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

6275

2009-2010 Regular Sessions

I N A S S E M B L Y

February 27, 2009

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 estoppel effect of issues decided by certain arbitrators

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

Section 1. Section 5106 of the insurance law is amended by adding a new subsection (e) to read as follows:

(E) WITH RESPECT TO AN ACTION FOR SERIOUS PERSONAL INJURY PERMISSIBLE UNDER SECTION FIVE THOUSAND ONE HUNDRED FOUR OF THIS ARTICLE, THE AWARD OR DECISION OF AN ARBITRATOR OR MASTER ARBITRATOR RENDERED PURSUANT TO SUBSECTION (C) OF THIS SECTION SHALL NOT CONSTITUTE A COLLATERAL ESTOPPEL OF THE ISSUES ARBITRATED.

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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