

6275

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 27, 2009

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Introduced by M. of A. COOK, GREENE, PEOPLES -- Multi-Sponsored by -- M.  
of A. BARCLAY, CANESTRARI, GOTTFRIED, PHEFFER, TOWNS, WEINSTEIN --  
read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the collateral estop-  
pel effect of issues decided by certain arbitrators

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

1     Section 1. Section 5106 of the insurance law is amended by adding a  
2     new subsection (e) to read as follows:  
3     (E) WITH RESPECT TO AN ACTION FOR SERIOUS PERSONAL INJURY PERMISSIBLE  
4     UNDER SECTION FIVE THOUSAND ONE HUNDRED FOUR OF THIS ARTICLE, THE AWARD  
5     OR DECISION OF AN ARBITRATOR OR MASTER ARBITRATOR RENDERED PURSUANT TO  
6     SUBSECTION (C) OF THIS SECTION SHALL NOT CONSTITUTE A COLLATERAL ESTO-  
7     PPEL OF THE ISSUES ARBITRATED.  
8     S 2. This act shall take effect immediately.

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

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