

4371

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 4, 2013

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Introduced by M. of A. COOK, MORELLE -- read once and referred to the  
Committee on Insurance

AN ACT to amend the insurance law, in relation to deductibles for phys-  
ical damage insurance

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

1     Section 1. Subsection (k) of section 3411 of the insurance law is  
2 amended to read as follows:  
3     (k) (1) Each insurer which offers physical damage insurance subject to  
4 the provisions of this section shall offer such insurance with a stand-  
5 ard deductible of two hundred dollars for each occurrence. The insured  
6 shall, however, at the inception of the policy or at the annual anniver-  
7 sary date, or at the time of the replacement or addition of an automo-  
8 bile, have the option of purchasing a policy with a lesser deductible,  
9 but in no event may the insurer sell a policy with a deductible of less  
10 than fifty dollars for fire, theft or comprehensive insurance coverages  
11 (one hundred dollars for assigned risk policies issued pursuant to para-  
12 graph two of subsection (a) of section five thousand three hundred three  
13 of this chapter) and one hundred dollars for collision insurance cover-  
14 age except that window glass coverage may be sold without a deductible.  
15 Each insurer which offers physical damage insurance subject to the  
16 provisions of this section shall also offer physical damage coverages  
17 with co-insurance or deductible provisions or combinations thereof as  
18 the superintendent may prescribe, including but not limited to deduct-  
19 ibles of two hundred fifty dollars, five hundred dollars and one thou-  
20 sand dollars.  
21     (2) NOTWITHSTANDING THE DOLLAR LIMITS FOR DEDUCTIBLES IN PARAGRAPH ONE  
22 OF THIS SUBSECTION, AN INSURER WHICH OFFERS PHYSICAL DAMAGE INSURANCE  
23 SUBJECT TO THE PROVISIONS OF THIS SECTION MAY OFFER A REDUCED DOLLAR  
24 DEDUCTIBLE, A ZERO DOLLAR DEDUCTIBLE OR A DEDUCTIBLE THAT DIMINISHES  
25 OVER TIME AND MAY ULTIMATELY BE REDUCED TO ZERO DOLLARS.

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

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(3) AN INSURER WHO OFFERS A REDUCED DOLLAR DEDUCTIBLE, A ZERO DOLLAR DEDUCTIBLE OR A DEDUCTIBLE THAT DIMINISHES OVER TIME SHALL DISCLOSE TO THE INSURED OR POTENTIAL INSURED AT THE TIME SUCH A DEDUCTIBLE IS OFFERED OR A POLICY THAT HAS SUCH A DEDUCTIBLE IS RENEWED HOW SUCH A DEDUCTIBLE WOULD INTERACT WITH THE OTHER PROVISIONS OF THE INSURED'S POLICY, ANY ADDITIONAL COST TO THE INSURED FOR HAVING SUCH A DEDUCTIBLE, THE CIRCUMSTANCES UNDER WHICH THE DEDUCTIBLE MAY BE REDUCED OR DIMINISHED, IF AND UNDER WHAT CIRCUMSTANCES THE DEDUCTIBLE MAY BE INCREASED, AND THE EFFECT THAT THE DEDUCTIBLE MAY HAVE UPON THE INSURED'S PREMIUM.

(4) UNDER NO CIRCUMSTANCES SHALL AN INSURER PENALIZE AN INSURED WHO HAS A REDUCED DOLLAR DEDUCTIBLE, A ZERO DOLLAR DEDUCTIBLE OR A DEDUCTIBLE THAT DIMINISHES OVER TIME BY INCREASING BOTH THE INSURED'S PREMIUM AND DEDUCTIBLE IN RESPONSE TO THE SAME CLAIM OR INCIDENT. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO PROHIBIT AN INSURER FROM INCREASING EITHER THE INSURED'S PREMIUM OR DEDUCTIBLE IN RESPONSE TO THE SAME CLAIM OR INCIDENT.

S 2. This act shall take effect immediately.