S T A T E O F N E W Y O R K

3895

2015-2016 Regular Sessions

I N S E N A T E

February 20, 2015

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to electronic proof of financial security

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

Section 1. Paragraph (b) of subdivision 1 of section 312 of the vehicle and traffic law, as amended by chapter 557 of the laws of 1994, is amended to read as follows:

(b) The owner of such motor vehicle shall maintain proof of financial security continuously throughout the registration period and his OR HER failure to produce proof of financial security when requested to do so upon demand of a magistrate, motor vehicle inspector, peace officer, acting pursuant to his OR HER special duties, or police officer, while such vehicle is being operated upon the public highway, shall be presumptive evidence of operating a motor vehicle without proof of financial security. SUBJECT TO THE RULES OF THE COMMISSIONER, PURSUANT TO PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION THREE HUNDRED THIRTEEN OF THIS ARTICLE, SUCH PROOF OF FINANCIAL SECURITY SHALL BE PRODUCED IN WRITTEN FORM OR IN ELECTRONIC FORM ON THE OWNER'S PORTABLE ELECTRONIC DEVICE, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWELVE HUNDRED TWENTY-FIVE-D OF THIS CHAPTER. INSURERS SHALL RETAIN THE RIGHT TO DETERMINE WHETHER TO OFFER TO THEIR POLICYHOLDERS THE ABILITY TO PRODUCE PROOF OF FINANCIAL SECURITY IN ELECTRONIC FORM. Upon the production of proof of financial security such presumption is removed. Production of proof of financial security may be made by mailing such proof to the court having jurisdiction in the matter, and any necessary response by such court or acknowledgement of the production of such proof may also be made by mail. When insurance with respect to any motor vehicle, other than a motorcycle, is terminated the owner shall surrender forthwith his OR HER registration certificate and number plates of

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

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the vehicle to the commissioner unless proof of financial security otherwise is maintained in compliance with this article.

S 2. Paragraph (c) of subdivision 2 of section 313 of the vehicle and traffic law, as amended by chapter 678 of the laws of 1997, is amended to read as follows:

(c) The commissioner shall promulgate regulations establishing procedures for issuance of proof of insurance and for reporting by insurers of notices of termination and policy issuance, either electronically or by paper copy, at the option of the department. Such reporting shall be required for every cancellation or termination which is effective on or after July first, nineteen hundred eighty-four and for every policy issuance which is effective on or after January first, two thousand; provided, however, that should the commissioner find, after testing of reporting procedures, that it would be feasible to require reporting for policy cancellations, terminations or issuances effective on an earlier date, he OR SHE may by regulation so require reporting on such earlier date, but in no event shall reporting be required for cancellations or terminations effective prior to February first, nineteen hundred eighty-four nor for policy issuances effective prior to September first, nineteen hundred ninety-nine. THE COMMISSIONER SHALL PROVIDE FOR THE ACCEPTANCE OF PROOF OF INSURANCE IN ELECTRONIC FORM ON A MOTOR VEHICLE OWNER'S PORTABLE ELECTRONIC DEVICE, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWELVE HUNDRED TWENTY-FIVE-D OF THIS CHAPTER. Insurers shall cooperate fully with the commissioner in any such testing of reporting procedures.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.