S T A T E O F N E W Y O R K

2522

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring floodplain insurance to cover damages caused by waves

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The insurance law is amended by adding a new section 2351-a to read as follows:

S 2351-A. FLOODPLAIN INSURANCE, WAVE DAMAGE. (A) ANY INSURER WHICH INSURES PROPERTY IN A FLOODPLAIN SHALL MAKE AVAILABLE TO ALL INSUREDS WHO RESIDE IN SINGLE FAMILY HOMES IN THE FLOODPLAIN COVERAGE UNDER THEIR HOMEOWNERS' INSURANCE POLICY FOR DAMAGES CAUSED BY WINDBLOWN WAVES OR WAVE ACTION. SUCH POLICIES SHALL COVER THE RESIDENCE AND ANY APPURTENANCES THERETO, INCLUDING, BUT NOT LIMITED TO, GARAGES, BOAT DOCKS, RESTRAINING WALLS, BOAT HOUSES, BREAK WALLS AND ANY OTHER DEVICE USED TO PREVENT OR MINIMIZE WAVE OR WATER DAMAGE TO REAL PROPERTY.

(B) AS USED IN THIS SECTION, "WINDBLOWN WAVES" OR "WAVE ACTION" SHALL MEAN THE CONDITION WHICH EXISTS WHEN A FLOODPLAIN AREA HAS HIGH WATER CONDITIONS, EVEN THOUGH BELOW THE FLOODPLAIN LEVEL, AND THE WATER IS STIRRED BY WIND OR OTHER CONDITIONS TO CAUSE WAVES WHICH CREST ABOVE FLOODPLAIN LEVEL.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD01733-01-9