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

5336

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ENGLEBRIGHT, COLTON, SCHROEDER, GUNTHER, CAHILL, MAYERSOHN, FIELDS, ZEBROWSKI, ESPAILLAT -- Multi-Sponsored by -- M. of A. BOYLAND, GABRYSZAK, KOON, MAISEL, MARKEY, PHEFFER, J. RIVERA, SWEENEY, TITONE, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring insurers of property to eliminate from the claims record of an insured, any claim of loss made and paid in good faith, which is discovered to be false and the proceeds of such claim are repaid to the insurer

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 3407-b to read as follows:

S 3407-B. PROPERTY INSURANCE; CLAIM OF LOSS. THE GOOD FAITH CLAIM OF THE LOSS OF ANY PROPERTY WHICH A PERSON HAS INSURED AGAINST LOSS OR DAMAGE UNDER ANY CONTRACT OF INSURANCE, ISSUED OR DELIVERED IN THIS STATE OR COVERING PROPERTY LOCATED IN THIS STATE, SHALL BE REMOVED FROM THE RECORD OF CLAIMS MADE BY THE INSURED, FOR ALL PURPOSES, WHEN THE INSURED SUBSEQUENTLY FINDS THAT SUCH PROPERTY WAS NOT LOST AND REPAYS TO THE INSURER ALL MONEY, IF ANY, PAID PURSUANT TO SUCH CLAIM.

S 2. This act shall take effect immediately and shall apply to claims made on, before or after such effective date.

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

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