



中华人民共和国 保险法

Insurance Law of
the People's Republic of China

(中英对照)

(Chinese-English)

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中华人民共和国主席令

第七十八号

《全国人民代表大会常务委员会关于修改〈中华人民共和国保险法〉的决定》已由中华人民共和国第九届全国人民代表大会常务委员会第三十次会议于 2002 年 10 月 28 日通过,现予公布,自 2003 年 1 月 1 日起施行。

中华人民共和国主席 江泽民

2002 年 10 月 28 日

Order of the President of the People's Republic of China

No. 78

The Decision of the Standing Committee of the National People's Congress on Amending the Insurance Law of the People's Republic of China, adopted at the 30th Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on October 28, 2002, is hereby promulgated and shall go into effect as of January 1, 2003.

Jiang Zemin

President of the People's Republic of China

October 28, 2002

全国人民代表大会常务委员会 关于修改《中华人民共和国 保险法》的决定

(2002年10月28日第九届全国人民代表大会
常务委员会第三十次会议通过)

第九届全国人民代表大会常务委员会第三十次会议决定对《中华人民共和国保险法》作如下修改：

一、第四条修改为：“从事保险活动必须遵守法律、行政法规，尊重社会公德，遵循自愿原则。”

二、增加一条，作为第五条：“保险活动当事人行使权利、履行义务应当遵循诚实信用原则。”

三、第八条改为第九条，修改为：“国务院保险监督管理机构依照本法负责对保险业实施监督管理。”并相应地将有关条文中的“金融监督管理部门”修改为“保险监督管理机构”。

Decision of the Standing Committee of the National People's Congress on Amending the Insurance Law of the People's Republic of China

(Adopted at the 30th Meeting of the Standing
Committee of the Ninth National People's Congress on
October 28, 2002)

At its 30th meeting, the Standing Committee of the Ninth National People's Congress made the following amendments to the Insurance Law of the People's Republic of China:

1. Article 4 is revised to read: "Insurance activities shall be conducted in compliance with laws and administrative rules and regulations, with respect for public morality and on the principle of voluntary participation."

2. One article is added as Article 5, which reads: "In exercising their rights and performing their obligations, the parties to insurance activities shall follow the principle of good faith."

3. Article 8 is changed to be Article 9 and is revised to read: "The insurance supervision and control authority under the State Council shall be responsible for supervision and control of the insurance industry in accordance with this Law." And "the financial supervision and control department" in the relevant Articles of this Law shall

四、第二十三条改为第二十四条,第一款修改为:“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,并将核定结果通知被保险人或者受益人;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。”

五、第三十一条改为第三十二条,修改为:“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、受益人或者再保险分出人的业务和财产情况及个人隐私,负有保密的义务。”

六、第六十七条改为第六十八条,修改为:“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。但被保险人或者受益人仍有权向第三者请求赔偿。”

七、第八十七条改为第八十八条,增加一款,作为第二款:“转让或者由保险监督管理机构指定接受前款规定的人

correspondingly be revised as the “insurance supervision and control authority”.

4. Article 23 is changed to be Article 24, of which the first paragraph is revised to read: “The insurer shall, after receipt of a claim for indemnity or for payment of the amount insured from the insured or the beneficiary, determine the matter without delay, and inform the insured or the beneficiary of the result of the determination. Where responsibility lies with the insurer, the insurer shall fulfill its obligation for such indemnity or payment within 10 days after agreement is reached with the insured or the beneficiary on the amount of such indemnity or payment. If there are stipulations in the insurance contract on the sum insured and on the period within which indemnification or payment should be made, then the insurer shall fulfill its obligation accordingly.”

5. Article 31 is changed to be Article 32 and is revised to read: “The insurer or the reinsurance assignee shall be obligated to keep confidential all information obtained in the course of conducting insurance business regarding the business, financial position and individual privacy of the applicant, the insured, the beneficiary or the insurance assignor.”

6. Article 67 is changed to be Article 68 and is revised to read: “Where insured events perils such as death, disability, or illness of the insured in insurance of the person result from acts of a third party, the insurer shall have no right of claim against the third party by subrogation after payment of the insurance benefits to the insured or the beneficiary. However, the insured or the beneficiary shall still have the right to demand compensation from the third party.”

7. Article 87 is changed to be Article 88, to which one paragraph is added as the second paragraph, which reads: “Where life insurance contracts and reserve funds, as prescribed in the preceding paragraph,

寿保险合同及准备金的,应当维护被保险人、受益人的合法权益。”

八、第九十一条改为第九十二条,第二款修改为:“同一保险人不得同时兼营财产保险业务和人身保险业务;但是,经营财产保险业务的保险公司经保险监督管理机构核定,可以经营短期健康保险业务和意外伤害保险业务。”

第四款修改为:“保险公司不得兼营本法及其他法律、行政法规规定以外的业务。”

九、第九十三条改为第九十四条,修改为:“保险公司应当根据保障被保险人利益、保证偿付能力的原则,提取各项责任准备金。

“保险公司提取和结转责任准备金的具体办法由保险监督管理机构制定。”

十、第九十六条改为第九十七条,增加一款,作为第三款:“保险保障基金管理使用的具体办法由保险监督管理机构制定。”

十一、第一百零一条改为第一百零二条,修改为:“保险公司应当按照保险监督管理机构的有关规定办理再保险。”

十二、第一百零四条改为第一百零五条,第三款修改

are transferred to or accepted by another insurance company designated by the insurance supervision and control authority, the legitimate rights and interests of the insured and the beneficiary shall be preserved.”

8. Article 91 is changed to be Article 92, of which the second paragraph is revised to read: “No insurer may concurrently engage in both the business of property insurance and insurance of the person; however, an insurance company engaged in the business of property insurance may, upon approval by the insurance supervision and control authority, operate the short-term business of health insurance and accidental injury insurance.”

The fourth paragraph is revised to read: “No insurance company may concurrently engage in the business other than that provided for by this Law or other laws, or administrative rules and regulations.”

9. Article 93 is changed to be Article 94 and is revised to read: “Insurance companies shall, in accordance with the principle of safeguarding the interests of the insured and guaranteeing the capability of reimbursement, set aside all liability reserve funds.”

“Specific measures for setting aside and carrying forward the liability reserve funds to be done by insurance companies shall be formulated by the insurance supervision and control authority.”

10. Article 96 is changed to be Article 97, to which one paragraph is added as the third paragraph, which reads: “Specific measures for control and use of the insurance protection fund shall be formulated by the insurance supervision and control authority.”

11. Article 101 is changed to be Article 102 and is revised to read: “An insurance company shall arrange reinsurance in accordance with the relevant provisions specified by the insurance supervision and control authority.”

12. Article 104 is changed to be Article 105, of which the third

为：“保险公司的资金不得用于设立证券经营机构，不得用于设立保险业以外的企业。”

十三、第一百零五条改为第一百零六条，增加一项，作为第五项：“（五）故意编造未曾发生的保险事故进行虚假理赔，骗取保险金。”

十四、第一百零六条改为第一百零七条，修改为：“关系社会公众利益的保险险种、依法实行强制保险的险种和新开发的人寿保险险种等的保险条款和保险费率，应当报保险监督管理机构审批。保险监督管理机构审批时，遵循保护社会公众利益和防止不正当竞争的原则。审批的范围和具体办法，由保险监督管理机构制定。

“其他保险险种的保险条款和保险费率，应当报保险监督管理机构备案。”

十五、增加一条，作为第一百零八条：“保险监督管理机构应当建立健全保险公司偿付能力监管指标体系，对保险公司的最低偿付能力实施监控。”

十六、第一百零七条改为第一百零九条，增加一款，作为第三款：“保险监督管理机构有权查询保险公司在金融机构的存款。”

paragraph is revised to read: "No funds of an insurance company may be employed for the establishment of institutions dealing in bonds or securities or for the establishment of enterprises other than insurance companies."

13. Article 105 is changed to be Article 106, to which one subparagraph is added as the fifth subparagraph, which reads: "(5) settling a false claim by purposely making up an insured event that never happens, to obtain insured amount by fraudulent means."

14. Article 106 is changed to be Article 107 and is revised to read: "The insurance clauses and premium rates for risks insured that have a bearing on the interests of the public, for risks that are compulsorily insured in accordance with law, and for the newly developed life insurance shall be submitted to the insurance supervision and control authority for examination and approval. When conducting examination before giving approval, the insurance supervision and control authority shall abide by the principle of protecting the interests of the public and preventing unfair competition. The scope of and specific measures for examination and approval shall be formulated by the insurance supervision and control authority."

"The insurance clauses and premium rates for other insured risks shall be submitted to the insurance supervision and control authority for the record."

15. One article is added as Article 108, which reads: "The insurance supervision and control authority shall establish a sound indicator system for supervision and control over the solvency of insurance companies, in order to exercise supervision and control over the minimum solvency of the companies."

16. Article 107 is changed to be Article 109, to which one paragraph is added as the third paragraph, which reads: "The insurance supervision and control authority shall have the power to

十七、第一百一十九条改为第一百二十一条,修改为:
“保险公司必须聘用经保险监督管理机构认可的精算专业人员,建立精算报告制度。”

十八、增加一条,作为第一百二十二条:“保险公司的营业报告、财务会计报告、精算报告及其他有关报表、文件和资料必须如实记录保险业务事项,不得有虚假记载、误导性陈述和重大遗漏。”

十九、第一百二十条改为第一百二十三条,增加一款,作为第二款:“依法受聘对保险事故进行评估和鉴定的评估机构和专家,应当依法公正地执行业务。因故意或者过失给保险人或者被保险人造成损害的,依法承担赔偿责任。”

增加一款,作为第三款:“依法受聘对保险事故进行评估和鉴定的评估机构收取费用,应当依照法律、行政法规的规定办理。”

二十、增加一条,作为第一百二十七条:“保险人委托保险代理人代为办理保险业务的,应当与保险代理人签订委托代理协议,依法约定双方的权利和义务及其他代理事项。”

inquire of financial institutions about the deposits of insurance companies.”

17. Article 119 is changed to be Article 121 and is revised to read: “Insurance companies shall appoint and employ actuarial professionals recognized by the insurance supervision and control authority and establish an actuarial report system.”

18. One article is added as Article 122, which reads: “Insurance companies shall see to it that matters of insurance business are truthfully recorded in the business reports, financial and accounting reports, actuarial reports and other relevant statements, documents and materials and that there are no false records, misleading statements or major omissions.”

19. Article 20 is changed to be Article 123, to which one paragraph is added as the second paragraph, which reads: “The loss adjusting organizations or experts employed according to law to carry out adjustments and appraisals of insured events shall conduct their business impartially in accordance with law. Where losses or damages are caused to the insurer or the insured intentionally or by mistake, the organizations or experts shall bear the liability to pay compensation in accordance with law.”

Another paragraph is added as the third paragraph, which reads: “The loss adjusting organizations employed according to law to carry out adjustments and appraisals of insured events shall collect charges in accordance with the provisions of laws, administrative rules and regulations.”

20. One article is added as Article 127, which reads: “Where the insurer authorizes an insurance agent to transact insurance business on its behalf, it shall sign an agreement to such an effect with the insurance agent, in which the rights and obligations of both parties and other agency matters are agreed upon according to law.”

二十一、第一百二十四条改为第一百二十八条,增加一款,作为第二款:“保险代理人为保险人代为办理保险业务,有超越代理权限行为,投保人有理由相信其有代理权,并已订立保险合同的,保险人应当承担保险责任;但是保险人可以依法追究越权的保险代理人的责任。”

二十二、第一百二十四条第二款改为第一百二十九条,修改为:“个人保险代理人在代为办理人寿保险业务时,不得同时接受两个以上保险人的委托。”

二十三、第一百二十六条改为第一百三十一条,修改为:“保险代理人、保险经纪人在办理保险业务活动中不得有下列行为:

“(一)欺骗保险人、投保人、被保险人或者受益人;

“(二)隐瞒与保险合同有关的重要情况;

“(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;

“(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其他利益;

“(五)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。”

二十四、增加一条,作为第一百三十四条:“保险代理手