

**NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES**

**EIGHTH AMENDMENT TO 11 NYCRR 9
(INSURANCE REGULATION 46)
DISTRIBUTION AND SALE OF PUBLICATIONS AND FORMS OF THE DEPARTMENT OF
FINANCIAL SERVICES**

**FIFTH AMENDMENT TO 11 NYCRR 65-3
(INSURANCE REGULATION 68-C)
REGULATIONS IMPLEMENTING THE COMPREHENSIVE MOTOR VEHICLE INSURANCE
REPARATIONS ACT**

**TWELFTH AMENDMENT TO 11 NYCRR 216
(INSURANCE REGULATION 64)
UNFAIR CLAIMS SETTLEMENT PRACTICES AND CLAIM COST CONTROL MEASURES**

**TENTH AMENDMENT TO 11 NYCRR 218
(INSURANCE REGULATION 90)
PROHIBITION AGAINST GEOGRAPHICAL REDLINING AND DISCRIMINATING IN CERTAIN
PROPERTY/CASUALTY POLICIES**

**SIXTH AMENDMENT TO 11 NYCRR 241
(INSURANCE REGULATION 71)
AVAILABILITY OF DEPARTMENT RECORDS**

I, Benjamin M. Lawsky, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Section 301 of the Insurance Law, do hereby promulgate the following amendments to Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to take effect on June 1, 2013, to read as follows:

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

Section 9.1 is amended as follows:

Section 9.1. Distribution and sale of publications of the [Insurance] Department of Financial Services

(a) Except as otherwise provided in subdivisions (b) and (c) of this section, a fee shall be charged in accordance with the itemized schedule attached hereto (see Appendix 6) for any blank, report, pamphlet, document or other publication of the [Insurance] Department furnished or distributed to the public. Many of the current year publications listed in Appendix 6 are also available electronically ([with] at no charge) through the [Insurance] Department's Web site located at [<http://www.ins.state.ny.us/ mailing.htm>] http://www.dfs.ny.gov/reportpub/dfs_reportpub.htm.

(b) No fee shall be charged for furnishing a report or other document to the Governor, the Legislature, any

of the State departments or representatives of the press. The Director of the Budget may prescribe other cases in which no fee shall be charged.

(c) No charge shall be made for blank forms, reports, pamphlets and other printed documents necessary or proper in the conduct of the official business of the [Insurance] Department.

Section 65-3 is amended as follows:

NYS Form NF-10 to Appendix 13 is repealed and a new NYS Form NF-10 to Appendix 13 is added.

Section 216.6(h) is amended 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] forth:

“Should you wish to take this matter up with the New York State [Insurance] Department of Financial Services, you may file with the Department either on its website at [www.ins.state.ny.us/complhow.htm] <http://www.dfs.ny.gov/consumer/fileacomplaint.htm> or you may write to or visit the Consumer [Services Bureau] Assistance Unit, Financial Frauds and Consumer Protection Division, New York State [Insurance] Department of Financial Services, at: [25 Beaver] One State Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; [200 Old Country Road, Suite 340] 163B Mineola Boulevard, Mineola, NY 11501; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202.”

Section 216.7(d) is amended as follows:

(d) Unreasonable delay.

(1) Unless clear justification exists, no more than 20 percent of a representative sample of the physical damage claims selected by [Insurance] Department of Financial Services examiners at any office or offices of the insurer shall have a payment period in excess of 30 calendar days. A payment period is the period between the date of receipt of notice of loss by the insurer and:

- (i) the date the settlement check is mailed; or
- (ii) the date on which the damaged motor vehicle is replaced by the insurer.

If an insurer is in violation of this overall standard, then each such claim in excess of 30 calendar days may be treated as a separate violation.

(2) If any element of a physical damage claim remains unresolved more than 30 calendar days from the date of receipt of notice by the insurer, the insurer shall provide the insured with a written explanation of the specific reasons for delay in the claim settlement. Unless the matter is in litigation, an updated letter of explanation shall be sent every 30 calendar days thereafter until all elements of the claim are either honored or rejected.

(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] forth:

“Should you wish to take this matter up with the New York State [Insurance] Department of Financial Services, you may file with the Department either on its website at [www.ins.state.ny.us/complhow.htm] <http://www.dfs.ny.gov/consumer/fileacomplaint.htm> or you may write to or visit the Consumer [Services Bureau] Assistance Unit, Financial Frauds and Consumer Protection Division, New York State [Insurance] Department of Financial Services, at: [25 Beaver] One State Street, New York, NY 10004; One Commerce Plaza, Albany, NY 12257; [200 Old Country Road, Suite 340] 163B Mineola Boulevard, Mineola, NY 11501; or Walter J. Mahoney Office Building, 65 Court Street, Buffalo, NY 14202.”

Section 218.5(a) is amended 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 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:

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 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] <http://www.dfs.ny.gov/consumer/fileacomplaint.htm> or by writing to the State of New York [Insurance] Department of Financial Services, Consumer [Services Bureau] Assistance Unit, Financial Frauds and Consumer Protection Division, at either [25 Beaver] One State Street, New York, NY 10004 or One Commerce Plaza, Albany, NY 12257.

Section 241.2(a) is amended as follows:

(a) Requests for access to records available to the public under the Insurance Law and the Freedom of Information Law shall be made to the records access officers in the office of general counsel in the Albany or New York City office of the department. Such request for access shall be made on a form prescribed by the department for such purpose, which may be obtained from the department's Public Affairs Bureau [of Public Affairs and Research] in Albany or in New York City, or from the department's web site at [www.ins.state.ny.us] <http://www.dfs.ny.gov/legal/foil.htm>.



NEW YORK STATE
DEPARTMENT *of*
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Benjamin M. Lawsky
Superintendent

I, Benjamin M. Lawsky, Superintendent of Financial Services, do hereby certify that the foregoing is the Eighth Amendment to Part 9 of Title 11 (Insurance Regulation 46), Fifth Amendment to Part 65-3 of Title 11 (Insurance Regulation 68-C), Twelfth Amendment to Part 216 of Title 11 (Insurance Regulation 64), Tenth Amendment to Part 218 (Insurance Regulation 90), and Sixth Amendment to Part 241 (Insurance Regulation 71), signed by me on March 21, 2013 pursuant to the authority granted by Financial Services Law sections 202 and 302 and Insurance Law section 301, to take effect on June 1, 2013.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed amendment was published in the State Register on July 18, 2012. No other publication or prior notice is required by statute.

Benjamin M. Lawsky
Superintendent of Financial Services

Date: March 21, 2013