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

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I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. COLTON, GREENE, PERALTA, BENEDETTO, DelMONTE, GUNTHER, CYMBROWITZ, MILLMAN, MAISEL, ENGLEBRIGHT, HOOPER -- Multi-Sponsored by -- M. of A. ABBATE, DIAZ, FINCH, GORDON, KOON, McDONOUGH, McENENY, McKEVITT, PEOPLES, PHEFFER, RAIA, SALADINO, THIELE, TOWNSEND, WALKER, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to premium reductions for motor vehicle liability, comprehensive and collision insurance

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

Section 1. Subsection (a) of section 2336 of the insurance law, as amended by chapter 751 of the laws of 2005, is amended to read as follows:

(a) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that, except as provided in article twelve-C of the vehicle and traffic law, there shall be no reduction in premiums for a self instruction defensive driving course or a course which does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness and in "Work

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

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Zone Safety" awareness as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction. IN NO EVENT SHALL THE REDUCTION IN PREMIUM CHARGES FOR ANY INSURED SUCCESSFULLY COMPLETING THE DEFENSIVE DRIVING COURSE AS SET FORTH ABOVE BE LESS THAN FIFTEEN PERCENT.

S 2. Subsection (a) of section 2336 of the insurance law, as amended by chapter 585 of the laws of 2002, is amended to read as follows:

(a) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that in either event there shall be no reduction in premiums for a self instruction defensive driving course or a course which does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness and in "Work Zone Safety" awareness as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction. IN NO EVENT SHALL THE REDUCTION IN PREMIUM CHARGES FOR ANY INSURED SUCCESSFULLY COMPLETING THE DEFENSIVE DRIVING COURSE AS SET FORTH ABOVE BE LESS THAN FIFTEEN PERCENT.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that section one of this act shall expire on the same date and in the same manner as section 1 of chapter 751 of the laws of 2005, as amended, expires, when upon such date section two of this act shall take effect.