

Bulletin No. 2020-32

June 9, 2020

RE: DFS ISSUES EMERGENCY REGULATION ON CLAIMS SETTLEMENT PRACTICES FOR RIOT OR CIVIL COMMOTION

The New York Department of Financial Services (“DFS”) has issued an [Emergency Regulation](#) that amends [Regulation 64](#), “Unfair Claims Settlement Practices and Claim Cost Control Measures.” The Emergency Regulation amends certain claims settlement requirements imposed by the Regulation relating to a riot or civil commotion.

[11 CRR-NY 216.2](#) (Regulation 64) states:

This Part shall apply to **all insurers licensed to do business** in this State. [Emphasis added]

Therefore, Regulation 64 and the emergency amendments to the Regulation do not apply to excess line insurers. However, please note that under 11 CRR-NY 216.2(e), Regulation 64 does “apply to an unauthorized insurer with respect to a group policy issued pursuant to [section 3455](#) of the Insurance Law”, Transportation network company group insurance policies.

ELANY encourages excess line insurers to be mindful of the Emergency Regulation’s requirements and, where possible, to honor the spirit of the amendments in claims settlement practices for the benefit of claimants.

All current ELANY bulletins and other current ELANY publications can be found on our website at <http://www.elany.org>.

Follow ELANY

