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SB 7882, Amending New York's Comprehensive Insurance Disclosure Act, Passes Assembly, Awaits Governor's Signature

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On February 17, 2022, SB 7882, providing several changes to the New York Comprehensive Insurance Disclosure Act, repassed in the New York State Senate and passed in the Assembly. The bill has been sent to Governor Kathy Hochul for signature. The expectation remains that the bill will be signed prior to March 1, 2022, when automatic disclosures for existing cases may become due absent the amendments. If and when the amendments are signed, the automatic disclosures will only apply to cases filed on or after December 31, 2021, and such disclosures will be due 90 days after service of the answer.

To summarize, the changes to the initial law are as follows:

- The time for disclosure would be 90 days of service of the answer, instead of 60.
- The proof of insurance could constitute a declaration page only, if a party agrees in writing.
- The required policies to be disclosed only relate to the claim litigated.
- Only the name and e-mail address of a claims adjuster must be disclosed, not the telephone number. Further, only one assigned individual must be disclosed.
- Deletion of the requirement to disclose all other suits that have or may have eroded the policy, and deletion of the requirement to disclose attorney's fees for eroding policies. In their stead, the requirement would be disclosure of the "total limits available" under the policy.
- The requirement to disclose accurate information is no longer "ongoing," and is replaced by a requirement that the party make reasonable efforts to ensure that the information remains accurate. Updated information is not required to be disclosed within 30 days of receipt, but is now required at the filing of the notice of issue, when entering formal settlement negotiations, when the case is called for trial, and sixty days after settlement or judgment.
- Policy applications would not be required to be disclosed.
- The requirements of the CPLR provision shall not apply to actions brought to recover Motor Vehicle Insurance Personal Injury Protection Benefits under Article 51 of the Insurance Law or Regulation 68 of Title 11 of the NYCRR.
- These disclosure requirements would not be retroactive to all pending cases. Instead, the disclosure requirements will apply to suits filed on or after the effective date of the initial Comprehensive Insurance Disclosure Act, December 31, 2021.

The disclosures for these cases would be due 90 days after service of the answer.

We will continue to update as SB 7882 makes its way through the legislative process. Our previous updates on the status of SB 7882 are linked below.

- [New York's Comprehensive Insurance Disclosure Act Imposes Increased Disclosure Requirements On Defendants at the Beginning of Lawsuits \(January 7, 2022\)](#)
- [Changes to Comprehensive Insurance Disclosure Act in New York Introduced \(January 19, 2022\)](#)
- [New York State Senate Passes Amendments to the Comprehensive Insurance Disclosure Act \(January 28, 2022\)](#)
- [Changes to New York Comprehensive Insurance Disclosure Act Slightly Amended on Senate Floor \(February 15, 2022\)](#)