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

7043

2009-2010 Regular Sessions

I N A S S E M B L Y

March 19, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to directing the commissioner of motor vehicles to prepare a motor vehicle repair consumer's rights statement; and to amend the insurance law, in relation to requiring insurers providing collision or comprehensive coverage on motor vehicles to, both orally and in writing, provide notice to consumers of such statement of consumer's rights prior to purchasing coverage and when submitting a claim

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

Section 1. The vehicle and traffic law is amended by adding a new section 397-c to read as follows:

S 397-C. MOTOR VEHICLE REPAIR CONSUMER'S RIGHTS STATEMENT. THE COMMISSIONER SHALL PREPARE A STATEMENT SUMMARIZING THE RIGHTS, DUTIES AND OBLIGATIONS OF INSUREDS, INSURERS AND REGISTERED MOTOR VEHICLE REPAIR SHOPS REGARDING COVERAGE AND CLAIMS FOR DAMAGE AND REPAIR. SUCH STATEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE PROVISIONS OF SECTIONS TWO THOUSAND SIX HUNDRED ONE AND TWO THOUSAND SIX HUNDRED TEN OF THE INSURANCE LAW AND THE PROVISIONS OF SECTIONS THREE HUNDRED NINETY-EIGHT-C AND THREE HUNDRED NINETY-EIGHT-D OF THIS TITLE. SUCH STATEMENT SHALL SATISFY THE NOTICE REQUIRED PURSUANT TO SECTION TWO THOUSAND SIX HUNDRED ONE-A OF THE INSURANCE LAW, TO BE GIVEN BY AGENTS OR REPRESENTATIVES OF INSURERS PROVIDING COLLISION OR COMPREHENSIVE COVERAGE ON MOTOR VEHICLES TO INSUREDS OR POTENTIAL INSUREDS OF THE RIGHTS, DUTIES AND OBLIGATIONS OF INSUREDS, INSURERS AND REGISTERED MOTOR VEHICLE REPAIR SHOPS. SUCH STATEMENT SHALL BE REFERENCED ORALLY AND PRESENTED IN WRITTEN FORM TO A POTENTIAL INSURED PRIOR TO PURCHASING COVERAGE, AND TO AN INSURED WHEN SUBMITTING A CLAIM.

S 2. The insurance law is amended by adding a new section 2601-a to read as follows:

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

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S 2601-A. MOTOR VEHICLE REPAIR CONSUMER'S RIGHTS STATEMENT; ORAL AND WRITTEN NOTICE. AGENTS OR REPRESENTATIVES OF INSURERS PROVIDING COLLISION OR COMPREHENSIVE COVERAGE ON MOTOR VEHICLES SHALL PROVIDE NOTICE TO INSUREDS OR POTENTIAL INSUREDS OF THE RIGHTS, DUTIES AND OBLIGATIONS OF INSUREDS, INSURERS AND REGISTERED MOTOR VEHICLE REPAIR SHOPS PRIOR TO PURCHASING COVERAGE AND WHEN SUBMITTING A CLAIM. A STATEMENT OF CONSUMER'S RIGHTS PREPARED BY THE COMMISSIONER OF MOTOR VEHICLES PURSUANT TO SECTION THREE HUNDRED NINETY-SEVEN-C OF THE VEHICLE AND TRAFFIC LAW, SHALL CONSTITUTE SUCH NOTICE. SUCH STATEMENT SHALL BE REFERENCED ORALLY AND PRESENTED IN WRITTEN FORM TO A POTENTIAL INSURED PRIOR TO PURCHASING COVERAGE, AND TO AN INSURED WHEN SUBMITTING A CLAIM.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.