STATE OF NEW YORK

2746

2017-2018 Regular Sessions

IN SENATE

January 17, 2017

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring out-of-state insurance adjusters employed to appraise in-state property damages arising from emergency situations to employ established rates used for appraisal by in-state insurance adjusters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subsection (n) of section 2108 of the insurance law is amended to read as follows:

(n) Notwithstanding the provisions of this section, the superintendent, in order to facilitate the settlement of claims under insurance contracts involving widespread property losses arising out of a conflagration or catastrophe common to all such losses, may issue a temporary permit for a term not exceeding one hundred twenty days to any person, whether he be a resident of this state or a non-resident, to act as an independent adjuster on behalf of an authorized insurer or insurers, provided any such insurer shall execute and file in the office of the superintendent a written application for the permit in the form prescribed by the superintendent, which application shall contain such information as he may require and shall certify that the person named therein to be designated in the temporary permit is qualified by experience and training to adjust claims arising under insurance contracts issued by any insurer **and that such person shall adjust claims using cost data appropriate for the region of the state where such person is adjusting claims**. The superintendent may in his discretion renew such permit for an additional term or terms as may be necessary to adjust such claims. **A person issued a temporary permit pursuant to this subsection shall utilize cost data that is appropriate for the region of the state where such person is adjusting claims.**

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

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§ 2. Paragraphs 6 and 7 of subdivision (a) of section 2601 of the insurance law, paragraph 6 as amended and paragraph 7 as added by section 27 of part H of chapter 60 of the laws of 2014, are amended and a new paragraph 8 is added to read as follows:

(6) failing to promptly disclose coverage pursuant to subsection (d) or subparagraph (A) of paragraph two of subsection (f) of section three thousand four hundred twenty of this chapter; [~~or~~]

(7) submitting reasonably rendered claims to the independent dispute resolution process established under article six of the financial services law[~~.~~]**; or**

(8) artificially deflating or otherwise lowering cost data used for adjusted claims, or using cost data that is not appropriate for the region of the state where the loss occurred; this shall include but is not limited to claims adjusted by a person issued a temporary permit pursuant to subsection (n) of section two thousand one hundred eight of this chapter.

§ 3. This act shall take effect immediately.