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

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2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. KLEIN, BRESLIN, DIAZ, DUANE, KRUEGER, ONORATO, SAMPSON, SAVINO, SMITH, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for insurance claims or billing purposes

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

Section 1. Subsection (a) of section 3217-a of the insurance law is amended by adding a new paragraph 16-a to read as follows:

(16-A) NOTICE OF THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, ALTERNATIVE TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION, UPON REQUEST OF A VICTIM OF DOMESTIC VIOLENCE, FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED THIRTY-FOUR-A OF THIS ARTICLE;

S 2. The insurance law is amended by adding a new section 3234-a to read as follows:

S 3234-A. ALTERNATIVE CONTACT INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE. (A) EVERY INSURER IS REQUIRED TO PROVIDE ANY INSURED OR SUBSCRIBER WHO IS A VICTIM OF DOMESTIC VIOLENCE, UPON REQUEST OF SUCH INSURED OR SUBSCRIBER, WITH THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, ALTERNATIVE TELEPHONE NUMBER OR OTHER ALTERNATIVE CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES.

(B) FOR PURPOSES OF THIS SECTION, "VICTIM OF DOMESTIC VIOLENCE" MEANS ANY PERSON OVER THE AGE OF SIXTEEN, ANY MARRIED PERSON, OR ANY PARENT ACCOMPANIED BY HIS OR HER MINOR CHILD OR CHILDREN IN SITUATIONS IN WHICH SUCH PERSON OR SUCH PERSON'S CHILD IS A VICTIM OF AN ACT WHICH WOULD CONSTITUTE A VIOLATION OF THE PENAL LAW, INCLUDING, BUT NOT LIMITED TO, ACTS CONSTITUTING DISORDERLY CONDUCT, HARASSMENT, MENACING, RECKLESS

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

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ENDANGERMENT, KIDNAPPING, ASSAULT, ATTEMPTED ASSAULT, OR ATTEMPTED MURDER; AND (1) SUCH ACT OR ACTS HAVE RESULTED IN ACTUAL PHYSICAL OR EMOTIONAL INJURY OR HAVE CREATED A SUBSTANTIAL RISK OF PHYSICAL OR EMOTIONAL HARM TO SUCH PERSON OR SUCH PERSON'S CHILD; AND (2) SUCH ACT OR ACTS ARE OR ARE ALLEGED TO HAVE BEEN COMMITTED BY A FAMILY OR HOUSEHOLD MEMBER.

S 3. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all policies and contracts issued, renewed, altered or modified on or after such effective date.