§ 3415. Supplemental claim form to be submitted for certain fire loss claims in excess of ten thousand dollars in a city with a population of one million or more persons. (a) For the purposes of this section, the following terms shall have the following meanings:

(1) "Supplemental claim form" means a form which shall be established by the superintendent and which shall be used as provided in this section for fire loss claims. The superintendent shall, within one hundred twenty days, promulgate regulations for the implementation of the supplemental claim form as provided herein.

(2) "Local fire investigation agency" or "agency" means an officer or agency of a city with a population of one million or more persons designated by the mayor of such city.

(3) "Fire loss claim" means a claim for fire loss in excess of ten thousand dollars under a policy covering real property located in a city with a population of one million or more persons, property permanently affixed to such real property or personal property, except motor vehicles, located on or within such real property against the perils of fire or explosion which is issued or issued for delivery in this state.

(b) Within thirty days after the effective date of this section, the mayor of a city with a population of one million or more persons shall designate a local fire investigation agency. Within sixty days after such designation the local fire investigation agency shall establish and shall thereafter maintain a central registry of those fires and explosions in such city which have been determined to be incendiary.

(c) All fire loss claims filed by an insured or an insured's representative after the effective date of a regulation promulgated by the superintendent establishing a supplemental claim form shall be subject to the provisions of this section.

(d) Within seven days after the receipt of a fire loss claim, the insurer shall contact the central registry maintained by the local fire investigation agency for information as to whether the fire or explosion which is the subject of the claim has been determined to be incendiary.

(e) Within seven days after the receipt of such request the local fire investigation agency shall advise the insurer whether or not the fire or explosion has been determined to be incendiary. If within such seven day period the agency advises the insurer that the fire or explosion has been determined to be incendiary, unless the insurer is reasonably

satisfied that neither the insured nor any of its agents, officers, directors, or persons in control of or controlled by the insured intentionally started the fire or cause the explosion or acted in concert with another individual to start the fire or cause the explosion, the insurer shall require the insured to submit a supplemental claim form and shall withhold payment of the claim until a completed supplemental claim form has been received.

(f) The withholding of any payment pursuant to this section shall not constitute an unfair claim settlement practice within the meaning of section two thousand six hundred one of this chapter or any implementing regulation thereof.

(g) Within twenty days after receiving a completed supplemental claim form from an insured, the insurer shall file a copy with the local fire investigation agency.

(h) Supplemental claim forms shall not be subject to public disclosure under the freedom of information law or any other law which requires public disclosure of records maintained by a governmental agency.

(i) The supplemental claim form shall require the insured to provide the insurer with the following information:

(1) the name and address of the insured and of all persons with an interest of five percent or more in the proceeds of the claim;

(2) the names and addresses of all persons with an ownership interest in the property, any mortgagee, vendee in possession, receiver, executor or trustee;

(3) if any of the persons described in paragraphs one and two of this subsection is a trustee, the names and addresses of the beneficiaries of the trust;

(4) if any of the persons described in paragraphs one and two of this subsection is a partnership, the names and addresses of all the partners, including limited partners;

(5) if any of the persons described in paragraphs one and two of this subsection is a corporation (other than a banking organization as defined in section two of the banking law, a national bank association, a federal savings and loan association, the mortgage facilities corporation, savings bank life insurance fund, the savings bank retirement system, an authorized insurer as defined in section one hundred seven of this chapter or a trust company or other corporation

organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or by at least twenty savings and loan associations or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation or a corporation the shares of which are listed on a national securities exchange or regularly quoted in over-the-counter market by one or more members of a national or affiliated securities association) the names and addresses of all officers, directors and persons having an interest in more than ten percent of the issued and outstanding stock of the corporation.

(j) For the purposes of section 176.05 of the penal law, a supplemental claim form shall be considered to be a part of a claim for payment or benefit pursuant to an insurance policy and the information required in such form shall be considered to be material thereto.