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

7455--A

Cal. No. 442

2013-2014 Regular Sessions

I N A S S E M B L Y

May 17, 2013

Introduced by M. of A. GOLDFEDER, ABINANTI, TITONE, SKOUFIS, MALLIOTAKIS -- read once and referred to the Committee on Insurance -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the insurance law, in relation to anti-concurrent causation clauses

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 3455 to read as follows:

S 3455. ANTI-CONCURRENT CAUSATION CLAUSES. (A) WHEN A FLOOD EVENT NOT COVERED UNDER A POLICY OR SPECIFICALLY EXCLUDED UNDER A POLICY IS A CONTRIBUTING FACTOR IN OR OCCURS SIMULTANEOUSLY AS A COVERED EVENT OR PERIL, THE INSURER SHALL NOT DENY OR EXCLUDE COVERAGE FOR THE LOSS OR DAMAGE CAUSED BY THE COVERED EVENT OR PERIL. HOWEVER, NOTHING SHALL OBLIGATE THE INSURER TO PAY FOR ANY LOSS OR DAMAGE CAUSED BY THE FLOOD EVENT THAT IS NOT COVERED OR IS EXCLUDED.

(B) IF AN INSURER ISSUES A POLICY THAT INCLUDES A PROVISION THAT ALLOWS THE INSURER TO DETERMINE WHETHER LOSS OR DAMAGE CAUSED BY A COVERED PERIL MAY OR MAY NOT BE COVERED PARTIALLY OR WHOLLY BASED UPON WHETHER A PERIL THAT IS EXCLUDED OR NOT COVERED UNDER THE POLICY WAS THE PROXIMATE OR REMOTE CAUSE OF THE COVERED LOSS OR DAMAGE, THE INSURER MUST CLEARLY STATE IN THE POLICY: (1) WHICH PERIL EXCLUDED OR NOT COVERED UNDER THE POLICY MUST CAUSE, PROXIMATELY OR REMOTELY, THE COVERED PERIL OR PERILS; AND (2) IN EACH SPECIFIC INSTANCE, WHETHER THE CAUSATION MUST BE PROXIMATE OR REMOTE TO RESULT IN A LIMITATION IN COVERAGE. THE INSURER MUST DISCLOSE THIS PROVISION TO THE POLICYHOLDER PRIOR TO THE SALE OR PURCHASE OF THE POLICY.

S 2. This act shall take effect immediately and shall apply to all policies issued or renewed after such effective date.

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

LBD11120-02-3