

3802

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. GOLDFEDER, ABINANTI, TITONE, SKOUFIS, MALLIOTAKIS, TITUS, SALADINO, CUSICK, MOYA, WEPRIN -- Multi-Sponsored by -- M. of A. PERRY -- read once and referred to the Committee on Insurance

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:

1 Section 1. The insurance law is amended by adding a new section 3455
2 to read as follows:
3 S 3455. ANTI-CONCURRENT CAUSATION CLAUSES. (A) WHEN A FLOOD EVENT NOT
4 COVERED UNDER A POLICY OR SPECIFICALLY EXCLUDED UNDER A POLICY IS A
5 CONTRIBUTING FACTOR IN OR OCCURS SIMULTANEOUSLY AS A COVERED EVENT OR
6 PERIL, THE INSURER SHALL NOT DENY OR EXCLUDE COVERAGE FOR THE LOSS OR
7 DAMAGE CAUSED BY THE COVERED EVENT OR PERIL. HOWEVER, NOTHING SHALL
8 OBLIGATE THE INSURER TO PAY FOR ANY LOSS OR DAMAGE CAUSED BY THE FLOOD
9 EVENT THAT IS NOT COVERED OR IS EXCLUDED.
10 (B) IF AN INSURER ISSUES A POLICY THAT INCLUDES A PROVISION THAT
11 ALLOWS THE INSURER TO DETERMINE WHETHER LOSS OR DAMAGE CAUSED BY A
12 COVERED PERIL MAY OR MAY NOT BE COVERED PARTIALLY OR WHOLLY BASED UPON
13 WHETHER A PERIL THAT IS EXCLUDED OR NOT COVERED UNDER THE POLICY WAS THE
14 PROXIMATE OR REMOTE CAUSE OF THE COVERED LOSS OR DAMAGE, THE INSURER
15 MUST CLEARLY STATE IN THE POLICY: (1) WHICH PERIL EXCLUDED OR NOT
16 COVERED UNDER THE POLICY MUST CAUSE, PROXIMATELY OR REMOTELY, THE
17 COVERED PERIL OR PERILS; AND (2) IN EACH SPECIFIC INSTANCE, WHETHER THE
18 CAUSATION MUST BE PROXIMATE OR REMOTE TO RESULT IN A LIMITATION IN
19 COVERAGE. THE INSURER MUST DISCLOSE THIS PROVISION TO THE POLICYHOLDER
20 PRIOR TO THE SALE OR PURCHASE OF THE POLICY.
21 S 2. This act shall take effect immediately and shall apply to all
22 policies issued or renewed after such effective date.

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

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