

# STATE OF NEW YORK

2678

2023-2024 Regular Sessions

## IN SENATE

January 24, 2023

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to service contracts for accidental damages from handling

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 separately amended by chapter 247 of the laws of 2019 and section 1 of  
3 subpart Q of part XX of chapter 55 of the laws of 2020, is amended to  
4 read as follows:

5 (k) "Service contract" means a contract or agreement, for a separate  
6 or additional consideration, for a specific duration to perform the  
7 repair, replacement or maintenance of property, or indemnification for  
8 repair, replacement or maintenance, due to a defect in materials or  
9 workmanship or wear and tear, power surges or accidental damages from  
10 handling, with or without additional provision for indemnity payments  
11 for incidental damages, provided any such indemnity payment per incident  
12 shall not exceed the purchase price of the property serviced. Service  
13 contracts may include towing, rental and emergency road service~~[-and~~  
14 ~~may also provide for the repair, replacement or maintenance of property~~  
15 ~~for damage resulting from power surges and accidental damage from handl-~~  
16 ~~ing]~~. Service contracts may also include contracts to repair, replace or  
17 maintain residential appliances and systems. Such term shall also mean a  
18 contract or agreement made (1) by or for the manufacturer or seller of a  
19 motor vehicle tire for repair or replacement of the tire or wheel as the  
20 result of damage arising from a road hazard, (2) by or for the supplier  
21 or seller of a service for repair of chips or cracks in a motor vehicle  
22 windshield, but not including services that involve the replacement of  
23 the entire windshield, (3) by or for the supplier or seller of a service  
24 for repair or removal of dents, dings or creases from a motor vehicle  
25 without affecting the existing paint finish using paintless dent repair

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

LBD01944-01-3

1 techniques, but not including services that involve the replacement of  
2 vehicle body panels, or sanding, bonding or painting; and (4) by or for  
3 the supplier or seller of a service for repair or replacement of a motor  
4 vehicle key or key fob in the event that the key or key fob becomes  
5 inoperable, lost or stolen. In conjunction with a motor vehicle leased  
6 for personal use, such term shall also mean a contract to perform the  
7 repair, replacement or maintenance of property, or to provide indemnifi-  
8 cation for repair, replacement or maintenance, due to excess wear and  
9 use or damage for interior stains, rips or scratches or missing interior  
10 parts that result in a lease-end charge not otherwise covered by a  
11 service agreement or warranty, provided any such payment shall not  
12 exceed the purchase price of the vehicle.

13 § 2. This act shall take effect immediately.