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

2561

2011-2012 Regular Sessions

I N A S S E M B L Y

January 19, 2011

Introduced by M. of A. WEISENBERG, COLTON, JAFFEE, PERRY, BENEDETTO, ZEBROWSKI, SPANO, TITUS, HOOPER, PHEFFER, MARKEY, CASTRO -- Multi-Sponsored by -- M. of A. BARRON, BOYLAND, BROOK-KRASNY, GALEF, LATIMER, MAISEL, MAYERSOHN, McDONOUGH, McENENY, McKEVITT, RAIA, J. RIVERA, ROBINSON, RUSSELL, SALADINO, SCHIMEL, THIELE -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring insurers to refund or credit to the insured a percentage of the premiums paid, after they receive a non-renewal notice for homeowners insurance

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 3430-a to read as follows:

S 3430-A. RIGHT OF INSURED UPON NOTICE OF NON-RENEWAL OF HOMEOWNER'S INSURANCE. (A) THE SUPERINTENDENT SHALL CAUSE THE INSURER TO REFUND OR CREDIT ANY INSURED WHO HAS RECEIVED A NOTICE OF NON-RENEWAL FROM THE INSURER FOR HOMEOWNER'S INSURANCE, INCLUDING FIRE INSURANCE OR FIRE AND EXTENDED COVERAGE INSURANCE, OTHER THAN FROM THE NEW YORK PROPERTY INSURANCE UNDERWRITING ASSOCIATION, FOR A PERCENTAGE OF THE PREMIUMS PAID FOR THE NUMBER OF YEARS A CLAIM WAS NOT MADE, PROVIDED, HOWEVER THE INSURED'S NON-RENEWAL NOTICE WAS BASED SOLELY ON THE GEOGRAPHICAL LOCATION OF THE PROPERTY OR RISKS AND NOT BASED ON ANY CLAIM OR CLAIMS MADE BY THE INSURED.

(B) THE SUPERINTENDENT SHALL PROMULGATE RULES AND REGULATIONS REGARDING THE MANNER AND PERCENTAGE IN WHICH PREMIUMS ARE TO BE REFUNDED OR CREDITED.

S 2. This act shall take effect immediately.

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

LBD04197-01-1