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

2888

2009-2010 Regular Sessions

I N S E N A T E

March 5, 2009

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the insurance law, in relation to motor vehicle insurance fraud

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

Section 1. Subdivision 1 of section 176.05 of the penal law, as amended by chapter 635 of the laws of 1996 and designated by chapter 2 of the laws of 1998, is amended to read as follows:

1. A fraudulent insurance act is committed by any person who, knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, self insurer, or purported insurer, or purported self insurer, or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of a POLICY INSURING AGAINST LOSSES OR LIABILITIES ARISING OUT OF THE OWNERSHIP, OPERATION, OR USE OF A MOTOR VEHICLE, A commercial insurance policy, or certificate or evidence of self insurance for commercial insurance or commercial self insurance, or a claim for payment or other benefit pursuant to an insurance policy or self insurance program for commercial or personal insurance which he OR SHE knows to: (i) contain materially false information concerning any fact material thereto; or (ii) conceal, for the purpose of misleading, information concerning any fact material thereto.

S 2. Paragraph 11 of subsection (d) of section 405 of the insurance law, as added by chapter 678 of the laws of 1997, is amended to read as follows:

(11) an assessment of law enforcement and insurance company activities to detect and curtail the incidence of operating a motor vehicle without proper insurance coverage as required by this chapter AND THE INCIDENCE

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

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OF MISREPRESENTATION BY INSUREDS OF THE PRINCIPAL PLACE WHERE MOTOR VEHICLES ARE GARAGED AND DRIVEN.

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