

8022

2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to limits on certain supplementary insurance

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

1 Section 1. Subparagraph (A) of paragraph 2 of subsection (f) of  
2 section 3420 of the insurance law, as separately amended by chapters 547  
3 and 568 of the laws of 1997, is amended to read as follows:  
4 (A) Any such policy shall[, at the option of the insured,] also  
5 provide supplementary uninsured/underinsured motorists insurance for  
6 bodily injury, in an amount [up to] NO LESS THAN the bodily injury  
7 liability insurance limits of coverage provided under such policy,  
8 subject to a maximum of two hundred fifty thousand dollars because of  
9 bodily injury to or death of one person in any one accident and, subject  
10 to such limit for one person, up to five hundred thousand dollars  
11 because of bodily injury to or death of two or more persons in any one  
12 accident, or a combined single limit policy of five hundred thousand  
13 dollars because of bodily injury to or death of one or more persons in  
14 any one accident. Provided however, [an] ANY insurer issuing such poli-  
15 cy, in lieu of offering to the insured the coverages stated above, [may]  
16 SHALL provide supplementary uninsured/underinsured motorists insurance  
17 for bodily injury, in an amount [up to] NO LESS THAN the bodily injury  
18 liability insurance limits of coverage provided under such policy,  
19 subject to a maximum of one hundred thousand dollars because of bodily  
20 injury to or death of one person in any one accident and, subject to  
21 such limit for one person, up to three hundred thousand dollars because  
22 of bodily injury to or death of two or more persons in any one accident,  
23 or a combined single limit policy of three hundred thousand dollars  
24 because of bodily injury to or death of one or more persons in any one  
25 accident, if such insurer also makes available a personal umbrella poli-

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

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1 cy with liability AND SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORISTS  
2 INSURANCE coverage limits up to at least five hundred thousand dollars  
3 [which also provides coverage for supplementary uninsured/underinsured  
4 motorists claims]. Supplementary uninsured/underinsured motorists  
5 insurance shall provide coverage, in any state or Canadian province, if  
6 the limits of liability under all bodily injury liability bonds and  
7 insurance policies of another motor vehicle liable for damages are in a  
8 lesser amount than the bodily injury liability insurance limits of  
9 coverage provided by such policy. Upon written request by any insured  
10 covered by supplemental uninsured/underinsured motorists insurance or  
11 his duly authorized representative and upon disclosure by the insured of  
12 the insured's bodily injury and supplemental uninsured/underinsured  
13 motorists insurance coverage limits, the insurer of any other owner or  
14 operator of another motor vehicle against which a claim has been made  
15 for damages to the insured shall disclose, within forty-five days of the  
16 request, the bodily injury liability insurance limits of its coverage  
17 provided under the policy or all bodily injury liability bonds. The time  
18 of the insured to make any supplementary uninsured/underinsured motorist  
19 claim, shall be tolled during the period the insurer of any other owner  
20 or operator of another motor vehicle that may be liable for damages to  
21 the insured, fails to so disclose its coverage. As a condition prece-  
22 dent to the obligation of the insurer to pay under the supplementary  
23 uninsured/underinsured motorists insurance coverage, the limits of  
24 liability of all bodily injury liability bonds or insurance policies  
25 applicable at the time of the accident shall be exhausted by payment of  
26 judgments or settlements.

27 S 2. This act shall take effect on the thirtieth day after it shall  
28 have become a law, and shall apply to insurance policies and contracts  
29 issued, entered into or renewed on and after such effective date.