

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

1475--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. COLTON, PALMESANO, BARRON, MILLMAN, ROSENTHAL, ROBERTS, GUNTHER, COOK -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, FARRELL, SALADINO, WEISENBERG -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to establishing residential home safety and loss prevention courses and providing for an associated reduction in certain insurance premiums and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 2346 of the insurance law is amended by adding a
2 new subsection 5 to read as follows:
3 5. THE SUPERINTENDENT SHALL PROVIDE FOR AN ACTUARIALLY APPROPRIATE
4 REDUCTION IN THE RATES OF FIRE INSURANCE PREMIUMS OR HOMEOWNERS INSUR-
5 ANCE PREMIUMS APPLICABLE TO RESIDENTIAL REAL PROPERTY FOR ANY INSURED
6 FOR A THREE YEAR PERIOD AFTER SUCCESSFULLY COMPLETING A RESIDENTIAL HOME
7 SAFETY AND LOSS PREVENTION COURSE CERTIFIED PURSUANT TO SECTION TWO
8 THOUSAND THREE HUNDRED FORTY-SIX-B OF THIS ARTICLE.
9 S 2. The insurance law is amended by adding a new section 2346-b to
10 read as follows:
11 S 2346-B. CERTIFICATION OF RESIDENTIAL HOME SAFETY AND LOSS PREVENTION
12 COURSES. (A) THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF FIRE
13 PREVENTION AND CONTROL OF THE DIVISION OF HOMELAND SECURITY AND EMERGEN-
14 CY SERVICES AND ANY ADDITIONAL STATE ENTITY IT DEEMS APPROPRIATE, SHALL
15 CERTIFY ALL RESIDENTIAL HOME SAFETY AND LOSS PREVENTION COURSES THAT ARE
16 AUTHORIZED TO OFFER CLASSES THROUGH WHICH THE INSURED SHALL BE ELIGIBLE
17 TO RECEIVE AN INSURANCE PREMIUM REDUCTION PURSUANT TO SUBSECTION FIVE OF
18 SECTION TWO THOUSAND THREE HUNDRED FORTY-SIX OF THIS ARTICLE.
19 (B) FOR THE PURPOSES OF THIS SECTION:
20 (1) "RESIDENTIAL HOME SAFETY AND LOSS PREVENTION COURSE" OR "COURSE"
21 SHALL MEAN AN INSTRUCTIONAL PROGRAM THAT PRESENTS INFORMATION AND METH-
22 ODS THAT CAN HELP AN INSURED TO SIGNIFICANTLY PREVENT OR MINIMIZE

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

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1 PERSONAL INJURIES AND PROPERTY LOSSES IN RESIDENTIAL REAL PROPERTY DUE
2 TO THE OCCURRENCE OF FIRE, THEFT, BURGLARY, ACCIDENTS AND WEATHER
3 RELATED EVENTS, INCLUDING, BUT NOT LIMITED TO, HOW TO MITIGATE PROPERTY
4 DAMAGE FROM HURRICANES, ICE STORMS, TORNADOES AND OTHER NATURAL DISAS-
5 TERS; AND

6 (2) "COURSE SPONSOR" SHALL MEAN ANY INDIVIDUAL, COMPANY OR ORGANIZA-
7 TION THAT HAS DEVELOPED OR OWNS A RESIDENTIAL HOME SAFETY AND LOSS
8 PREVENTION COURSE AND ALL AGENTS OF SUCH SPONSOR INCLUDING INDEPENDENT
9 CONTRACTORS THAT CONDUCT CLASSES FOR SUCH SPONSOR AND CLASS INSTRUCTORS.

10 (C) THE DEPARTMENT SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE
11 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH RULES SHALL,
12 AT A MINIMUM, PROVIDE FOR:

13 (1) COURSE SPONSOR APPLICATION PROCEDURES THAT AN APPLICANT SHALL
14 FOLLOW TO OBTAIN COURSE CERTIFICATION APPROVAL;

15 (2) CURRICULUM STANDARDS THAT THE COURSE SPONSORS AND INSTRUCTORS
16 SHALL UTILIZE, BASED UPON SUBMISSIONS FROM ANY COURSE SPONSOR AS DEFINED
17 IN PARAGRAPH TWO OF SUBSECTION (B) OF THIS SECTION, INCLUDING TEACHING
18 METHODS AND TIME REQUIREMENTS WHICH SHALL BE IN EXCESS OF THREE HOURS;

19 (3) STANDARDS, BASED UPON SUBMISSIONS FROM ANY COURSE SPONSOR AS
20 DEFINED IN PARAGRAPH TWO OF SUBSECTION (B) OF THIS SECTION, THAT COURSE
21 SPONSORS SHALL SATISFY TO ENSURE THAT CLASS INSTRUCTORS ARE ADEQUATELY
22 TRAINED;

23 (4) A DEMONSTRATION BY THE COURSE SPONSOR THAT SUCCESSFULLY COMPLETING
24 SUCH COURSE WILL SIGNIFICANTLY REDUCE FIRE, THEFT, LIABILITY AND WEATHER
25 RELATED LOSSES IN THE RESIDENCE;

26 (5) STANDARDS, BASED UPON SUBMISSIONS FROM ANY COURSE SPONSOR AS
27 DEFINED IN PARAGRAPH TWO OF SUBSECTION (B) OF THIS SECTION, TO ENSURE
28 THAT INDIVIDUALS THAT COMPLETE SUCH COURSE SHALL RECEIVE CERTIFICATES
29 THAT CAN BE SUBMITTED TO AN INSURER TO DEMONSTRATE SUCCESSFUL COMPLETION
30 OF THE CLASS. SUCH CERTIFICATES OF COMPLETION SHALL BE TAMPER PROOF AND
31 DESIGNED SO THAT THEY CAN NOT BE FRAUDULENTLY REPRODUCED OR FORGED BY AN
32 UNAUTHORIZED ISSUER; AND

33 (6) PROCEDURES FOR ON-GOING SURVEILLANCE OF COURSE PRESENTATION AND
34 ADMINISTRATION TO ENSURE THAT THE INSURANCE PREMIUM REDUCTION AWARDED
35 IS, AND CONTINUES TO BE, PROPORTIONALLY RELATED TO THE ACTUARIALLY
36 CALCULABLE DECREASE IN LOSSES ATTRIBUTABLE TO THE COURSE.

37 (D) THE DEPARTMENT IS AUTHORIZED TO SUSPEND OR REVOKE THE CERTIFICATE
38 OF APPROVAL OF ANY COURSE SPONSOR IF THE DEPARTMENT DETERMINES THAT SUCH
39 SPONSOR HAS VIOLATED THE PROVISIONS OF THIS SECTION OR HAS MISREPRE-
40 SENTED INFORMATION ON THE INITIAL APPLICATION OR IN PERIODIC REPORTS
41 SUBMITTED TO THE DEPARTMENT.

42 (E) THE DEPARTMENT MAY INCREASE OR DECREASE THE INSURANCE PREMIUM
43 DISCOUNT AWARDED TO SUCH COURSE IF IT IS FOUND THAT SUCH DISCOUNT IS NOT
44 ACTUARIALLY APPROPRIATE.

45 S 3. Not less than 180 days before the expiration of the provision of
46 this act, the superintendent of financial services shall issue a report
47 to the governor, temporary president of the senate, speaker of the
48 assembly, and the chairs of the committees on insurance of the senate
49 and assembly stating his or her findings on the effect of residential
50 home safety and loss prevention courses in reducing homeowners insurance
51 claims.

52 S 4. This act shall take effect on the one hundred eightieth day after
53 it shall have become a law and shall expire and be deemed repealed 5
54 years after such effective date; provided, however, any rules or regu-
55 lations necessary for the timely implementation of the provisions of
56 this act shall be promulgated on or before such date.