

# STATE OF NEW YORK

7246

## IN SENATE

January 5, 2018

Introduced by Sen. BROOKS -- 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 creating a task force on disasters

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 215 to  
2 read as follows:

3 § 215. Task force on disasters. (a) There is hereby created a task  
4 force to examine how insurers who write policies that cover loss of or  
5 damage to real property, personal property, or other liabilities for  
6 loss of, damage to, or injury to persons or property in New York state  
7 respond to disasters, in what ways state and local agencies such as the  
8 department of financial services can assist in such response and whether  
9 policyholders and communities have adequate insurance.

10 (b) (1) The task force shall consist of twenty-three members, one of  
11 whom shall be the superintendent or his or her designated represen-  
12 tative, six of whom shall be appointed by the governor, five of whom  
13 shall be appointed by the governor based upon the recommendation of the  
14 speaker of the assembly, five of whom shall be appointed by the governor  
15 based upon the recommendation of the temporary president of the senate,  
16 three of whom shall be appointed by the governor based upon the recom-  
17 mendation of the minority leader of the assembly, and three of whom  
18 shall be appointed by the governor based upon the recommendation of the  
19 minority leader of the senate.

20 (2) The appointees shall include representatives of the following:

21 (A) four insurers who write policies that cover loss of or damage to  
22 real property, personal property, or other liabilities for loss of,  
23 damage to, or injury to persons or property, including representatives  
24 from companies of varying sizes and locations and at least one insurer  
25 who writes for the national flood insurance program.

26 (B) ten local officials who respond to disasters and emergencies,  
27 including police officials, professional and volunteer fire and emergen-  
28 cy services personnel, and local officials responsible for the coordi-

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

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1 nation of emergency services and the locality's response to a disaster  
2 or emergency. These appointments shall reflect the geographic diversity  
3 of the state and include representatives from localities with varying  
4 population densities. These appointments shall also include represen-  
5 tatives from the following regions: New York city, Long Island, mid-Hud-  
6 son, capital region, north country, Mohawk Valley, Southern tier,  
7 Central New York, Finger lakes, and Western New York.

8 (C) two organizations that represent independent and public adjusters.

9 (D) two non-profits that have experience with disaster relief.

10 (E) two consumer advocacy groups.

11 (F) one independent insurance agent who obtains coverage for policy  
12 holders for loss of or damage to real property, personal property, or  
13 other liabilities for loss of, damage to, or injury to persons or prop-  
14 erty.

15 (3) Recommendations and appointments shall take into consideration the  
16 expertise of other appointees, so that the task force reflects a diver-  
17 sity of experience.

18 (4) The members of the task force shall not receive compensation, but  
19 shall be reimbursed for reasonable travel expenses.

20 (c) The superintendent, or his or her designated representative, shall  
21 serve as the chair of the task force.

22 (d) The task force shall report to the governor, the speaker of the  
23 assembly, the temporary president of the senate, and the chair of the  
24 assembly insurance committee and the chair of the senate insurance  
25 committee on the results of its examination one year after the effective  
26 date of this section. The report shall include information on the chal-  
27 lenges that insurers face when responding to a disaster, possible ways  
28 for insurers to work better with community stakeholders and state agen-  
29 cies to facilitate timely claims investigation and processing, suggested  
30 legislation to address, issues identified by the task force, and any  
31 other information the superintendent deems relevant.

32 (e) In completing its task, the task force will consider the following  
33 issues, as well as any other issue that it deems relevant:

34 (1) Steps insurers currently take in order to respond to disaster-re-  
35 lated claims in a timely fashion;

36 (2) Challenges insurers experience when responding to disasters;

37 (3) Steps insurers currently take to adequately assess damage so that  
38 homeowners and municipalities can remove debris and make repairs quick-  
39 ly;

40 (4) Additional steps insurers and state and local agencies can take to  
41 better respond to the needs of communities and policyholders affected by  
42 a disaster;

43 (5) Ways insurers and state and local agencies can proactively reach  
44 out to policyholders and communities following a disaster;

45 (6) Ways insurers assist homeowners and businesses affected by a  
46 disaster whose premiums are due;

47 (7) Steps insurers can take if their employees are affected by a  
48 disaster in order to ensure that they are still able to respond to  
49 claims in a timely fashion;

50 (8) Whether or not New Yorkers have adequate access to insurance  
51 coverage and if not, identifying what barriers exist that may prevent  
52 people from purchasing adequate coverage;

53 (9) Identifying measures to encourage homeowners and businesses to  
54 purchase flood insurance as needed;

1     (10) Steps insurers take to prevent disputes with policyholders and to  
2     resolve those which do occur as well as additional steps insurers can  
3     take;

4     (11) Legislative actions that can be considered to address such  
5     issues.

6     § 2. This act shall take effect immediately.