

2683--A

Cal. No. 87

2011-2012 Regular Sessions

I N S E N A T E

January 28, 2011

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to motor vehicle liability insurance rates

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subsection (a) of section 2335 of the insurance law, as
2 amended by chapter 277 of the laws of 2010, is amended to read as
3 follows:
4 (a)(1) WITH RESPECT TO POLICIES ISSUED, MODIFIED OR RENEWED ON OR
5 AFTER NOVEMBER TWENTY-SEVENTH, TWO THOUSAND TEN AND PRIOR TO MAY FIRST,
6 TWO THOUSAND ELEVEN AND ANY RENEWALS THEREOF WITH RESPECT TO ANY ACCI-
7 DENT WHICH OCCURRED PRIOR TO MAY FIRST, TWO THOUSAND ELEVEN has had an
8 accident that does not result in aggregate damage to property in excess
9 of two thousand dollars, provided that any policy surcharge shall be
10 permissible for any accident which results in bodily injury or if the
11 insured has more than one accident in the merit rating experience peri-
12 od. Nothing in this subsection shall change the dollar amount of the
13 accident reporting threshold required under paragraph one of subdivision
14 (a) of section six hundred five of the vehicle and traffic law; AND
15 (2) WITH RESPECT TO POLICIES ISSUED OR RENEWED ON OR AFTER MAY FIRST,
16 TWO THOUSAND ELEVEN HAS HAD AN ACCIDENT ON OR AFTER MAY FIRST, TWO THOU-
17 SAND ELEVEN THAT DOES NOT RESULT IN AGGREGATE DAMAGE TO PROPERTY IN
18 EXCESS OF TWO THOUSAND DOLLARS, PROVIDED THAT ANY POLICY SURCHARGE SHALL
19 BE PERMISSIBLE FOR ANY ACCIDENT WHICH RESULTS IN BODILY INJURY OR IF THE
20 INSURED HAS MORE THAN ONE ACCIDENT IN THE MERIT RATING EXPERIENCE
21 PERIOD.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (3) THE SUPERINTENDENT MAY, PURSUANT TO REGULATION, INCREASE THE TWO
2 THOUSAND DOLLAR THRESHOLD FOR INFLATION OR ANY OTHER REASON FOR WHICH
3 THE SUPERINTENDENT DETERMINES THE INCREASE TO BE REASONABLE AND APPRO-
4 PRIATE. WHENEVER THE SUPERINTENDENT INCREASES THE THRESHOLD, SUCH
5 INCREASE SHALL APPLY TO ACCIDENTS OCCURRING ON OR AFTER THE EFFECTIVE
6 DATE OF THE REGULATION. NOTHING IN THIS SUBSECTION SHALL CHANGE THE
7 DOLLAR AMOUNT OF THE ACCIDENT REPORTING THRESHOLD REQUIRED UNDER PARA-
8 GRAPH ONE OF SUBDIVISION (A) OF SECTION SIX HUNDRED FIVE OF THE VEHICLE
9 AND TRAFFIC LAW.

10 S 2. This act shall take effect immediately; provided, however, that
11 the amendments to subsection (a) of section 2335 of the insurance law
12 made by section one of this act shall not affect the expiration of such
13 section and shall be deemed to expire therewith.