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

3948

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

Introduced by Sen. BONACIC -- 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 relieving permanently and totally disabled persons of the requirement to annually prove their disability

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

Section 1. Paragraph 4 of subsection (a) of section 3215 of the insurance law is amended to read as follows:

(4) That there be reasonable requirements as to the time, method and form of proof of disability and as to the continuance of disability, including an examination of the insured by the insurer at reasonable intervals. Failure to furnish proof of disability within the time required shall not invalidate or reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required. PROVIDED, HOWEVER, THAT INDIVIDUALS WHO HAVE BEEN DETERMINED TO BE PERMANENTLY AND TOTALLY DISABLED SHALL NOT BE REQUIRED TO FURNISH FURTHER, CONTINUING PROOF OF SUCH DISABILITY.

S 2. Paragraph 9 of subsection (a) of section 3221 of the insurance law, as amended by chapter 237 of the laws of 2009, is amended to read as follows:

(9) That in the case of claim for loss of time for disability, written proof of such loss must be furnished to the insurer within thirty days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within one hundred twenty days after the date of such loss. Failure to furnish such

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

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proof within such time shall not invalidate or reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof within such time, provided such proof was furnished as soon as reasonably possible. PROVIDED, HOWEVER, THAT INDIVIDUALS WHO HAVE BEEN DETERMINED TO BE PERMANENTLY AND TOTALLY DISABLED SHALL NOT BE REQUIRED TO FURNISH FURTHER, CONTINUING PROOF OF SUCH DISABILITY.

S 3. This act shall take effect immediately.