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

S. 241 A. 337

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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

AN ACT to amend the insurance law, in relation to windstorm insurance notice regarding deductibles

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

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

S 3445. Windstorm insurance notice. 1. The superintendent shall by regulation establish disclosure requirements with respect to the operation of any deductible in a homeowner's insurance policy or dwelling fire personal lines policy which applies as the result of a windstorm. Such regulations shall prescribe the form of a notice to be provided by an insurer to an insured. The notice shall explain in clear and plain language the amount of the deductible SUBJECT TO SUBSECTION THREE OF THIS SECTION, the circumstances under which the deductible applies and any other matters which the superintendent, in his or her discretion, shall deem necessary or appropriate.

2. A CATASTROPHIC WINDSTORM DEDUCTIBLE APPLICABLE TO A HOMEOWNER'S INSURANCE POLICY OR DWELLING FIRE PERSONAL LINES POLICY SHALL NOT BE APPROVED BY THE DEPARTMENT UNLESS THE DEDUCTIBLE IS APPLICABLE ONLY TO LOSSES INCURRED IN A HURRICANE WHICH CAUSES WIND SPEEDS OF ONE HUNDRED TWENTY-FIVE MILES OR GREATER PER HOUR TO OCCUR WITHIN THE STATE.

3. THE MAXIMUM DEDUCTIBLE ALLOWED SHALL NOT BE GREATER THAN FIFTEEN HUNDRED DOLLARS AND SHALL BE STATED ON THE POLICY IN NUMERICAL TERMS.

S 2. This act shall take effect immediately.

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

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