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# 中华人民共和国保险法（2015修正）

# Insurance Law of the People’s Republic of China (Revision 2015)

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Insurance Law of the People’s Republic of China (Revision 2015)

（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 根据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《关于修改〈中华人民共和国保险法〉的决定》第一次修正 2009年2月28日第十一届全国人民代表大会常务委员会第七次会议修订 根据2014年8月31日第十二届全国人民代表大会常务委员会第十次会议《关于修改〈中华人民共和国保险法〉等五部法律的决定》第二次修正 根据2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议《关于修改〈中华人民共和国计量法〉等五部法律的决定》第三次修正）

(Adopted at the 14th Session of the Standing Committee of the Eighth National People's Congress on June 30, 1995; amended for the first time according to the Decision on Revising the Insurance Law of the People's Republic of China at the 30th Session of the Standing Committee of the Ninth National People's Congress on October 28, 2002; revised at the 7th Session of the Standing Committee of the 11th National People's Congress on February 28, 2009; amended for the second time according to the Decision on Revising the Insurance Law of the People's Republic of China and Four Other Laws at the 10th Session of the Standing Committee of the 12th National People's Congress on August 31, 2014; and amended for the third time according to the Decision on Revising Five Laws including the Metrology Law of the People's Republic of China at the 14th Session of the Standing Committee of the 12th National People's Congress on April 24, 2015)

第一章 总则

Chapter 1 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，维护社会经济秩序和社会公共利益，促进保险事业的健康发展，制定本法。

Article 1 This law has been formulated with a view to standardizing the insurance activities, protecting the legitimate rights and interests of parties to insurance activities, strengthening the supervision and administration of the insurance industry, maintaining social economic order and social public interests and promoting the sound development of insurance business.

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保险金责任，或者当被保险人死亡、伤残、疾病或者达到合同约定的年龄、期限等条 件时承担给付保险金责任的商业保险行为。

Article 2 Insurance used in this law refers to the act of payment of premiums by the insurants to insurers and the responsibility of the insurers to give indemnity to the insurants in case of losses to property of the insurants caused by a specific contingency or perils of death, injury, sickness of the insured upon the stipulated age according to terms as set in the contracts.

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 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，尊重社会公德，不得损害社会公共利益。

Article 4 Persons engaging in insurance activities shall comply with laws and administrative regulations, respect social ethics, and shall not harm public interest.

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。

Article 5 The parties concerned in the insurance activities shall abide by the principle of good faith in the exercise of rights and performance of obligations.

第六条   保险业务由依照本法设立的保险公司以及法律、行政法规规定的其他保险组织经营，其他单位和个人不得经营保险业务。

Article 6 Insurance businesses shall be operated by insurance companies established pursuant to this Law and other insurance organisations stipulated by laws and administrative regulations; no other organisations or individuals shall operate insurance businesses.

第七条   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 7 Legal persons and other organizations which want to be insured within the territory of the People's Republic of China shall enter into insurance policy documents with the insurance companies within the territory of the People's Republic of China.

第八条   保险业和银行业、证券业、信托业实行分业经营、分业管理，保险公司与银行、证券、信托业务机构分别设立。国家另有规定的除外。

Article 8 Insurance industry and banking industry, securities industry and trust industry shall implement industry operation and administration separately; insurance companies shall be established separately from banking, securities and trust business organisations. Unless otherwise specified by the state.

第九条   国务院保险监督管理机构依法对保险业实施监督管理。

Article 9 The insurance regulatory department of the State Council shall implement supervision and administration of insurance industry pursuant to the law.

国务院保险监督管理机构根据履行职责的需要设立派出机构。派出机构按照国务院保险监督管理机构的授权履行监督管理职责。

The insurance regulatory department of the State Council shall establish branches according to the needs for performance of duties. The branches shall perform supervision and administration duties as authorised by the insurance regulatory department of the State Council.

第二章 保险合同

Chapter 2 Insurance Contracts

第一节 一般规定

Section 1 General Provisions

第十条   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 10 An insurance contract is an agreement whereby the rights and obligations pertaining to insurance 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，并按照合同约定负有支付保险费义务的人。

An applicant means a person who has entered into an insurance contract with an insurer and who has the obligation to pay premiums pursuant to contractual provisions.

保险人是指与投保人订立保险合同，并按照合同约定承担赔偿或者给付保险金责任的保险公司。

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

第十一条   订立保险合同，应当协商一致，遵循公平原则确定各方的权利和义务。

Article 11 In concluding an insurance contract, the applicant and the insurer shall reach agreements through consultation and follow the principle of fairness to determine the rights and obligations of all parties concerned.

除法律、行政法规规定必须保险的外，保险合同自愿订立。

Except where insurance is stipulated by laws and administrative regulations, the conclusion of an insurance contract shall be voluntary.

第十二条   人身保险的投保人在保险合同订立时，对被保险人应当具有保险利益。

Article 12 An applicant for the insurance of the person shall have insurable interests in the insured in the conclusion of an insurance contract.

财产保险的被保险人在保险事故发生时，对保险标的应当具有保险利益。

An insured party in property insurance shall, at the time of occurrence of an insured event, have insurance interests in the subject matter of insurance.

人身保险是以人的寿命和身体为保险标的的保险。

Life insurance is an insurance that takes the life and body of persons as the subject matter of insurance.

财产保险是以财产及其有关利益为保险标的的保险。

The subject matter of insurance of a property insurance policy is the property and its relevant interests.

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。

An insured party shall mean a person whose property or body is assured under an insurance contract and who has the right to make insurance claims. The applicant may be the insured.

保险利益是指投保人或者被保险人对保险标的具有的法律上承认的利益。

Insurance interests mean the interests of an applicant or an insured party in the subject matter of insurance recognised by the law.

第十三条   投保人提出保险要求，经保险人同意承保，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。

Article 13 An insurance contract is concluded when an insurance applicant applies for insurance and the insurer agrees to underwrite the insurance. The insurer shall issue an insurance policy or other insurance certificate to the applicant in a timely manner.

保险单或者其他保险凭证应当载明当事人双方约定的合同内容。当事人也可以约定采用其他书面形式载明合同内容。

An insurance policy document or any other insurance certificate shall state the contents of the contract agreed between both parties concerned. The parties may also agree on adopting any other written format to state the contents of the contract.

依法成立的保险合同，自成立时生效。投保人和保险人可以对合同的效力约定附条 件或者附期限。

An insurance contract established in accordance with law shall become effective upon its establishment. The policyholder and the insurer may agree on terms and conditions or deadline for the validity of the contract.

第十四条   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 14 Once an insurance contract is concluded, the applicant shall pay the premium under the contract and the insurer shall begin to undertake the insurance liability from the time agreed upon.

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，投保人可以解除合同，保险人不得解除合同。

Article 15 Unless otherwise stipulated in this Law or agreed in the insurance contract, the applicant may rescind the contract after it is formed.

第十六条   订立保险合同，保险人就保险标的或者被保险人的有关情况提出询问的，投保人应当如实告知。

Article 16 In concluding an insurance contract, when the insurer inquires about the relevant information concerning the subject matter of insurance or the insured, the applicant shall make an honest disclosure.

投保人故意或者因重大过失未履行前款规定的如实告知义务，足以影响保险人决定是否同意承保或者提高保险费率的，保险人有权解除合同。

Where the policyholder failed to perform the obligation of providing truthful information as stipulated in the preceding paragraph intentionally or due to gross negligence, thus affecting the insurer's decision on underwriting or raising of premium rate, the insurer shall have the right to rescind the contract.

前款规定的合同解除权，自保险人知道有解除事由之日起，超过三十日不行使而消灭。自合同成立之日起超过二年的，保险人不得解除合同；发生保险事故的，保险人应当承担赔偿或者给付保险金的责任。

The right to rescind the contract stipulated in the preceding paragraph shall commence on the date on which the insurer becomes aware of the trigger event for rescission and shall extinguish if the right is not exercised more than 30 days. An insurer shall not rescind a contract if a two-year period has lapsed since conclusion of the contract; upon occurrence of an insured event, the insurer shall be liable to make compensation or payment of insurance benefit.

投保人故意不履行如实告知义务的，保险人对于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。

Where an applicant failed to perform the obligation of providing truthful information intentionally, the insurer shall not be liable to make compensation or payment of insurance benefit for an insured event which has occurred before rescission of the contract, and the premium shall not be refunded.

投保人因重大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，但应当退还保险费。

If the insurant fails to perform the obligations of making representations due to gross negligence, thereby seriously affecting the occurrence of insured risks, the insurer shall not undertake to pay indemnity or insurance money for contingency that occurs before the contract terminates but shall return the insurance premium.

保险人在合同订立时已经知道投保人未如实告知的情况的，保险人不得解除合同；发生保险事故的，保险人应当承担赔偿或者给付保险金的责任。

Where an insurer is aware, at the time of conclusion of the contract, that the policyholder has not provided truthful information, the insurer shall not rescind the contract; upon occurrence of an insured event, the insurer shall be liable to make compensation or payment of insurance benefit.

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 shall mean an event covered by the scope of insurance liabilities agreed in an insurance contract.

第十七条   订立保险合同，采用保险人提供的格式条款的，保险人向投保人提供的投保单应当附格式条款，保险人应当向投保人说明合同的内容。

Article 17 If an insurer provides standard terms for the conclusion of an insurance contract, it shall attach the standard terms to the policy provided to the applicant and explain the contents of the contract to the applicant.

对保险合同中免除保险人责任的条款，保险人在订立合同时应当在投保单、保险单或者其他保险凭证上作出足以引起投保人注意的提示，并对该条款的内容以书面或者口头形式向投保人作出明确说明；未作提示或者明确说明的，该条款不产生效力。

An insurer shall highlight clauses in an insurance contract which excludes the liability of the insurer on the insurance application form, insurance policy document or any other insurance certificate to the attention of the policyholder, and make an explicit explanation in writing or verbally to the policyholder in respect of the contents of such clauses; where there is no highlighting or explicit explanation, such clauses shall be invalid.

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:

（一）保险人的名称和住所；

1. Name and address of the insurer;

（二）投保人、被保险人的姓名或者名称、住所，以及人身保险的受益人的姓名或者名称、住所；

(II) Names and residences of the insurant and the insured and the name and residence of the beneficiaries of insurance of the person;

（三）保险标的；

(III) Subject matter insured;

（四）保险责任和责任免除；

(IV) insurance liability and liability exemption;

（五）保险期间和保险责任开始时间；

(V) Insurance term and the starting time of insurance liabilities;

（六）保险金额；

(VI) Insured amount;

（七）保险费以及支付办法；

(VII) premium and the way of its payment;

（八）保险金赔偿或者给付办法；

(VIII) The way of payment of indemnity or insurance money;

（九）违约责任和争议处理；

(IX) liabilities for breach of contract and the handling of disputes; and

（十）订立合同的年、月、日。

(X) The date, month and year in which the contract is signed.

投保人和保险人可以约定与保险有关的其他事项。

An applicant and an insurer may reach agreements on other matters relating to the insurance.

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。

A beneficiary shall mean a person who is designated by the insured party or the policyholder in a life insurance contract to have the right to make insurance claims. The policyholder or the insured party may be the beneficiary.

保险金额是指保险人承担赔偿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 pay for indemnity or for its insurance obligations.

第十九条   采用保险人提供的格式条款订立的保险合同中的下列条款无效：

Article 19 For an insurance contract concluded with standard terms provided by the insurer, the following terms and conditions shall be invalid:

（一）免除保险人依法应承担的义务或者加重投保人、被保险人责任的；

1. the insurer is exempted from the obligation in accordance with the law or the liability of applicant or insured is increased; and

（二）排除投保人、被保险人或者受益人依法享有的权利的。

2. the applicant, the insured or the beneficiary is excluded from the right provided in the law.

第二十条   投保人和保险人可以协商变更合同内容。

Article 20 An applicant and an insurer may, after consultation, alter the contents of an insurance contract.

变更保险合同的，应当由保险人在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。

In altering the contents of an insurance contract, the insurer shall take notes on the original insurance policies or other insurance documents or attach a rider or a written agreement on the alteration signed by the insurant and the insurer.

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。故意或者因重大过失未及时通知，致使保险事故的性质、原因、损失程度等难以确定的，保险人对无法确定的部分，不承担赔偿或者给付保险金的责任，但保险人通过其他途径已经及时知道或者应当及时知道保险事故发生的除外。

Article 21 The insurant, the insured or beneficiaries shall notify the insurer of the occurrence of the insured risks in time after they have learned about them. Where the nature, reason, extent of damages, etc, of the insured event are unascertainable due to the failure of the policyholder, the insured party or the beneficiary to give prompt notification intentionally or due to gross negligence, the insurer shall not be liable to make compensation or payment of insurance benefit for the part which is unascertainable, except where the insurer becomes aware or should be aware of the occurrence of the insured event promptly through any other channel.

第二十二条   保险事故发生后，按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、损失程度等有关的证明和资料。

Article 22 In claiming for indemnity or payment according to an insurance contract after an insured risk occurs, the insurant, the insured or the beneficiaries are obliged to provide evidence or materials to prove the nature and causes of the contingency and losses caused by it.

保险人按照合同的约定，认为有关的证明和资料不完整的，应当及时一次性通知投保人、被保险人或者受益人补充提供。

Where the insurer deems that the relevant proof and materials are incomplete pursuant to contractual provisions, it shall promptly notify the policyholder, the insured party or the beneficiary in a one-off manner to provide the supplementary proof and materials.

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；情形复杂的，应当在三十日内作出核定，但合同另有约定的除外。保险人应当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赔偿或者给付保险金的协议后十日内，履行赔偿或者给付保险金义务。保险合同对赔偿或者给付保险金的期限有约定的，保险人应当按照约定履行赔偿或者给付保险金义务。

Article 23 An insurer shall, after the receipt of a claim for indemnity or for payment of insurance benefits, determine the matter without delay and notify the insured or the beneficiary of the determination result; For the complex case, the determination shall be made within 30 days, with the exception as otherwise agreed in the contract. The insurer shall notify the insured party or the beneficiary of the assessment outcome; where the claim falls under insurance liabilities, the insurer shall perform the obligation of compensation or payment of insurance monies within 10 days from reaching an agreement with the insured party or the beneficiary on compensation or payment of insurance monies. If there is an agreement in the insurance contract on the time limit for the indemnity or payment of insurance benefits, the insurer shall perform its obligation accordingly.

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 an insurer has failed to perform the obligations provided for in the preceding paragraph, the insurer shall compensate for the losses arising therefrom in addition to the payment of insurance money.

任何单位和个人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 organisation or individual shall illegally interfere with the performance of obligation of compensation or payment of insurance benefit by an insurer, or restrict the rights of an insured party or a beneficiary to obtain insurance benefit.

第二十四条   保险人依照本法第二十三条的规定作出核定后，对不属于保险责任的，应当自作出核定之日起三日内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，并说明理由。

Article 24 For the case not falling into the insurance coverage, the insurer shall send a notice declining indemnity or payment of insurance benefits to the insured or the beneficiary in three days after the determination made in accordance with Article 23 of this Law with an explanation of reason.

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 total amount of indemnity or insurance benefits is not determined within 60 days after the receipt of a claim for indemnity or insurance benefits, the insurer shall make the primary payment of minimum amount which can be determined by the evidence and material in hand, and shall accordingly pay the balance after the amount of indemnity or insurance benefits is finally 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，向保险人请求赔偿或者给付保险金的诉讼时效期间为二年，自其知道或者应当知道保险事故发生之日起计算。

Article 26 The limitation of action period in respect of a claim for compensation or payment of insurance benefit by the insured party or the beneficiary of a non – life insurance policy from the insurer shall be two years, commencing from the date on which it becomes aware or should be aware of the occurrence of the insured event.

人寿保险的被保险人或者受益人向保险人请求给付保险金的诉讼时效期间为五年，自其知道或者应当知道保险事故发生之日起计算。

The limitation of action period in respect of a claim for payment of insurance benefit by the insured party or the beneficiary of a life insurance policy from the insurer shall be five years, commencing from the date on which it becomes aware or should be aware of the occurrence of the insured event.

第二十七条   未发生保险事故，被保险人或者受益人谎称发生了保险事故，向保险人提出赔偿或者给付保险金请求的，保险人有权解除合同，并不退还保险费。

Article 27 An insurer is entitled to terminate an insurance contract and not to refund the premiums if the insured or the beneficiary fabricates the occurrence of insurance accident which has not occurred, and lodge a claim to the insurer for indemnity or insurance benefits.

投保人、被保险人故意制造保险事故的，保险人有权解除合同，不承担赔偿或者给付保险金的责任；除本法第四十三条规定外，不退还保险费。

Where the policyholder or the insured party intentionally creates an insured event, the insurer shall have the right to rescind the contract, and shall not be liable to make compensation or payment of insurance benefit; except where stipulated in Article 43 of this Law, the premium shall not be refunded.

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, after an insured risk occurs, the insurant, the insured or beneficiaries are found to have forged or fabricated related certificates, materials or other evidence to prove the causes of the insured risk or for exaggerating the losses, the insurer shall not compensate or pay for the part falsified.

投保人、被保险人或者受益人有前三款规定行为之一，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。

If the insurant, the insured or beneficiaries are found to have committed one of the acts specified in the preceding three paragraphs that have caused the insurer to pay the insurance money or other expenses, the payment shall be returned or compensated for.

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

Article 28 Re-insurance means the assignment by an insurer of part of its underwriting to another insurer assuming the form of a contractor.

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书面告知再保险接受人。

At the request of the reinsurer, the ceding insurer shall inform the reinsurer in writing of the relevant information pertaining to the liability borne by the ceding insurer and the original 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 re-insurance assignee shall not claim for the payment of premium from the original insurance applicant.

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 party or the beneficiary of the original insurance policy shall not make a claim for compensation or payment of insurance benefit 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 re-insurer shall not refuse to perform or delay the performance of the originally insured liability on the pretext of non-performance of the re-insurance liability by the re-insurance underwriter.

第三十条   采用保险人提供的格式条款订立的保险合同，保险人与投保人、被保险人或者受益人对合同条款有争议的，应当按照通常理解予以解释。对合同条款有两种以上解释的，人民法院或者仲裁机构应当作出有利于被保险人和受益人的解释。

Article 30 If there is any dispute between the insurer and the applicant, the insured or the beneficiary over the clauses in an insurance contract concluded with the standard terms provided by the insurer, such disputed clauses shall be interpreted in accordance with the general understanding. Where there are two or more interpretations for the contract clause, the People's Court or arbitration agency shall adopt the interpretation which is in the interest of the insured party and the beneficiary.

第二节 人身保险合同

Section 2 Contract of Insurance of Persons

第三十一条   投保人对下列人员具有保险利益：

Article 31 An insurant shall have the insurable interest for the following people:

（一）本人；

1. The applicant himself;

（二）配偶、子女、父母；

2. spouse, children and parents;

（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；

3. other members of the family or blood relatives other than those specified in the preceding paragraph for whom the insurant has or shares the obligations of support; and

（四）与投保人有劳动关系的劳动者。

(IV) laborers who have a relationship of employment 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。

Except the provisions of the preceding paragraph, if the insured agrees to let the insurant to sign the contract for him, the case shall be regarded as the insurant having insurable interest in the insured.

订立合同时，投保人对被保险人不具有保险利益的，合同无效。

An insurance contract shall be null and void if the applicant has no insurance interests in the insured.

第三十二条   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，并按照合同约定退还保险单的现金价值。保险人行使合同解除权，适用本法第十六条第三款、第六款的规定。

Article 32 If the age of the insured stated by the applicant is not true and the true age does not meet the age limit agreed in the contract, the insurer may terminate the contract and refund the cash value of the insurance policy in accordance with the agreement in the contract. The provisions of the third paragraph and sixth paragraph of Article 16 of this Law shall apply to the insurer's exercise of right to rescind the contract.

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 wrongly given the age of the insured, thus causing him to underpay the premiums, the insurer shall have the right to rectify the mistake and demand the applicant to pay the balance, or when paying insurance benefits, reduce the payment in the proportion which the amount of premiums actually paid bears to the amount the should have been paid.

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。

If the insurance premium paid by the insurant is more than what is payable due to the misstatement of age on the part of the insurant, the insurer shall return the premiums in excess of the due amount.

第三十三条   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 33 An applicant shall not apply for and the insurer shall not provide insurance of the person for one in want of capacity for civil acts, taking death as the condition for the payment of insurance benefits.

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，因被保险人死亡给付的保险金总和不得超过国务院保险监督管理机构规定的限额。

Where parents apply for insurance of the person for their minor children, the restriction stipulated in the preceding paragraph shall not apply. However, the total amount of payments for death of the insured shall not exceed the limit prescribed by the insurance supervision and control authority under the State Council.

第三十四条   以死亡为给付保险金条件的合同，未经被保险人同意并认可保险金额的，合同无效。

Article 34 An insurance contract under which insurance benefit are payable upon death of the insured party shall be invalid if the insurance amount is not agreed and endorsed by the insured party.

按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 issued pursuant to a contract taking death as the condition for payment of insurance benefits may not be transferred or pledged without the written consent of the insured.

父母为其未成年子女投保的人身保险，不受本条第一款规定限制。

Where parents apply for insurance of the person for their minor children, the restriction stipulated in the first paragraph of this Article shall not apply.

第三十五条   投保人可以按照合同约定向保险人一次支付全部保险费或者分期支付保险费。

Article 35 An applicant may pay the premium by a lump sum or by installments as agreed upon in the contract.

第三十六条   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，投保人自保险人催告之日起超过三十日未支付当期保险费，或者超过约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 36 Where 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 30 days from the date of reminding from the insurer or within the agreed term of 60 days, the contract shall lapse, or the insurer shall reduce the amount insured in accordance with the contract, unless otherwise specified in the contract.

被保险人在前款规定期限内发生保险事故的，保险人应当按照合同约定给付保险金，但可以扣减欠交的保险费。

Where an insured event has occurred within the period stipulated in the preceding paragraph, the insurer shall pay insurance monies pursuant to contractual provisions, but it may deduct the premiums in arrears.

第三十七条   合同效力依照本法第三十六条规定中止的，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满二年双方未达成协议的，保险人有权解除合同。

Article 37 A contract which lapses in accordance with Article 36 of this Law 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的，应当按照合同约定退还保险单的现金价值。

Where the insurer has rescinded the contract pursuant to the provisions of the preceding paragraph, the cash value of the insurance policy document shall be refunded pursuant to contractual provisions.

第三十八条   保险人对人寿保险的保险费，不得用诉讼方式要求投保人支付。

Article 38 An insurer shall not resort to legal proceeding to demand the payment of premiums of life insurance from the applicant.

第三十九条   人身保险的受益人由被保险人或者投保人指定。

Article 39 The beneficiaries of life insurance shall be designated by the insured or the insurant.

投保人指定受益人时须经被保险人同意。投保人为与其有劳动关系的劳动者投保人身保险，不得指定被保险人及其近亲属以外的人为受益人。

The designation of the beneficiary by the applicant is subject to the approval of the insured. If an applicant applies for insurance of the person for the laborers who have labor relations with him, the persons other than the insured and his close relatives may not be designated as beneficiaries.

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。

Where an insured party is a person without capacity or with limited capacity for civil conduct, his/her guardian may designate the beneficiary.

第四十条   被保险人或者投保人可以指定一人或者数人为受益人。

Article 40 The insured or the insurant may appoint one or several persons as beneficiaries.

受益人为数人的，被保险人或者投保人可以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 case of several beneficiaries, the insured or the insurant may determine the order and shares of the benefit among them. If the share of benefit is not determined, the beneficiaries shall share the benefit equally.

第四十一条   被保险人或者投保人可以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，应当在保险单或者其他保险凭证上批注或者附贴批单。

Article 41 The insured or the insurant may change the beneficiaries and notify the insurer in writing. The insurer shall make a note on the insurance policy or other insurance certificate after receiving the written notice on the change of the beneficiary.

投保人变更受益人时须经被保险人同意。

In changing the beneficiaries, the insurant shall get the consent of the insured.

第四十二条   被保险人死亡后，有下列情形之一的，保险金作为被保险人的遗产，由保险人依照《中华人民共和国继承法》的规定履行给付保险金的义务：

Article 42 In the case of death of the insured, the insurance benefits shall be treated as legacy of the insured. The insurer shall, in any of the following circumstances, perform the obligation to pay insurance benefits in accordance with the Law of Succession of the People's Republic of China:

（一）没有指定受益人，或者受益人指定不明无法确定的；

1. There is no designated beneficiary, or the designation of beneficiary is not clear for determination;

（二）受益人先于被保险人死亡，没有其他受益人的；

(II) The beneficiaries die before the insured and there are no other appointed beneficiaries;

（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。

(III) The beneficiaries lose the right to the insurance benefit according to law or forfeit the right to benefit and there are no other beneficiaries.

受益人与被保险人在同一事件中死亡，且不能确定死亡先后顺序的，推定受益人死亡在先。

If the beneficiary and the insured die in the same event, and the order of death cannot be determined, the death of the beneficiary shall be presumed earlier.

第四十三条   投保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权利人退还保险单的现金价值。

Article 43 When an applicant intentionally causes the death, disability or illness of the insured, the insurer shall bear no obligation to pay for the insurance. Where the policyholder has paid premiums for two years or more, the insurer shall refund the cash value of the insurance policy document to other rights holders pursuant to contractual provisions.

受益人故意造成被保险人死亡、伤残、疾病的，或者故意杀害被保险人未遂的，该受益人丧失受益权。

If a beneficiary deliberately causes the death or disability of the insured or deliberately and unsuccessfully murders the insured, the beneficiary shall lose the right to the benefit.

第四十四条   以被保险人死亡为给付保险金条件的合同，自合同成立或者合同效力恢复之日起二年内，被保险人自杀的，保险人不承担给付保险金的责任，但被保险人自杀时为无民事行为能力人的除外。

Article 44 Where a contract specifies death of the insured as the condition for payment of insurance benefits and the insured commits suicide within two years from the date of conclusion or reinstatement of the contract, the insurer shall have no obligation to make such payment, unless the case that the insured is incapable of civil acts in committing suicide.

保险人依照前款规定不承担给付保险金责任的，应当按照合同约定退还保险单的现金价值。

Where the insurer is not liable to make payment of insurance monies pursuant to the provisions of the preceding paragraph, the cash value of the insurance policy document shall be refunded pursuant to contractual provisions.

第四十五条   因被保险人故意犯罪或者抗拒依法采取的刑事强制措施导致其伤残或者死亡的，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，保险人应当按照合同约定退还保险单的现金价值。

Article 45 Where an insured party is injured or disabled or killed due to his/her intentional criminal act or refusal of mandatory criminal measures adopted pursuant to the law, the insurer shall not be liable to make payment of insurance benefit. Where the policyholder has paid premiums for two years or more, the insurer shall refund the cash value of the insurance policy document pursuant to contractual provisions.

第四十六条   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。

Article 46 Where an insurance accident such as death, disability, or illness of the insured results from the acts of a third party, the insurer is not entitled to claim against the third party by subrogation after payment of insurance benefits to the insured or the beneficiary. However, the insured or the beneficiary is still entitled to demand indemnity from the third party.

第四十七条   投保人解除合同的，保险人应当自收到解除合同通知之日起三十日内，按照合同约定退还保险单的现金价值。

Article 47 Where an applicant has rescinded a contract, the insurer shall refund the cash value of the insurance policy document pursuant to contractual provisions within 30 days from the date of receipt of notice of rescission of contract.

第三节 财产保险合同

Section 3 Contract of Property Insurance

第四十八条   保险事故发生时，被保险人对保险标的不具有保险利益的，不得向保险人请求赔偿保险金。

Article 48 The insured may not claim for insurance benefits if he has no insurable interests in the subject matter of insurance in the occurrence of an insured event.

第四十九条   保险标的转让的，保险标的的受让人承继被保险人的权利和义务。

Article 49 Where a subject matter of insurance is transferred, the assignee of the subject matter of insurance shall inherit the right and obligation of the insured.

保险标的转让的，被保险人或者受让人应当及时通知保险人，但货物运输保险合同和另有约定的合同除外。

In the event of transfer of the subject matter of insurance, the insured party or the transferee shall promptly notify the insurer, except for freight insurance contracts and contracts which provide otherwise.

因保险标的转让导致危险程度显著增加的，保险人自收到前款规定的通知之日起三十日内，可以按照合同约定增加保险费或者解除合同。保险人解除合同的，应当将已收取的保险费，按照合同约定扣除自保险责任开始之日起至合同解除之日止应收的部分后，退还投保人。

Where the transfer of the subject matter of insurance results in significant increase in the extent of danger, the insurer may increase premium or rescind the contract pursuant to contractual provisions within 30 days from the date of receipt of the notice stipulated in the preceding paragraph. In case the contract is terminated, the insurer may, under the contract, retain the premiums for the period from commencement of insurance liability to the date of termination of the contract and refund the balance of the premiums to the applicant.

被保险人、受让人未履行本条第二款规定的通知义务的，因转让导致保险标的危险程度显著增加而发生的保险事故，保险人不承担赔偿保险金的责任。

Where the insured party or the transferee failed to perform the notification obligation stipulated in the second paragraph of this Article and an insured event has occurred due to significant increase in the extent of danger of the subject matter of insurance, the insurer shall not be liable to make compensation of insurance monies.

第五十条   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 50 A cargo insurance contract or an insurance contract for voyage conveyance shall not be terminated by any party thereto subsequent to the commencement of insurance liability.

第五十一条   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 51 The insured shall observe the relevant regulations on fire, safety, production operations and labor protection and protect the objects insured.

保险人可以按照合同约定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。

An insurer may inspect the safety conditions of the subject matter of insurance pursuant to contractual provisions, and promptly propose recommendations in writing to the policyholder or the insured party on elimination of unsafe factors and hidden hazards.

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责任的，保险人有权要求增加保险费或者解除合同。

If the insurant or the insured has failed to perform its due obligations concerning the safety of the objects insured, the insurer has the right to demand additional insurance premiums or terminate the contract.

保险人为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 preventive measures to ensure the safety of the subject matter of insurance.

第五十二条   在合同有效期内，保险标的的危险程度显著增加的，被保险人应当按照合同约定及时通知保险人，保险人可以按照合同约定增加保险费或者解除合同。保险人解除合同的，应当将已收取的保险费，按照合同约定扣除自保险责任开始之日起至合同解除之日止应收的部分后，退还投保人。

Article 52 If the extent of risk on the subject matter of insurance significantly increases during the period of the contract, the insured shall, in accordance with the contract, notify the insurer in a timely manner, who is entitled to increase the premium or terminate the contract. In case the contract is terminated, the insurer may, under the contract, retain the premiums for the period from commencement of insurance liability to the date of termination of the contract and refund the balance of the premiums to the applicant.

被保险人未履行前款规定的通知义务的，因保险标的的危险程度显著增加而发生的保险事故，保险人不承担赔偿保险金的责任。

Where the insured party failed to perform the notification obligation stipulated in the preceding paragraph, and an insured event has occurred due to significant increase in the extent of danger of the subject matter of insurance, the insurer shall not be liable to make compensation of insurance monies.

第五十三条   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 53 Unless otherwise specified in the contract, the insurer shall reduce the premium and refund the correspondingly part thereof calculated on per diem basis in any of the following cases:

（一）据以确定保险费率的有关情况发生变化，保险标的的危险程度明显减少的；

1. The circumstances on which the premium rating is based have changed and the risks concerning the objects insured have markedly been reduced.

（二）保险标的的保险价值明显减少的。

2. An obvious reduction occurs in the insurable value of the subject matter of insurance.

第五十四条   保险责任开始前，投保人要求解除合同的，应当按照合同约定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，保险人应当将已收取的保险费，按照合同约定扣除自保险责任开始之日起至合同解除之日止应收的部分后，退还投保人。

Article 54 Where an applicant requests termination of the contract prior to commencement of insurance liability, the applicant shall pay service charges to the insurer and the insurer shall then refund the premiums paid. Where an applicant requests termination of the contract subsequent to commencement of insurance liability, the insurer shall refund to the applicant the balance after deducting the portion payable for the period from the date of commencement of insurance liability to the date of termination of contract from the premiums collected pursuant to contractual provisions.

第五十五条   投保人和保险人约定保险标的的保险价值并在合同中载明的，保险标的发生损失时，以约定的保险价值为赔偿计算标准。

Article 55 Where the insurable value of a subject matter of insurance is agreed by the applicant and the insurer and specified in the contract, the agreed insurable value shall be the basis in the calculation of indemnity for the loss of the subject matter of insurance.

投保人和保险人未约定保险标的的保险价值的，保险标的发生损失时，以保险事故发生时保险标的的实际价值为赔偿计算标准。

Where the policyholder and the insurer have not agreed on the insured value of the subject matter of insurance, compensation shall be computed on the basis of the actual value of the subject matter of insurance at the time of occurrence of the insured event when the subject matter of insurance incurs losses.

保险金额不得超过保险价值。超过保险价值的，超过部分无效，保险人应当退还相应的保险费。

The insured amount shall not exceed the insured value. Where the insurance amount exceeds the insured value, the excess portion shall be invalid, and the insurer shall refund the corresponding premium.

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保险金的责任。

Where the insurance amount is less than the insured value, unless otherwise agreed in the contract, the insurer shall be liable to make compensation of insurance monies according to the ratio of the insurance amount to the insured value.

第五十六条   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 56 The insurant of double insurance shall notify all the insurers of the double insurance.

重复保险的各保险人赔偿保险金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保险金的责任。

The aggregate compensation of insurance monies of all the insurers of duplicate insurance shall not exceed the insured value. Unless otherwise agreed in the contract, each insurer shall be liable to make compensation of insurance benefit according to the ratio of its insurance amount to the aggregate insurance amount.

重复保险的投保人可以就保险金额总和超过保险价值的部分，请求各保险人按比例返还保险费。

A policyholder of duplicate insurance may require each insurer to refund the premium according to the ratio in respect of the portion of aggregate insurance amount which exceeds the insured value.

重复保险是指投保人对同一保险标的、同一保险利益、同一保险事故分别与两个以上保险人订立保险合同，且保险金额总和超过保险价值的保险。

Double insurance means an insurance in which a policyholder has concluded insurance contracts with two or more insurers for the same subject matter of insurance, the same insurance interests and the same insured event (s), and the aggregate insurance amount exceeds the insured value.

第五十七条   保险事故发生时，被保险人应当尽力采取必要的措施，防止或者减少损失。

Article 57 In the occurrence of an insurance accident, the insured is obligated to take all necessary measures to prevent or mitigate losses.

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；保险人所承担的费用数额在保险标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。

After an insured risk occurs, all the necessary and reasonable cost paid by the insured to prevent or mitigate the losses of the objects insured shall be covered by the insurer. The amount of the cost borne by the insurer shall be calculated separately from the compensation for the losses of the objects insured, with the maximum amount not exceeding the insured amount.

第五十八条   保险标的发生部分损失的，自保险人赔偿之日起三十日内，投保人可以解除合同；除合同另有约定外，保险人也可以解除合同，但应当提前十五日通知投保人。

Article 58 In the case of partial loss of the subject matter of insurance, the applicant may terminate the contract within 30 days after indemnified by the insurer; unless otherwise specified in the insurance contract, the insurer may also terminate the contract.

合同解除的，保险人应当将保险标的未受损失部分的保险费，按照合同约定扣除自保险责任开始之日起至合同解除之日止应收的部分后，退还投保人。

Where the contract is rescinded, the insurer shall refund to the policyholder the balance after deducting the portion payable for the period from the date of commencement of insurance liabilities to the date of rescission of contract from the premium for the portion of the subject matter of insurance which has not suffered from losses pursuant to contractual provisions.

第五十九条   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 59 If, after an insured risk occurs, the insurer has paid up all the insured amount and the insured amount is equal to the insured value, all the rights of the objects insured sustaining losses shall be in the possession of the insurer. If the insured amount is less than the insured value, the insurer shall retain part of the rights according to the proportion between the insured amount and the insured value.

第六十条   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 60 If an insured risk occurs due to the damage of the objects insured by a third party, the insurer shall, starting from the date of paying the indemnities, subrogate the insured to exercise the right to indemnities from the liable third party.

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。

After the occurrence of the insured event referred to in the preceding paragraph, the insurer may, when paying indemnity, deduct therefrom a corresponding amount, which the insured has received as indemnity from the third party.

保险人依照本条第一款规定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 to indemnity by subrogation exercised by the insurer in accordance with the first paragraph of this Article shall in no way affect the insured's right to indemnity against the third party for the portion un-indemnified.

第六十一条   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请求赔偿的权利的，保险人不承担赔偿保险金的责任。

Article 61 If, after an insured risk occurs, the insured has forfeited the right to claim for indemnities from the third party before the insurer pays the insurance money, the insurer shall not undertake to indemnities.

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 to indemnity against the third party after indemnity is paid by the insurer, the waiver shall be invalid.

被保险人故意或者因重大过失致使保险人不能行使代位请求赔偿的权利的，保险人可以扣减或者要求返还相应的保险金。

Where the insurer is unable to exercise subrogation rights to claim for compensation due to an intentional act or gross negligence of the insured party, the insurer may deduct or request for refund of the corresponding insurance monies.

第六十二条   除被保险人的家庭成员或者其组成人员故意造成本法第六十条第一款规定的保险事故外，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 62 The insurer has no right to 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 60 above has resulted from the willful misbehavior of such a party.

第六十三条   保险人向第三者行使代位请求赔偿的权利时，被保险人应当向保险人提供必要的文件和所知道的有关情况。

Article 63 When the insurer exercises the right to indemnity by subrogation against a third party, the insured shall provide the insurer necessary documents and relevant information known to him.

第六十四条   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 64 The necessary and reasonable expenses paid by the insurer and the insured for investigating and establishing the nature and the causes of the insured risks and the losses of the objects of insurance shall be covered by the insurer.

第六十五条   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 65 The insurer shall, according to the provisions of law or the agreement in the contract, directly pay insurance money to the third party if damages are caused by the insured covered by the liability insurance.

责任保险的被保险人给第三者造成损害，被保险人对第三者应负的赔偿责任确定的，根据被保险人的请求，保险人应当直接向该第三者赔偿保险金。被保险人怠于请求的，第三者有权就其应获赔偿部分直接向保险人请求赔偿保险金。

An insurer shall, at the request of an insured party, make direct compensation of insurance monies to a third party for damages caused by the insured party of a liability insurance policy to the third party in the event that the compensation liability of the insured party towards the third party is determined. Where the insured party does not make the request, the third party shall have the right to directly request that the insurer makes compensation of insurance benefit in respect of the portion of the compensation it should receive.

责任保险的被保险人给第三者造成损害，被保险人未向该第三者赔偿的，保险人不得向被保险人赔偿保险金。

Where an insured party of a liability insurance policy causes a third party to suffer from damages and the insured party has not made compensation to the third party, the insurer shall not make compensation of insurance benefit to the insured party.

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 insurance that makes the liability to indemnities of the insured to the third party as the object.

第六十六条   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，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，除合同另有约定外，由保险人承担。

Article 66 If the insured risk that has caused harm to the third party due to the insured is brought for arbitration or before the court, the necessary and reasonable expenses as arbitration fees or the litigation expenses paid by the insured shall be covered by the insurer.

第三章 保险公司

Chapter 3 Insurance Company

第六十七条   设立保险公司应当经国务院保险监督管理机构批准。

Article 67 The establishment of an insurance company is subject to the approval of the insurance supervision and control authority under the State Council.

国务院保险监督管理机构审查保险公司的设立申请时，应当考虑保险业的发展和公平竞争的需要。

In the examination of application for the establishment of an insurance company, the insurance supervision and control authority under the State Council shall take into account the development of the insurance industry and the need for fair competition.

第六十八条   设立保险公司应当具备下列条 件：

Article 68 The establishment of an insurance company shall satisfy the following conditions:

（一）主要股东具有持续盈利能力，信誉良好，最近三年内无重大违法违规记录，净资产不低于人民币二亿元；

1. Its major shareholders have sustainable profitability, good reputation, no record of major violations of laws and regulations in the past three years, and its net assets are no less than CNY200 million;

（二）有符合本法和《中华人民共和国公司法》规定的章程；

2. it shall have articles of association as provided for in this Law and the Company Law of the People's Republic of China;

（三）有符合本法规定的注册资本；

(III) Having a minimum registered capital as prescribed in this Law;

（四）有具备任职专业知识和业务工作经验的董事、监事和高级管理人员；

(IV) It has directors, supervisors and senior managers with professional knowledge and work experience;

（五）有健全的组织机构和管理制度；

(V) It has a sound organizational structure and management rules; and

（六）有符合要求的营业场所和与经营业务有关的其他设施；

(VI) It shall have offices and other related facilities that are up to the requirements; and

（七）法律、行政法规和国务院保险监督管理机构规定的其他条件。

(VII) Other conditions provided in the laws and administrative regulations and stipulated by the insurance supervision and control authority under the State Council.

第六十九条   设立保险公司，其注册资本的最低限额为人民币二亿元。

Article 69 The minimum registered capital required for the establishment of an insurance company is CNY200 million.

国务院保险监督管理机构根据保险公司的业务范围、经营规模，可以调整其注册资本的最低限额，但不得低于本条第一款规定的限额。

The insurance supervision and control authority under the State Council 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 that stipulated in the first paragraph of this Article.

保险公司的注册资本必须为实缴货币资本。

The registered capital of an insurance company shall be fully paid up in cash.

第七十条   申请设立保险公司，应当向国务院保险监督管理机构提出书面申请，并提交下列材料：

Article 70 For the establishment of an insurance company, the applicant shall file a written application with and submit the following documents and materials to the insurance supervision and control authority under the State Council:

（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；

1. An application, which should specify the name, registered capital and business line of the insurance company to be set up;

（二）可行性研究报告；

2. feasibility study report;

（三）筹建方案；

(III) a preparation plan;

（四）投资人的营业执照或者其他背景资料，经会计师事务所审计的上一年度财务会计报告；

(IV) The business license or other background information of investors, and financial report for the previous year audited by an accounting firm;

（五）投资人认可的筹备组负责人和拟任董事长、经理名单及本人认可证明；

(V) the name list containing the person in charge of the preparation group, the proposed chairman of the board and managers who are approved by the investors and the person concerned; and

（六）国务院保险监督管理机构规定的其他材料。

(VI) other materials stipulated by the insurance supervision and control authority under the State Council.

第七十一条   国务院保险监督管理机构应当对设立保险公司的申请进行审查，自受理之日起六个月内作出批准或者不批准筹建的决定，并书面通知申请人。决定不批准的，应当书面说明理由。

Article 71 The insurance supervision and control authority under the State Council shall examine the application for the establishment of insurance company, make a decision approving or disapproving the application within six months from the date of receipt of the formal application to establish an insurance company and notify the applicant in writing. Unsuccessful applicants shall be notified in writing of the reason for non-approval.

第七十二条   申请人应当自收到批准筹建通知之日起一年内完成筹建工作；筹建期间不得从事保险经营活动。

Article 72 An applicant shall complete preparation for the establishment of an insurance company within one year after the receipt of approval and shall not engage in insurance business activities during the preparation.

第七十三条   筹建工作完成后，申请人具备本法第六十八条规定的设立条件的，可以向国务院保险监督管理机构提出开业申请。

Article 73 After the completion of preparation, the applicant which has met the requirements for establishment specified in Article 68 of this Law may file an application for opening the business with the insurance supervision and control authority under the State Council.

国务院保险监督管理机构应当自受理开业申请之日起六十日内，作出批准或者不批准开业的决定。决定批准的，颁发经营保险业务许可证；决定不批准的，应当书面通知申请人并说明理由。

The insurance supervision and control authority under the State Council shall make a decision approving or disapproving the application for opening the business within 60 days from the date of receiving the application. Where the application is approved, an insurance business permit shall be issued; where the application is not approved, the applicant shall be notified in writing and the reason shall be stated.

第七十四条   保险公司在中华人民共和国境内设立分支机构，应当经保险监督管理机构批准。

Article 74 Establishment of a branch in the People's Republic of China by an insurance company shall be subject to approval of the insurance regulatory authorities.

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。

A branch of an insurance company does not qualify as a legal person and its civil liability shall be borne by the insurance company.

第七十五条   保险公司申请设立分支机构，应当向保险监督管理机构提出书面申请，并提交下列材料：

Article 75 To apply for the establishment of branch, an insurance company shall file a written application with and submit the following materials to the insurance supervision and control authority:

（一）设立申请书；

1. Application for establishment;

（二）拟设机构三年业务发展规划和市场分析材料；

(II) the three-year business development plan and market analysis materials for the proposed institution;

（三）拟任高级管理人员的简历及相关证明材料；

(III) resumes and relevant certification materials of the proposed senior management personnel;

（四）国务院保险监督管理机构规定的其他材料。

(IV) other materials stipulated by the insurance supervision and control authority under the State Council.

第七十六条   保险监督管理机构应当对保险公司设立分支机构的申请进行审查，自受理之日起六十日内作出批准或者不批准的决定。决定批准的，颁发分支机构经营保险业务许可证；决定不批准的，应当书面通知申请人并说明理由。

Article 76 The insurance supervision and control authority under the State Council shall examine the application of an insurance company for the establishment of branch and shall decide, within 60 days after receiving the application, whether or not to grant the approval. Where the application is approved, an insurance business permit shall be issued to the branch; where the application is not approved, the applicant shall be notified in writing and the reason shall be stated.

第七十七条   经批准设立的保险公司及其分支机构，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 77 The insurance company and its branches approved for establishment shall go through the formalities of registration at the administration department of industry and commerce by presenting the approval document and the insurance business permit, and accordingly obtain business license from the authority.

第七十八条   保险公司及其分支机构自取得经营保险业务许可证之日起六个月内，无正当理由未向工商行政管理机关办理登记的，其经营保险业务许可证失效。

Article 78 The insurance business permit shall cease to be valid automatically if the insurance company or its branch fails to complete registration without any proper reasons within six months from the date of receipt of the insurance business permit.

第七十九条   保险公司在中华人民共和国境外设立子公司、分支机构，应当经国务院保险监督管理机构批准。

Article 79 An insurance company proposing to establish a subsidiary or branch outside the People's Republic of China shall obtain approval of the insurance regulatory department of the State Council.

第八十条   外国保险机构在中华人民共和国境内设立代表机构，应当经国务院保险监督管理机构批准。代表机构不得从事保险经营活动。

Article 80 Establishment of representative offices in the People's Republic of China by foreign insurance organisations shall be subject to approval of the insurance regulatory department of the State Council. Representative offices shall not engage in insurance business activities.

第八十一条   保险公司的董事、监事和高级管理人员，应当品行良好，熟悉与保险相关的法律、行政法规，具有履行职责所需的经营管理能力，并在任职前取得保险监督管理机构核准的任职资格。

Article 81 The directors, supervisors and senior management personnel of an insurance company shall be of good character, familiar with the insurance-related laws and administrative regulations, of the capabilities of operation and management needed to perform their duties, and obtain the qualifications approved by the insurance supervision and control authority prior to serving.

保险公司高级管理人员的范围由国务院保险监督管理机构规定。

The scope of senior management personnel of an insurance company shall be stipulated by the insurance regulatory department of the State Council.

第八十二条   有《中华人民共和国公司法》第一百四十六条 规定的情形或者下列情形之一的，不得担任保险公司的董事、监事、高级管理人员：

Article 82 No person shall be a director, a supervisor or a senior manager of an insurance company in the circumstance specified in Article 146 of the Company Law of the People's Republic of China or in any of the following circumstance:

（一）因违法行为或者违纪行为被金融监督管理机构取消任职资格的金融机构的董事、监事、高级管理人员，自被取消任职资格之日起未逾五年的；

1. He who once was the director, supervisor or senior management personnel of a financial institution, and is deprived of the qualification of assuming such posts less than five years ago for violation of laws or regulations;

（二）因违法行为或者违纪行为被吊销执业资格的律师、注册会计师或者资产评估机构、验证机构等机构的专业人员，自被吊销执业资格之日起未逾五年的。

(II) The lawyer, certified public accountant, or the professional from an asset evaluation agency or a certification body who was disqualified for practice for the violation of laws or disciplines unless a period of five years has elapsed since the date of the disqualification.

第八十三条   保险公司的董事、监事、高级管理人员执行公司职务时违反法律、行政法规或者公司章程的规定，给公司造成损失的，应当承担赔偿责任。

Article 83 Where a director, supervisor or senior management personnel of an insurance company violates the provisions of laws and administrative regulations or the articles of association of the company in his/her performance of company duties and causes the company to suffer losses, he/she shall be liable for compensation.

第八十四条   保险公司有下列情形之一的，应当经保险监督管理机构批准：

Article 84 The approval of the insurance supervision and control authority shall be required for an insurance company in any of the following circumstance:

（一）变更名称；

1. change of name;

（二）变更注册资本；

2. change of registered capital;

（三）变更公司或者分支机构的营业场所；

3. Changes in the operational sites of the head office or its subsidiaries;

（四）撤销分支机构；

(IV) the revocation of a branch;

（五）公司分立或者合并；

(V) division or merger of a company;

（六）修改公司章程；

(VI) Revising the articles of association of the company;

（七）变更出资额占有限责任公司资本总额百分之五以上的股东，或者变更持有股份有限公司股份百分之五以上的股东；

(VII) change of a shareholder whose capital contribution accounts for more than 5% of the total capital of a limited liability company, or change of a shareholder who holds more than 5% shares of a joint stock company; or

（八）国务院保险监督管理机构规定的其他情形。

(VIII) any other circumstances stipulated by the insurance regulatory department of the State Council.

第八十五条   保险公司应当聘用专业人员，建立精算报告制度和合规报告制度。

Article 85 Insurance companies shall employ professionals and establish an actuarial reporting system and a compliance reporting system.

第八十六条   保险公司应当按照保险监督管理机构的规定，报送有关报告、报表、文件和资料。

Article 86 An insurance company shall, in accordance with the provisions stipulated by the insurance supervision and control authority, submit the relevant reports, statements, documents and information.

保险公司的偿付能力报告、财务会计报告、精算报告、合规报告及其他有关报告、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。

Solvency reports, financial and accounting reports, actuarial reports, compliance reports and other relevant reports, statements, documents and materials must be truthful in recording insurance matters and shall not contain false records, misleading statements or major omissions.

第八十七条   保险公司应当按照国务院保险监督管理机构的规定妥善保管业务经营活动的完整账簿、原始凭证和有关资料。

Article 87 An insurance company shall, in accordance with the provisions stipulated by the insurance supervision and control authority under the State Council, properly keep complete books, original certificates and related information concerning business activities.

前款规定的账簿、原始凭证和有关资料的保管期限，自保险合同终止之日起计算，保险期间在一年以下的不得少于五年，保险期间超过一年的不得少于十年。

The books, original vouchers and related materials provided for in the preceding paragraph shall be kept from the date of termination of the insurance contract for not less than five years if the insurance period thereof is not more than one year, or not less than ten years if the insurance period thereof is more than one year.

第八十八条   保险公司聘请或者解聘会计师事务所、资产评估机构、资信评级机构等中介服务机构，应当向保险监督管理机构报告；解聘会计师事务所、资产评估机构、资信评级机构等中介服务机构，应当说明理由。

Article 88 An insurance company shall report the hire and dismissal of accounting firms, asset valuation agencies, credit rating agencies and other intermediary service agencies to the insurance supervision and control authority and shall state the reason for the dismissal of accounting firms, asset valuation agencies, credit rating agencies and other intermediary service agencies.

第八十九条   保险公司因分立、合并需要解散，或者股东会、股东大会决议解散，或者公司章程规定的解散事由出现，经国务院保险监督管理机构批准后解散。

Article 89 In the case of division or merger, or resolution of the board of shareholders or general meeting, or the occurrence of causes for dissolution in accordance with the company's articles of association, the insurance company shall be dissolved only upon the approval of the insurance supervision and control authority under the State Council.

经营有人寿保险业务的保险公司，除因分立、合并或者被依法撤销外，不得解散。

An insurance company engaging in life insurance business shall not be dissolved unless due to division, merger or revocation pursuant to the law.

保险公司解散，应当依法成立清算组进行清算。

An insurance company to be dissolved shall set up a liquidation group according to law.

第九十条   保险公司有《中华人民共和国企业破产法》第二条规定情形的，经国务院保险监督管理机构同意，保险公司或者其债权人可以依法向人民法院申请重整、和解或者破产清算；国务院保险监督管理机构也可以依法向人民法院申请对该保险公司进行重整或者破产清算。

Article 90 Upon the approval of the insurance supervision and control authority under the State Council, an insurance company in the circumstance specified in Article 2 of the Bankruptcy Law of the People's Republic of China or its creditors may, in accordance with the law, apply to the People's court for restructuring, reconciliation or bankruptcy; The insurance supervision and control authority under the State Council may also apply to the People's court for restructuring an insurance company or announcing bankruptcy and liquidation of an insurance company in accordance with the law.

第九十一条   破产财产在优先清偿破产费用和共益债务后，按照下列顺序清偿：

Article 91 The bankruptcy property shall, after giving priority to paying off the expenses of bankruptcy proceedings and community liabilities, be used for the payment of debts in the following order:

（一）所欠职工工资和医疗、伤残补助、抚恤费用，所欠应当划入职工个人账户的基本养老保险、基本医疗保险费用，以及法律、行政法规规定应当支付给职工的补偿金；

1. The wages, medical subsidies, disability subsidies and pension expenses owed to the employees, the basic pension insurance and basic medical insurance expenses that shall be transferred into the employees' individual accounts, and the compensation payable to the employees as stipulated by laws and administrative regulations;

（二）赔偿或者给付保险金；

2. To pay indemnities or insurance money;

（三）保险公司欠缴的除第（一）项规定以外的社会保险费用和所欠税款；

(III) Unpaid social insurance expense other than that as specified in the first item of this Article and taxes; and

（四）普通破产债权。

(IV) ordinary bankruptcy claims.

破产财产不足以清偿同一顺序的清偿要求的，按照比例分配。

Where the bankruptcy property is insufficient to meet all repayment claims having the same order of priority, it shall be distributed on a pro-rata basis.

破产保险公司的董事、监事和高级管理人员的工资，按照该公司职工的平均工资计算。

The wages of the directors, supervisors and senior management personnel of a bankrupt insurance company shall be computed in accordance with the average wage of the company's employees.

第九十二条   经营有人寿保险业务的保险公司被依法撤销或者被依法宣告破产的，其持有的人寿保险合同及责任准备金，必须转让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，由国务院保险监督管理机构指定经营有人寿保险业务的保险公司接受转让。

Article 92 Where an insurance company engaging in life insurance business is revoked or declared bankrupt pursuant to the law, the life insurance contracts and liability reserves it holds shall be transferred to another insurance company which engages in life insurance business; where the insurance company is unable to reach a transfer agreement with another insurance company, the insurance regulatory department of the State Council shall designate an insurance company which engages in life insurance business to accept the transfer.

转让或者由国务院保险监督管理机构指定接受转让前款规定的人寿保险合同及责任准备金的，应当维护被保险人、受益人的合法权益。

In the event of transfer of life insurance contracts and liability reserves stipulated in the preceding paragraph or acceptance of transfer of life insurance contracts and liability reserves stipulated in the preceding paragraph which is designated by the insurance regulatory department of the State Council, the legitimate rights and interests of the insured parties and the beneficiaries shall be protected.

第九十三条   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 93 If an insurance company terminates its business operations according to law, it shall cancel its insurance operational permit.

第九十四条   保险公司，除本法另有规定外，适用《中华人民共和国公司法》的规定。

Article 94 Unless it is otherwise provided in this Law, the Company Law of the People's Republic of China shall apply to insurance companies.

第四章 保险经营规则

Chapter 4 Rules Governing Insurance Business

第九十五条   保险公司的业务范围：

Article 95 The business scope of an insurance company:

（一）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；

1. personal insurance, including life insurance, health insurance and accidental injury insurance;

（二）财产保险业务，包括财产损失保险、责任保险、信用保险、保证保险等保险业务；

2. property insurance, including property loss insurance, liability insurance, credit insurance and guarantee insurance;

（三）国务院保险监督管理机构批准的与保险有关的其他业务。

3. other business concerning insurance which are approved by the insurance supervision and control authority under the State Council.

保险人不得兼营人身保险业务和财产保险业务。但是，经营财产保险业务的保险公司经国务院保险监督管理机构批准，可以经营短期健康保险业务和意外伤害保险业务。

No insurer may concurrently engage in both insurance of the person and insurance of the property. However, an insurance company which engages in property insurance businesses may, upon approval by the insurance regulatory department of the State Council, engage in short-term health insurance businesses and accident insurance businesses.

保险公司应当在国务院保险监督管理机构依法批准的业务范围内从事保险经营活动。

Insurance companies shall engage in insurance business activities within the scope of business approved by the insurance regulatory department of the State Council pursuant to the law.

第九十六条   经国务院保险监督管理机构批准，保险公司可以经营本法第九十五条规定的保险业务的下列再保险业务：

Article 96 Subject to approval of the insurance regulatory department of the State Council, an insurance company may engage in the following reinsurance businesses under the insurance businesses stipulated in Article 95 of this Law:

（一）分出保险；

1. outward reinsurance; and

（二）分入保险。

(II) inward reinsurance.

第九十七条   保险公司应当按照其注册资本总额的百分之二十提取保证金，存入国务院保险监督管理机构指定的银行，除公司清算时用于清偿债务外，不得动用。

Article 97 An insurance company shall deposit 20% of its registered capital as a security in the bank designated by the insurance supervision and control authority under the State Council, which shall not be used with the exception of liquidation of the company.

第九十八条   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。

Article 98 An insurance company shall, in accordance with the principle of safeguarding the interests of the insured and guaranteeing the solvency, set aside various liability reserve.

保险公司提取和结转责任准备金的具体办法，由国务院保险监督管理机构制定。

The specific measures for setting aside and carrying forward liability reserve by insurance companies shall be formulated by the insurance supervision and control authority under the State Council.

第九十九条   保险公司应当依法提取公积金。

Article 99 An insurance company shall, in accordance with the law, set aside provident funds.

第一百条   保险公司应当缴纳保险保障基金。

Article 100 An insurance company shall make a contribution to the insurance protection fund.

保险保障基金应当集中管理，并在下列情形下统筹使用：

The insurance protection fund shall be managed in a centralized way and be used in a planned way under the following circumstances:

（一）在保险公司被撤销或者被宣告破产时，向投保人、被保险人或者受益人提供救济；

1. To provide relief to the applicants, the insured and the beneficiaries when an insurance company is revoked or declared bankruptcy;

（二）在保险公司被撤销或者被宣告破产时，向依法接受其人寿保险合同的保险公司提供救济；

2. to provide relief to the insurance company which accepts life insurance contracts of another insurance company being revoked or declared bankrupt in accordance with the law; and

（三）国务院规定的其他情形。

(III) any other circumstances stipulated by the State Council.

保险保障基金筹集、管理和使用的具体办法，由国务院制定。

The specific measures for raising, managing and using the insurance protection fund shall be formulated by the State Council.

第一百零一条   保险公司应当具有与其业务规模和风险程度相适应的最低偿付能力。保险公司的认可资产减去认可负债的差额不得低于国务院保险监督管理机构规定的数额；低于规定数额的，应当按照国务院保险监督管理机构的要求采取相应措施达到规定的数额。

Article 101 An insurance company shall maintain a minimum solvency commensurate with the size of its business and the degree of risk. After deduction of amount of its actual liability from the value of its actual assets, the balance shall not be less than the amount specified by the insurance supervision and control authority under the State Council. In the case that the balance is less than the amount stipulated, the insurance company shall, in accordance with the requirement prescribed by the insurance supervision and control authority under the State Council, take corresponding measures to make up for the deficit.

第一百零二条   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 102 The year's premiums retained by an insurance company undertaking property insurance shall not exceed four times that the total of the actual capital fund plus public accumulation fund.

第一百零三条   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 103 The liability undertaken by an insurance company for a risk unit, namely, the maximum loss caused by one insured risk, shall not exceed 10 percent of the total of the actual capital fund plus public accumulation fund. The part in excess of the amount shall be re-insured.

保险公司对危险单位的划分应当符合国务院保险监督管理机构的规定。

The differentiation of risk units by insurance companies shall comply with the provisions of the insurance regulatory department of the State Council.

第一百零四条   保险公司对危险单位的划分方法和巨灾风险安排方案，应当报国务院保险监督管理机构备案。

Article 104 The classification method of risk units and plan against huge risks of an insurance company shall be filed with the insurance supervision and control authority under the State Council.

第一百零五条   保险公司应当按照国务院保险监督管理机构的规定办理再保险，并审慎选择再保险接受人。

Article 105 Insurance companies shall handle reinsurance pursuant to the provisions of the insurance regulatory department of the State Council, and select reinsurers prudently.

第一百零六条   保险公司的资金运用必须稳健，遵循安全性原则。

Article 106 An insurance company shall employ its funds in a steady manner, follow the safety principle.

保险公司的资金运用限于下列形式：

The employment of funds by an insurance company is limited to the following forms:

（一）银行存款；

1. bank deposits;

（二）买卖债券、股票、证券投资基金份额等有价证券；

2. trade in negotiable securities such as bonds, stocks and securities investment fund shares;

（三）投资不动产；

(III) investment in real estate;

（四）国务院规定的其他资金运用形式。

(IV) other forms of employment of funds stipulated by the State Council.

保险公司资金运用的具体管理办法，由国务院保险监督管理机构依照前两款的规定制定。

The specific administrative measures for the use of funds by an insurance company shall be formulated by the insurance supervision and control authority under the State Council in accordance with the preceding two paragraphs.

第一百零七条   经国务院保险监督管理机构会同国务院证券监督管理机构批准，保险公司可以设立保险资产管理公司。

Article 107 Subject to approval of the insurance regulatory department of the State Council jointly with the securities regulatory department of the State Council, an insurance company may establish an insurance assets management company.

保险资产管理公司从事证券投资活动，应当遵守《中华人民共和国证券法》等法律、行政法规的规定。

Insurance assets management companies engaging in securities investment activities shall comply with the provisions of the Securities Law of the People's Republic of China and related laws and administrative regulations.

保险资产管理公司的管理办法，由国务院保险监督管理机构会同国务院有关部门制定。

The administrative measures on insurance assets management companies shall be formulated by the insurance regulatory department of the State Council jointly with the relevant departments of the State Council.

第一百零八条   保险公司应当按照国务院保险监督管理机构的规定，建立对关联交易的管理和信息披露制度。

Article 108 An insurance company shall, in accordance with the provisions stipulated by the insurance supervision and control authority under the State Council, set up systems of affiliate transaction and information disclosure.

第一百零九条   保险公司的控股股东、实际控制人、董事、监事、高级管理人员不得利用关联交易损害公司的利益。

Article 109 The controlling shareholders, actual controlling party, directors, supervisors or senior management personnel of an insurance company shall not make use of related party transactions to harm the interests of the company.

第一百一十条   保险公司应当按照国务院保险监督管理机构的规定，真实、准确、完整地披露财务会计报告、风险管理状况、保险产品经营情况等重大事项。

Article 110 An insurance company shall, in accordance with the provision stipulated by the insurance supervision and control authority under the State Council, truly, accurately and completely disclose such major issues as financial accounting reports, risk management and operation of insurance products, etc.

第一百一十一条   保险公司从事保险销售的人员应当品行良好，具有保险销售所需的专业能力。保险销售人员的行为规范和管理办法，由国务院保险监督管理机构规定。

Article 111 Insurance sales personnel of insurance companies shall have good conduct, possess professional competency required for insurance sales. The code of conduct and administrative measures for insurance sales personnel shall be stipulated by the insurance regulatory department of the State Council.

第一百一十二条   保险公司应当建立保险代理人登记管理制度，加强对保险代理人的培训和管理，不得唆使、诱导保险代理人进行违背诚信义务的活动。

Article 112 An insurance company shall set up an insurance agent registration management system, strengthen the training and management of insurance agents, and may not instigate or induce insurance agents for activities in breach of good faith.

第一百一十三条   保险公司及其分支机构应当依法使用经营保险业务许可证，不得转让、出租、出借经营保险业务许可证。

Article 113 Insurance companies and their branches shall use their insurance business permit pursuant to the law, and shall not transfer, lease or lend their insurance business permit.

第一百一十四条   保险公司应当按照国务院保险监督管理机构的规定，公平、合理拟订保险条款和保险费率，不得损害投保人、被保险人和受益人的合法权益。

Article 114 An insurance company shall, in accordance with the provisions stipulated by the insurance supervision and control authority under the State Council, work out fair and reasonable insurance terms and premium rates, and may not harm the legitimate rights and interests of the applicant, the insured and the beneficiaries.

保险公司应当按照合同约定和本法规定，及时履行赔偿或者给付保险金义务。

Insurance companies shall promptly perform obligations of making compensation or payment of insurance benefit pursuant to contractual provisions and the provisions of this Law.

第一百一十五条   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 115 Insurance companies shall observe the principle of fair competition in developing insurance business and shall not engage in unfair competition.

第一百一十六条   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 116 An insurance company and its staff members are not allowed to commit the following acts:

（一）欺骗投保人、被保险人或者受益人；

1. 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；

2. To conceal important information associated with insurance contracts;

（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；

(III) To obstruct the insurant from performing the obligation of faithful statement provided for in this Law or induce it not to perform such obligation;

（四）给予或者承诺给予投保人、被保险人、受益人保险合同约定以外的保险费回扣或者其他利益；

(IV) giving or promising the applicant, the insured or the beneficiary to give them premium rebates or other benefits which are not specified in the insurance contract; or

（五）拒不依法履行保险合同约定的赔偿或者给付保险金义务；

(V) refusing to perform its obligation of indemnity or payment of insurance benefits agreed in the insurance contract in accordance with the law;

（六）故意编造未曾发生的保险事故、虚构保险合同或者故意夸大已经发生的保险事故的损失程度进行虚假理赔，骗取保险金或者牟取其他不正当利益；

(VI) Defrauding insurance benefits or other improper benefits by making a false claim through intentionally fabricating an insurance accident which has not actually occurred, making up an insurance contract, or intentionally inflating the extent of loss caused by an insurance accident which has actually occurred; or

（七）挪用、截留、侵占保险费；

(VII) misappropriating, withholding or occupying premiums;

（八）委托未取得合法资格的机构从事保险销售活动；

(VIII) entrusting unqualified institutions to engage in insurance sales activities;

（九）利用开展保险业务为其他机构或者个人牟取不正当利益；

(IX) Seeking improper benefits for other institutions or individuals in the development of insurance business;

（十）利用保险代理人、保险经纪人或者保险评估机构，从事以虚构保险中介业务或者编造退保等方式套取费用等违法活动；

(X) Engaging in such illegal activities as obtaining costs through fabricating insurance intermediary business or surrender by making use of insurance agents, insurance brokers or insurance assessment institutions;

（十一）以捏造、散布虚假事实等方式损害竞争对手的商业信誉，或者以其他不正当竞争行为扰乱保险市场秩序；

(XI) damaging the commercial credibility of competitors in the form of fabricating or spreading false facts, or disrupting the order of insurance market by other acts of unfair competition;

（十二）泄露在业务活动中知悉的投保人、被保险人的商业秘密；

(XII) Revealing commercial secrets of the applicant and the insured known in the operational activities;

（十三）违反法律、行政法规和国务院保险监督管理机构规定的其他行为。

(XIII) other acts in breach of laws, administrative regulations and rules provided by the insurance supervision and control authority under the State Council.

第五章 保险代理人和保险经纪人

Chapter 5 Insurance Agents and Insurance Brokers

第一百一十七条   保险代理人是根据保险人的委托，向保险人收取佣金，并在保险人授权的范围内代为办理保险业务的机构或者个人。

Article 117 An insurance agent is an entity or individual that has been authorized by an insurer to transact insurance business on its behalf within the scope of authorization and gets in return agent's commissions to be collected from the insurer.

保险代理机构包括专门从事保险代理业务的保险专业代理机构和兼营保险代理业务的保险兼业代理机构。

Insurance agencies include full-time insurance agencies that engage in insurance agency businesses exclusively and part-time insurance agencies that engage in insurance agency businesses on a part-time basis.

第一百一十八条   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，并依法收取佣金的机构。

Article 118 An insurance broker is an entity that, in the interest of the applicant, provides intermediary services between the applicant and the insurer for the conclusion of an insurance contract and receives a commission therefor in accordance with law.

第一百一十九条   保险代理机构、保险经纪人应当具备国务院保险监督管理机构规定的条件，取得保险监督管理机构颁发的经营保险代理业务许可证、保险经纪业务许可证。

Article 119 An insurance agent or insurance broker shall meet the requirement provided by the insurance supervision and control authority under the State Council and shall obtain the insurance agency business permit or the insurance brokerage business permit issued by the insurance supervision and control authority.

第一百二十条   以公司形式设立保险专业代理机构、保险经纪人，其注册资本最低限额适用《中华人民共和国公司法》的规定。

Article 120 A professional insurance agent or broker established in the form of company shall meet the requirement for minimum registered capital provided in the Company Law of the People's Republic of China.

国务院保险监督管理机构根据保险专业代理机构、保险经纪人的业务范围和经营规模，可以调整其注册资本的最低限额，但不得低于《中华人民共和国公司法》规定的限额。

The insurance regulatory department of the State Council may adjust the minimum registered capital requirement of a full-time insurance agency or insurance brokerage based on its scope of business and scale of business, provided that the adjusted requirement shall not be lower than the amount stipulated in the Company Law of the People's Republic of China.

保险专业代理机构、保险经纪人的注册资本或者出资额必须为实缴货币资本。

The registered capital or capital contribution amount of a full-time insurance agency or insurance brokerage shall be fully paid- up in cash.

第一百二十一条   保险专业代理机构、保险经纪人的高级管理人员，应当品行良好，熟悉保险法律、行政法规，具有履行职责所需的经营管理能力，并在任职前取得保险监督管理机构核准的任职资格。

Article 121 The senior management personnel of an professional insurance agent or broker shall be of good character, familiar with the insurance-related laws and administrative regulations, of the capabilities of operation and management needed to perform their duties, and obtain the qualifications approved by the insurance supervision and control authority prior to serving.

第一百二十二条   个人保险代理人、保险代理机构的代理从业人员、保险经纪人的经纪从业人员，应当品行良好，具有从事保险代理业务或者保险经纪业务所需的专业能力。

Article 122 Individual insurance agents, insurance agent personnel of insurance agencies and broker personnel of insurance brokerages shall have good character and possess the professional competency required for undertaking insurance agency or insurance brokerage businesses.

第一百二十三条   保险代理机构、保险经纪人应当有自己的经营场所，设立专门账簿记载保险代理业务、经纪业务的收支情况。

Article 123 Insurance agencies and insurance brokerages shall have their own business premises and keep specific accounts books to record income and expenditure of insurance agency business or insurance brokerage business.

第一百二十四条   保险代理机构、保险经纪人应当按照国务院保险监督管理机构的规定缴存保证金或者投保职业责任保险。

Article 124 Insurance agencies and insurance brokerages shall make contributions to security deposit or take up professional liability insurance pursuant to the provisions of the insurance regulatory department of the State Council.

第一百二十五条   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。

Article 125 An individual insurance agent in transacting life insurance business as an agent shall not concurrently accept the entrustments of two or more insurers.

第一百二十六条   保险人委托保险代理人代为办理保险业务，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。

Article 126 An insurer entrusting an insurance agent to handle insurance businesses shall enter into an agency entrustment agreement with the insurance agent to agree the rights and obligations of both parties pursuant to the law.

第一百二十七条   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 127 An insurer shall be liable for the acts of its agents when they transact insurance business on behalf of the insurer in pursuance of the authorization.

保险代理人没有代理权、超越代理权或者代理权终止后以保险人名义订立合同，使投保人有理由相信其有代理权的，该代理行为有效。保险人可以依法追究越权的保险代理人的责任。

Where an insurance agent who does not have agency rights enters into a contract in the name of an insurer or where an insurance agent enters into a contract in the name of an insurer beyond its agency rights or where an insurance agent enters into a contract in the name of an insurer after its agency rights have terminated and the policyholder has a reason to believe that the insurance agent has agency rights, the agency shall be valid. The insurer may, in accordance with the law, investigate the responsibility of the insurance agent that oversteps the authority delegated to it.

第一百二十八条   保险经纪人因过错给投保人、被保险人造成损失的，依法承担赔偿责任。

Article 128 An insurance brokerage whose mistake causes an applicant or an insured party to suffer from damages shall be liable to make compensation pursuant to the law.

第一百二十九条   保险活动当事人可以委托保险公估机构等依法设立的独立评估机构或者具有相关专业知识的人员，对保险事故进行评估和鉴定。

Article 129 A party concerned in the insurance activities may entrust an independent assessment agency which is legally established or related professional personnel to make assessment and identification of an insurance accident.

接受委托对保险事故进行评估和鉴定的机构和人员，应当依法、独立、客观、公正地进行评估和鉴定，任何单位和个人不得干涉。

The organisation and personnel entrusted to carry out evaluation and appraisal of an insured event shall carry out the evaluation and appraisal lawfully, independently, objectively and fairly, and no organisation or individual shall interfere.

前款规定的机构和人员，因故意或者过失给保险人或者被保险人造成损失的，依法承担赔偿责任。

Where the organisation and personnel stipulated in the preceding paragraph intentionally or negligently cause an insurer or an insured party to suffer from damages, they shall be liable to make compensation pursuant to the law.

第一百三十条   保险佣金只限于向保险代理人、保险经纪人支付，不得向其他人支付。

Article 130 Insurance commissions shall be paid only to insurance agents and insurance brokerages, and shall not be paid to any other person.

第一百三十一条   保险代理人、保险经纪人及其从业人员在办理保险业务活动中不得有下列行为：

Article 131 No insurance agent, insurance broker or their practitioners may commit any of the following acts in transacting insurance business:

（一）欺骗保险人、投保人、被保险人或者受益人；

1. deceiving the insurer, applicant, insured or beneficiary;

（二）隐瞒与保险合同有关的重要情况；

2. To conceal any important information about the insurance contracts;

（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；

(III) To obstruct the insurant from performing the obligation of faithful statement provided for in this Law or induce it not to perform such obligation;

（四）给予或者承诺给予投保人、被保险人或者受益人保险合同约定以外的利益；

(IV) Giving or promising to give the applicant, the insured or the beneficiary benefits other than that provided in the insurance contract;

（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；

(V) Coercing, inducing or restricting the applicant to enter into an insurance contract by taking advantage of the administrative powers and position or of the occupational facilities, or by employing other illegitimate means;

（六）伪造、擅自变更保险合同，或者为保险合同当事人提供虚假证明材料；

(VI) forging or altering without authorization an insurance contract, or providing false evidence for the party of an insurance contract;

（七）挪用、截留、侵占保险费或者保险金；

(VII) misappropriating, withholding or occupying insurance premiums or insurance benefits;

（八）利用业务便利为其他机构或者个人牟取不正当利益；

(VIII) Seizing improper benefits for other institutions or individuals by taking advantage of their business status;

（九）串通投保人、被保险人或者受益人，骗取保险金；

(IX) defrauding insurance benefits by colluding the applicant, the insured or the beneficiary; or

（十）泄露在业务活动中知悉的保险人、投保人、被保险人的商业秘密。

10. revealing commercial secrets of the insurer, the applicant or the insured known in the business activities.

第一百三十二条   本法第八十六条第一款、第一百一十三条的规定，适用于保险代理机构和保险经纪人。

Article 132 The provisions in the first paragraph of Article 86 of this Law and Article 113 of this Law shall respectively apply to insurance agents and insurance brokers.

第六章 保险业监督管理

Chapter 6 Supervision and Administration of the Insurance Industry

第一百三十三条   保险监督管理机构依照本法和国务院规定的职责，遵循依法、公开、公正的原则，对保险业实施监督管理，维护保险市场秩序，保护投保人、被保险人和受益人的合法权益。

Article 133 The insurance regulatory authorities shall implement supervision and administration of insurance industry pursuant to the duties stipulated by this Law and the State Council and in accordance with the principles of lawfulness, transparency and equitableness, safeguard the order of insurance market, and protect the legitimate rights and interests of policyholders, insured parties and beneficiaries.

第一百三十四条   国务院保险监督管理机构依照法律、行政法规制定并发布有关保险业监督管理的规章 。

Article 134 The supervision and control authority under the State Council shall, in accordance with laws and administrative regulations, formulate and issue rules and regulations with respect to the supervision and administration of the insurance industry.

第一百三十五条   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，应当报国务院保险监督管理机构批准。国务院保险监督管理机构审批时，应当遵循保护社会公众利益和防止不正当竞争的原则。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。

Article 135 The insurance terms and premium rates of an insurance related to the social public interests, of a compulsory insurance in accordance with the law or of a newly developed life insurance shall be approved by the insurance supervision and control authority under the State Council. The insurance regulatory department of the State Council shall comply with the principles of protection of public interest and prevention of unfair competition in the examination and approval of such insurance policies. The insurance clauses and insurance rates of other categories of insurance shall be submitted to insurance supervision and administration department for record.

保险条款和保险费率审批、备案的具体办法，由国务院保险监督管理机构依照前款规定制定。

The detailed measures for examination and approval and filing of insurance clauses and premium rates shall be formulated by the insurance regulatory department of the State Council pursuant to the provisions of the preceding paragraph.

第一百三十六条   保险公司使用的保险条款和保险费率违反法律、行政法规或者国务院保险监督管理机构的有关规定的，由保险监督管理机构责令停止使用，限期修改；情节 严重的，可以在一定期限内禁止申报新的保险条 款和保险费率。

Article 136 Where an insurance company violates laws, administrative regulations or relevant provisions prescribed by the insurance supervision and control authority under the State Council in its terms and premium rates, the insurance supervision and control authority shall order the insurance company to stop use and rectify such terms and premium rates in a time limit, and if the circumstances are serious, may forbid the insurance company to file new insurance terms and premium rates in a specific term.

第一百三十七条   国务院保险监督管理机构应当建立健全保险公司偿付能力监管体系，对保险公司的偿付能力实施监控。

Article 137 The insurance supervision and control authority under the State Council shall establish and improve the supervisory system of solvency to monitor the solvency of insurance companies.

第一百三十八条   对偿付能力不足的保险公司，国务院保险监督管理机构应当将其列为重点监管对象，并可以根据具体情况采取下列措施：

Article 138 For insurance companies insufficient of solvency, the insurance supervision and control authority under the State Council shall list it as the key regulatory target and take the following measures in accordance with the specific circumstance:

（一）责令增加资本金、办理再保险；

1. ordering it to increase its capital or to re-insurance;

（二）限制业务范围；

2. restricting the business scope;

（三）限制向股东分红；

(III) restriction on paying dividends to its shareholders;

（四）限制固定资产购置或者经营费用规模；

(IV) Restriction on purchasing fixed assets or on operation cost scale;

（五）限制资金运用的形式、比例；

(V) restriction on the form and proportion in using funds;

（六）限制增设分支机构；

6. restrict its establishment of branches;

（七）责令拍卖不良资产、转让保险业务；

(VII) ordering it to auction non-performing assets or to transfer insurance business;

（八）限制董事、监事、高级管理人员的薪酬水平；

(VIII) Restriction on the salary level of directors, supervisors and senior management personnel;

（九）限制商业性广告；

(IX) Restrictions on commercial advertising;

（十）责令停止接受新业务。

(X) Ordering to stop accepting new business.

第一百三十九条   保险公司未依照本法规定提取或者结转各项责任准备金，或者未依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，由保险监督管理机构责令限期改正，并可以责令调整负责人及有关管理人员。

Article 139 Where an insurance company fails to set aside or carry forward various of liability reserve or to re-insure in breach of this Law, or seriously violates this law in the use of funds, the insurance supervision and control authority may order it to rectify in a time limit and to adjust responsible persons and relevant management personnel.

第一百四十条   保险监督管理机构依照本法第一百三十九条的规定作出限期改正的决定后，保险公司逾期未改正的，国务院保险监督管理机构可以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，对公司进行整顿。

Article 140 If the insurance supervision and control authority announces a decision on the rectification of an insurance company in a time limit in accordance with Article 139 of this Law, but the insurance company fails to rectify in the time limit, the insurance supervision and control authority under the State Council may decide to select insurance professionals or to designate relevant personnel of the insurance company to compose a group for the rectification of the company.

整顿决定应当载明被整顿公司的名称、整顿理由、整顿组成员和整顿期限，并予以公告。

The reorganisation decision shall state the name of the company subject to reorganisation, the reason for reorganisation, the members of the reorganisation team and the reorganisation period, and a public announcement shall be made.

第一百四十一条   整顿组有权监督被整顿保险公司的日常业务。被整顿公司的负责人及有关管理人员应当在整顿组的监督下行使职权。

Article 141 The rectification group is entitled to supervise the routine business of the rectified insurance company. The responsible person and relevant management personnel of the company subject to reorganization shall exercise their functions under the supervision of the rectification group.

第一百四十二条   整顿过程中，被整顿保险公司的原有业务继续进行。但是，国务院保险监督管理机构可以责令被整顿公司停止部分原有业务、停止接受新业务，调整资金运用。

Article 142 The original business of the rectified insurance company shall be proceeded in the course of rectification. However, the insurance supervision and control authority under the State Council may order it to stop part of its original business, to stop accepting new business or to adjust the use of funds.

第一百四十三条   被整顿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，由整顿组提出报告，经国务院保险监督管理机构批准，结束整顿，并由国务院保险监督管理机构予以公告。

Article 143 Where the rectified insurance company has corrected its breach of this Law and resumed normal operation, the rectification group shall report the case to the insurance supervision and control authority under the State Council, which shall approve the termination of rectification with an announcement.

第一百四十四条   保险公司有下列情形之一的，国务院保险监督管理机构可以对其实行接管：

Article 144 The insurance supervision and control authority under the State Council shall take over an insurance company in any of the following circumstance:

（一）公司的偿付能力严重不足的；

1. a serious insolvency of the company;

（二）违反本法规定，损害社会公共利益，可能严重危及或者已经严重危及公司的偿付能力的。

(II) damaging social public interests in violation of this Law which may seriously jeopardize or have seriously jeopardized the company's solvency;

被接管的保险公司的债权债务关系不因接管而变化。

The debtor-creditor relationship of the insurance company shall remain unchanged following the take-over.

第一百四十五条   接管组的组成和接管的实施办法，由国务院保险监督管理机构决定，并予以公告。

Article 145 The specific measures for the composition of takeover group and the implementation of takeover shall be determined with an announcement by the insurance supervision and control authority under the State Council.

第一百四十六条   接管期限届满，国务院保险监督管理机构可以决定延长接管期限，但接管期限最长不得超过二年。

Article 146 At the expiration of takeover period, the insurance supervision and control authority under the State Council may decide to extend the takeover period, which shall not exceed two years.

第一百四十七条   接管期限届满，被接管的保险公司已恢复正常经营能力的，由国务院保险监督管理机构决定终止接管，并予以公告。

Article 147 Where an insurance company under receivership has resumed normal business ability upon expiry of the receivership period, the insurance regulatory department of the State Council shall decide to terminate the receivership and make a public announcement.

第一百四十八条   被整顿、被接管的保险公司有《中华人民共和国企业破产法》第二条规定情形的，国务院保险监督管理机构可以依法向人民法院申请对该保险公司进行重整或者破产清算。

Article 148 Where an insurance company subject to reorganisation or an insurance company under receivership falls under the description stipulated in Article 2 of the Enterprise Bankruptcy Law of the People's Republic of China, the insurance regulatory department of the State Council may apply to a People's Court for reorganisation or bankruptcy liquidation of the insurance company pursuant to the law.

第一百四十九条   保险公司因违法经营被依法吊销经营保险业务许可证的，或者偿付能力低于国务院保险监督管理机构规定标准，不予撤销将严重危害保险市场秩序、损害公共利益的，由国务院保险监督管理机构予以撤销并公告，依法及时组织清算组进行清算。

Article 149 Where an insurance company is revoked its insurance business permit in accordance with the law due to illegal operation, or its solvency is lower than the requirement stipulated by the insurance supervision and control authority under the State Council, which will seriously jeopardize the insurance market order and damage public interests, the insurance supervision and control authority under the State Council may revoke the company with an announcement and arrange a liquidation group in a timely manner in accordance with the law.

第一百五十条   国务院保险监督管理机构有权要求保险公司股东、实际控制人在指定的期限内提供有关信息和资料。

Article 150 The insurance supervision and control authority under the State Council is entitled to require the shareholders or the actual controller of an insurance company to provide relevant information and materials within a specific term.

第一百五十一条   保险公司的股东利用关联交易严重损害公司利益，危及公司偿付能力的，由国务院保险监督管理机构责令改正。在按照要求改正前，国务院保险监督管理机构可以限制其股东权利；拒不改正的，可以责令其转让所持的保险公司股权。

Article 151 Where a shareholder of an insurance company has made use of related party transaction to harm the interests of the company seriously and endangers the solvency of the company, the insurance regulatory department of the State Council shall order the shareholder to make correction. Prior to making correction as required, the insurance regulatory department of the State Council may restrict the rights of a shareholder; where the shareholder refuses to make correction, it may be ordered to transfer its shareholding in the insurance company.

第一百五十二条   保险监督管理机构根据履行监督管理职责的需要，可以与保险公司董事、监事和高级管理人员进行监督管理谈话，要求其就公司的业务活动和风险管理的重大事项作出说明。

Article 152 The insurance supervision and control authority under the State Council may, in accordance with the need of performance of supervision and administration, make a supervision talk with the directors, supervisors and senior management personnel of an insurance company and ask them to explain major issues relating to the business activities and risk management of the company.

第一百五十三条   保险公司在整顿、接管、撤销清算期间，或者出现重大风险时，国务院保险监督管理机构可以对该公司直接负责的董事、监事、高级管理人员和其他直接责任人员采取以下措施：

Article 153 Where an insurance company is at the period of rectification, takeover, revocation and liquidation or at significant risks, the insurance supervision and control authority under the State Council may take the following measures to directors, supervisors, senior management personnel or the person directly liable of the company:

（一）通知出境管理机关依法阻止其出境；

1. notifying the exit administration to prevent the person from leaving the country in accordance with the law;

（二）申请司法机关禁止其转移、转让或者以其他方式处分财产，或者在财产上设定其他权利。

(II) To apply to the judicial authority for prohibiting them from transferring, assignment or disposing their properties in other forms, or set other rights on their properties.

第一百五十四条   保险监督管理机构依法履行职责，可以采取下列措施：

Article 154 The insurance supervision and control authority under the State Council may, in accordance with the law, take the following measures in the performance of its duty:

（一）对保险公司、保险代理人、保险经纪人、保险资产管理公司、外国保险机构的代表机构进行现场检查；

1. Conducting on-site inspection on insurance companies, insurance agents, insurance brokers, insurance assets management company and representative offices of foreign insurance institutions;

（二）进入涉嫌违法行为发生场所调查取证；

2. Entering the suspected premises for investigation and evidence collection;

（三）询问当事人及与被调查事件有关的单位和个人，要求其对与被调查事件有关的事项作出说明；

(III) Inquiring the parties concerned as well as entities and individuals relating to the event under investigation and requiring them to give explanations with respect to the matters relating to the event under investigation;

（四）查阅、复制与被调查事件有关的财产权登记等资料；

(IV) Consulting and copying such information as property right registration concerning the investigated case;

（五）查阅、复制保险公司、保险代理人、保险经纪人、保险资产管理公司、外国保险机构的代表机构以及与被调查事件有关的单位和个人的财务会计资料及其他相关文件和资料；对可能被转移、隐匿或者毁损的文件和资料予以封存；

(V) Consulting and copying the financial accounting information and other relevant documents and materials of insurance companies, insurance agents, insurance brokers, insurance assets management companies, and representative offices of foreign insurance institutions as well as entities and individuals relating to the investigated case; and sealing the documents and materials that may be transferred, concealed or destroyed;

（六）查询涉嫌违法经营的保险公司、保险代理人、保险经纪人、保险资产管理公司、外国保险机构的代表机构以及与涉嫌违法事项有关的单位和个人的银行账户；

(VI) querying bank accounts of insurance companies, insurance agents, insurance brokers, insurance assets management and representative offices of foreign insurance institutions suspected of illegal operation as well as of entities and individuals relating to the suspected violations;

（七）对有证据证明已经或者可能转移、隐匿违法资金等涉案财产或者隐匿、伪造、毁损重要证据的，经保险监督管理机构主要负责人批准，申请人民法院予以冻结或者查封。

(VII) upon the approval of the primarily liable person the insurance supervision and control authority, applying to the People's court for freezing or sealing the properties involved in the case such as illegal funds which have been or may be transferred or concealed supported by evidence, or the key evidence is concealed, forged or destroyed;

保险监督管理机构采取前款第（一）项、第（二）项、第（五）项措施的，应当经保险监督管理机构负责人批准；采取第（六）项措施的，应当经国务院保险监督管理机构负责人批准。

The insurance regulatory authorities shall obtain the approval of the person-in-charge of the insurance regulatory authorities before adopting the measures stipulated in item (1), item (2) and item (5) of the preceding paragraph; the approval of the person-in-charge of the insurance regulatory department of the State Council shall be obtained before adopting the measures stipulated in item (6).

保险监督管理机构依法进行监督检查或者调查，其监督检查、调查的人员不得少于二人，并应当出示合法证件和监督检查、调查通知书；监督检查、调查的人员少于二人或者未出示合法证件和监督检查、调查通知书的，被检查、调查的单位和个人有权拒绝。

When the insurance regulatory authorities carry out supervision and inspection or investigation pursuant to the law, there shall be not less than two supervision and inspection personnel or investigation personnel of the insurance regulatory authorities, and the supervision and inspection personnel or investigation personnel shall show their legitimate identity pass and the notice of supervision and inspection or notice of investigation; where there are less than two supervision and inspection personnel or investigation personnel or they do not show their legitimate identity pass and the notice of supervision and inspection or notice of investigation, the organisation and individual subject to inspection or investigation shall have the right to refuse inspection or investigation.

第一百五十五条   保险监督管理机构依法履行职责，被检查、调查的单位和个人应当配合。

Article 155 When the insurance supervision and control authority performs its duty in accordance with the law, the inspected and investigated entity or individual shall coordinate.

第一百五十六条   保险监督管理机构工作人员应当忠于职守，依法办事，公正廉洁，不得利用职务便利牟取不正当利益，不得泄露所知悉的有关单位和个人的商业秘密。

Article 156 The staff of insurance supervision and control authority shall be fair and honest, and be devoted to their duties in accordance with the law, may not seek improper benefits by taking advantage of their positions, and may not reveal commercial secrets of relevant entities and individuals.

第一百五十七条   国务院保险监督管理机构应当与中国人民银行、国务院其他金融监督管理机构建立监督管理信息共享机制。

Article 157 The insurance supervision and control authority under the State Council shall set up an information-sharing mechanism for supervision and administration with the People's Bank of China and other financial supervision bodies under the State Council.

保险监督管理机构依法履行职责，进行监督检查、调查时，有关部门应当予以配合。

When the insurance supervision and control authority conducts inspection or investigation in the performance of its duty in accordance with the law, departments concerned shall coordinate.

第七章 法律责任

Chapter 7 Legal Liabilities

第一百五十八条   违反本法规定，擅自设立保险公司、保险资产管理公司或者非法经营商业保险业务的，由保险监督管理机构予以取缔，没收违法所得，并处违法所得一倍以上五倍以下的罚款；没有违法所得或者违法所得不足二十万元的，处二十万元以上一百万元以下的罚款。

Article 158 Insurance companies and insurance assets management companies which have been established arbitrarily in violation of the provisions of this Law or insurance companies and insurance assets management companies which engage in commercial insurance businesses illegally in violation of the provisions of this Law shall be shut down by the insurance regulatory authorities; illegal income shall be confiscated and a fine ranging from one to five times the amount of illegal income shall be imposed; where there is no illegal income or the amount of illegal income is less than RMB200,000, a fine ranging from RMB200,000 to RMB1 million shall be imposed.

第一百五十九条   违反本法规定，擅自设立保险专业代理机构、保险经纪人，或者未取得经营保险代理业务许可证、保险经纪业务许可证从事保险代理业务、保险经纪业务的，由保险监督管理机构予以取缔，没收违法所得，并处违法所得一倍以上五倍以下的罚款；没有违法所得或者违法所得不足五万元的，处五万元以上三十万元以下的罚款。

Article 159 Full-time insurance agencies and insurance brokerages which have been established arbitrarily in violation of the provisions of this Law or full-time insurance agencies and insurance brokerages which engage in insurance agency business or insurance brokerage business without obtaining an insurance agency business permit or insurance brokerage business permit shall be shut down by the insurance regulatory authorities; illegal income shall be confiscated and a fine ranging from one to five times the amount of illegal income shall be imposed; where there is no illegal income or the amount of illegal income is less than RMB50,000, a fine ranging from RMB50,000 to RMB300,000 shall be imposed.

第一百六十条   保险公司违反本法规定，超出批准的业务范围经营的，由保险监督管理机构责令限期改正，没收违法所得，并处违法所得一倍以上五倍以下的罚款；没有违法所得或者违法所得不足十万元的，处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业务许可证。

Article 160 Any insurance company operating beyond the approved business scope in breach of this Law shall be ordered to rectify in a time limit by the insurance supervision and control authority, its illegal proceeds shall be confiscated and a fine of one to five times illegal proceeds shall be imposed. Where there is no illegal proceeds or the illegal proceeds is less than CNY100 ,000, a fine ranging from CNY100 ,000 to CNY500,000 shall be imposed. Where the insurance company failed to make correction within the stipulated period or the violation has serious consequences, it shall be ordered to suspend operations for correction or its business permit shall be revoked.

第一百六十一条   保险公司有本法第一百一十六条规定行为之一的，由保险监督管理机构责令改正，处五万元以上三十万元以下的罚款；情节 严重的，限制其业务范围、责令停止接受新业务或者吊销业务许可证。

Article 161 Any insurance company in breach of Article 116 of this Law shall be ordered to rectify, be imposed a fine ranging from CNY50,000 to CNY300,000, and may, in serous cases, be restricted business scope, be ordered to stop accepting new business, or be revoked business permit by the insurance supervision and control authority.

第一百六十二条   保险公司违反本法第八十四条规定的，由保险监督管理机构责令改正，处一万元以上十万元以下的罚款。

Article 162 Insurance companies which violate the provisions of Article 84 of this Law shall be ordered by the insurance regulatory authorities to make correction and be subject to a fine ranging from RMB10,000 to RMB100,000.

第一百六十三条   保险公司违反本法规定，有下列行为之一的，由保险监督管理机构责令改正，处五万元以上三十万元以下的罚款：

Article 163 Any insurance company committing one of the following acts in breach of this Law shall be ordered to rectify and be imposed a fine ranging from CNY50,000 to CNY300,000 by the insurance supervision and control authority:

(一)超额承保，情节严重的；

1. serious cases of over-insurance;

(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。

(II) To underwrite insurance policies with death as the conditions for payment for people incapable of civil acts.

第一百六十四条   违反本法规定，有下列行为之一的，由保险监督管理机构责令改正，处五万元以上三十万元以下的罚款；情节严重的，可以限制其业务范围、责令停止接受新业务或者吊销业务许可证：

Article 164 Those committing one of the following acts in breach of this Law shall be ordered to rectify, be imposed a fine from CNY50,000 to CNY300,000, and may, in serous cases, be restricted the business scope, be ordered to stop accepting new business, or be revoked the business permit by the insurance supervision and control authority.

（一）未按照规定提存保证金或者违反规定动用保证金的；

1. To fail to draw and deposit guaranty funds or use guaranty funds in violation of the regulations;

（二）未按照规定提取或者结转各项责任准备金的；

2. Failing to draw or carry down various liability reserves in accordance with the provision;

（三）未按照规定缴纳保险保障基金或者提取公积金的；

(III) To fail to pay insurance protection fund or draw public accumulation funds;

（四）未按照规定办理再保险的；

(IV) failing to re-insure in accordance with regulations;

（五）未按照规定运用保险公司资金的；

(V) Failing to use insurance funds in accordance with the provision;

（六）未经批准设立分支机构的；

(VI) Establishing branches without authorization;

（七）未按照规定申请批准保险条款、保险费率的。

(VII) Failing to file insurance terms and premium rates for approval.

第一百六十五条   保险代理机构、保险经纪人有本法第一百三十一条规定行为之一的，由保险监督管理机构责令改正，处五万元以上三十万元以下的罚款；情节严重的，吊销业务许可证。

Article 165 Any insurance agency or insurance broker in breach of Article 131 of this Law shall be ordered to rectify, be imposed a fine ranging from CNY50,000 to CNY300,000, and may, in serious cases, be revoked the business permit by the insurance supervision and control authority.

第一百六十六条   保险代理机构、保险经纪人违反本法规定，有下列行为之一的，由保险监督管理机构责令改正，处二万元以上十万元以下的罚款；情节严重的，责令停业整顿或者吊销业务许可证：

Article 166 Any insurance agency or insurance broker committing one of the following acts in breach of this Law shall be ordered to rectify, be imposed a fine ranging from CNY20,000 to CNY100 ,000, and may, in serious cases, be ordered to stop business for rectification or be revoked the business permit by the insurance supervision and control authority.

(一)未按照规定缴存保证金或者投保职业责任保险的；

1. Failing to deposit security or apply for professional liability insurance in accordance with the provision;

(二)未按照规定设立专门账簿记载业务收支情况的。

(II) failing to set up special account books to record the receipts and payments of the business as required.

第一百六十七条   违反本法规定，聘任不具有任职资格的人员的，由保险监督管理机构责令改正，处二万元以上十万元以下的罚款。

Article 167 Those employing unqualified personnel at job or on practition in breach of this law shall be ordered to rectify and be imposed a fine ranging from CNY20,000 to CNY100 ,000 by the insurance supervision and control authority.

第一百六十八条   违反本法规定，转让、出租、出借业务许可证的，由保险监督管理机构处一万元以上十万元以下的罚款；情节严重的，责令停业整顿或者吊销业务许可证。

Article 168 Those transferring, leasing and lending business permit in breach of this law shall be imposed a fine ranging from CNY10,000 to CNY100 ,000, and may, in serious cases, be ordered to stop business for rectification or be revoked the business permit by the insurance supervision and control authority.

第一百六十九条   违反本法规定，有下列行为之一的，由保险监督管理机构责令限期改正；逾期不改正的，处一万元以上十万元以下的罚款：

Article 169 Those committing one of the following acts in breach of this Law shall be ordered to rectify in a time limit, and if refusing to rectify in the time limit, be imposed a fine ranging from CNY10,000 to CNY100 ,000 by the insurance supervision and control authority.

(一)未按照规定报送或者保管报告、报表、文件、资料的，或者未按照规定提供有关信息、资料的；

1. failing to submit or keep reports, statements, documents or materials in accordance with the provision, or failing to provide relevant information or material;

(二)未按照规定报送保险条款、保险费率备案的；

2. Failing to file insurance clauses and premium rates for record in accordance with the provision; and

(三)未按照规定披露信息的。

(III) failing to disclose information as required.

第一百七十条   违反本法规定，有下列行为之一的，由保险监督管理机构责令改正，处十万元以上五十万元以下的罚款；情节严重的，可以限制其业务范围、责令停止接受新业务或者吊销业务许可证：

Article 170 Those committing one of the following acts in breach of this Law shall be ordered to rectify, be imposed a fine from CNY100 ,000 to CNY500,000, and may, in serous cases, be restricted the business scope, be ordered to stop accepting new business, or be revoked the business permit by the insurance supervision and control authority.

(一)编制或者提供虚假的报告、报表、文件、资料的；

1. it prepares or provides false reports, statements, documents or materials; or

(二)拒绝或者妨碍依法监督检查的；

(II) Refusing or impeding lawful supervision or inspection; or

(三)未按照规定使用经批准或者备案的保险条款、保险费率的。

3. Failing to use the approved or filed insurance terms or premium rates in accordance with the provision.

第一百七十一条   保险公司、保险资产管理公司、保险专业代理机构、保险经纪人违反本法规定的，保险监督管理机构除分别依照本法第一百六十条至第一百七十条的规定对该单位给予处罚外，对其直接负责的主管人员和其他直接责任人员给予警告，并处一万元以上十万元以下的罚款；情节严重的，撤销任职资格。

Article 171 Insurance companies, insurance assets management companies, full-time insurance agencies and insurance brokerages which violate the provisions of this Law shall be punished separately by the insurance regulatory authorities pursuant to the provisions of Article 160 to Article 170 of this Law; the person-in-charge who is directly accountable and other directly accountable personnel shall be given a warning, and a fine ranging from RMB10,000 to RMB100,000 shall be imposed; where the case is serious, the appointment qualification shall be revoked.

第一百七十二条   个人保险代理人违反本法规定的，由保险监督管理机构给予警告，可以并处二万元以下的罚款；情节严重的，处二万元以上十万元以下的罚款。

Article 172 Any individual insurance agent in breach of this Law shall be subject to a warning and a fine up to CNY20,000 imposed by the insurance supervision and control authority. In serious cases, the fine may range from CNY20,000 to CNY100 ,000.

第一百七十三条   外国保险机构未经国务院保险监督管理机构批准，擅自在中华人民共和国境内设立代表机构的，由国务院保险监督管理机构予以取缔，处五万元以上三十万元以下的罚款。

Article 173 Representative offices of foreign insurance organisations which have been established in the People's Republic of China arbitrarily without approval of the insurance regulatory department of the State Council shall be shut down by the insurance regulatory department of the State Council and be subject to a fine ranging from RMB50,000 to RMB300,000.

外国保险机构在中华人民共和国境内设立的代表机构从事保险经营活动的，由保险监督管理机构责令改正，没收违法所得，并处违法所得一倍以上五倍以下的罚款；没有违法所得或者违法所得不足二十万元的，处二十万元以上一百万元以下的罚款；对其首席代表可以责令撤换；情节严重的，撤销其代表机构。

Representative offices of foreign insurance organisations established in the People's Republic of China which engage in insurance business activities shall be ordered by the insurance regulatory authorities to make correction; the illegal income shall be confiscated and a fine ranging from one to five times the amount of illegal income shall be imposed; where there is no illegal income or the amount of illegal income is less than RMB200,000, a fine ranging from RMB200,000 to RMB1 million shall be imposed; the foreign insurance organisation may be ordered to replace the chief representative of the representative office; where the case is serious, the representative office shall be revoked.

第一百七十四条   投保人、被保险人或者受益人有下列行为之一，进行保险诈骗活动，尚不构成犯罪的，依法给予行政处罚：

Article 174 Any insurance applicant, the insured or any beneficiary committing one of the following acts for insurance fraud which does not constitute a crime shall be subject to administrative punishment:

（一）投保人故意虚构保险标的，骗取保险金的；

1. The insurant deliberately fabricates the objects of insurance to deceive into getting insurance money;

（二）编造未曾发生的保险事故，或者编造虚假的事故原因或者夸大损失程度，骗取保险金的；

(II) To defraud the insurer of insurance money by fabricating the occurrence of insured accidents that have not occurred, or by fabricating false causes of accidents or exaggerating the extent of losses; or

（三）故意造成保险事故，骗取保险金的。

3. to defraud the insurer of insurance money by deliberately causing the occurrence of insured risks.

保险事故的鉴定人、评估人、证明人故意提供虚假的证明文件，为投保人、被保险人或者受益人进行保险诈骗提供条件的，依照前款规定给予处罚。

An examiner, an assessor or a testifier of an insured event who intentionally provides false proof documents to facilitate insurance fraud of an applicant, an insured party or a beneficiary shall be punished pursuant to the provisions of the preceding paragraph.

第一百七十五条   违反本法规定，给他人造成损害的，依法承担民事责任。

Article 175 Persons who violate the provisions of this Law and cause others to suffer from damages shall bear civil liability pursuant to the law.

第一百七十六条   拒绝、阻碍保险监督管理机构及其工作人员依法行使监督检查、调查职权，未使用暴力、威胁方法的，依法给予治安管理处罚。

Article 176 Those refusing and hindering the insurance supervision and control authority and its staff to conduct inspection and investigation in accordance with the law in no violent or threating methods shall be subject to administrative penalties for public security.

第一百七十七条   违反法律、行政法规的规定，情节严重的，国务院保险监督管理机构可以禁止有关责任人员一定期限直至终身进入保险业。

Article 177 The liable person concerned in serious cases which violate the provisions of laws or administrative regulations shall be banned to engage in the insurance industry in a specific term or even forever.

第一百七十八条   保险监督管理机构从事监督管理工作的人员有下列情形之一的，依法给予处分：

Article 178 The supervision and administration staff of the insurance supervision and control authority in any of the following circumstances shall be subject to the punishment:

(一)违反规定批准机构的设立的；

1. approving the establishment of an institution in breach of provisions;

(二)违反规定进行保险条款、保险费率审批的；

2. Examination and approval of insurance clauses and premium rates in breach of provisions;

(三)违反规定进行现场检查的；

3. on-site inspection in breach of provisions;

(四)违反规定查询账户或者冻结资金的；

(IV) Inquiry of accounts or freezing funds in breach of provisions;

(五)泄露其知悉的有关单位和个人的商业秘密的；

(V) Revealing commercial secrets of entities and individuals concerned;

(六)违反规定实施行政处罚的；

(VI) imposing administrative punishment in violation of provisions;

(七)滥用职权、玩忽职守的其他行为。

(VII) Other acts of abusing power or neglecting duties.

第一百七十九条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 179 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be imposed according to the law.

第八章 附则

Chapter 8 Supplementary Provisions

第一百八十条   保险公司应当加入保险行业协会。保险代理人、保险经纪人、保险公估机构可以加入保险行业协会。

Article 180 Insurance companies shall join insurance industry associations. Insurance agents, insurance brokerages and insurance appraisal institutions may join insurance industry associations.

保险行业协会是保险业的自律性组织，是社会团体法人。

. Insurance industry associations shall be self-governing organisations of the insurance industry and shall be social institution legal persons.

第一百八十一条   保险公司以外的其他依法设立的保险组织经营的商业保险业务，适用本法。

Article 181 This Law shall apply to commercial insurance businesses operated by other insurance organisations established pursuant to the law which are non-insurance companies.

第一百八十二条   海上保险适用《中华人民共和国海商法》的有关规定；《中华人民共和国海商法》未规定的，适用本法的有关规定。

Article 182 The Maritime Code of the People's Republic of China shall be applicable to marine insurance. For matters where the Maritime Code does not specify, this Law shall apply.

第一百八十三条   中外合资保险公司、外资独资保险公司、外国保险公司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 183 This Law shall be applicable to Chinese-foreign equity insurance companies, wholly foreign-funded insurance companies and subsidiaries of foreign insurance companies; where other laws and administrative rules and regulations otherwise provide, such provisions shall prevail.

第一百八十四条   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 184 The State supports the development of insurance businesses, which facilitate agricultural production. Agricultural insurance shall be separately provided by laws and administrative regulations.

强制保险，法律、行政法规另有规定的，适用其规定。

Where the laws and administrative regulations provide otherwise on mandatory insurance, such provisions shall prevail.

第一百八十五条   本法自2009年10月1日起施行。

Article 185 This Law shall be effective 1 October 2009.