

NEW YORK STATE INSURANCE DEPARTMENT
NINTH AMENDMENT TO REGULATION NO. 64
(11 NYCRR 216)

UNFAIR CLAIMS SETTLEMENT PRACTICES AND CLAIM COST CONTROL MEASURES

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, and 2601 of the Insurance Law, Section 311 of the Vehicle and Traffic Law, Section 396-z of the General Business Law, and Chapter 656 of the Laws of 2002, do hereby promulgate the following Ninth Amendment to Part 216 (Regulation No. 64) of the Official Compilation of Codes, Rules and Regulations of the State of New York, to take effect upon publication in the State Register, to read as follows:

NEW MATTER IS UNDERLINED; MATTER IN BRACKETS IS DELETED

A new paragraph (4) is added to subdivision (a) of Section 216.10 to read as follows:

(4)(i) Limitations for adjustment of rental vehicle claims for vehicles rented in New York State. With respect to the rights of authorized drivers and insurers to inspect rental vehicles, notwithstanding any other provisions of this Part, insurers are also subject to the provisions of section 396-z(5)(c) of the General Business Law, effective February 24, 2003, which provides as follows:

“Within seventy-two hours of return of the vehicle, the authorized driver or his or her insurer must notify the rental vehicle company that he or she wishes to inspect the damaged vehicle. The inspection must be completed within seven days of the return date of the vehicle. If the authorized driver or his or her insurer does not request this inspection within the seventy-two hour period, the authorized driver or his or her insurer will be deemed to have waived this right. If the rental vehicle company determines the damaged vehicle to be a total loss and subject to salvage, such seventy-two hour period for notification or waiver of the wish to inspect the damaged vehicle shall not apply, and the authorized driver or his or her insurer shall have ten business days from the authorized driver’s receipt of notification from the rental vehicle company pursuant to paragraph (a) of this subdivision [Section 396-z(5)(a)] to inspect the damaged vehicle.

unless the rental vehicle company agrees to provide access to such damaged vehicle beyond the ten business days provided herein.”

(ii) Section 396-z(5)(c) of the General Business Law further provides: “Within the limits provided in this paragraph, the rental vehicle company shall identify the repairer of, and provide access to, the damaged vehicle, in order to verify the nature and extent of damages, repairs and repair costs, and/or repair estimates.”

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is the Ninth Amendment to Part 216 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 64), entitled “Unfair Claims Settlement Practices and Claim Cost Control Measures”, promulgated by me on April 9, 2003 pursuant to the authority granted by Sections 201, 301 and 2601 of the Insurance Law, Section 311 of the Vehicle and Traffic Law, Section 396-z of the General Business Law, and Chapter 656 of the Laws of 2002, to take effect upon publication in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed amendment was published in the State Register on February 12, 2003. No other publication or prior notice is required by statute.

Gregory V. Serio
Superintendent of Insurance

April 8, 2003