

**NEW YORK STATE
INSURANCE DEPARTMENT**

**TENTH AMENDMENT TO REGULATION NO. 64
(11 NYCRR 216)
UNFAIR CLAIMS SETTLEMENT PRACTICES AND CLAIM COST CONTROL
MEASURES**

**EIGHTH AMENDMENT TO REGULATION NO. 90
(11 NYCRR 218)
PROHIBITION OF GEOGRAPHICAL REDLINING IN WRITING PRIVATE
PASSENGER AUTOMOBILE AND FIRE OR FIRE AND EXTENDED COVERAGE
INSURANCE POLICIES**

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201 and 301 of the Insurance Law, do hereby promulgate the following amendments to Parts 216 and 218 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to take effect upon publication in the State Register and to read as follows:

(MATTER UNDERLINED IS NEW; MATTER IN BRACKETS IS DELETED)

Section 216.6(h) is hereby amended to read as follows:

(h) Any notice rejecting any element of a claim involving personal property insurance shall contain the identity and the claims processing address of the insurer, the insured's policy number, the claim number, and the following statement prominently set out:

"Should you wish to take this matter up with the New York State Insurance Department, you may file with the Department either on its website at www.ins.state.ny.us/complhow.htm or you may write to or visit the Consumer Services Bureau, New York State Insurance Department, at: 25 Beaver Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; 200 Old Country Road, Suite 340, Mineola, NY 11501; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202."

Section 216.7(d)(3) is hereby amended to read as follows:

(3) Any letter of explanation or rejection of any element of a claim shall contain the identity and claims processing address of the insurer, the insured's policy number, the claim number and the following statement, prominently set out:

"Should you wish to take this matter up with the New York State Insurance Department, you may file with the Department either on its website at www.ins.state.ny.us/complhow.htm or you may write to or visit the Consumer Services Bureau, New York State Insurance Department, at: 25 Beaver Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; 200 Old Country Road, Suite 340, Mineola, NY 11501; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202."

Section 218.5(a) is hereby amended to read as follows:

(a) The following notice shall be clearly and prominently set out in boldface type on the front (except that the company name, company representative, company address and company phone number may be stamped, or typed in the appropriate place in the notice), so that it draws the [readers] reader's attention on all notices of refusal to issue, cancellation or nonrenewal, except where the cancellation is for nonpayment of premium; and on all notices of termination of agents' and brokers' contracts or accounts, which are subject to this Part mailed or delivered on and after January 1, 1988:

If you have any questions in regard to this termination, please contact this company's representative at (company phone number, name of company representative, company address).

The New York Insurance Law prohibits insurers from engaging in redlining practices based upon geographic location of the risk or the producer. If you have any reason to believe that we have acted in violation of such law, you may file your complaint with the Department either on its website at www.ins.state.ny.us/complhow.htm or by writing to the State of New York Insurance Department, Consumer Services Bureau, at either 25 Beaver Street, New York, NY 10004 or One Commerce Plaza, Albany, 12257.

I, GREGORY V. SERIO, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is the Tenth Amendment to Part 216 of Title 11 NYCRR (Regulation No. 64) and the Eighth Amendment to Part 218 of Title 11 NYCRR (Regulation No. 90), promulgated by me on, May 30, 2003, pursuant to the authority granted by Sections 201 and 301 of the Insurance Law, to take effect upon publication in the State Register.

Pursuant to the provisions of the State Administrative Procedure, prior notice of the proposed amendment was published in the State Register on March 19, 2003. No other publication or prior notice is required by statute.

Gregory V. Serio
Superintendent of Insurance

Dated: May 30, 2003