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

2913

2015-2016 Regular Sessions

I N  A S S E M B L Y

January 20, 2015

Introduced by M. of A. THIELE -- Multi-Sponsored by -- M. of A. GRAF -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to automotive glass work

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

Section 1. Subsection (b) of section 2610 of the insurance law is amended to read as follows:

(b) In processing any such claim [(other than a claim solely involving window glass)], the insurer shall not, unless expressly requested by the insured, recommend or suggest repairs be made to such vehicle in a particular place or shop or by a particular concern.

S 2. Section 2610 of the insurance law is amended by adding two new subsections (c) and (d) to read as follows:

(C) NO INSURANCE COMPANY DOING BUSINESS IN THIS STATE OR THIRD-PARTY CLAIMS ADMINISTRATOR, AGENT OR ADJUSTER FOR SUCH COMPANY SHALL:

(1) REQUIRE ANY INSURED TO USE A SPECIFIC PERSON FOR THE PROVISION OF AUTOMOTIVE GLASS WORK; OR

(2) STATE THAT CHOOSING A FACILITY OTHER THAN A GLASS SHOP PARTICIPATING IN AN AUTOMOTIVE GLASS WORK PROGRAM ESTABLISHED BY SUCH COMPANY WILL RESULT IN DELAYS IN OR A LACK OF GUARANTEE FOR THE AUTOMOTIVE GLASS WORK.

(D) (1) IF THERE IS ANY COMMUNICATION BETWEEN A GLASS CLAIMS REPRESENTATIVE FOR AN INSURANCE COMPANY DOING BUSINESS IN THIS STATE OR A THIRD-PARTY CLAIMS ADMINISTRATOR FOR SUCH COMPANY AND AN INSURED REGARDING AUTOMOTIVE GLASS WORK OR AUTOMOBILE GLASS PRODUCTS, IN THE INITIAL CONTACT WITH THE INSURED, SUCH REPRESENTATIVE OR CLAIMS ADMINISTRATOR SHALL STATE OR DISCLOSE TO THE INSURED A STATEMENT SUBSTANTIALLY SIMILAR TO THE FOLLOWING: "YOU HAVE THE RIGHT TO CHOOSE A LICENSED GLASS SHOP WHERE THE DAMAGE TO YOUR MOTOR VEHICLE WILL BE REPAIRED. IF YOU HAVE A PREFERENCE, PLEASE LET US KNOW".

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

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(2) NO GLASS CLAIMS REPRESENTATIVE FOR AN INSURANCE COMPANY DOING BUSINESS IN THIS STATE OR A THIRD-PARTY CLAIMS ADMINISTRATOR FOR SUCH COMPANY SHALL PROVIDE AN INSURED WITH THE NAME OF, SCHEDULE AN APPOINTMENT FOR AN INSURED WITH OR DIRECT AN INSURED TO, A LICENSED GLASS SHOP THAT IS OWNED BY:

(A) SUCH COMPANY; OR

(B) SUCH CLAIMS ADMINISTRATOR; OR

(C) THE SAME PARENT COMPANY AS SUCH INSURANCE COMPANY OR CLAIMS ADMINISTRATOR, UNLESS SUCH REPRESENTATIVE OR CLAIMS ADMINISTRATOR PROVIDES THE INSURED WITH THE NAME OF AT LEAST ONE ADDITIONAL LICENSED GLASS SHOP IN THE AREA WHERE THE AUTOMOTIVE GLASS WORK IS TO BE PERFORMED.

S 3. This act shall take effect immediately.