

4756--A

2013-2014 Regular Sessions

I N S E N A T E

April 22, 2013

Introduced by Sens. DeFRANCISCO, AVELLA, LAVALLE, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to court ordered appraisals under fire insurance policies

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

1 Section 1. Subsection (c) of section 3408 of the insurance law, as
2 added by chapter 25 of the laws of 2010, is amended to read as follows:
3 (c) In the event of a covered loss, whenever an insured or insurer
4 fails to proceed with an appraisal upon demand of the other, either
5 party may apply to the court in the manner provided in subsection (a) of
6 this section for an order directing the other to comply with such
7 demand. [If an] AN appraisal [is so ordered, it] shall [be limited to a
8 determination of] DETERMINE THE actual cash value [and/or], THE replace-
9 ment cost, [or] the EXTENT OF THE LOSS OR DAMAGE AND THE amount of THE
10 loss OR DAMAGE which shall be determined as specified in the policy and
11 shall proceed pursuant to the terms of the applicable appraisal clause
12 of the insurance policy and not as an arbitration. NOTWITHSTANDING THE
13 PROVISIONS OF THIS SUBSECTION, AN APPRAISAL SHALL NOT DETERMINE WHETHER
14 THE POLICY ACTUALLY PROVIDES COVERAGE FOR ANY PORTION OF THE CLAIMED
15 LOSS OR DAMAGE.
16 S 2. This act shall take effect immediately.

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

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