

# STATE OF NEW YORK

8298

2019-2020 Regular Sessions

## IN ASSEMBLY

June 13, 2019

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to notice of disclaimer of liability for certain revived causes of action

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

1 Section 1. Paragraph 2 of subsection (d) of section 3420 of the insurance law, as amended by chapter 388 of the laws of 2008, is amended to  
2 read as follows:

3  
4 (2) If under a liability policy issued or delivered in this state, an  
5 insurer shall disclaim liability or deny coverage for death or bodily  
6 injury arising out of a motor vehicle accident or any other type of  
7 accident occurring within this state, it shall give written notice as  
8 soon as is reasonably possible of such disclaimer of liability or denial  
9 of coverage to the insured and the injured person or any other claimant.

10 Provided, however, that with regard to any civil claim or cause of  
11 action revived pursuant to section two hundred fourteen-g of the civil  
12 practice law and rules, the time within which an insurer shall give  
13 written notice of a disclaimer of liability or denial of insurance  
14 coverage for such revived claim, or cause of action to the insured,  
15 shall not begin until one hundred twenty days after the insurer has  
16 located or been provided with a copy or copies of the insurance policy  
17 or policies which the insured, injured person, or other claimant,  
18 contends provides insurance coverage, benefits, or proceeds for such  
19 revived civil claim or cause of action, provided that the insurer has  
20 made a reasonably diligent search for such policy or policies.

21 § 2. This act shall take effect immediately and be deemed to be in  
22 full force and effect on the same date and in the same manner as section  
23 3 of chapter 11 of the laws of 2019, and shall apply to all policies  
24 entered into on or before such date.

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

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