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

4990

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing minimum liability insurance requirements for taxicabs and liveries

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

Section 1. Paragraph (a) of subdivision 4 of section 311 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

(a) Affording coverage as defined in the minimum provisions prescribed in a regulation which shall be promulgated by the superintendent at least ninety days prior to THE effective date of THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE THAT AMENDED this [act] PARAGRAPH. The superintendent before promulgating such regulations or any amendment thereof, shall consult with all insurers licensed to write automobile liability insurance in this state and shall not prescribe minimum provisions which fail to reflect the provisions of automobile liability insurance policies, other than motor vehicle liability policies as defined in section three hundred forty-five of this chapter, issued within this state at the date of such regulation or amendment thereof. Nothing contained in such regulation or in this article shall prohibit any insurer from affording coverage under an owner's policy of liability insurance more liberal than that required by said minimum provisions. Every such owner's policy of liability insurance shall provide insurance subject to said regulation against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a specific motor vehicle or motor vehicles within the state of New York, or elsewhere in the United States in North America or the Dominion of Canada, subject to a limit, exclusive of interest and costs, with

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

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respect to each such motor vehicle, except a tow truck, of twenty-five thousand dollars because of bodily injuries to, and fifty thousand dollars because of death of, one person in any one accident and, subject to said limit for one person, to a limit of fifty thousand dollars because of bodily injury to, and one hundred thousand dollars because of death of, two or more persons in any one accident, and to a limit of ten thousand dollars because of injury to or destruction of property of others in any one accident; provided, however, that such policy need not be for a period coterminous with the registration period of the vehicle insured. The limit, exclusive of interest and costs, with respect to a tow truck, shall be a combined single limit of at least three hundred thousand dollars because of bodily injury TO or death [to] OF one or more persons or because of injury TO or destruction of property of others in any one accident, and to a limit of twenty-five thousand dollars because of damage to a vehicle in the care, custody, and control of the insured; AND PROVIDED FURTHER, HOWEVER, THAT SUCH LIMIT, EXCLUSIVE OF INTEREST AND COST, WITH RESPECT TO EACH TAXICAB AS DEFINED IN SECTION ONE HUNDRED FORTY-EIGHT-A OF THIS CHAPTER, SHALL BE IN THE YEAR TWO THOUSAND ELEVEN, IN ANY ONE ACCIDENT, TO A LIMIT OF THIRTY THOUSAND DOLLARS BECAUSE OF BODILY INJURY TO ONE PERSON, SIXTY THOUSAND DOLLARS FOR BODILY INJURY TO TWO OR MORE PERSONS, TEN THOUSAND DOLLARS FOR DESTRUCTION OF PROPERTY, TWO HUNDRED FIFTY THOUSAND DOLLARS BECAUSE OF THE DEATH OF ONE PERSON, AND FIVE HUNDRED THOUSAND DOLLARS BECAUSE OF THE DEATH OF TWO OR MORE PERSONS; IN THE YEAR TWO THOUSAND TWELVE IN, ANY ONE ACCIDENT, TO A LIMIT OF FIFTY THOUSAND DOLLARS BECAUSE OF BODILY INJURY TO ONE PERSON, ONE HUNDRED THOUSAND DOLLARS FOR BODILY INJURY TO TWO OR MORE PERSONS, TWENTY-FIVE THOUSAND DOLLARS FOR DESTRUCTION OF PROPERTY, THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS BECAUSE OF THE DEATH OF ONE PERSON, AND SEVEN HUNDRED FIFTY THOUSAND DOLLARS BECAUSE OF THE DEATH OF TWO OR MORE PERSONS; IN THE YEAR TWO THOUSAND THIRTEEN AND THEREAFTER, IN ANY ONE ACCIDENT, TO A LIMIT OF ONE HUNDRED THOUSAND DOLLARS BECAUSE OF BODILY INJURY TO ONE PERSON, THREE HUNDRED THOUSAND DOLLARS FOR BODILY INJURY TO TWO OR MORE PERSONS, FIFTY THOUSAND DOLLARS FOR DESTRUCTION OF PROPERTY, FIVE HUNDRED THOUSAND DOLLARS BECAUSE OF THE DEATH OF ONE PERSON, AND ONE MILLION DOLLARS BECAUSE OF THE DEATH OF TWO OR MORE PERSONS; AND WITH RESPECT TO EACH LIVERY AS DEFINED IN SECTION ONE HUNDRED TWENTY-ONE-E OF THIS CHAPTER, SHALL BE IN THE YEAR TWO THOUSAND ELEVEN, IN ANY ONE ACCIDENT, TO A LIMIT OF THIRTY THOUSAND DOLLARS BECAUSE OF BODILY INJURY TO ONE PERSON, SIXTY THOUSAND DOLLARS FOR BODILY INJURY TO TWO OR MORE PERSONS, TEN THOUSAND DOLLARS FOR DESTRUCTION OF PROPERTY, TWO HUNDRED FIFTY THOUSAND DOLLARS BECAUSE OF THE DEATH OF ONE PERSON, AND FIVE HUNDRED THOUSAND DOLLARS BECAUSE OF THE DEATH OF TWO OR MORE PERSONS; IN THE YEAR TWO THOUSAND ELEVEN, IN ANY ONE ACCIDENT, TO A LIMIT OF FIFTY THOUSAND DOLLARS BECAUSE OF BODILY INJURY TO ONE PERSON, ONE HUNDRED THOUSAND DOLLARS FOR BODILY INJURY TO TWO OR MORE PERSONS, TWENTY-FIVE THOUSAND DOLLARS FOR DESTRUCTION OF PROPERTY, THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS BECAUSE OF THE DEATH OF ONE PERSON, AND SEVEN HUNDRED FIFTY THOUSAND DOLLARS BECAUSE OF THE DEATH OF TWO OR MORE PERSONS; IN THE YEAR TWO THOUSAND THIRTEEN AND THEREAFTER, IN ANY ONE ACCIDENT, TO A LIMIT OF ONE HUNDRED THOUSAND DOLLARS BECAUSE OF BODILY INJURY TO ONE PERSON, THREE HUNDRED THOUSAND DOLLARS FOR BODILY INJURY TO TWO OR MORE PERSONS, FIFTY THOUSAND DOLLARS FOR DESTRUCTION OF PROPERTY, FIVE HUNDRED THOUSAND DOLLARS BECAUSE OF THE DEATH OF ONE PERSON, AND ONE MILLION DOLLARS BECAUSE OF THE DEATH OF TWO OR MORE PERSONS. Any insurer authorized to issue an owner's policy of liability insurance as provided for in this article may, pending the

[issue] ISSUANCE of such a policy, make an agreement, to be known as a binder, or may, in lieu of such a policy, issue a renewal endorsement or evidence of renewal of an existing policy[;], each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. The provisions of this article shall apply to such binders, renewal endorsements, or evidences of renewal. Every such policy issued insuring private passenger vehicles and every renewal policy, renewal endorsement, or other evidence of renewal issued shall have attached thereto a rating information form which clearly specifies and defines the rating classification assigned thereto, including any applicable merit rating plan; and

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered, or amended on or after such effective date; provided, however, that any rules or regulations necessary for the implementation of this act on its effective date shall be promulgated, and any other measures necessary for the implementation of this act on its effective date shall be taken, on or before such effective date.