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

8654

I N A S S E M B L Y

January 30, 2014

Introduced by M. of A. CRESPO, RAMOS, MOYA, SEPULVEDA -- read once and referred to the Committee on Insurance

AN ACT to amend the executive law, in relation to the creation of the disaster preparedness homeowner's discount program

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

Section 1. The executive law is amended by adding a new section 29-k to read as follows:

S 29-K. DISASTER PREPAREDNESS HOMEOWNER'S DISCOUNT PROGRAM. 1. STATEMENT OF PURPOSE. THE PURPOSES OF THIS SECTION ARE TO PROVIDE HOMEOWNERS WITH A COURSE OF INSTRUCTION ON HOW TO MAKE THEIR HOME MORE RESILIENT TO NATURAL DISASTER AND TO RAISE DISASTER PREPAREDNESS AWARENESS THROUGH THE IMPLEMENTATION OF A HOMEOWNER DISASTER PREPAREDNESS EDUCATION PROGRAM (HDPEP). THESE PURPOSES WILL BE ACCOMPLISHED BY ESTABLISHING STRICT CRITERIA FOR INITIAL AND CONTINUAL COURSE SPONSORSHIP APPROVAL.

2. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING DEFINITIONS:

A. "DISASTER" MEANS THE OCCURRENCE OR IMMINENT THREAT OF WIDE SPREAD OR SEVERE DAMAGE, INJURY, OR LOSS OF LIFE OR PROPERTY RESULTING FROM ANY NATURAL OR MAN-MADE CAUSES, INCLUDING, BUT NOT LIMITED TO, FIRE, FLOOD, EARTHQUAKE, HURRICANE, TORNADO, HIGH WATER, LANDSLIDE, MUDSLIDE, WIND, STORM, WAVE ACTION, VOLCANIC ACTIVITY, EPIDEMIC, AIR CONTAMINATION, TERRORISM, CYBER EVENT, BLIGHT, DROUGHT, INFESTATION, EXPLOSION, RADIOLOGICAL ACCIDENT, NUCLEAR, CHEMICAL, BIOLOGICAL, OR BACTERIOLOGICAL RELEASE, WATER CONTAMINATION, BRIDGE FAILURE OR BRIDGE COLLAPSE.

B. "COMMISSION" MEANS THE DISASTER PREPAREDNESS COMMISSION CREATED PURSUANT TO SECTION TWENTY-ONE OF THIS ARTICLE.

C. "SPONSORING AGENCY" SHALL MEAN AN ORGANIZATION WHICH OWNS A HOMEOWNER DISASTER PREPAREDNESS COURSE APPROVED BY THE COMMISSION.

D. "DELIVERY AGENCY" SHALL MEAN AN ORGANIZATION WHICH CONDUCTS A SPONSORING AGENCY'S APPROVED HOMEOWNER DISASTER PREPAREDNESS COURSE.

E. "INSTRUCTOR" SHALL MEAN AN INDIVIDUAL EMPLOYED BY A DELIVERY AGENCY TO TEACH AN APPROVED HOMEOWNER DISASTER PREPAREDNESS COURSE.

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

LBD13700-01-4

F. "DISASTER PREPAREDNESS COURSE" OR "COURSE" SHALL MEAN THE HOMEOWNER DISASTER PREPAREDNESS COURSE CURRICULUM OR SPECIALIZED COURSE CURRICULUM WHICH HAS BEEN APPROVED BY THE COMMISSION.

G. "COMPLETION CERTIFICATE" SHALL MEAN A DOCUMENT WHICH CANNOT BE ALTERED AND WHICH IS PROVIDED TO THE STUDENT WHO SUCCESSFULLY COMPLETES THE HOMEOWNER DISASTER PREPAREDNESS COURSE.

3. DEVELOPMENT OF THE PROGRAM. THE COMMISSION, IN COOPERATION WITH THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, WILL DEVELOP THE HOMEOWNER DISASTER PREPAREDNESS EDUCATION PROGRAM AND WILL INSTITUTE STRICT CRITERIA FOR INITIAL AND CONTINUAL COURSE SPONSORSHIP APPROVAL.

4. APPROVAL BY THE COMMISSION. A. THE COMMISSION MUST APPROVE A HOMEOWNER DISASTER PREPAREDNESS COURSE BEFORE ANY PERSON ATTENDING AND SUCCESSFULLY COMPLETING SUCH COURSE MAY QUALIFY TO RECEIVE MANDATORY INSURANCE REDUCTION BENEFITS. THE COMMISSION SHALL BASE THE DECISION TO APPROVE A COURSE UPON THE REQUIREMENTS SET FORTH IN THIS SECTION AND ANY ADDITIONAL REQUIREMENTS AS THE COMMISSION DEEMS NECESSARY.

B. SUCH INSURANCE REDUCTION BENEFITS SHALL BE DEVELOPED BY THE NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES, IN COOPERATION WITH PROPERTY AND CASUALTY INSURANCE FIRMS. THE LEVEL OF REDUCTION BENEFITS SHALL, AT A MINIMUM, BE NOT LESS THAN TEN PERCENT OF THE PREMIUM ON A HOMEOWNER'S INSURANCE POLICY.

5. APPLICATION FOR APPROVAL. A. AN AGENCY OR ORGANIZATION SEEKING APPROVAL AS A HOMEOWNER DISASTER PREPAREDNESS COURSE SPONSORING AGENCY SHALL APPLY TO THE COMMISSION FOR APPROVAL. SUCH APPLICATIONS SHALL BE MADE IN WRITING AND ON FORMS PRESCRIBED BY THE COMMISSION. THE APPLICATION SHALL INCLUDE AT A MINIMUM: THE TITLE OR NAME OF THE COURSE, THE NAME OF THE ORGANIZATION SUBMITTING THE APPLICATION, PROOF OF COURSE OWNERSHIP, AND THE NAMES AND ADDRESSES OF ALL OWNERS, OFFICERS, AND DIRECTORS OF THE AGENCY OR ORGANIZATION, AND SUCH OTHER INFORMATION OR MATERIAL AS THE COMMISSION MAY PRESCRIBE. AN APPLICATION SHALL NOT BE CONSIDERED TO BE COMPLETE UNTIL ALL INFORMATION AND MATERIAL REQUIRED BY THE COMMISSION HAS BEEN SUBMITTED.

B. THE COMMISSION SHALL EITHER APPROVE OR DENY AN APPLICATION FOR COURSE APPROVAL NO LATER THAN NINETY DAYS FOLLOWING SUBMISSION OF A COMPLETED APPLICATION. IN THE EVENT THE COMMISSION TAKES NO ACTION ON AN APPLICATION AFTER NINETY DAYS FOLLOWING SUBMISSION OF A COMPLETED APPLICATION, THE APPLICATION SHALL BE DEEMED DENIED.

C. THE COMMISSION IS AUTHORIZED TO SUSPEND OR REVOKE APPROVAL OF A SPONSORING AGENCY SHOULD THE COMMISSION FIND THAT THE SPONSORING AGENCY, ITS DELIVERY AGENCY OR ITS INSTRUCTORS HAVE BEEN FOUND TO BE IN VIOLATION OF ANY APPLICABLE LAWS OR REGULATIONS.

6. REGULATIONS. THE COMMISSION SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION. IN ADDITION TO ANY REQUIREMENTS EXPRESSLY AUTHORIZED BY THIS SECTION, SUCH REGULATIONS MAY INCLUDE BUT NOT BE LIMITED TO REQUIREMENTS AND STANDARDS WITH RESPECT TO: DELIVERY AGENCIES AND INSTRUCTORS; CLASSROOM FACILITIES; SUSPENSION OR REVOCATION OF APPROVAL; APPEAL OF SUSPENSION OR REVOCATION; COURSE ADMINISTRATION AND ADVERTISING; AND MONITORING OF COURSES AND INSTRUCTORS.

7. REPORT. THE COMMISSION SHALL INCLUDE IN ITS ANNUAL REPORT SUBMITTED TO THE GOVERNOR, THE LEGISLATURE AND THE CHIEF JUDGE OF THE STATE BY MARCH THIRTY-FIRST OF EACH YEAR, AS REQUIRED IN SECTION TWENTY-ONE OF THIS ARTICLE, AN UPDATE AS TO THE EFFECTIVENESS AND USAGE OF THE DISASTER PREPAREDNESS HOMEOWNER'S DISCOUNT PROGRAM.

8. IMPLEMENTATION. THE DISASTER PREPAREDNESS HOMEOWNER'S DISCOUNT PROGRAM SHALL BE IMPLEMENTED ON OR BEFORE DECEMBER FIRST, TWO THOUSAND FIFTEEN.

S 2. This act shall take effect immediately.