STATE OF NEW YORK

2108

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. MEEKS, BRONSON, JACKSON, ZINERMAN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to examinations under oath under the comprehensive motor vehicle insurance reparations act

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

Section 1. Section 5103 of the insurance law is amended by adding a new subsection (i) to read as follows:

(i) (1) With regard to any claim for first party benefits pursuant to this article, in an examination under oath of a person claiming to be a covered person, such person shall have the right to be represented by counsel. Such examination under oath shall be transcribed before a notary public commissioned to administer oaths in this state. The transcript of such examination under oath shall be furnished to the claimant or such claimant's representative within sixty days of such examination.

(2) An examination under oath alone shall not form the basis of a denial of first party benefits. If an insurer believes an allegation of fraud perpetrated by the claimant is supported by the testimony elicited from such claimant at an examination under oath, such insurer shall not deny such claimant first party benefits unless it has submitted such allegation of fraud to arbitration and has been awarded permission to deny such first party benefits by the arbitrator. The superintendent shall promulgate simplified procedures for the arbitration of such allegations of fraud made by insurers.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

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

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