

STATE OF NEW YORK

1231--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. LUNSFORD -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to contractual liability insurance policies

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

1 Section 1. Paragraph 1 of subsection (c) of section 7903 of the insurance law, as amended by chapter 578 of the laws of 2000, is amended to read as follows:

2 (1) insure the performance of all its obligations under all service
3 contracts pursuant to [~~a~~] one or more service contract reimbursement
4 insurance [~~policy~~] policies issued by [~~an insurer~~] one or more insurers
5 authorized to issue service contract reimbursement insurance in this
6 state or procured by an excess line licensee pursuant to section two
7 thousand one hundred eighteen of this chapter. Each service contract
8 reimbursement insurance policy shall obligate the insurer that issued
9 such policy to either discharge the obligations and liabilities of such
10 provider under the terms of the service contracts issued by such provid-
11 er, including the return of unearned provider fees upon any termination
12 or cancellation of service contracts, in the event of non-performance of
13 any such obligations or liabilities by such provider or indemnify the
14 provider for losses sustained by reason of the performance of such
15 provider's obligations under service contracts issued pursuant to this
16 article. In the event the provider fails to insure its obligations
17 pursuant to this paragraph or in the event that such insurance shall
18 lapse or be terminated, the provider shall comply with either paragraph
19 two or three of this subsection within forty-five days of the insurance
20 lapse or termination;
21
22

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

LBD01943-04-4

1 § 2. Subsection (b) of section 7905 of the insurance law, as added by
2 chapter 614 of the laws of 1997, is amended to read as follows:
3 (b) Service contracts insured under [~~a~~] one or more service contract
4 reimbursement insurance [~~policy~~] policies pursuant to [~~paragarph~~] para-
5 graph one of subsection (c) of section seven thousand nine hundred three
6 of this article shall contain a statement in substantially the following
7 form: "Obligations of the provider under this service contract are
8 insured under a service contract reimbursement insurance policy. If the
9 provider fails to pay or provide service on a claim within sixty days
10 after proof of loss has been filed, the contract holder is entitled to
11 make a claim directly against the insurer under the service contract
12 reimbursement insurance policy." The service contract shall also state
13 the name and address and a toll-free telephone number of the insurer
14 under [~~the~~] each related service contract reimbursement insurance poli-
15 cy.
16 § 3. This act shall take effect immediately.