

QUESTION: Doesn't the New York auto photo inspection regulation say that the insurer does not have to have vehicles inspected if it's insuring them under a book transfer by an agent from one insurer to another?

ANSWER: It sounds like you're referring to [Section 67.3 of New York Insurance Regulation 79](#), titled *Mandatory Underwriting Inspection Requirements for Private Passenger Automobiles*:

(b) *Optional waivers.* An insurer may waive an inspection: ...

(6) where a licensed insurance producer transfers a book of business from one insurer to another insurer or insurers, provided that the named insured elected to transfer coverage to the new insurer from the previous insurer and the previous insurer had inspected the insured automobile in accordance with the provisions of this Part;

(7) when a licensed independent insurance agent transfers an individual named insured's coverage to another insurer, provided that the licensed independent insurance agent represents both insurers, the insured automobile was physically inspected by the previous insurer in accordance with the provisions of this Part and the named insured elected to transfer coverage to the new insurer from the previous insurer;

(8) when one insurer has agreed to accept the majority of another insurer's book of automobile physical damage insurance business covering private passenger automobiles registered in New York State, provided that the named insured elected to transfer coverage to the new insurer from the previous insurer provided that the previous insurer had inspected the insured automobile in accordance with the provisions of this Part and supplies the new insurer with a copy of the inspection report that was completed on its behalf; ...

The insurer has the option of waiving the inspection in any of these circumstances. However, because it's optional, the insurer can still insist on an inspection.