

STATE OF NEW YORK

413--A

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to collision or comprehensive coverage on motor vehicles

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

1 Section 1. Section 2610 of the insurance law is amended by adding a
2 new subsection (d) to read as follows:

3 (d)(1) No insurer in processing any such claim, shall limit the
4 payment of such claim for damage to a motor vehicle repair based on
5 pricing caps for labor, parts, paint or repair materials. All elements
6 of such a claim for damages shall be negotiated with the insured, or his
7 or her designated representative, by a duly licensed appraiser.

8 (2) If a recommendation or suggestion of an automotive repair facility
9 is made by the insurer, and accepted by the claimant, the insurer shall
10 cause the damaged vehicle to be restored to its condition immediately
11 prior to the loss at no additional cost to the claimant other than
12 deductions stated in the policy. Should the insurer fail to restore the
13 vehicle to its condition immediately prior to the loss, the insurer
14 shall at no additional expense to the claimant cause the vehicle to be
15 restored to its condition immediately prior to the loss at a shop of the
16 claimant's choice.

17 § 2. This act shall take effect on the first of January next succeed-
18 ing the date on which it shall have become a law and shall apply to all
19 policies and contracts issued, renewed, modified, altered or amended on
20 or after such effective date; provided, however, that effective imme-
21 diately, the addition, amendment and/or repeal of any rule or regulation
22 necessary for the implementation of this act on its effective date are
23 authorized and directed to be made and completed on or before such
24 effective date.

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

LBD00569-05-7