

# STATE OF NEW YORK

3499

2019-2020 Regular Sessions

## IN SENATE

February 8, 2019

Introduced by Sens. BRESLIN, SEWARD -- 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 business interruption  
insurance

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

1 Section 1. The section heading of section 3426 of the insurance law,  
2 as amended by chapter 235 of the laws of 1989, is amended to read as  
3 follows:

4 Commercial lines insurance; cancellation and renewal provisions; busi-  
5 ness interruption insurance.

6 § 2. Subsection (a) of section 3426 of the insurance law is amended by  
7 adding a new paragraph 12 to read as follows:

8 (12) "Business interruption insurance" shall have the same meaning as  
9 paragraph four of subsection (d) of section five thousand four hundred  
10 one of this chapter.

11 § 3. Section 3426 of the insurance law is amended by adding a new  
12 subsection (p) to read as follows:

13 (p) No insurer writing a policy issued or delivered in this state that  
14 provides for business interruption insurance shall deny or exclude  
15 coverage for a claim for loss or damage that is caused by a peril  
16 insured against by the policy solely because the insured peril:

17 (1) Resulted from a peril not insured against or expressly excluded  
18 under the policy; or

19 (2) Resulted from an action intended to mitigate loss from a peril not  
20 insured against or expressly excluded under the policy; or

21 (3) Occurred within a reasonable amount of time either before or after  
22 a peril not insured against or expressly excluded under the policy.

23 § 4. This act shall take effect immediately and shall apply to claims  
24 made on or after such effective date.

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

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