

**NEW YORK STATE
INSURANCE DEPARTMENT**

**NINTH AMENDMENT TO REGULATIONS NO. 21 AND NO. 96
(11 NYCRR 62)**

PART 62 FIRE INSURANCE

SUBPART 62-2. REPORTS TO CENTRAL ORGANIZATION

SUBPART 62-3. STANDARD FIRE CLAIM FORM

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, 318, 319, 403(e), 2601, 3403, 3413, and 3432 of the Insurance Law, do hereby promulgate the following Ninth Amendment to Part 62 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulations No. 21 and No. 96) to take effect upon publication in the State Register, to read as follows:

(Matter in brackets is deleted; new matter is underlined)

The statutory authority references for Part 62 are repealed and a new statutory authority is added to read as follows:

Insurance Law Sections 201, 301, 318, 319, 403(e), 2601, 3403, 3413, and 3432

Section 62-2.0 of Subpart 62-2 is amended to read as follows:

§ 62-2.0 Introduction.

The purpose of this Subpart is to implement the provisions of section [336-a] 318 of the Insurance Law, which requires insurers to report fire losses to a central organization engaged in property loss registration in order to prevent payment of fraudulent claims arising under insurance policies providing coverage against the peril of fire. Requirements shall include: reporting of data on fire losses in excess of \$1,000 to a central organization engaged in property loss registration, as designated by the superintendent; verification procedures to be applied by insurers prior to the payment of fire losses; notification by insurers to law enforcement agencies when the insurer is of the opinion that the fire was caused by other than accidental means; and cooperation with tax districts and agencies responsible for demolition of structures[;] and seeking to claim proceeds of fire insurance coverage to satisfy tax liens and demolition charges.

Paragraph (3) of Section 62-2.2(c) of Subpart 62-2 is amended to read as follows:

(3) Subject to the provisions of section 62-1.2 of this Part, if the insurer suspects from the PILR report or other information that the fire claim may be fraudulent, the insurer

shall suspend processing of the claim pursuant to the provisions of section [40-d(1)(d)] 2601 of the Insurance Law.

Section 62-2.4 of Subpart 62-2 is amended to read as follows:

§ 62-2.4 Requests for insurance loss information collected by PILR.

In accordance with the provisions of section [336-a] 318 of the Insurance Law, information reported to PILR pursuant to this Subpart shall be made available to law enforcement agencies, tax districts which have, pursuant to the provisions of section 22 of the General Municipal Law, filed with the superintendent a notice of intention to claim against the proceeds of a policy of fire insurance, and governmental agencies charged with the responsibility of demolition of structures. Requests for fire insurance loss information shall be submitted to the Insurance Frauds Bureau. The Insurance Frauds Bureau shall transmit all such requests to PILR for processing. PILR shall furnish all available information compiled from reports required to be made by this Subpart, to the Insurance Frauds Bureau, which in turn will make such information available to the requesting agency.

Section 62-3.0 of Subpart 62-3 is amended to read as follows:

§ 62-3.0 Introduction.

The purpose of this Subpart is to implement the provisions of section [336-b] 3413 of the Insurance Law which require the superintendent to establish a standard claim form to be used for fire loss claims under policies of insurance issued or issued delivery in this State covering such losses for property located in this State.

The fraud warning statement at the bottom of the State of New York Standard Fire Claim Form Part 2, set forth in paragraph (e) of Section 62-3.2 of Subpart 62-3, is amended to read as follows:

[ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES A STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME.]

"Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation."

