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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DINOWITZ, HOOPER -- Multi-Sponsored by -- M. of A. BRENNAN, GOTTFRIED, JACOBS, SWEENEY, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to restricting insurers from demanding intrusive personal, financial and tax information from insureds as a standard practice in processing ordinary theft claims

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

1 Section 1. The insurance law is amended by adding a new section 2616
2 to read as follows:
3 S 2616. INTRUSIVE REQUESTS FOR PERSONAL, FINANCIAL AND TAX INFORMA-
4 TION; ORDINARY THEFT CLAIMS. (A) IT SHALL BE AN UNFAIR CLAIM SETTLEMENT
5 ACT OR PRACTICE UNDER PARAGRAPHS THREE AND FOUR OF SUBSECTION (A) OF
6 SECTION TWO THOUSAND SIX HUNDRED ONE OF THIS ARTICLE FOR AN INSURER, IN
7 THE COURSE OF INVESTIGATING OR SETTLING A THEFT CLAIM, TO DEMAND OF ITS
8 INSURED PERSONAL, FINANCIAL AND TAX INFORMATION UNLESS SPECIAL ARTICULA-
9 BLE CIRCUMSTANCES HAVE BEEN DISCOVERED WHICH DIRECTLY RELATE TO THE
10 PARTICULAR INDIVIDUAL FACTS OF SUCH THEFT AND WHICH WARRANT THE MAKING
11 OF SUCH DEMAND FOR THE SPECIFIC PURPOSE OF DETERMINING IF SUCH CLAIM IS
12 FRAUDULENT.
13 (B) AS USED IN THIS SECTION, A DEMAND FOR PERSONAL, FINANCIAL AND TAX
14 INFORMATION IS A DEMAND THAT ANY OF THE FOLLOWING MATERIAL OR INFORMA-
15 TION BE PROVIDED:
16 (1) COPIES OF THE INSURED'S PERSONAL AND BUSINESS TAX RETURNS;
17 (2) PERMITS OR LICENSES WHICH THE INSURED HOLDS IN NEW YORK STATE
18 OTHER THAN THOSE FOR OPERATING A MOTOR VEHICLE;
19 (3) LOAN APPLICATIONS WHICH THE INSURED FILED;
20 (4) STATEMENT SETTING FORTH THE COUNTY AND STATE IN WHICH THE INSURED
21 HAS BEEN REGISTERED TO VOTE OVER A PERIOD OF TIME, OTHER THAN FROM HIS
22 OR HER PRESENT RESIDENCE;

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

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1 (5) COPIES OF ANY BANK STATEMENTS OF BANKS IN WHICH THE INSURED HAS
2 ACCOUNTS;

3 (6) COPIES OF ANY "DOING BUSINESS AS" CERTIFICATES OR CERTIFICATES OF
4 INCORPORATION FOR ANY BUSINESS THE INSURED OWNS; OR

5 (7) INFORMATION OR MATERIAL OF A SIMILAR PERSONAL, FINANCIAL, TAX OR
6 PRIVATE NATURE WHICH THE SUPERINTENDENT BY REGULATION FINDS TO BE INTRU-
7 SIVE OR WHICH CONSTITUTES AN UNWARRANTED INVASION OF PRIVACY IN THE
8 CONTEXT OF A STANDARD OR ORDINARY THEFT CLAIM.

9 S 2. This act shall take effect on the first of January next succeed-
10 ing the date on which it shall have become a law, provided, however,
11 that effective immediately, the addition, amendment and/or repeal of any
12 rules or regulations necessary for the implementation of the foregoing
13 section of this act on its effective date are authorized and directed to
14 be made and completed on or before such effective date.