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

2733

2009-2010 Regular Sessions

I N S E N A T E

February 27, 2009

Introduced by Sens. LAVALLE, ALESI, DIAZ, LARKIN, VOLKER -- 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 placement to the assigned risk plan

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

Section 1. Section 2335-a of the insurance law, as added by chapter 152 of the laws of 1998, is amended to read as follows:

S 2335-a. Prohibition [of] AGAINST rate increases AND PLACEMENT IN AN ASSIGNED RISK PLAN for persons involved in emergency use of vehicles. No insurer authorized to transact or transacting business in this state, or controlling or controlled by or under common control by or with an insurer authorized to transact or transacting business in this state, which sells a policy providing motor vehicle liability insurance coverage in this state shall increase the policy premium in connection with the insurance permitted or required by this chapter OR SHALL PLACE ANY INSURED TO THE MOTOR VEHICLE INSURANCE ASSIGNED RISK PLAN ESTABLISHED PURSUANT TO ARTICLE FIFTY-THREE OF THIS CHAPTER solely because the insured or any other person who customarily operates an automobile covered by the policy has had an accident while operating a motor vehicle in response to an emergency, where the insured was either responding to a call to duty as a paid or volunteer member of any police or fire department or first aid squad; or was performing any other function on behalf of the state, any political subdivision thereof, a public authority, public benefit corporation, or any other governmental agency or instrumentality in a public emergency.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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