

STATE OF NEW YORK

950--B

Cal. No. 118

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. PHEFFER AMATO, JONES, COOK, WALLACE, BENEDETTO, GRIFFIN, FERNANDEZ, ZINERMAN, BARRON -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the insurance law, in relation to homeowners insurance deductibles triggers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3445 of the insurance law, as added by chapter 44
2 of the laws of 1998, is amended to read as follows:

3 § 3445. Windstorm insurance notice; deductible trigger standards. (a)
4 The superintendent shall by regulation establish disclosure requirements
5 with respect to the operation of any deductible in a homeowner's insur-
6 ance policy or dwelling fire personal lines policy which applies as the
7 result of a windstorm. Such regulations shall prescribe the form of a
8 notice to be provided by an insurer to an insured. The notice shall
9 explain in clear and plain language the amount of the deductible, the
10 circumstances under which the deductible applies and any other matters
11 which the superintendent, in his or her discretion, shall deem necessary
12 or appropriate.

13 (b) The superintendent shall by regulation establish standards for
14 hurricane windstorm deductibles, which create, to the greatest extent
15 possible, uniformity in the operation of such deductibles with respect
16 to the triggering event.

17 The superintendent shall promulgate such regulations by emergency
18 adoption or otherwise, within one hundred eighty days of the effective
19 date of the chapter of the laws of two thousand twenty-one which added
20 this subsection. Notwithstanding paragraph seven of subsection (a) of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 section three thousand four hundred twenty-five of this article, any
2 changes in a homeowner's insurance policy or dwelling, fire, or personal
3 policy registered as a result of the adoption by the superintendent of
4 regulations under this section, may be applied to such policies on the
5 policy's initial renewal date or the policy's next annual renewal after
6 the effective date of such regulations.

7 § 2. This act shall take effect on the ninetieth day after it shall
8 have become a law, and shall apply to all policies issued or renewed on
9 or after the one hundred eightieth day after the adoption of the regu-
10 lations required in section 3445 of the insurance law, as amended by
11 this act.