

August 2, 1979

SUBJECT: INSURANCE

WITHDRAWN

Circular Letter No. 22 (1979)

To: ALL INSURERS AUTHORIZED TO WRITE PRODUCT LIABILITY INSURANCE IN NEW YORK STATE

Subject: REPORTS OF CLAIMS FOR PRODUCT LIABILITY

Chapter 260 of the Laws of 1979 added a new Section 167-e to the Insurance Law, effective June 19, 1979, which requires the semi-annual reporting to the Superintendent of all claims for product liability received during the preceding six month period.

Product liability insurance, as defined in new Section 167-b(3) of the Insurance Law, means "insurance issued or delivered in this state insuring against liability of the insured for damages for personal injury, death or property damage, where such liability is based upon negligence, implied warranty or strict liability, arising out of a design, inspection, testing or manufacturing defect, or any other defect in a product, or is based upon any failure to warn, or to properly instruct in the use of a product or for any liability for any damage arising out of the handling or use of any product manufactured, sold, handled or distributed by the insured or work completed by or on behalf of the insured."

Each insurer engaged in the writing of product liability insurance in this State, either as a separate policy or as a component of a policy, shall file with the Superintendent a report for each claim for product liability made against any of its insureds in this State in accordance with the form attached.

Such form should be completed and transmitted to this Department by October 1, 1979 for each claim made during the six month period ending June 30, 1979.

Section 167-e(4) of the Insurance Law mandates the confidentiality of the reports or the information contained therein. Such reports shall not be open for public review or be subject to a subpoena except by a public agency or authority of this State.

The completed forms, signed by a responsible officer of the insurer, should be mailed to:

Mr. Harold I. Baida, Principal Insurance Examiner  
Property and Casualty Insurance Bureau  
State of New York Insurance Department  
Two World Trade Center  
New York, N.Y. 10047

Reports will also be required for the six month period ending December 31, 1979 and should be completed and transmitted to this Department by January 31, 1980. In addition, amended reports will be required to be submitted at the same time for each applicable claim reported for the six month period ending June 30, 1979, where the status of the claim has changed (such as revised reserve, payments, etc.) during the six month period ending December 31, 1979.

Each amended report should be clearly identified as an "Amended Report".

Very truly yours,

[SIGNATURE]

ALBERT B. LEWIS

Superintendent of Insurance

ATTACHMENT

Product Liability Claim Report Form - Instructions

Complete all items on the form. Indicate "NA" when an item is not applicable. When an item calls for a dollar amount and no amount is involved enter -0- in the space after the dollar sign. Record all amounts in whole dollars only and all States by the two letter Post Office abbreviation.

All fields are self explanatory except as follows:

9. Enter the two digit code describing the degree of injury and/or property damage that occurred:

First digit	Second digit
Bodily Injury	Property Damage
0 - No injury	0 - No property damage
1 - Emotional only	1 - Little or no interruption
2 - Temporary	2 - Interrupted use
3 - Permanent	3 - Total replacement
4 - Death	

10. Enter appropriate code:

- 1 - Employee injured in the course of employment, regardless of employer.
- 2 - Purchaser of product
- 3 - User or consumer (non-purchaser)
- 4 - Other - specify

12a & 13a. Enter reserves on a gross basis (before deductions for reinsurance) as of June 30, 1979 if report is for period ending such date. If report is for period ending December 31, 1979, or is an "Amended Report" for the first period (ending June 30, 1979), enter reserve as of December 31, 1979.

12b & 13b. If claim is opened and closed during the report period, or if claim was reported in first period (ending June 30, 1979) and closed in second period (ending December 31, 1979), enter amount paid.

Product Liability Claim Report Form  
Check Applicable Period:

Period ending: June 30, 1979  - December 31, 1979

1a. Name of insurer \_\_\_\_\_.

1b. Claim file identification \_\_\_\_\_.

2a. Date of occurrence \_\_\_\_\_  
Month Day Year

2b. Date claim was received by insurer \_\_\_\_\_  
Month Day Year

3a. Insured's name \_\_\_\_\_.

3b. City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_

3c. Insured's policy number \_\_\_\_\_.

4. Type of product involved in claim (description) \_\_\_\_\_  
\_\_\_\_\_.

5. ISO statistical classification (CSP Code) of product \_\_\_\_\_.

6. Date of manufacture of product \_\_\_\_\_  
Month Day Year

7. Date of sale of product \_\_\_\_\_  
Month Day Year

8. Claim was for BI only \_\_\_\_\_ PD only \_\_\_\_\_ BI and PD  
(both) \_\_\_\_\_.

9. Severity (code) \* \_\_\_\_\_.

10. Injured person's status in the occurrence (code) \* \_\_\_\_\_.

11. State in which incident occurred \_\_\_\_\_.

12a. Amount of reserve for indemnity \*  
BI \$ \_\_\_\_\_ PD \$ \_\_\_\_\_.

12b. Amount of indemnity paid, if closed\*.BI \$ \_\_\_\_\_  
PD \$ \_\_\_\_\_ Combined (if not separable) \$ \_\_\_\_\_.

13a. Amount of reserve for allocated expenses \*  
BI \$ \_\_\_\_\_ PD \$ \_\_\_\_\_

13b. Amount of allocated expenses paid, if closed\*.BI \$ \_\_\_\_\_  
PD \$ \_\_\_\_\_ Combined (if not separable) \$ \_\_\_\_\_.

\* See Instructions

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Contact persons's name & Telephone No.

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Address

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Person responsible for report