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

1673

2009-2010 Regular Sessions

I N S E N A T E

February 4, 2009

Introduced by Sens. FLANAGAN, VOLKER, WINNER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to liability for vehicles damaged by emergency vehicles or vehicles being pursued by a law enforcement official

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

Section 1. Subsection (k) of section 3411 of the insurance law is amended to read as follows:

(k) (1) Each insurer which offers physical damage insurance subject to the provisions of this section shall offer such insurance with a standard deductible of two hundred dollars for each occurrence. The insured shall, however, at the inception of the policy or at the annual anniversary date, or at the time of the replacement or addition of an automobile, have the option of purchasing a policy with a lesser deductible, but in no event may the insurer sell a policy with a deductible of less than fifty dollars for fire, theft or comprehensive insurance coverages (one hundred dollars for assigned risk policies issued pursuant to paragraph two of subsection (a) of section five thousand three hundred three of this chapter) and one hundred dollars for collision insurance coverage except that window glass coverage may be sold without a deductible. Each insurer which offers physical damage insurance subject to the provisions of this section shall also offer physical damage coverages with co-insurance or deductible provisions or combinations thereof as the superintendent may prescribe, including but not limited to deductibles of two hundred fifty dollars, five hundred dollars and one thousand dollars.

(2) NO INSURER SHALL REQUIRE THE INSURED TO PAY A DEDUCTIBLE FOR DAMAGES OCCURRING, THROUGH NO FAULT OF THE INSURED, AS THE RESULT OF AN ACCIDENT BETWEEN THE INSURED'S VEHICLE AND A MUNICIPAL OR STATE VEHICLE

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

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UTILIZED TO REMOVE SNOW ON BEHALF OF A MUNICIPALITY OF THE STATE. THE INSURER IS NOT PROHIBITED FROM PURSUING RECOVERY FROM THE RESPONSIBLE PARTY OR THE INSURER OF THE RESPONSIBLE PARTY.

S 2. This act shall take effect on the first of October next succeeding the date on which it shall have become a law and shall apply to all policies issued or renewed on or after such effective date.