应再保险接受人的要求，再保险分出人应当将其自负责任及原保险的有关情况告知再保险接受人。

When requested by the reinsurer, the ceding insurance company shall inform the reinsurer of the ceding insurance company's retained liability and all relevant information with respect to the direct insurance.

第二十九条 再保险接受人不得向原保险的投保人要求支付保险费。

Article 29 The reinsurer shall not demand payment of premiums from the applicant of the direct insurance.

原保险的被保险人或者受益人，不得向再保险接受人提出赔偿或者给付保险金的请求。

The insured or the beneficiary of the direct insurance shall not claim for the indemnity or payment of the insurance benefits from the reinsurer.

再保险分出人不得以再保险接受人未履行再保险责任为由，拒绝履行或者迟延履行其原保险责任。

The ceding insurance company shall not decline or delay fulfilling its obligation of the direct insurance on the basis that the reinsurer fails to fulfill the reinsurance obligation.

第三十条 对于保险合同的条款，保险人与投保人、被保险人或者受益人有争议时，人民法院或者仲裁机关应当作有利于被保险人和受益人的解释。

Article 30 If there is any dispute over the interpretation of clauses in an insurance contract between the insurer and the applicant, the insured or the beneficiary, then the People's Courts or arbitration organizations shall interpret such disputed clauses in favor of the insured and the beneficiary.

第三十一条 保险人或者再保险接受人对在办理保险业务中知道的投保人、被保险人或者再保险分出人的业务和财产情况，负有保密的义务。

Article 31 The insurer or the reinsurer shall be obligated to maintain confidentiality of information obtained in the course of conducting insurance business regarding the business and financial position of the applicant, the insured or the ceding insurance company.

第二节 财产保险合同 Section 2 Contract of Property Insurance

第三十二条 财产保险合同是以财产及其有关利益为保险标的的保险合同。

Article 32 A property insurance contract refers to a contract the subject matter of the insurance of which is a property and related interests associated therewith.

本节中的财产保险合同，除特别指明的外，简称合同。

The property insurance contract mentioned in this Section is briefly referred to as "the contract", unless specified otherwise.

第三十三条 保险标的的转让应当通知保险人，经保险人同意继续承保后，依法变更合同。但是，货物运输保险合同和另有约定的合同除外。

Article 33 With the exception of cargo insurance contracts and those contracts specified otherwise, the insurer must be notified of the assignment of the subject matter of the insurance. With the consent of the insurer to continue underwriting the assignment of the subject matter of the insurance, the contract may be modified in accordance with laws.

第三十四条 货物运输保险合同和运输工具航程保险合同，保险责任开始后，合同当事人不得解除合同。

Article 34 A cargo insurance contract or an insurance contract for voyage conveyance shall not be terminated by any party thereto subsequent to the commencement of the insurance liability.

第三十五条 被保险人应当遵守国家有关消防、安全、生产操作、劳动保护等方面的规定，维护保险标的的安全。

Article 35 The insured shall observe all the regulations prescribed by the State with respect to fire prevention, safety, production, operations and labor protection, and any other regulations associated therewith, to maintain the safety of the subject matter of the insurance.

根据合同的约定，保险人可以对保险标的的安全状况进行检查，及时向投保人、被保险人提出消除不安全因素和隐患的书面建议。

In accordance with the terms of the contract, the insurer may inspect the subject matter of the insurance concerning its safety conditions and, within a reasonable time, propose reasonable written suggestions to the applicant or the insured to eliminate risks and latent problems undermining the safety of the subject matter of the insurance.

投保人、被保险人未按照约定履行其对保险标的的安全应尽的责任的，保险人有权要求增加保险费或者解除合同。

In the event that the applicant or the insured fails to fulfill his/her contractual obligation to ensure the safety of the subject matter of the insurance, the insurer has the right to request an increase of the premium or to terminate the contract.

保险人为了维护保险标的的安全，经被保险人同意，可以采取安全预防措施。

The insurer may, with the consent of the insured, take safety preventive measures to protect the subject matter of the insurance.

第三十六条 在合同有效期内，保险标的的危险程度增加的，被保险人按照合同约定应当及时通知保险人，保险人有权要求增加保险费或者解除合同。

Article 36 If the extent of risk to the subject matter of the insurance increases during the period of the contract, then the insured shall, in accordance with the contract, promptly notify the insurer and the insurer shall have the right to increase the premium or terminate the contract.

被保险人未履行前款规定的通知义务的, 因保险标的危险程度增加而发生的保险事故, 保险人不承担赔偿责任。

If the insured fails to fulfill the obligation of notice stipulated in the preceding paragraph, the insurer shall bear no obligation for indemnity of the insured event which occurs due to the increased risk to the subject matter of the insurance.

第三十七条 有下列情形之一的, 除合同另有约定外, 保险人应当降低保险费, 并按日计算退还相应的保险费:

Article 37 Unless otherwise specified in the contract, the insurer shall reduce the premium and return the corresponding premium paid pro rata to the number of days, if either:

(一) 据以确定保险费率的有关情况发生变化, 保险标的危险程度明显减少;

a change occurs in the circumstances on which the insurance rate was calculated, so that the risk to the subject matter of the insurance is noticeably reduced; or

(二) 保险标的的保险价值明显减少。

a material reduction occurred in the insured value of the subject matter of the insurance.

第三十八条 保险责任开始前, 投保人要求解除合同的, 应当向保险人支付手续费, 保险人应当退还保险费。保险责任开始后, 投保人要求解除合同的, 保险人可以收取自保险责任开始之日起至合同解除之日止期间的保险费, 剩余部分退还投保人。

Article 38 In the event that an applicant requests the termination of the contract prior to the commencement of the insurance liability, the applicant shall pay handling charges to the insurer and the insurer shall return the premiums paid. In the event that an applicant requests the termination of the contract subsequent to the commencement of the insurance liability, the insurer may retain the

premiums for the period from the commencement of the insurance liability to the date of the termination of the contract, and shall return the balance of the premiums to the applicant.

第三十九条 保险标的的保险价值，可以由投保人和保险人约定并在合同中载明，也可以按照保险事故发生时保险标的的实际价值确定。

Article 39 The insured value of the subject matter of the insurance may be agreed by the applicant and the insurer, and specified in the contract; or it may be assessed based on the actual value of the subject matter of the insurance at the time of the occurrence of the insured event.

保险金额不得超过保险价值；超过保险价值的，超过的部分无效。

The sum insured shall not exceed the insured value of the subject matter of the insurance, and any portion exceeding the insured value of the subject matter of the insurance is null and void as a matter of law.

保险金额低于保险价值的，除合同另有约定外，保险人按照保险金额与保险价值的比例承担赔偿责任。

Unless otherwise specified in the contract, in the event that the sum insured is less than the insured value, the insurer shall undertake the obligation for indemnity pro rata of the sum insured to the insured value.

第四十条 重复保险的投保人应当将重复保险的有关情况通知各保险人。

Article 40 In the event of double insurance, the applicant shall notify all the insurers concerned of relevant information with respect to such double insurance.

重复保险的保险金额总和超过保险价值的，各保险人的赔偿金额的总和不得超过保险价值。除合同另有约定外，各保险人按照其保险金额与保险金额总和的比例承担赔偿责任。

If the total amount of the sum insured by double insurance exceeds the insured value, the total amount of indemnity paid by all insurers concerned shall not exceed the insured value. Unless specified otherwise in the contract, the insurers concerned shall undertake their obligation for

indemnity based on the proportions their respective amounts of the sum insured bear to the total amount of the sum insured.

重复保险是指投保人对同一保险标的、同一保险利益、同一保险事故分别向二个以上保险人订立保险合同的保险。

A double insurance refers to insurance under which an applicant enters into insurance contracts with two or more insurers on the same subject matter of the insurance, the same insurable interests and the same insured event.

第四十一条 保险事故发生时，被保险人有责任尽力采取必要的措施，防止或者减少损失。

Article 41 Following the occurrence of an insured event, the insured is obligated to take all necessary measures to prevent or mitigate loss or damage.

保险事故发生后，被保险人为防止或者减少保险标的的损失所支付的必要的、合理的费用，由保险人承担；保险人所承担的数额在保险标的的损失赔偿金额以外另行计算，最高不超过保险金额的数额。

The insurer shall bear the expenses necessarily and reasonably incurred by the insured in taking measures to prevent or mitigate further loss or damage of the subject matter of the insurance after the occurrence of the insured event; the amount of such expenses borne by an insurer shall be calculated separately from the indemnity for the loss of the subject matter of the insurance and it shall not exceed the sum insured.

第四十二条 保险标的发生部分损失的，在保险人赔偿后三十日内，投保人可以终止合同；除合同约定不得终止合同的以外，保险人也可以终止合同。保险人终止合同的，应当提前十五日通知投保人，并将保险标的未受损失部分的保险费，扣除自保险责任开始之日起至终止合同之日止期间的应收部分后，退还投保人。

Article 42 If the subject matter of the insurance sustains partial loss, the applicant may terminate the contract within thirty (30) days after the loss is indemnified by the insurer. Unless specified otherwise in the insurance contract, the insurer may also terminate the contract. In the event that the insurer terminates the contract, the insurer shall notify the applicant fifteen (15) days in advance of such termination and return to the applicant the premium received for the portion of the subject

matter of the insurance which is not lost or damaged after deducting the earned premium for the subject matter of the insurance which is not lost or damaged from the date of the commencement of the insurance liability to the date of the termination of the contract.

第四十三条 保险事故发生后，保险人已支付了全部保险金额，并且保险金额相等于保险价值的，受损保险标的的全部权利归于保险人；保险金额低于保险价值的，保险人按照保险金额与保险价值的比例取得受损保险标的的部分权利。

Article 43 After the occurrence of the insured event, if the insurer pays in full the sum insured and the sum insured is equal to the insured value, the insurer shall retain all rights pertaining to the subject matter of the insurance which is lost or damaged. If the sum insured is less than the insured value, the insurer shall obtain partial rights pertaining to the subject matter of the insurance which is lost or damaged on the pro rata basis of the sum insured to the insured value.

第四十四条 因第三者对保险标的的损害而造成保险事故的，保险人自向被保险人赔偿保险金之日起，在赔偿金额范围内代位行使被保险人对第三者请求赔偿的权利。

Article 44 When the occurrence of the insured event results from the loss or damage to the Subject matter of the insurance caused by a third party, the insurer may be subrogated into the insured's right of indemnity against the third party up to the amount of indemnity from the date when the amount of indemnity is made.

前款规定的保险事故发生后，被保险人已经从第三者取得损害赔偿的，保险人赔偿保险金时，可以相应扣减被保险人从第三者已取得的赔偿金额。

In the event of the occurrence of the insured event referred to in the preceding paragraph, the insurer may, at the time of making indemnity, deduct therefrom a corresponding amount which the insured has received as indemnity from the third party.

保险人依照第一款行使代位请求赔偿的权利，不影响被保险人就未取得赔偿的部分向第三者请求赔偿的权利。

The right of indemnity by subrogation exercised by the insurer in accordance with the first paragraph shall in no way affect the insured's right of indemnity against the third party for the unindemnified amount.

第四十五条 保险事故发生后，保险人未赔偿保险金之前，被保险人放弃对第三者的请求赔偿的权利的，保险人不承担赔偿保险金的责任。

Article 45 If the insured waives the right of indemnity against the third party after the occurrence of the insured event and before the insurer making the indemnity, the insurer shall bear no obligation for indemnity.

保险人向被保险人赔偿保险金后，被保险人未经保险人同意放弃对第三者请求赔偿的权利的，该行为无效。

If the insured, without the insurer's consent, waives the right of indemnity against the third party after indemnity is made by the insurer, the waiver of the insured shall be regarded as invalid.

由于被保险人的过错致使保险人不能行使代位请求赔偿的权利的，保险人可以相应扣减保险赔偿金。

The insurer may deduct a corresponding sum from the amount of indemnity if it is not able to exercise the right of indemnity by subrogation due to the fault of the insured.

第四十六条 除被保险人的家庭成员或者其组成人员故意造成本法第四十四条第一款规定的保险事故以外，保险人不得对被保险人的家庭成员或者其组成人员行使代位请求赔偿的权利。

Article 46 The insurer has no right of indemnity by subrogation against any family member or staff member of the insured unless the occurrence of the insured event referred to in the first paragraph of Article 44 above has resulted from the willful misconduct of such a third party.

第四十七条 在保险人向第三者行使代位请求赔偿权利时，被保险人应当向保险人提供必要的文件和其所知道的有关情况。

Article 47 When the insurer exercises the right of indemnity by subrogation against a third party, the insured shall provide the insurer with all relevant and pertinent documents and information known to him/her.

第四十八条 保险人、被保险人为查明和确定保险事故的性质、原因和保险标的的损失程度所支付的必要的、合理的费用，由保险人承担。

Article 48 The insurer shall bear the necessary and reasonable expenses incurred by the insurer and the insured from investigating and ascertaining the nature of and the cause for the occurrence of the insured event, and the extent of loss or damage to the Subject matter of the insurance.

第四十九条 保险人对责任保险的被保险人给第三者造成的损害，可以依照法律的规定或者合同的约定，直接向该第三者赔偿保险金。

Article 49 The insurer may directly indemnify a third party for loss or damage caused by the insured of a liability insurance contract in accordance with the provisions of laws or the terms of an insurance contract.

责任保险是指以被保险人对第三者依法应负的赔偿责任为保险标的的保险。

Liability insurance refers to an insurance the subject matter of the insurance of which is the insured's liability to indemnify a third party pursuant to laws.

第五十条 责任保险的被保险人因给第三者造成损害的保险事故而被提起仲裁或者诉讼的，除合同另有约定外，由被保险人支付的仲裁或者诉讼费用以及其他必要的、合理的费用，由保险人承担。

Article 50 If the insured of a liability insurance contract is brought to an arbitration or legal proceeding due to the occurrence of an insured event which caused loss or damage to a third party, unless specified otherwise in the insurance contract, the insurer shall bear the expenses of such arbitration or legal proceeding and other necessary and reasonable expenses paid by the insured.

第三节 人身保险合同 Section 3 Contract of Insurance of Persons

第五十一条 人身保险合同是以人的寿命和身体为保险标的的保险合同。

Article 51 A contract of insurance of persons is an insurance contract insuring a person's life and body.

本节中的人身保险合同，除特别指明的外，简称合同。

The contract of insurance of persons mentioned in this Section is briefly referred to as "the contract," unless specified otherwise.

第五十二条 投保人对下列人员具有保险利益：

Article 52 The applicant has insurable interests over the following persons:

- (一) 本人； The applicant himself/herself;
- (二) 配偶、子女、父母； The applicant's spouse, children and parents; or
- (三) 前项以外与投保人有抚养、赡养或者扶养关系的家庭其他成员、近亲属。

Other family members or close relatives, apart from the aforementioned, who have relations of fostering, supporting and maintaining with the applicant.

除前款规定外，被保险人同意投保人为其订立合同的，视为投保人对被保险人具有保险利益。

Notwithstanding the foregoing, with the consent of the insured to enter into a contract for the insured, the applicant shall be regarded as having an insurable interest on the insured.

第五十三条 投保人申报的被保险人年龄不真实，并且其真实年龄不符合合同约定的年龄限制的，保险人可以解除合同，并在扣除手续费后，向投保人退还保险费，但是自合同成立之日起逾二年的除外。

Article 53 If the age of the insured is not correctly given by the applicant, and the actual age of the insured does not fall within the age range specified by the contract, the insurer may terminate the contract and return the premiums to the applicant after deducting expenses therefrom. However, this does not apply to contracts which have been in force for two (2) years or more.

投保人申报的被保险人年龄不真实，致使投保人支付的保险费少于应付保险费的，保险人有权更正并要求投保人补交保险费，或者在给付保险金时按照实付保险费与应付保险费的比例支付。

In the event that the applicant has misstated the age of the insured, thus underpaying the premiums, then the insurer shall have the right to correct the misstatement and request the applicant to pay the balance, or to reduce the payment of the insurance benefits in proportion to the amount of premiums actually paid to the amount that should have been paid.

投保人申报的被保险人年龄不真实，致使投保人实付保险费多于应付保险费的，保险人应当将多收的保险费退还投保人。

In the event that the applicant has misstated the age of the insured, thus overpaying the premiums, then the insurer shall return the overpaid portion to the applicant.

第五十四条 投保人不得为无民事行为能力人投保以死亡为给付保险金条件的人身保险，保险人也不得承保。

Article 54 An applicant shall not apply for and the insurer shall not underwrite an insurance of persons that stipulates death as a prerequisite for the payment of the insurance benefits on a person without civil legal capacity.

父母为其未成年子女投保的人身保险，不受前款规定限制，但是死亡给付保险金额总和不得超过金融监督管理部门规定的限额。

The restriction stipulated in the preceding paragraph shall not apply to the case where parents apply for insurance of persons on minor children. However, the total amount of the death benefits shall not exceed the limit as stipulated by the financial supervision and regulation department.

第五十五条 以死亡为给付保险金条件的合同，未经被保险人书面同意并认可保险金额的，合同无效。

Article 55 A contract stipulating death as the prerequisite for the payment of the insurance benefits is not valid unless its amount is consented to in writing by the insured.

依照以死亡为给付保险金条件的合同所签发的保险单，未经被保险人书面同意，不得转让或者质押。

An insurance policy stipulating death as the prerequisite for the payment of the insurance benefits shall not be transferred or mortgaged without the written consent of the insured.

父母为其未成年子女投保的人身保险，不受第一款规定限制。

If parents apply for an insurance of persons on their minor children, the restriction stipulated in paragraph one of this Article shall not apply.

第五十六条 投保人于合同成立后，可以向保险人一次支付全部保险费，也可以按照合同约定分期支付保险费。

Article 56 After the establishment of the contract, the applicant may pay the premium by a single premium or by installments in accordance with the terms of the contract.

合同约定分期支付保险费的，投保人应当于合同成立时支付首期保险费，并应当按期支付其余各期的保险费。

If the contract stipulates that the premium is to be paid by installments, the applicant shall pay the first installment at the inception of the contract and the other installments as scheduled.

第五十七条 合同约定分期支付保险费，投保人支付首期保险费后，除合同另有约定外，投保人超过规定的期限六十日未支付当期保险费的，合同效力中止，或者由保险人按照合同约定的条件减少保险金额。

Article 57 If the contract specifies payment of the premiums by installments and the applicant has paid the first installment but fails to pay any subsequent installments within a sixty (60) days grace period, the contract shall lapse, or the insurer shall reduce the insured amount in accordance with the contract, unless specified otherwise in the contract.

第五十八条 依照前条规定合同效力中止的，经保险人与投保人协商并达成协议，在投保人补交保险费后，合同效力恢复。但是，自合同效力中止之日起两年内双方未达成协议的，保险人有权解除合同。

Article 58 A contract which lapses in accordance with the preceding Article can be reinstated provided that the insurer and the applicant have reached an agreement and that the applicant has paid the outstanding premiums. However, the insurer has the right to terminate the contract if no agreement has been reached by both parties within two (2) years from the date of the lapse of the contract.

保险人依照前款规定解除合同，投保人已交足二年以上保险费的，保险人应当按照合同约定退还保险单的现金价值；投保人未交足二年保险费的，保险人应当在扣除手续费后，退还保险费。

When an insurer terminates the contract in accordance with the preceding paragraph, and the applicant has paid the premiums for two years or more, the insurer shall return the cash value of the policy to the applicant in accordance with the contract. In the event that the applicant has paid the premiums for less than two years, the insurer shall return the premiums to the applicant with the expenses deducted therefrom.

第五十九条 保险人对人身保险的保险费，不得用诉讼方式要求投保人支付。

Article 59 The insurer shall not resort to legal proceeding to demand the payment of the insurance premiums of insurance of persons from the applicant.

第六十条 人身保险的受益人由被保险人或者投保人指定。

Article 60 The beneficiary of the insurance of persons shall be designated by the insured or the applicant.

投保人指定受益人时须经被保险人同意。

The designation of the beneficiary by the applicant is subject to the approval of the insured.

被保险人为无民事行为能力人或者限制民事行为能力人的，可以由其监护人指定受益人。

If the insured is a person without civil legal capacity or a person with limited civil legal capacity, the beneficiary may be designated by the guardian of the insured.

第六十一条 被保险人或者投保人指定一人或者数人为受益人。

Article 61 The insured or the applicant may designate one or more persons as the beneficiaries.

受益人为数人的，被保险人或者投保人确定受益顺序和受益份额；未确定受益份额的，受益人按照相等份额享有受益权。

In the event that there is more than one beneficiary, the insured or the applicant may specify the order of distribution of the payment of the insurance benefits and their respective proportions; in the absence of such specifications on proportions, all the beneficiaries shall share the benefits on an equal basis.

第六十二条 被保险人或者投保人变更受益人并书面通知保险人。保险人收到变更受益人的书面通知后，应当在保险单上批注。

Article 62 The insured or the applicant may change the beneficiary by a written notice to the insurer. The insurer shall endorse the change on the policy upon receipt of the notice.

投保人变更受益人时须经被保险人同意。

The applicant may change the beneficiary subject to the consent of the insured.

第六十三条 被保险人死亡后，遇有下列情形之一的，保险金作为被保险人的遗产，由保险人向被保险人的继承人履行给付保险金的义务：

Article 63 In the event of the death of the insured, the payment of the insurance benefits shall be treated as part of the estate of the insured, and the insurer shall pay the insurance benefits to the

legal heirs of the insured, if :

(一) 没有指定受益人的; there is no designated beneficiary ;

(二) 受益人先于被保险人死亡, 没有其他受益人的;

the beneficiary dies before the insured without other beneficiary being designated ; or

(三) 受益人依法丧失受益权或者放弃受益权, 没有其他受益人的。

the beneficiary forfeits or surrenders his/her right as such in accordance with laws without other beneficiary being designated.

第六十四条 投保人、受益人故意造成被保险人死亡、伤残或者疾病的, 保险人不承担给付保险金的责任。投保人已交足二年以上保险费的, 保险人应当按照合同约定向其他享有权利的受益人退还保险单的现金价值。

Article 64 In the event that the applicant or the beneficiary have intentionally caused the death, disability or illness of the insured, the insurer shall bear no obligation for payment of the insurance benefits. In the event that the applicant has paid premiums for two (2) years or more, the insurer shall, in accordance with the contract, return the cash value of the policy to other beneficiaries, if any.

受益人故意造成被保险人死亡或者伤残的, 或者故意杀害被保险人未遂的, 丧失受益权。

If the beneficiary has intentionally caused the death or disability of the insured, or attempted to cause the death of the insured or the beneficiary shall lose his/her right to claim the insurance benefits.

第六十五条 以死亡为给付保险金条件的合同, 被保险人自杀的, 除本条第二款规定外, 保险人不承担给付保险金的责任, 但对投保人已支付的保险费, 保险人应按照保险单退还其现金价值。

Article 65 When a contract stipulates death as the prerequisite for the payment of the insurance

benefits then the insurer shall have no obligation for the payment of the insurance benefits if the insured commits suicide, except for the event stipulated in paragraph two of this Article. However, the insurer shall, in respect of the insurance premium already paid by the applicant, return the cash value of the policy in accordance with the terms of the contract.

以死亡为给付保险金条件的合同，自成立之日起满二年后，如果被保险人自杀的，保险人可以按照合同给付保险金。

When a contract stipulates death as a prerequisite for the payment of the insurance benefits, the insurer may effect the payment of the insurance benefits in accordance with the contract if the insured commits suicide two (2) years or more after the formation of the contract.

第六十六条 被保险人故意犯罪导致其自身伤残或者死亡的，保险人不承担给付保险金的责任。投保人已交足二年以上保险费的，保险人应当按照保险单退还其现金价值。

Article 66 In the event that the insured has died or was disabled as a result of intentionally committing a crime, the insurer shall have no obligation to effect the payment of the insurance benefits. If, however, the applicant has paid premiums for two (2) years or more, the insurer shall return the cash value of the policy to the insured in accordance with the contract.

第六十七条 人身保险的被保险人因第三者的行为而发生死亡、伤残或者疾病等保险事故的，保险人向被保险人或者受益人给付保险金后，不得享有向第三者追偿的权利。

Article 67 If the insured suffers from death, disability, or illness as a result of a third party's conduct, the insurer shall have no right of subrogation against the third party after the payment of the insurance benefits.

第六十八条 投保人解除合同，已交足二年以上保险费的，保险人应当自接到解除合同通知之日起三十日内，退还保险单的现金价值；未交足二年保险费的，保险人按照合同约定在扣除手续费后，退还保险费。

Article 68 If an applicant who has already paid in full the insurance premiums for two (2) years or more, terminates the contract, then the insurer shall return the cash value of the policy within thirty (30) days after the receipt of the notice of termination in accordance with the contract. If the applicant has paid the insurance premiums for less than two (2) years, then the insurer shall return the remaining premiums after deducting expenses in accordance with the contract.

第三章 保险公司 Insurance Company

第六十九条 保险公司应当采取下列组织形式:

Article 69 An insurance company shall be established as either:

(一) 股份有限公司; a stock company with limited liability; or

(二) 国有独资公司。a solely state-owned enterprise.

第七十条 设立保险公司, 必须经金融监督管理部门批准。

Article 70 The establishment of an insurance company is subject to the approval of the financial supervision and regulation department.

第七十一条 设立保险公司, 应当具备下列条件:

Article 71 To establish an insurance company, the following are required:

(一) 有符合本法和公司法规定的章程;

Articles of Association in compliance with this Law and the Company Law;

(二) 有符合本法规定的注册资本最低限额;

a minimum registered capital as prescribed in this Law;

(三) 有具备任职专业知识和业务工作经验的高级管理人员;

senior management with professional knowledge and operational experience;

(四) 有健全的组织机构和管理制度;

a sound organizational structure and management systems; and

(五) 有符合要求的营业场所和与业务有关的其他设施。

business premises and other facilities commensurate with an insurance business in compliance with relevant operational requirements.

金融监督管理部门审查设立申请时, 应当考虑保险业的发展和公平竞争的需要。

When reviewing the application for the establishment of an insurance company, the financial supervision and regulation department shall take into consideration the development of the insurance industry and the need for fair competition.

第七十二条 设立保险公司, 其注册资本的最低限额为人民币二亿元。

Article 72 The minimum amount of registered capital required for the establishment of an insurance company is Renminbi two hundred million yuan (RMB 200,000,000).

保险公司注册资本最低限额必须为实缴货币资本。

The minimum amount of registered capital for the establishment of an insurance company shall be fully paid-up in monetary form.

金融监督管理部门根据保险公司业务范围、经营规模, 可以调整其注册资本的最低限额。但是, 不得低于第一款规定的限额。

The financial supervision and regulation department may adjust the amount of the minimum registered capital, in accordance with the proposed scope of business and scale of operations; however, the minimum capital shall not be less than the amount stipulated in the first paragraph of this Article.

第七十三条 申请设立保险公司，应当提交下列文件、资料：

Article 73 For the establishment of an insurance company, the applicant shall submit the following documents and materials:

(一) 设立申请书，申请书应当载明拟设立的保险公司的名称、注册资本、业务范围等；

a formal application letter for the establishment of an insurance company on which the name, registered capital and the scope of business of the proposed insurance company shall be specified;

(二) 可行性研究报告； a feasibility study report; and

(三) 金融监督管理部门规定的其他文件、资料。

other documents and information requested by the financial supervision and regulation department.

第七十四条 设立保险公司的申请经初步审查合格后，申请人应当依照本法和公司法的规定进行保险公司的筹建。具备本法第七十一条规定的设立条件的，向金融监督管理部门提交正式申请表和下列有关文件、资料：

Article 74 After the application of the establishment of an insurance company has initially been reviewed and approved, the applicant shall begin preparing for the establishment of the insurance company in accordance with this Law and the Company Law. Applicants who meet the requirements of establishment stipulated in Article 71 of this Law shall submit to the financial supervision and regulation department a completed form of formal application form together with the following documents and information:

(一) 保险公司的章程； the Articles of Association of the proposed insurance company;

(二) 股东名册及其股份或者出资人及其出资额；

a list of shareholders and their shares, or the investors and the amount of their investment;

(三) 持有公司股份百分之十以上的股东的资信证明和有关资料;

a certificate of the credit standing and relevant information of those shareholders holding more than ten (10) percent of the company's shares;

(四) 法定验资机构出具的验资证明;

a certificate verifying the paid-up capital issued by a legally authorized institution;

(五) 拟任职的高级管理人员的简历和资格证明;

resumes and evidence of qualification of the proposed senior management;

(六) 经营方针和计划; operation strategy and business plan;

(七) 营业场所和与业务有关的其他设施的资料;

details of business premises and other facilities commensurate with an insurance business; and

(八) 金融监督管理部门规定的其他文件、资料。

other documents and information requested by the financial supervision and regulation department.

第七十五条 金融监督管理部门自收到设立保险公司的正式申请文件之日起六个月内,应当作出批准或者不批准的决定。

Article 75 The financial supervision and regulation department shall make a decision approving or disapproving the application, within six (6) months from the date of the receipt of the formal application to establish an insurance company.

第七十六条 经批准设立的保险公司，由批准部门颁发经营保险业务许可证，并凭经营保险业务许可证向工商行政管理机关办理登记，领取营业执照。

Article 76 An insurance company which is granted approval shall be issued an insurance license by the approving department which shall be used to make registration with and obtain a business license from the Bureau of Administration for Industry and Commerce.

第七十七条 保险公司自取得经营保险业务许可证之日起六个月内无正当理由未办理公司设立登记的，其经营保险业务许可证自动失效。

Article 77 The insurance license will automatically become null and void if the insurance company fails to complete the company registration without any proper reasons, within six (6) months from the date of the receipt of the insurance license.

第七十八条 保险公司成立后应当按照其注册资本总额的百分之二十提取保证金，存入金融监督管理部门指定的银行，除保险公司清算时用于清偿债务外，不得动用。

Article 78 Upon its establishment, an insurance company shall deposit twenty percent (20 %) of its total registered capital with a bank designated by the financial supervision and regulation department as guarantee fund; this guarantee fund shall not be used except for covering debts when the company is liquidated.

第七十九条 保险公司在中华人民共和国境内外设立分支机构，须经金融监督管理部门批准，取得分支机构经营保险业务许可证。

Article 79 An insurance company requires the approval of the financial supervision and regulation department before establishing any branch offices within and without the territory of the PRC and shall obtain insurance license for these branch offices.

保险公司分支机构不具有法人资格，其民事责任由保险公司承担。

The branch offices of an insurance company do not possess the status of a legal person, and the civil liability shall be borne by the insurance company.

第八十条 保险公司在中华人民共和国境内外设立代表机构，须经金融监督管理部门批准。

Article 80 The establishment of a representative office by an insurance company within or without the territory of the PRC is subject to the approval of the financial supervision and regulation department.

第八十一条 保险公司有下列变更事项之一的，须经金融监督管理部门批准：

Article 81 Any of the following changes to an insurance company is subject to approval by the financial supervision and regulation department:

- (一) 变更名称； change of the name of the insurance company;
- (二) 变更注册资本； change in the amount of the registered capital;
- (三) 变更公司或者分支机构的营业场所；

change of business premises of the company or its branch offices;

- (四) 调整业务范围； change of the scope of the business;
- (五) 公司分立或者合并； division or merger of the insurance company;
- (六) 修改公司章程； amendment to its Articles of Association;
- (七) 变更出资人或者持有公司股份百分之十以上的股东；

change of investors or shareholder who hold more than ten percent of the company's shares; or

- (八) 金融监督管理部门规定的其他变更事项。

Other amendments as specified by the financial supervision and regulation department.

保险公司更换董事长、总经理，应当报经金融监督管理部门审查其任职资格。

An insurance company shall report any changes of its Chairman and General Manager to the

financial supervision and regulation department for examination of their qualifications for the positions.

第八十二条 保险公司的组织机构，适用公司法的规定。

Article 82 The provisions of the Company Law of the PRC shall apply to the organizational structure of an insurance company.

第八十三条 国有独资保险公司设立监事会。监事会由金融监督管理部门、有关专家和保险公司工作人员的代表组成，对国有独资保险公司提取各项准备金、最低偿付能力和国有资产保值增值等情况以及高级管理人员违反法律、行政法规或者章程的行为和损害公司利益的行为进行监督。

Article 83 A solely state-owned insurance company shall have a Board of Supervisors, which comprises of representatives from the financial supervision and regulation department, relevant experts, and employees of the insurance company. The Board of Supervisors shall exercise supervision with respect to the allocation of technical reserves, the minimum solvency margin and the maintenance and increase of state owned assets as well as monitor its senior management in respect of violations of laws, the administration regulations or the Articles of Association and acts considered detrimental to the company's interest.

第八十四条 保险公司因分立、合并或者公司章程规定的解散事由出现，经金融监督管理部门批准后解散。保险公司应当依法成立清算组，进行清算。

Article 84 In the event of division, merger, or any cause for dissolution in accordance with the Articles of Association, such dissolution attaches only upon the approval of the financial supervision and regulation department. In accordance with laws, the insurance company shall form a liquidation task force to carry out the liquidation.

经营有人寿保险业务的保险公司，除分立、合并外，不得解散。

Those insurance companies engaged in life insurance business shall not be dissolved, only divided or merged.

第八十五条 保险公司违反法律、行政法规，被金融监督管理部门吊销经营保险业务许可证的，依法撤销。由金融监督管理部门依法及时组织清算组，进行清算。

Article 85 An insurance company shall be dissolved in the event that its insurance license is revoked by the financial supervision and regulation department due to the violation of laws, or administrative regulations. The financial supervision and regulation department shall promptly appoint a liquidation task force to carry out the liquidation procedures.

第八十六条 保险公司不能支付到期债务，经金融监督管理部门同意，由人民法院依法宣告破产。保险公司被宣告破产的，由人民法院组织金融监督管理部门等有关部门和有关人员成立清算组，进行清算。

Article 86 When an insurance company is unable to pay its debts when due and with the approval of the financial supervision and regulation department, the insurance company can be declared bankrupt by the People's Court in accordance with laws. In the event that an insurance company is declared bankrupt, the People's Court shall appoint a liquidation task force which is composed of members from the financial supervision and regulation department and other relevant personnel to carry out the liquidation.

第八十七条 经营有人寿保险业务的保险公司被依法撤销的或者被依法宣告破产的，其持有的人寿保险合同及准备金，必须转移给其他经营有人寿保险业务的保险公司；不能同其他保险公司达成转让协议的，由金融监督管理部门指定经营有人寿保险业务的保险公司接受。

Article 87 When an insurance company engaged in life insurance business is revoked or declared bankrupt in accordance with laws, it shall transfer all of its life insurance contracts and technical reserves to other insurance companies engaged in life insurance business; if no agreement can be reached with respect to such transfer with other insurance companies, the financial supervision and regulation department shall designate insurance companies engaged in life insurance business to take them over.

第八十八条 保险公司依法破产的，破产财产优先支付其破产费用后，按照下列顺序清偿：

Article 88 When an insurance company is declared bankrupt in accordance with laws, the estate of the bankrupt insurer, after paying off the expenses of bankruptcy proceedings, shall be distributed in the following order:

(一) 所欠职工工资和劳动保险费用；

wages, salaries and social insurance benefits due to its employees;

(二) 赔偿或者给付保险金; indemnity or payment of the insurance benefits;

(三) 所欠税款; taxes and duties due; and

(四) 清偿公司债务。servicing of the company debts.

破产财产不足清偿同一顺序清偿要求的, 按照比例分配。

Where the estate is insufficient to cover all the claims within the same priority, then settlement shall be made on a pro-rata basis within that priority.

第八十九条 保险公司依法终止其业务活动, 应当注销其经营保险业务许可证。

Article 89 When an insurance company ceases its business operation in accordance with laws, its insurance license shall be revoked.

第九十条 保险公司的设立、变更、解散和清算事项, 本法未作规定的, 适用公司法和其他有关法律、行政法规的规定。

Article 90 In the absence of provisions of this Law, the Company Law and other laws and administrative regulations shall be applied to such matters as the establishment of, changes to, dissolution and liquidation of an insurance company.

第四章 保险经营规则 Insurance Operation Rules

第九十一条 保险公司的业务范围:

Article 91 The scope of the business of an insurance company shall be as follows:

(一) 财产保险业务, 包括财产损失保险、责任保险、信用保险等保险业务;

Property insurance business which includes insurance against loss or damage to property, liability insurance and credit insurance; or

(二) 人身保险业务，包括人寿保险、健康保险、意外伤害保险等保险业务；

Insurance of persons business which includes life insurance, health insurance and accident and injury insurance.

同一保险人不得同时兼营财产保险业务和人身保险业务。

An insurer shall not concurrently engage in business of both property insurance and insurance of persons.

保险公司的业务范围由金融监督管理部门核定。保险公司只能在被核定的业务范围内从事保险经营活动。

The scope of the business of an insurance company is subject to the approval of the financial supervision and regulation department. An insurance company shall only operate its insurance business within the scope of business approved.

本法施行前已设立的保险公司，按照第二款实行分业经营的办法，由国务院规定。

Insurance companies which were established prior to the enactment of this Law shall divide their operations in accordance with the second paragraph of this Article in accordance with the stipulations of the State Council.

第九十二条 经金融监督管理部门核定，保险公司可以经营前条规定的保险业务的下列再保险业务：

Article 92 With the approval of the financial supervision and regulation department, an insurance company may engage in the following reinsurance business of the insurance business prescribed in the preceding article:

(一) 分出保险; Outward reinsurance; and/or

(二) 分入保险。Inward reinsurance.

第九十三条 除人寿保险业务外, 经营其他保险业务, 应当从当年自留保险费中提取未到期责任准备金; 提取和结转的数额, 应当相当于当年自留保险费的百分之五十。

Article 93 Insurance companies engaged in insurance business other than life insurance, shall set aside a reserve for future claims from its premiums retained for the current year; and the amount set aside and carried forward shall be equal to fifty percent (50%) of the premiums retained for the current year.

经营有人寿保险业务的保险公司, 应当按照有效的人寿保险单的全部净值提取未到期责任准备金。

An insurance company engaged in life insurance shall set aside a reserve for future claims equal to the total net value determined actuarially on the total life insurance policies in force.

第九十四条 保险公司应当按照已经提出的保险赔偿或者给付金额, 以及已经发生保险事故但尚未提出的保险赔偿或者给付金额, 提取未决赔款准备金。

Article 94 An insurance company shall set aside an outstanding loss reserve for the amount of insurance indemnity or the amount of the insurance benefits which have already been claimed, and for those amounts due for which the insured events have occurred, but which has not yet been claimed.

第九十五条 除依照前二条规定提取准备金外, 保险公司应当依照有关法律、行政法规及国家财务会计制度的规定提取公积金。

Article 95 In addition to the reserve funds described in the preceding two articles, an insurance company shall set aside amounts into the accumulated reserve fund in accordance with the relevant State laws, administrative regulations and the stipulations of the State financial and accounting systems.

第九十六条 为了保障被保险人的利益, 支持保险公司稳健经营, 保险公司应当按照

金融监督管理部门的规定提存保险保障基金。

Article 96 In order to protect the interests of the insured, and to ensure its own steady and healthy operation, an insurer shall contribute to an insurance guarantee fund in accordance with the regulations of the financial supervision and regulation department.

保险保障基金应当集中管理，统筹使用。

The management of the insurance guarantee fund will be centralized, and applied on an industry basis.

第九十七条 保险公司应当具有与其业务规模相适应的最低偿付能力。保险公司的实际资产减去实际负债的差额不得低于金融监督管理部门规定的数额；低于规定数额的，应当增加资本金，补足差额。

Article 97 An insurance company shall maintain a minimum solvency commensurate with the size of its business. The balance of its actual assets after deducting its actual liabilities shall be not less than the solvency margin stipulated by the financial supervision and regulation department. In the event that the balance is less than the solvency margin stipulated, its equity capital shall be replenished to make up the difference.

第九十八条 经营财产保险业务的保险公司当年自留保险费，不得超过其实有资本金加公积金总和的四倍。

Article 98 For those insurance companies engaged in property insurance business, the premiums retained for the current year shall not exceed more than four times the combined total of its paid-up capital and its accumulated reserve fund.

第九十九条 保险公司对每一危险单位，即对一次保险事故可能造成的最大损失范围所承担的责任，不得超过其实有资本金加公积金总和的百分之十；超过的部分，应当办理再保险。

Article 99 The liability borne by an insurance company for each risk unit, that is, the liability which might arise from the maximum loss or damage caused by the occurrence of a single insured event, shall not exceed ten (10) percent of the combined total of its paid-up capital and its accumulated reserve fund. Reinsurance shall be arranged for the portion in excess of this sum.

第一百条 保险公司对危险单位的计算办法和巨灾风险安排计划，应当报经金融监督管理部门核准。

Article 100 The method of calculation of a risk unit and the plan for managing the catastrophe risk of an insurance company shall be approved by the financial supervision and regulation department.

第一百零一条 除人寿保险业务外，保险公司应当将其承保的每笔保险业务的百分之二十按照国家有关规定办理再保险。

Article 101 With the exception of life insurance business, an insurance company shall reinsure twenty (20) percent of each insurance contract it underwrites in accordance with the relevant State regulations.

第一百零二条 保险公司需要办理再保险分出业务的，应当优先向中国境内的保险公司办理。

Article 102 Where an insurance company needs to place outward reinsurance business, it shall give priority to insurance companies established within the territory of the PRC.

第一百零三条 金融监督管理部门有权限制或者禁止保险公司向中国境外的保险公司办理再保险分出业务或者接受中国境外再保险分入业务。

Article 103 The financial supervision and regulation department shall have the authority to restrict or prohibit insurance companies from ceding any outward reinsurance business to insurance companies established without the territory of the PRC or from accepting any inward reinsurance business from insurance companies established without the territory of the PRC.

第一百零四条 保险公司的资金运用必须稳健，遵循安全性原则，并保证资产的保值增值。

Article 104 An insurance company shall apply its funds in a conservative, sound and safe manner and ensure that the value of its assets is maintained and increased.

保险公司的资金运用，限于在银行存款、买卖政府债券、金融债券和国务院规定的其他资金运用形式。

The application of funds of an insurance company is limited to bank deposits, trading of government and financial bonds and other forms of fund application stipulated by the State Council.

保险公司的资金不得用于设立证券经营机构和向企业投资。

The funds of an insurance company shall not be applied to the establishment of any entity to trade bonds or securities or investment in enterprises.

保险公司运用的资金和具体项目的资金占其资金总额的具体比例，由金融监督管理部门规定。

The specific fund application and the exact percentage of an insurance company's total fund allocated to each of them shall be stipulated by the financial supervision and regulation department.

第一百零五条 保险公司及其工作人员在保险业务活动中不得有下列行为：

Article 105 An insurance company and its employees shall not commit any of the following acts in the course of its business operation:

(一) 欺骗投保人、被保险人或者受益人；

deceiving the applicant, the insured or the beneficiary;

(二) 对投保人隐瞒与保险合同有关的重要情况；

concealing from the applicant material information relevant to the insurance contract;

(三) 阻碍投保人履行本法规定的如实告知义务，或者诱导其不履行本法规定的如实告知义务；

preventing the applicant from fulfilling his/her obligation of making a full and accurate disclosure stipulated under this Law or inducing him/her not to fulfill such obligation; or

(四) 承诺向投保人、被保险人或者受益人给予保险合同规定以外的保险费回扣或者其他利益。

promising the applicant, the insured or the beneficiary to give them premium rebates or other interests which are not specified in the insurance contract.

第五章 保险业的监督管理 Insurance Supervision and Regulation

第一百零六条 商业保险的主要险种的基本保险条款和保险费率，由金融监督管理部门制订。

Article 106 The basic insurance clauses and premium rates for major types of commercial insurance shall be formulated by the financial supervision and regulation department.

保险公司拟订的其他险种的保险条款和保险费率，应当报金融监督管理部门备案。

The insurance clauses and premium rates for other types of insurance formulated by an insurance company shall be filed with the financial supervision and regulation department .

第一百零七条 金融监督管理部门有权检查保险公司的业务状况、财务状况及资金运用状况，有权要求保险公司在规定的期限内提供有关的书面报告和资料。

Article 107 The financial supervision and regulation department shall have the authority to inspect the operations of an insurance company, including its financial position and application of funds and shall have the authority to request an insurance company to submit relevant written reports and information within a prescribed period of time.

保险公司依法接受监督检查。

An insurance company shall accept supervision and inspection in accordance with laws.

第一百零八条 保险公司未按照本法规定提取或者结转各项准备金，或者未按照本法规定办理再保险，或者严重违反本法关于资金运用的规定的，由金融监督管理部门责令该保险公司采取下列措施限期改正：

Article 108 Where an insurance company fails to set aside or carry forward the various technical reserve funds, or transact reinsurance in accordance with this Law, or seriously violates the provisions of this Law governing the application of funds, then the financial supervision and regulation department shall direct the insurance company to take the following remedial actions within a prescribed period of time :

(一) 依法提取或者结转各项准备金；

setting aside or carrying forward various technical reserve funds in accordance with laws;

(二) 依法办理再保险； transacting reinsurance in accordance with laws;

(三) 纠正违法运用资金的行为； correcting the illegal application of funds; or

(四) 调整负责人及有关管理人员。

replacing its responsible senior management and relevant personnel involved.

第一百零九条 依照前条规定，金融监督管理部门作出限期改正的决定后，保险公司在限期内未予改正的，由金融监督管理部门决定选派保险专业人员和指定该保险公司的有关人员，组成整顿组织，对该保险公司进行整顿。

Article 109 In the event that an insurance company fails to correct the situation within the prescribed time, after it has been directed to do so by a decision of rectification of the financial supervision and regulation department in accordance with the preceding Article, the financial supervision and regulation department shall then select insurance professionals and appoint relevant personnel from the insurance company to form a rectification task force to carry out the rectification work of the said insurance company.

整顿决定应当载明被整顿保险公司的名称、整顿理由、整顿组织和整顿期限，并予以公告。

The decision of rectification shall be publicized and shall specify the name of the insurance company, the reason for rectification, the composition of the rectification task force responsible for carrying out the rectification work as well as the date by which the rectification is to be completed.

第一百一十条 整顿组织在整顿过程中，有权监督该保险公司的日常业务。该保险公司的负责人及有关管理人员，应当在整顿组织的监督下行使自己的职权。

Article 110 In the course of the rectification, the rectification task force shall have the authority to supervise the daily business operation of the said insurance company. The responsible senior management and relevant personnel involved of the insurance company shall perform their respective functions under the supervision of the rectification task force.

第一百一十一条 在整顿过程中，保险公司的原有业务继续进行，但是金融监督管理部门有权停止开展新的业务或者停止部分业务，调整资金运用。

Article 111 In the course of the rectification, the existing business of the insurance company may be continued. The financial supervision and regulation department shall, however, have the authority to prevent the insurance company from developing new business; or to suspend part of its business; or to modify its application of funds.

第一百一十二条 被整顿的保险公司经整顿已纠正其违反本法规定的行为，恢复正常经营状况的，由整顿组织提出报告，经金融监督管理部门批准，整顿结束。

Article 112 Where an insurance company under rectification has already corrected its act in violation of this Law and has resumed its normal business operations, the rectification shall cease after the submission of a report by the rectification task force and obtaining an approval by the financial supervision and regulation department.

第一百一十三条 保险公司违反本法规定，损害社会公共利益，可能严重危及或者已经危及保险公司的偿付能力的，金融监督管理部门可以对该保险公司实行接管。

Article 113 Where an insurance company violates the provisions of this Law and hinders the social

public interest, by which it might seriously threaten or has already threatened its solvency, the financial supervision and regulation department may implement a take-over of the said insurance company.

接管的目的是对被接管的保险公司采取必要措施，以保护被保险人的利益，恢复保险公司的正常经营。被接管的保险公司的债权债务关系不因接管而变化。

The purpose of such a take-over is to adopt measures which are necessary to protect the interests of the insured and resume the normal operations of the insurance company. The relationship of the credits and debts of the insurance company taken over shall not change as a result of the take-over.

第一百一十四条 接管组织的组成和接管的实施办法，由金融监督管理部门决定，并予公告。

Article 114 The composition of the take-over task force and the take-over procedures shall be determined and publicized by the financial supervision and regulation department.

第一百一十五条 接管期限届满，金融监督管理部门可以决定延期，但接管期限最长不得超过二年。

Article 115 When the term of the take-over expires, the financial supervision and regulation department may determine to extend it. However, the maximum term of the take-over may not exceed two (2) years.

第一百一十六条 接管期限届满，被接管的保险公司已恢复正常经营能力的，金融监督管理部门可以决定接管终止。

Article 116 When the term of the take-over expires and the insurance company has resumed its normal operational capacity, then the financial supervision and regulation department may determine to terminate the take-over.

接管组织认为被接管的保险公司的财产已不足以清偿所负债务的，经金融监督管理部门批准，依法向人民法院申请宣告该保险公司破产。

If the takeover task force is of the opinion that the assets of the insurance company which has been taken over are no longer sufficient to meet its liabilities, then the take-over task force may, with the approval of the financial supervision and regulation department, apply to the People's Court to have the said insurance company declared bankrupt in accordance with laws.

第一百一十七条 保险公司应当于每一会计年度终了后三个月内，将上一年度的营业报告、财务会计报告及有关报表报送金融监督管理部门，并依法公布。

Article 117 An insurance company shall submit its business reports, financial and accounting reports and related statements for the preceding year to the financial supervision and regulation department within three (3) months after the end of each fiscal year, and publicize such reports and statements in accordance with laws.

第一百一十八条 保险公司应当于每月月底前将上一月的营业统计的报表报送金融监督管理部门。

Article 118 An insurance company shall submit to the financial supervision and regulation department its business statistics statements for the preceding month by the end of each month.

第一百一十九条 经营人身保险业务的保险公司，必须聘用经金融监督管理部门认可的精算专业人员，建立精算报告制度。

Article 119 Insurance companies engaging in insurance of persons must appoint and employ actuarial professionals recognized by the financial supervision and regulation department and establish an actuarial reporting system.

第一百二十条 保险人和被保险人可以聘请依法设立的独立的评估机构或者具有法定资格的专家，对保险事故进行评估和鉴定。

Article 120 The insurer and the insured may employ independent loss adjusting companies established in accordance with laws or experts having statutory qualifications, to carry out adjustments and assessments of losses and damages resulting from the occurrence of insured events.

第一百二十一条 保险公司应当妥善保管有关业务经营活动的完整帐簿、原始凭证及

有关资料。

Article 121 Insurance companies shall maintain complete accounting records, original vouchers and certificates as well as relevant information with respect to their business operations.

前款规定的帐簿、原始凭证及有关资料的保管期限，自保险合同终止之日起计算，不得少于十年。

The accounting records, original vouchers and certificates as well as other relevant information prescribed in the preceding paragraph should be maintained for not less than ten (10) years beginning from the date of the termination of the contract.

第六章 保险代理人和保险经纪人 Insurance Agents and Insurance Brokers

第一百二十二条 保险代理人是根据保险人的委托，向保险人收取代理手续费，并在保险人授权的范围內代为办理保险业务的单位或者个人。

Article 122 An insurance agent means an entity or an individual, that has been delegated by an insurer and collects handling fees therefrom, to transact insurance business on behalf of the insurance company within the scope of the delegated authority.

第一百二十三条 保险经纪人是基于投保人的利益，为投保人与保险人订立保险合同提供中介服务，并依法收取佣金的单位。

Article 123 An insurance broker means an entity which, based on the interests of the applicant, provides intermediary services between the applicant and the insurer so that they enter into an insurance contract and receives a commission in accordance with laws.

第一百二十四条 保险代理人根据保险人的授权代为办理保险业务的行为，由保险人承担责任。

Article 124 The insurer shall be held liable for the acts of its insurance agents when they transact insurance business on behalf of the insurance company in accordance with their delegated authority.

经营人寿保险代理业务的保险代理人，不得同时接受两个以上保险人的委托。

Agents of insurance companies engaged in insurance of persons shall not accept delegation from more than one insurer concurrently.

第一百二十五条 因保险经纪人在办理保险业务中的过错，给投保人、被保险人造成损失的，由保险经纪人承担赔偿责任。

Article 125 An insurance broker shall be liable for damages or losses caused to the applicant or the insured due to the negligence of the insurance broker in the course of transacting insurance business.

第一百二十六条 保险代理人、保险经纪人办理保险业务时，不得利用行政权力、职务或者职业便利以及其他不正当手段强迫、引诱或者限制投保人订立保险合同。

Article 126 An insurance agent, or an insurance broker shall not take advantage of his/her administrative role, the privilege of the position or the authority or other unfair means to coerce, induce or restrict insurance applicants to enter into an insurance contract.

第一百二十七条 保险代理人、保险经纪人应当具备金融监督管理部门规定的资格条件，并取得金融监督管理部门颁发的经营保险代理业务许可证或者经纪业务许可证，向工商行政管理机关办理登记，领取营业执照，并缴存保证金或者投保职业责任保险。

Article 127 An insurance agent or an insurance broker shall meet the qualification requirements set forth by the financial supervision and regulation department and shall obtain an insurance agent license or an insurance broker license issued by the financial supervision and regulation department; shall register with the authority of industry and commerce administration to obtain a business license and shall pay a guarantee deposit or buy a professional indemnity insurance policy.

第一百二十八条 保险代理人、保险经纪人应当有自己的经营场所，设立专门帐簿记载保险代理业务或者经纪业务的收支情况，并接受金融监督管理部门的监督。

Article 128 An insurance agent or an insurance broker shall have his/her own business premises, maintain separate accounting records solely for recording revenues and expenses in connection with the transactions they handle and shall be subject to the supervision of the financial supervision and regulation department.

第一百二十九条 保险公司应当设立本公司保险代理人登记簿。

Article 129 An insurance company shall establish a registration book of their insurance agents.

第一百三十条 本法第一百零五条、第一百零七条、第一百一十七条的规定，适用于保险代理人和保险经纪人。

Article 130 The provisions of Article 105, 107 and 117 of this Law shall apply to insurance agents and insurance brokers.

第一百三十一条 投保人、被保险人或者受益人有下列行为之一，进行保险欺诈活动，构成犯罪的，依法追究刑事责任：

Article 131 An applicant, an insured or a beneficiary, who commits insurance fraud by conducting any of the following acts which constitutes a crime, shall be subject to criminal proceedings in accordance with laws:

(一) 投保人故意虚构保险标的，骗取保险金的；

the applicant deliberately falsifying the subject matter of the insurance, whereupon an insurance claim is fraudulently made;

(二) 未发生保险事故而谎称发生保险事故，骗取保险金的；

falsely alleging the occurrence of an insured event which in fact has not occurred, whereupon an insurance claim is fraudulently made;

(三) 故意造成财产损失的保险事故，骗取保险金的；

deliberately causing the occurrence of an insured event which leads to property damage, whereupon an insurance claim is fraudulently made;

(四) 故意造成被保险人死亡、伤残或者疾病等人身保险事故，骗取保险金的；

deliberately causing the occurrence of an insured event in the insurance of persons, which leads to the death, injury or illness of the insured, whereupon an insurance claim is fraudulently made; or

(五) 伪造、变造与保险事故有关的证明、资料和其他证据，或者指使、唆使、收买他人提供虚假证明、资料或者其他证据，编造虚假的事故原因或者夸大损失程度，骗取保险金的。

forging or altering evidence, information and other proof, which are related to the insured event, or abetting, instigating or bribing others to provide false evidence, information or other proofs, fabricating the cause of the insured event or overstating the extent of loss, whereupon an insurance claim is fraudulently made.

有前款所列行为之一，情节轻微，不构成犯罪的，依照国家有关规定给予行政处罚。

Administrative sanctions shall be imposed, in accordance with the relevant stipulations of the State, if any of the conducts prescribed in the preceding paragraph does not constitute a crime.

第一百三十二条 保险公司及其他工作人员在保险业务中隐瞒与保险合同有关的重要情况，欺骗投保人、被保险人或者受益人，或者拒不履行保险合同约定的赔偿或者给付保险金的义务，构成犯罪的，依法追究刑事责任；不构成犯罪的，由金融监督管理部门对保险公司处以一万元以上五万元以下的罚款；对有违法行为的工作人员，给予处分，并处以一万元以下的罚款。

Article 132 In the course of transacting insurance, an insurance company or its personnel which conceals material information with respect to the insurance contract, which deceives the applicant, the insured or the beneficiary, or which declines to fulfill its obligation of indemnity or payment of the insurance benefits in accordance with the contract, is subject to criminal proceedings in accordance with laws if the circumstances constitute a crime. If the circumstances do not constitute a crime, the insurance company is subject to the assessment of a fine imposed by the financial supervision and regulation department of not less than Renminbi ten thousand yuan (RMB 10,000), nor more than fifty thousand yuan (RMB 50,000); personnel who are in violation of laws shall be subject to administrative sanctions, and a fine of up to Renminbi ten thousand yuan (RMB 10,000).

保险公司及其工作人员阻碍投保人履行如实告知义务，或者诱导其不履行如实告知义务的，或者承诺向投保人、被保险人或者受益人给予非法的保险费回扣或者其他利益的，由金融监督管理部门责令改正，对保险公司处以一万元以上五万元以下的罚款；对有违法行为的工作人员，给予处分，并处以一万元以下的罚款。

In the course of transacting insurance, an insurance company or its personnel who prevents the applicant from fulfilling his/her obligation of making a full and accurate disclosure, induces the applicant not to fulfill his/her obligation of making a full and accurate disclosure, or promises to give illegal premium rebates or other interests to the applicant, the insured or the beneficiary, shall be subject to the direction of the financial supervision and regulation department to correct the conduct, and the insurance company shall be subject to a fine of not less than Renminbi ten thousand yuan (RMB 10,000), nor more than Renminbi fifty thousand yuan (RMB 50,000); the personnel who are in violation of laws shall be subject to administrative sanctions and a fine of up to Renminbi ten thousand yuan (RMB 10,000).

第一百三十三条 保险代理人或者保险经纪人在其业务中欺骗投保人、被保险人或者受益人的，由金融监督管理部门责令改正，并处以一万元以上五万元以下的罚款；情节严重的，吊销经营保险代理业务许可证或者经纪业务许可证。构成犯罪的，依法追究刑事责任。

Article 133 If in the course of transacting insurance business, an insurance agent or an insurance broker deceives the applicant, the insured or the beneficiary, then the financial supervision and regulation department may direct the matter to be corrected and impose a fine of not less than Renminbi ten thousand yuan (RMB 10,000), nor more than fifty thousand yuan (RMB 50,000). If the conduct is considered to be severe, the insurance agent license or the insurance broker license shall be revoked. If the conduct constitutes a crime, the offender shall be subject to the criminal proceedings in accordance with laws.

第一百三十四条 保险公司的工作人员利用职务上的便利，故意编造未曾发生的保险事故进行虚假理赔，骗取保险金的，依法追究刑事责任。

Article 134 Personnel of an insurance company shall be subject to criminal proceedings in accordance with laws, if he/she takes the advantage of his/her position, or deliberately falsifies the occurrence of an insured event which did not occur, or makes false settlement of a claim for the purpose of receiving a fraudulent payment.

第一百三十五条 违反本法规定，擅自设立保险公司或者非法从事商业保险业务活动的，依法追究刑事责任，并由金融监督管理部门予以取缔。情节轻微，不构成犯罪的，给予

行政处罚。

Article 135 Anyone who violates the provisions of this Law and establishes an insurance company without approval, or illegally transacts commercial insurance activities, shall be subject to criminal proceedings in accordance with laws, and the action by the financial supervision and regulation department. If the circumstances are not material enough to constitute a crime, administrative sanctions shall be imposed.

第一百三十六条 违反本法规定，超出核定的业务范围从事保险业务的，由金融监督管理部门责令改正，责令退还收取的保险费，有违法所得的，没收违法所得，并处以违法所得一倍以上五倍以下的罚款；没有违法所得的，处以十万元以上五十万元以下的罚款；逾期不改正或者造成严重后果的，责令停业整顿或者吊销经营保险业务许可证。

Article 136 Anyone who violates the provisions of this Law, and transacts insurance business beyond the scope of business approved, shall be subject to the direction of the financial supervision and regulation department to correct the conduct and return the premiums collected; if there are any illegal gains derived therefrom, they shall be confiscated, and a fine shall be imposed of not less than one, nor more than five times the illegal gains; in the event that there are no illegal gains, he/she will be subject to a fine of not less than Renminbi one hundred thousand yuan (RMB 100,000) nor more than Renminbi five hundred thousand yuan (RMB 500,000). In the event that the company fails to carry out the required correction within a prescribed period of time or where severe circumstances result, the financial supervision and regulation department shall direct that all operations shall cease and shall be corrected, or the company's insurance business license shall be revoked.

第一百三十七条 违反本法规定，未经批准，擅自变更保险公司的名称、章程、注册资本、公司或者分支机构的营业场所等事项的，由金融监督管理部门责令改正，并处以一万元以上十万元以下的罚款。

Article 137 Anyone who violates the provisions of this Law and changes the information and details such as the name of the insurance company, Articles of Association, registered capital, business premises of the insurance company or its branches without approval, shall be subject to the direction of the financial supervision and regulation department for correction and a fine of not less than Renminbi ten thousand yuan (RMB 10,000), nor more than Renminbi one hundred thousand yuan (RMB 100,000).

第一百三十八条 违反本法规定，有下列行为之一的，由金融监督管理部门责令改正，并处以五万元以上三十万元以下的罚款；情节严重的，可以限制业务范围、责令停止接受新

业务或者吊销经营保险业务许可证：

Article 138 Anyone who violates the provisions of this Law, and commits any of the following acts, shall be subject to the direction of the financial supervision and regulation department for correction and a fine of not less than Renminbi fifty thousand yuan (RMB 50,000) nor more than Renminbi three hundred thousand yuan (RMB 300,000); where the circumstances are severe, the financial supervision and regulation department may restrict the scope of business, direct the company to cease accepting new business or revoke the insurance business license:

(一) 未按照规定提存保证金或者违反规定动用保证金的；

failing to set up a guarantee fund or violating the stipulations regarding the application of the guarantee fund;

(二) 未按照规定提取或者结转未到期责任准备金或者未按照规定提取未决赔款准备金的；

failing to set aside or carry forward a reserve for future claims, or set aside an outstanding loss reserve, as required;

(三) 未按照规定提取保险保障基金、公积金的；

failing to contribute to the insurance guarantee fund or the accumulated reserve fund as required;

(四) 未按照规定办理再保险分出业务的； failing to effect outward reinsurance as required;

(五) 违反规定运用保险公司资金的；

violating the regulations governing the application of the funds of the insurance company;

(六) 未经批准设立分支机构或者代表机构的；

establishing branches or representative offices without approval; or

(七) 未经批准分立、合并的。

carrying out a division or a merger of the company without approval.

第一百三十九条 违反本法规定,有下列行为之一的,由金融监督管理部门责令改正,逾期不改正的,处以一万元以上十万元以下的罚款:

Article 139 Anyone who violates of the provisions of this Law and commits either of the following acts, shall be subject to the direction of the financial supervision and regulation department to correct the breach, and a fine of not less than Renminbi ten thousand yuan (RMB 10,000), nor more than Renminbi one hundred thousand yuan (RMB 100,000) if he/she fails to correct the breach within a prescribed period of time:

(一) 未按照规定报送有关报告、报表、文件和资料的;

failing to submit relevant reports, statements, documents and information in accordance with laws or the regulations; or

(二) 未按照规定将拟定险种的保险条款和保险费率报送备案的。

failing to file the insurance clauses and premium rates for its proposed insurance products as required.

第一百四十条 违反本法规定,有下列行为之一的,由金融监督管理部门责令改正,处以十万元以上五十万元以下的罚款:

Article 140 Anyone who violates the provisions of this Law, and commits either of the following acts, shall be subject to the direction of the financial supervision and regulation department for correction, and a fine of not less than Renminbi one hundred thousand yuan (RMB 100,000) nor more than Renminbi five hundred thousand yuan (RMB 500,000):

(一) 提供虚假的报告、报表、文件和资料的;

submitting false reports, statements, documents and information; or

(二) 拒绝或者妨碍依法检查监督的。

refusing to accept or hindering lawful examination and supervision.

第一百四十一条 违反本法规定,有下列行为之一的,由金融监督管理部门责令改正,处以五万元以上三十万元以下的罚款:

Article 141 Anyone who violates the provisions of this Law, and commits any of the following acts, shall be subject to the direction of the financial supervision and regulation department to correct the breach, and a fine of not less than Renminbi fifty thousand yuan (RMB 50,000), nor more than Renminbi three hundred thousand yuan (RMB 300,000):

(一) 超额承保,情节严重的;

retaining for its own account excessive insurance exposures which is regarded as having committed a serious breach; or

(二) 为无民事行为能力人承保以死亡为给付保险金条件的保险的。

undertaking to provide life insurance where death is the prerequisite for the payment of the insurance benefits, for those who have no civil legal capacity.

第一百四十二条 违反本法规定,未取得经营保险代理业务许可证或者经纪业务许可证,非法从事保险代理业务或者经纪业务活动的,由金融监督管理部门予以取缔,没收违法所得,处以违法所得五倍以上十倍以下的罚款。构成犯罪的,依法追究刑事责任。

Article 142 Anyone who violates the provisions of this Law, and illegally transacts insurance agent business or insurance brokerage business without an insurance agent license or insurance broker license, shall be subject to action by the financial supervision and regulation department, and forfeiture of illegal gains, and a fine of not less than five, nor more than ten times as much as the illegal gains. In the event that such offenses are serious enough to constitute a crime, the person shall be subject to criminal proceedings in accordance with laws.

第一百四十三条 对违反本法规定尚未构成犯罪的行为负有直接责任的保险公司高级管理人员和其他直接责任人员，金融监督管理部门可以区别不同情况予以警告，责令予以撤换，处以五千元以上三万元以下的罚款。

Article 143 The financial supervision and regulation department may, in accordance with relevant circumstances, issue warnings to, direct a replacement of or impose a fine of not less than Renminbi five thousand (RMB 5,000) yuan, nor more than Renminbi fifty thousand (RMB 50,000) yuan on the senior management of an insurance company who are directly responsible for, as well as the personnel directly involved in the offense that is not in compliance with the provisions of this Law, but which does not constitute a crime.

第一百四十四条 违反本法规定，给他人造成损害的，应当依法承担民事责任。

Article 144 Anyone who violates this Law and causes damage or loss to others, shall be subject to civil proceedings in accordance with laws.

第一百四十五条 对不符合本法规定条件的设立保险公司的申请予以批准的，或者对不符合保险代理人、保险经纪人条件的申请予以批准的，给予行政处分；情节严重，构成犯罪的，依法追究刑事责任。

Article 145 Administrative sanctions will be imposed upon anyone who approves the application for the establishment of an insurance company which is not in compliance with the stipulated requirements of this Law, or who approves the application of insurance agents or insurance brokers which is not in compliance with the stipulated requirements of this Law. In the event that such acts are serious enough to constitute a crime, the person shall be subject to criminal proceedings in accordance with laws.

第一百四十六条 金融监督管理部门工作人员在对保险业的监督管理工作中滥用职权、徇私舞弊、玩忽职守，构成犯罪的，依法追究刑事责任；不构成犯罪的，给予行政处分。

Article 146 Anyone in the financial supervision and regulation department, in supervising and regulating power over the insurance industry, who abuses his/her administrative power, gets involved in economic corruption or is derelict in his/her duty, practices favoritism for personal interests or neglects his duty, shall be subject to criminal proceedings if the conduct is serious enough to constitute a crime; or shall be subject to administrative sanctions if the conduct does not

constitute a crime.

第八章 附则 Supplementary Provisions

第一百四十七条 海上保险适用海商法的有关规定；海商法未作规定的，适用本法的有关规定。

Article 147 The Maritime Law of the PRC is applicable to marine insurance. For the matters where the Maritime Law does not specify, this Law shall be applicable.

第一百四十八条 设立外资参股的保险公司，或者外国保险公司在中国境内设立分公司，适用本法规定，法律、行政法规另有规定的，适用其规定。

Article 148 The establishment of a joint-venture insurance company with foreign equity or the establishment of branches within the territory of the PRC by foreign insurance companies shall be governed by this Law, or other laws and administrative regulations if they provide otherwise.

第一百四十九条 国家支持发展为农业生产服务的保险事业，农业保险由法律、行政法规另行规定。

Article 149 The State encourages those insurance businesses which facilitate the development of agricultural production. Agricultural insurance shall be governed by laws and administrative regulations to be promulgated separately.

第一百五十条 本法规定的保险公司以外的其他性质的保险组织，由法律、行政法规另行规定。

Article 150 Insurance institutions other than insurance companies as defined by this Law shall be governed by laws and administrative regulations to be promulgated separately.

第一百五十一条 本法施行前按照国务院规定经批准设立的保险公司继续保留，其中不完全具备本法规定的条件的，应当在规定的期限内达到本法规定的条件。具体办法由国务院规定。

Article 151 Insurance companies established upon approval in accordance with the regulations of the State Council prior to the enactment of this Law shall remain operative. Those which do not fully meet the requirements stipulated in this Law shall satisfy the requirements within a prescribed period of time. Specific measures shall be formulated by the State Council.

第一百五十二条 本法自1995年10月1日起施行。

Article 152 This Law shall become effective on October 1, 1995.