

STATE OF NEW YORK

4032

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. COLTON, PALMESANO, PERRY, BARRON, COOK, L. ROSENTHAL, M. MILLER, ENGLEBRIGHT, SANTABARBARA, HYNDMAN, J. RIVERA -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to establishing residential home safety and loss prevention courses and providing for an associated reduction in certain insurance premiums and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 2346 of the insurance law is amended by adding a new subsection 6 to read as follows:

6. The superintendent shall provide for an actuarially appropriate reduction in the rates of fire insurance premiums or homeowners insurance premiums applicable to residential real property for any insured for a three year period after successfully completing a residential home safety and loss prevention course certified pursuant to section two thousand three hundred forty-six-b of this article.

§ 2. The insurance law is amended by adding a new section 2346-b to read as follows:

§ 2346-b. Certification of residential home safety and loss prevention courses. (a) The department, in consultation with the office of fire prevention and control of the division of homeland security and emergency services and any additional state entity it deems appropriate, shall certify all residential home safety and loss prevention courses that are authorized to offer classes through which the insured shall be eligible to receive an insurance premium reduction pursuant to subsection six of section two thousand three hundred forty-six of this article.

(b) For the purposes of this section:

(1) "residential home safety and loss prevention course" or "course" shall mean an instructional program that presents information and methods that can help an insured to significantly prevent or minimize personal injuries and property losses in residential real property due to the occurrence of fire, theft, burglary, accidents and weather related events, including, but not limited to, how to mitigate property

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

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1 damage from hurricanes, ice storms, tornadoes and other natural disas-
2 ters; and

3 (2) "course sponsor" shall mean any individual, company or organiza-
4 tion that has developed or owns a residential home safety and loss
5 prevention course and all agents of such sponsor including independent
6 contractors that conduct classes for such sponsor and class instructors.

7 (c) The department shall promulgate such rules and regulations as are
8 necessary to implement the provisions of this section. Such rules shall,
9 at a minimum, provide for:

10 (1) course sponsor application procedures that an applicant shall
11 follow to obtain course certification approval;

12 (2) curriculum standards that the course sponsors and instructors
13 shall utilize, based upon submissions from any course sponsor as defined
14 in paragraph two of subsection (b) of this section, including teaching
15 methods and time requirements which shall be in excess of three hours;

16 (3) standards, based upon submissions from any course sponsor as
17 defined in paragraph two of subsection (b) of this section, that course
18 sponsors shall satisfy to ensure that class instructors are adequately
19 trained;

20 (4) a demonstration by the course sponsor that successfully completing
21 such course will significantly reduce fire, theft, liability and weather
22 related losses in the residence;

23 (5) standards, based upon submissions from any course sponsor as
24 defined in paragraph two of subsection (b) of this section, to ensure
25 that individuals that complete such course shall receive certificates
26 that can be submitted to an insurer to demonstrate successful completion
27 of the class. Such certificates of completion shall be tamper proof and
28 designed so that they can not be fraudulently reproduced or forged by an
29 unauthorized issuer; and

30 (6) procedures for on-going surveillance of course presentation and
31 administration to ensure that the insurance premium reduction awarded
32 is, and continues to be, proportionally related to the actuarially
33 calculable decrease in losses attributable to the course.

34 (d) The department is authorized to suspend or revoke the certificate
35 of approval of any course sponsor if the department determines that such
36 sponsor has violated the provisions of this section or has misrepre-
37 sented information on the initial application or in periodic reports
38 submitted to the department.

39 (e) The department may increase or decrease the insurance premium
40 discount awarded to such course if it is found that such discount is not
41 actuarially appropriate.

42 § 3. Not less than 180 days before the expiration of the provision of
43 this act, the superintendent of financial services shall issue a report
44 to the governor, temporary president of the senate, speaker of the
45 assembly, and the chairs of the committees on insurance of the senate
46 and assembly stating his or her findings on the effect of residential
47 home safety and loss prevention courses in reducing homeowners insurance
48 claims.

49 § 4. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law and shall expire and be deemed repealed 5
51 years after such effective date. Effective immediately, the addition,
52 amendment and/or repeal of any rule or regulation necessary for the
53 implementation of this act on its effective date are authorized to be
54 made and completed on or before such effective date.