

To: All New York PIP Arbitrators

Re: Summary of November 17, 2010, Loss Transfer Advisory Committee Meeting

The following is being shared to help ensure consistency in understanding and application of the NY PIP intercompany arbitration process and procedures. The Loss Transfer Advisory Committee is composed of 14 representatives: eight insurance carriers, three self-insurers, two workers compensation providers, and MVAIC. The Committee meets twice a year with representatives from the NY Insurance Department Office of General Counsel and Arbitration Forums.

1. Rule Revision – (5) Arbitration Decisions (vi) – “Decisions will be posted on the AF Web site promptly following the hearing; AF will provide electronic notification to the parties of a decision’s publication. Electronic signature(s) of the arbitrator(s) will be used.” The revision aligns the rules with AF’s electronic and paperless process and the specific language serves to assist users in the event an award must be confirmed to enforce payment.
2. NY PIP FAQ – edits were made to some responses and additional questions were included with applicable answers approved by the Loss Transfer Advisory Committee and Office of General Counsel, New York State Insurance Department. [Click here.](#)
3. Deferments –
 - a. If suit has not been filed and/or no case index number or proof of suit filing has been submitted to justify a deferment request, the request is subject to consideration by the arbitrator(s). In some cases, the submission of notice of claim or representation may be acceptable proof to warrant the one-year deferment.
 - b. Deferment requests must be included on the NY PIP application and justified in the Deferment Justification section, and AF must receive the request by the Materials Due Date posted for the case. A deferment may not be requested at a hearing.
 - c. When the one-year deferment period expires and the case is restored to active status, if the party is seeking another one-year deferment, it must submit a new response by the new Materials Due Date posted by AF requesting the deferment on the NY PIP form and justifying the need for it in the Deferment Justification section of the contentions sheet and provide proof of current litigation. A deferment continuance may not be requested at a hearing.
4. A personal appearance is not allowed if a party does not submit a response or note the appearance on their NY PIP application. The only exception is if the adverse representative allows the appearance.