

New York
INSURANCE LAW — CHAPTER 28 OF THE
CONSOLIDATED LAWS
Article 34 — INSURANCE CONTRACTS -
PROPERTY/CASUALTY

Ins. Law s 3429 Geographical location of risks; fire, fire and extended coverage policies; private passenger automobile insurance policies

Former Citations Ins. Law s 168-e; Ins. Law s 168-g

(a) No insurer shall refuse to issue or renew or shall cancel a policy of:

(1) fire insurance or fire and extended coverage insurance, or

(2) automobile insurance subject to section three thousand four hundred twenty-five of this article based solely on the geographical location of the risk within this state. Such prohibition shall not preclude an insurer from refusing to issue or renew or from cancelling such policies based on sound underwriting and actuarial principles reasonably related to actual or anticipated loss experience subject to the applicable provisions of section three thousand four hundred twenty-five of this article.

(b) The superintendent shall by regulation establish procedures with respect to notification to insureds of the insurer's specific reason or reasons for refusal to issue or renew or for cancellation of such policy.

History L. 1984, c. 367, s 1.

Ins. Law s 3429-a Geographical location of risks in area serviced by a volunteer fire department; fire, fire and extended coverage policies

(a) No insurer shall refuse to issue or renew or shall cancel a homeowner's insurance policy including fire insurance or fire and extended coverage insurance based solely on the insured residing in an area that is serviced by a volunteer fire department. Such prohibition shall not preclude an insurer from refusing to issue or renew or from canceling such policies based on sound underwriting and actuarial principles reasonably related to actual or anticipated loss experience subject to the applicable provisions of section three thousand four hundred twenty-five of this article.

(b) The superintendent shall by regulation establish procedures with respect to notification to insureds of the insurer's specific reason or reasons for refusal to issue or renew or for cancellation of such policy.

History L. 2005, c. 259 (AB 4972), s 1, eff. 11-16-2005.

Ins. Law s 3430 Right of insured, agent or broker aggrieved on basis of geographical location of property or risks

Former Citations Ins. Law s 168-f; Ins. Law s 168-h

(a) An insured aggrieved by an inability to obtain:

(1) homeowner's insurance, including fire insurance or fire and extended coverage insurance, other than from the New York property insurance underwriting association, or

(2) automobile insurance subject to section three thousand four hundred twenty-five of this article, other than through the New York automobile insurance plan,

from any insurer or through any insurance agent or broker because of the geographical location of the risk or property within the state or a licensed agent or broker whose contract or account was terminated or not renewed because of the geographical location of the agent or broker or the geographical location of the risks within the state for which coverage is afforded through the agent or broker and the grievance was not the result of the application of sound underwriting and actuarial principles reasonably related to actual or anticipated loss experience may file a complaint to that effect with the superintendent on a form prescribed by him.

(b) The superintendent shall investigate the complaint pursuant to rules and regulations promulgated by him. In addition to any other power or procedure authorized by this chapter, the superintendent may require the physical inspection of the risk or property or hold a hearing, or both, for the purpose of assisting him in his determination of the issues raised by the complaint.

History L. 1984, c. 367, s 1; L. 2005, c. 259 (AB 4972), s 2, eff. 11-16-2005.

Ins. Law s 3433 Termination of contracts or accounts of licensed agents or brokers; prohibition; geographical location

Former Citations Ins. Law s 115-a; Ins. Law s 115-b

(a) No insurer shall terminate or refuse to renew a contract or account of a licensed agent or broker who negotiated policies of:

(1) fire insurance or fire and extended coverage insurance or

(2) automobile insurance subject to section three thousand four hundred twenty-five of this article when such termination or refusal to renew is based solely on the geographical location of the agent or broker or of the risks for which coverage is afforded through such agent or broker.

(b) The superintendent shall by regulation establish procedures requiring notification to such agents or brokers of the insurer's specific reason or reasons for termination or refusal to renew the agent's or broker's contract or account.

History L. 1984, c. 367, s 1.