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

S. 1187 A. 3485

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 27, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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

AN ACT to amend the insurance law, in relation to automobile insurance rates for persons who are retired or disabled

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

Section 1. Section 2330 of the insurance law is amended to read as follows:

S 2330. No fault motor vehicle insurance rates; reflection of reduced exposure to loss. (A) Where the principal operator of a motor vehicle or such operator's spouse is eligible for medicare benefits for items of basic economic loss specified in paragraph one of subsection (a) of section five thousand one hundred two of this chapter, or where the insurer's obligation to pay first party benefits for loss of earnings from work is reduced by virtue of the provisions of such subsection, OR BY VIRTUE OF THE PRINCIPAL OPERATOR OR SUCH OPERATOR'S SPOUSE BEING RETIRED OR DISABLED, the premium attributable to coverage under the automobile insurance policy for such items shall be appropriately modified to reflect the insurer's reduced exposure to loss.

(B) FOR PURPOSES OF THIS SECTION, THE TERM (1) "RETIRED" SHALL MEAN A PERSON WHO HAS ATTAINED AGE SIXTY-FIVE YEARS AND IS NOT ENGAGED IN ANY ACTIVITIES FOR INCOME; AND THE TERM (2) "DISABLED" SHALL MEAN A PERSON WHO IS NOT ENGAGED IN ANY ACTIVITIES FOR INCOME AND WHO (A) IS CERTIFIED AS DISABLED AND ELIGIBLE TO RECEIVE SOCIAL SECURITY DISABILITY INSURANCE (SSDI) OR SUPPLEMENTAL SECURITY INCOME (SSI) BENEFITS UNDER THE FEDERAL SOCIAL SECURITY ACT, OR (B) IS CERTIFIED AS DISABLED AND ELIGIBLE TO RECEIVE RAILROAD RETIREMENT DISABILITY BENEFITS UNDER THE FEDERAL RAILROAD RETIREMENT ACT, OR (C) HAS RECEIVED A CERTIFICATE FROM THE STATE

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

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COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED STATING THAT SUCH PERSON IS LEGALLY BLIND.

AN AWARD LETTER FROM THE SOCIAL SECURITY ADMINISTRATION OR THE RAILROAD RETIREMENT BOARD OR A CERTIFICATE FROM THE STATE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED MAY BE SUBMITTED AS PROOF OF DISABILITY.

THE INSURER, AT THE TIME OF RENEWAL, MAY DETERMINE BY THE RENEWAL QUESTIONNAIRE IF THE PRINCIPAL OPERATOR OR SUCH OPERATOR'S SPOUSE QUALIFIES FOR A CONTINUATION OF THE MODIFIED PREMIUM.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to all policies issued, modified, amended, altered, or renewed on or after such date.