

STATE OF NEW YORK

8262

2025-2026 Regular Sessions

IN SENATE

May 28, 2025

Introduced by Sen. BAILEY -- 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 improving transparency in the insurance claims process, regulating insurance adjusting professionals, instituting licensing standards for insurance professionals, ensuring timely responses to insurance claims, and enhancing policyholder protections

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

1 Section 1. The insurance law is amended by adding a new section 3463
2 to read as follows:

3 § 3463. Period of restoration. (a) For the purposes of this section,
4 the term "period of restoration" shall mean:

5 (1) the period beginning on the date of loss;

6 (2) the period which includes any actual time necessary to inspect,
7 evaluate and assess the damages, obtain permits, receive funds and
8 repair or replace damaged property in compliance with local building
9 codes and industry standards;

10 (3) the period which includes any delays caused by the insurer,
11 including failure to complete investigations or unreasonable delays in
12 claim handling; and

13 (4) the period ending no earlier than upon issuance of payment of the
14 actual cash value and replacement cost value of the property including,
15 where applicable, the issuance of payment from the appraisal award or
16 the mortgage holder.

17 (b) An insurer that issues or delivers in this state a policy of
18 insurance covering loss of or damage to real property shall provide any
19 services specified in such policy, including but not limited to coverage
20 for additional living expenses, loss of use, fair rental value or busi-
21 ness interruption, for the entire period of restoration.

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

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1 (c) A violation of this section shall be subject to penalties
2 described in section one hundred nine of this chapter, civil action by
3 the policyholder for any damages sustained due to the violation of this
4 section, and if it is found, after notice and an opportunity to be
5 heard, that an insurer has violated this section, the superintendent may
6 revoke an existing license to do business in this state and may refuse
7 to issue or renew a license to do business in the state.

8 § 2. The insurance law is amended by adding a new section 3464 to read
9 as follows:

10 § 3464. Real property claim processing requirements. (a) Notwithstand-
11 ing any other provision of law to the contrary, an insurer that issues
12 or delivers in this state a policy of insurance covering loss of or
13 damage to real property shall:

14 (1) upon the submission of a claim:

15 (A) acknowledge receipt of such claim within five business days.

16 (B) provide an electronic copy of the policyholder's entire insurance
17 policy, including, but not limited to, all forms and endorsements and a
18 letter, written clearly and in plain language, outlining policy bene-
19 fits, coverages, time limits, exclusions regarding structures and condi-
20 tions and any other provisions of the policy within thirty days of such
21 claim being submitted.

22 (2) within sixty days of the submission of a claim, issue an estimated
23 insurance payout including an estimate of damages with support and
24 reasoning for any cost assessments.

25 (3) where a primary residence covered under such policy or any entire
26 room thereof is deemed a total loss or is inaccessible due to structural
27 damage, accept the inventory of such residence or room in a form which
28 contains substantially the same information as a form issued by the
29 insurer for such purposes which includes categories of type of items
30 lost with the costs, actual cash value and amount of loss claimed for
31 such categories.

32 (4) when disputing any part, category, or item of an inventory of
33 destroyed, damaged and undamaged property, provide a detailed explana-
34 tion of why each such part, category, or item is in dispute.

35 (5) not deny or delay a claim settlement on the basis that responsi-
36 bility for payment should be assumed by another person, party, or enti-
37 ty.

38 (6) maintain a complete and unaltered record of all versions of all
39 reports, pictures, appraisals, estimates, recommendations, descriptions
40 of work performed, results of tests conducted, and detailed descriptions
41 of why any such claim was denied or reduced which shall be made avail-
42 able to the policyholder upon request.

43 (7) require all adjusters undergo mandatory training on all applicable
44 laws and regulations of being an adjuster. Such training shall be in
45 compliance with requirements established by the department which shall
46 include, but not be limited to, conducting a timely investigation into a
47 claim, providing adequate verbal and written communication with the
48 policyholder, and a detailed list of any other laws, rules, regulations,
49 guidelines, and standards all insurers and adjusters are required to
50 follow. Such trainings shall also include a detailed compliance check-
51 list to ensure adherence to such laws, rules, regulations, guidelines,
52 and standards.

53 (8) create a clear and accessible grievance procedure that allows
54 policyholders to escalate concerns regarding claims handling and facili-
55 tate timely resolutions of such grievances.

1 (9) establish a review board or independent body specifically tasked
2 with assessing and addressing complaints related to alleged unfair
3 claims practices.

4 (10) perform reviews and take corrective actions for failures in
5 claims handling processes immediately when professional standards and
6 regulatory requirements are breached.

7 (11) conduct regular audits to assess claims management practices.
8 Where such an audit identifies deficiencies in the insurer's claims
9 management practices, the insurer shall take immediate action to correct
10 such deficiencies.

11 (b) Where an insurer requires additional time to complete the require-
12 ments of this section, the insurer shall provide the insured with:

13 (1) a written explanation for the delay which shall include, but not
14 be limited to, the specific reasons for such delay.

15 (2) the parties involved in the delay.

16 (3) a timeline for completing the requirements of this section with
17 such delay.

18 (c) The department shall implement a system for tracking and monitor-
19 ing of denials and reductions of real property insurance claims. Insur-
20 ers shall participate in such system and shall ensure the information on
21 such system for any denials of real property insurance claims on their
22 policies is accurate. Such system shall include, but shall not be limit-
23 ed to, comprehensive documentation from and rationale of the insurer for
24 any real estate insurance claim denials or reductions, the ability for
25 the department to identify and investigate potential mismanagement,
26 unsupported assertions, and improper policy language interpretation by
27 insurers, and

28 (d) A violation of this section shall be subject to penalties
29 described in section one hundred nine of this chapter, civil action by
30 the policyholder for any damages sustained due to the violation of this
31 section, and if it is found, after notice and an opportunity to be
32 heard, that an insurer has violated this section, the superintendent may
33 revoke an existing license to do business in this state and may refuse
34 to issue or renew a license to do business in the state.

35 § 3. The insurance law is amended by adding a new section 3465 to read
36 as follows:

37 § 3465. Appraisals. Notwithstanding any other provision of law to the
38 contrary including sections thirty-four hundred four and thirty-four
39 hundred eight of this article relating to the standard fire insurance
40 policy of the state of New York:

41 (a) An insurer that issues or delivers in this state a policy of
42 insurance covering loss of or damage to real property shall:

43 (1) only select an appraiser or appraisal management company which is
44 competent and disinterested for an appraisal of loss or estimate of the
45 cost of damages.

46 (2) not select an appraiser or appraisal management company for an
47 appraisal of loss or estimate of the cost of damages where such
48 appraiser or appraisal management company was involved in a prior
49 appraisal of loss, estimate of the cost of damages, or initial claim
50 relating to the real property which is the subject of such appraisal or
51 estimate.

52 (3) provide a detailed, itemized list and explanation of any disputed
53 claim or items in such claim to the insured at least ten days prior to
54 requesting an appraisal of loss or estimate of the cost of damages.

55 (b) An insured shall:

1 (1) only select an appraiser or appraisal management company which is
2 competent and disinterested for an appraisal of loss, estimate of the
3 cost of damages, or initial claim.

4 (2) not select an appraiser or appraisal management company for an
5 appraisal of loss, estimate of the cost of damages, or initial claim
6 where such appraiser or appraisal management company was involved in a
7 prior appraisal of loss, estimate of the cost of damages, or initial
8 claim relating to the real property which is the subject of the
9 appraisal, estimate, or claim.

10 (3) provide a detailed, itemized list and explanation of any disputed
11 claims or items in such claims to the insurer at least ten days prior to
12 requesting an appraisal of loss or estimate of the cost of damages.

13 (c) (1) Where the insurer or the insured has requested an appraisal of
14 loss or estimate of the cost of damages, the insured or insurer, respec-
15 tively, shall select an appraiser or appraisal management company within
16 fifteen business days of such request.

17 (2) Within fifteen days of both the insurer and the insured selecting
18 an appraiser or appraisal management company, a competent and disinter-
19 ested umpire shall be selected.

20 (3) Within thirty days of both the insurer and the insured selecting
21 an appraiser or appraisal management company, the appraisers and/or
22 appraisal management companies shall schedule an onsite inspection at
23 the loss location and shall notify all parties of such onsite inspection
24 date.

25 (d) Within sixty days after the onsite inspection, the appraisers
26 and/or appraisal management companies shall provide an update on the
27 status of their negotiations. If an agreement has not been reached with-
28 in such sixty-day period, then an additional, one time, thirty-day
29 extension can be provided before the appraisal of loss or estimate of
30 the cost of damages is elevated to the umpire. All parties shall be
31 notified if the appraisal is elevated to the umpire.

32 (e) Within thirty days of the appraisal of loss or estimate of the
33 cost of damages being elevated to the umpire, the umpire shall provide a
34 final appraisal of loss or estimate of the cost of damages.

35 (f) A violation of this section by the insurer shall be subject to
36 penalties described in section one hundred nine of this chapter, civil
37 action by the policyholder for any damages sustained due to the
38 violation of this section, and if it is found, after notice and an
39 opportunity to be heard, that an insurer has violated this section, the
40 superintendent may revoke an existing license to do business in this
41 state and may refuse to issue or renew a license to do business in the
42 state.

43 § 4. Section 2107 of the insurance law is amended by adding a new
44 subsection (g) to read as follows:

45 (g) No person shall act as a building consultant on an appraisal of
46 loss or estimate of the cost of damages without being licensed as an
47 insurance building consultant. The superintendent shall establish
48 licensing requirements for insurance building consultants which act as a
49 consultant on an appraisal of loss or estimate of the cost of damages
50 which shall be the same requirements as being licensed as an independent
51 adjuster or public adjuster under section two thousand one hundred eight
52 of this article including, but not limited to, bonding requirements,
53 continuing education requirements, and ethical standards.

54 § 5. Paragraphs 1, 2 and 3 of subsection (r) of section 2108 of the
55 insurance law, as added by chapter 264 of the laws of 1998, are amended
56 to read as follows:

1 (1) The following continuing education requirements shall apply to
2 resident and non-resident persons licensed as public adjusters or inde-
3 pendent adjusters.

4 (2) Resident and non-resident persons licensed as public adjusters or
5 independent adjusters and any person previously so licensed whose
6 license was not in effect on the effective date of this subsection and
7 who has subsequently been relicensed pursuant to the provisions of this
8 article, shall biennially satisfactorily complete such courses or
9 programs as may be approved by the superintendent, as follows:

10 (A) Any person holding a license as a public adjuster or independent
11 adjusters shall, during each full biennial licensing period, satisfac-
12 torily complete courses or programs of instruction or attend seminars as
13 may be approved by the superintendent equivalent to fifteen credit hours
14 of instruction.

15 (B) During the same calendar year biennial licensing period, a licen-
16 see may use accumulated continuing education credits to meet the
17 requirements of similar classes of licenses including those authorized
18 by subsection (b) of section two thousand one hundred three, section two
19 thousand one hundred four, section two thousand one hundred seven of
20 this article with respect to general insurance consultants, and section
21 two thousand one hundred eight of this article with respect to public
22 adjusters or independent adjusters.

23 (C) Excess credit hours accumulated during any biennial licensing
24 period shall not carry forward to the next biennial licensing period for
25 that same class of license.

26 (3) (A) The courses or programs of instruction successfully completed,
27 which shall be deemed to meet the superintendent's standards for contin-
28 uing education shall be:

29 (i) Courses, programs of instruction or seminars, approved as to meth-
30 od and content by the superintendent, covering portions of the principal
31 branches of insurance related to the kinds of insurance covered by the
32 public adjusting license or independent adjusting license, and given by
33 a degree conferring college or university whose curriculum is registered
34 with the state education department at the time the person takes the
35 course, whether such course be given as part of such curriculum or sepa-
36 rately, or by any other institution, association, trade association or
37 insurer, which maintains equivalent standards of instruction and which
38 shall have been approved for such purpose by the superintendent.

39 (ii) Continuing education as required by the state in which a non-re-
40 sident licensee resides and maintains an office, provided the super-
41 intendent deems them equivalent to New York continuing education
42 requirements. If the state in which the non-resident licensee resides
43 and maintains an office has no continuing education requirements, or the
44 superintendent does not deem them equivalent, the licensee must satisfy
45 New York continuing education requirements.

46 (B) The number of credit hours assigned to each of the courses or
47 programs of instruction set forth in paragraph one of this subsection
48 shall be determined by the superintendent.

49 § 6. Section 2108 of the insurance law is amended by adding three new
50 subsections (t), (u) and (v) to read as follows:

51 (t) Public adjusters shall be able to charge any reasonable rate for
52 services rendered by the adjuster. The superintendent shall not limit
53 the rate a public adjuster may charge for their services.

54 (u) The superintendent shall create a code of ethics which shall be
55 adhered to by each independent adjuster licensed under this section.
56 Such code of ethics shall include, but not be limited to, preventing

1 conflicts of interest and improper influence. Any licensee who violates
2 the provisions of this subsection shall be subject to penalties
3 described in section one hundred one of this chapter, civil action by a
4 policyholder for any damages sustained due to the violation of this
5 section, and if it is found, after notice and an opportunity to be
6 heard, that licensee has violated this subsection, the superintendent
7 may revoke an existing license and may refuse to issue or renew a
8 license.

9 (v) (1) The department shall issue to each licensee under this section
10 and adjusters who are employed by an insurer a photo identification
11 card. Such cardholders shall carry such card on their person when
12 acting as an adjuster. Such photo identification card shall include, but
13 not be limited to, the cardholder's:

14 (A) name.

15 (B) profession.

16 (C) license number, if such cardholder is licensed.

17 (D) license expiration date, if such cardholder is licensed.

18 (E) a unique identification number issued by the department.

19 (2) Any cardholder who violates the provisions of this subsection
20 shall be subject to penalties described in section one hundred nine of
21 this chapter, civil action by a policyholder for any damages sustained
22 due to the violation of this section, and if it is found, after notice
23 and an opportunity to be heard, that a cardholder has violated this
24 subsection, the superintendent may revoke an existing license and may
25 refuse to issue or renew a license.

26 § 7. The insurance law is amended by adding a new section 2108-a to
27 read as follows:

28 § 2108-a. Claim for real property damage; engineers and technicians.

29 (a) For the purposes of this section, the term "technician" shall mean
30 any person who provides plumbing, electrical, heating, cooling, venti-
31 lation, electric testing, engineering, building consulting, industrial
32 hygiene, and other services to real property.

33 (b) Insurers shall only hire professional engineers licensed under
34 article one hundred forty-five of the education law to inspect, evalu-
35 ate, assess damages, provide opinions, and provide any other services of
36 a professional engineer regarding real property claims. Insurers shall
37 only permit engineers who are eligible to receive an engineer in train-
38 ing identification card under section seventy-two hundred six of the
39 education law to evaluate, assess damages, provide opinions, and provide
40 any engineering services regarding real property claims when under the
41 supervision and in the presence of a licensed professional engineer.

42 (c) Where an insurer hires or directs a technician to inspect, evalu-
43 ate, assess damages, provide opinions, and provide other services of a
44 technician on the real property which is the subject of a claim, the
45 insurer shall:

46 (1) inform the policyholder of the name, role, title, and company of
47 the technician who will be providing services on such real property.

48 (2) require the technician to:

49 (A) provide the policyholder with a certificate of insurance listing
50 the policyholder as an additionally insured party.

51 (B) provide the name, role, title, and company of any person
52 contracted by the technician to provide services on such real property.

53 (C) identify themselves to the policyholder and any other party to the
54 claim when providing services of a technician for such real property
55 with their name, role, title, company, and the name of who hired the
56 technician to provide such services.

1 (D) maintain, in conjunction with the insurer, a complete and unal-
2 tered record of all versions of all reports, pictures, appraisals, esti-
3 mates, recommendations, work performed, tests conducted, and services
4 provided which shall be made available to the policyholder upon request.

5 (3) identify any changes made to the appraisal of loss or estimate of
6 the cost of damages, identify who made the decision to make such change,
7 and provide a detailed explanation as to why such change was made.

8 (d) Any report regarding a real property claim submitted by a techni-
9 cian who inspected, evaluated, assessed damages, provided opinions, or
10 provided other services of a technician on the real property which is
11 the subject of the claim shall be signed by such technician and shall
12 include the name, role, title, and company of any other technician who
13 also inspected, evaluated, assessed, provided opinions, or provided
14 other services of a technician on such real property or otherwise
15 contributed to such report under such technician submitting such report.

16 (e) A violation of this section by the insurer shall be subject to
17 penalties described in section one hundred nine of this chapter, civil
18 action by the policyholder for any damages sustained due to the
19 violation of this section, and if it is found, after notice and an
20 opportunity to be heard, that an insurer has violated this section, the
21 superintendent may revoke an existing license to do business in this
22 state and may refuse to issue or renew a license to do business in the
23 state.

24 § 8. Severability clause. If any clause, sentence, paragraph, subdivi-
25 sion, section or part contained in any part of this act shall be
26 adjudged by any court of competent jurisdiction to be invalid, such
27 judgment shall not affect, impair, or invalidate the remainder thereof,
28 but shall be confined in its operation to the clause, sentence, para-
29 graph, subdivision, section or part of this act contained in any part
30 thereof directly involved in the controversy in which such judgment
31 shall have been rendered. It is hereby declared to be the intent of the
32 legislature that this act would have been enacted even if such invalid
33 provisions had not been included herein.

34 § 9. This act shall take effect on the first of January next succeed-
35 ing the date on which it shall have become a law and shall apply to all
36 policies and contracts issued, renewed, modified, altered or amended on
37 or after such effective date. Effective immediately, the addition,
38 amendment and/or repeal of any rule or regulation necessary for the
39 implementation of this act on its effective date are authorized to be
40 made and completed on or before such effective date.