

# STATE OF NEW YORK

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2848--A

Cal. No. 247

2019-2020 Regular Sessions

## IN SENATE

January 29, 2019

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Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to motor vehicle key and key fob replacement contracts

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

1 Section 1. Subsection (k) of section 7902 of the insurance law, as  
2 amended by chapter 409 of the laws of 2012, is amended to read as  
3 follows:

4 (k) "Service contract" means a contract or agreement, for a separate  
5 or additional consideration, for a specific duration to perform the  
6 repair, replacement or maintenance of property, or indemnification for  
7 repair, replacement or maintenance, due to a defect in materials or  
8 workmanship or wear and tear, with or without additional provision for  
9 indemnity payments for incidental damages, provided any such indemnity  
10 payment per incident shall not exceed the purchase price of the property  
11 serviced. Service contracts may include towing, rental and emergency  
12 road service, and may also provide for the repair, replacement or main-  
13 tenance of property for damage resulting from power surges and acci-  
14 dental damage from handling. Service contracts may also include  
15 contracts to repair, replace or maintain residential appliances and  
16 systems. Such term shall also mean a contract or agreement made (1) by  
17 or for the manufacturer or seller of a motor vehicle tire for repair or  
18 replacement of the tire or wheel as the result of damage arising from a  
19 road hazard, (2) by or for the supplier or seller of a service for  
20 repair of chips or cracks in a motor vehicle windshield, but not includ-

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

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1 ing services that involve the replacement of the entire windshield,  
2 [~~and~~] (3) by or for the supplier or seller of a service for repair or  
3 removal of dents, dings or creases from a motor vehicle without affect-  
4 ing the existing paint finish using paintless dent repair techniques,  
5 but not including services that involve the replacement of vehicle body  
6 panels, or sanding, bonding or painting; and (4) by or for the supplier  
7 or seller of a service for repair or replacement of a motor vehicle key  
8 or key fob in the event that the key or key fob becomes inoperable, lost  
9 or stolen.

10 § 2. This act shall take effect immediately.