

10877

I N A S S E M B L Y

April 27, 2010

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

AN ACT to amend the insurance law, the executive law, the state finance law, the penal law and the civil practice law and rules, in relation to insurance fraud; to establish the temporary task force on motor vehicle insurance fraud; and providing for the repeal of certain provisions upon the expiration thereof

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

1 Section 1. Section 401 of the insurance law is amended by adding a new
2 subsection (e) to read as follows:
3 (E) THE SUPERINTENDENT SHALL HAVE BROAD AUTHORITY PURSUANT TO THIS
4 CHAPTER TO INVESTIGATE FRAUDULENT ACTIVITIES WITH REGARD TO MOTOR VEHI-
5 CLE DRIVERS THAT OPERATE AUTOMOBILES WITH NO INSURANCE COVERAGE, AND
6 MOTOR VEHICLE INSUREDS WHO MISREPRESENT THE PRINCIPAL PLACE WHERE
7 INSURED MOTOR VEHICLES ARE GARAGED AND OPERATED. OPERATING MOTOR VEHI-
8 CLES WITHOUT PROPER INSURANCE IN VIOLATION OF ARTICLE SIX OF THE VEHICLE
9 AND TRAFFIC LAW IS A SIGNIFICANT DANGER TO THE PUBLIC BECAUSE DRIVERS
10 ARE UNABLE TO COMPENSATE INDIVIDUALS FOR PERSONAL INJURIES, DEATH AND
11 PROPERTY DAMAGE THEY INFLICT UPON OTHERS. FURTHERMORE, MOTOR VEHICLE
12 INSUREDS WHO MISREPRESENT THE PRINCIPAL PLACE WHERE SUCH VEHICLES ARE
13 GARAGED AND OPERATED IMPROPERLY SHIFT THEIR HIGH LIABILITY EXPOSURE
14 COSTS TO OTHER MOTOR VEHICLE INSUREDS THAT DO NOT FACE SUCH HIGH LIABIL-
15 ITY RISK AND INSURANCE PREMIUM COSTS.
16 S 2. Subsection (a) of section 405 of the insurance law, as amended by
17 chapter 499 of the laws of 2009, is amended to read as follows:
18 (a) Any person licensed or registered pursuant to the provisions of
19 this chapter, and any person engaged in the business of insurance or
20 life settlement in this state who is exempted from compliance with the
21 licensing requirements of this chapter, including the state insurance
22 fund of this state, who has reason to believe that an insurance trans-
23 action or life settlement act may be fraudulent, or has knowledge that a
24 fraudulent insurance transaction or fraudulent life settlement act is
25 about to take place, or has taken place shall, within thirty days after

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

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1 determination by such person that the transaction appears to be fraudu-
2 lent, send to the insurance frauds bureau on a form prescribed by the
3 superintendent, the information requested by the form and such addi-
4 tional information relative to the factual circumstances of the trans-
5 action and the parties involved as the superintendent may require. The
6 insurance frauds bureau shall accept reports of suspected fraudulent
7 insurance transactions or fraudulent life settlement acts from any self
8 insurer, including but not limited to self insurers providing health
9 insurance coverage or those defined in section fifty of the workers'
10 compensation law, and shall treat such reports as any other received
11 pursuant to this section. THE INSURANCE FRAUDS BUREAU SHALL ACCEPT
12 REPORTS OF SUSPECTED FRAUDULENT INSURANCE TRANSACTIONS FROM ANY SELF
13 INSURER INCLUDING, BUT NOT LIMITED TO, SELF INSURERS PROVIDING HEALTH
14 INSURANCE COVERAGE, THOSE PROVIDING MOTOR VEHICLE LIABILITY INSURANCE OR
15 THOSE DEFINED IN SECTION FIFTY OF THE WORKERS' COMPENSATION LAW, AND
16 SHALL TREAT SUCH REPORTS AS ANY OTHER RECEIVED PURSUANT TO THIS SECTION.

17 S 3. Paragraph 11 of subsection (d) of section 405 of the insurance
18 law, as amended by chapter 499 of the laws of 2009, is amended to read
19 as follows:

20 (11) an assessment of law enforcement and insurance company activities
21 to detect and curtail the incidence of operating a motor vehicle without
22 proper insurance coverage, OR MISREPRESENTATION BY MOTOR VEHICLE
23 INSUREDS OF THE PRINCIPAL PLACE OF THEIR RESIDENCE OR WHERE THEIR MOTOR
24 VEHICLES ARE GARAGED AND OPERATED as required by this chapter.

25 S 4. The insurance law is amended by adding a new section 405-a to
26 read as follows:

27 S 405-A. COMPENSATION FOR REPORT OF INSURANCE FRAUD TO LAW ENFORCE-
28 MENT AUTHORITIES. (A) ANY PERSON, OTHER THAN PERSONS DESCRIBED IN
29 SUBSECTION (A) OF SECTION FOUR HUNDRED FIVE OF THIS ARTICLE AND OTHER
30 THAN A PERSON WHO HAS RECEIVED AN AWARD PURSUANT TO SECTION TWO HUNDRED
31 THIRTY-ONE OF THE EXECUTIVE LAW, WHO HAS REASON TO BELIEVE THAT A FRAU-
32 DULENT INSURANCE ACT PROHIBITED PURSUANT TO ARTICLE ONE HUNDRED SEVEN-
33 TY-SIX OF THE PENAL LAW HAS BEEN COMMITTED OR THAT AN INSURANCE TRANS-
34 ACTION MAY BE FRAUDULENT, OR HAS KNOWLEDGE THAT A FRAUDULENT INSURANCE
35 TRANSACTION IS ABOUT TO TAKE PLACE, OR HAS TAKEN PLACE MAY REPORT SUCH
36 ACT OR TRANSACTION AND ANY ADDITIONAL INFORMATION RELATIVE TO THE FACTU-
37 AL CIRCUMSTANCES OF THE TRANSACTION AND THE PARTIES INVOLVED TO THE
38 ATTORNEY GENERAL, DISTRICT ATTORNEY OR INSURANCE FRAUDS BUREAU.

39 (B) IF THE INSURANCE FRAUDS BUREAU RECOMMENDS TO THE ATTORNEY GENERAL
40 OR DISTRICT ATTORNEY TO COMMENCE AN ACTION, OR IF THE ATTORNEY GENERAL
41 OR DISTRICT ATTORNEY COMMENCES AN ACTION BASED ON INFORMATION PROVIDED
42 BY A PERSON PURSUANT TO SUBSECTION (A) OF THIS SECTION, THEN SUCH PERSON
43 SHALL BE ENTITLED TO RECEIVE AN AWARD OF NOT MORE THAN FIFTEEN PERCENT
44 OF THE PROCEEDS OF THE ACTION OR A SETTLEMENT OF THE CLAIM IN AN AMOUNT
45 NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS. THE ATTORNEY GENERAL OR
46 DISTRICT ATTORNEY SHALL RECOMMEND TO THE COURT WHEN A SETTLEMENT IS
47 ENTERED THE AMOUNT OF SUCH AWARD. THE COURT SHALL BASE SUCH AWARD DECI-
48 SION ON THE EXTENT TO WHICH THE PERSON SUBSTANTIALLY CONTRIBUTED TO THE
49 PROSECUTION OF THE ACTION.

50 S 5. Section 406 of the insurance law, as amended by chapter 499 of
51 the laws of 2009, is amended to read as follows:

52 S 406. Immunity. In the absence of fraud or bad faith, no person shall
53 be subject to civil liability, and no civil cause of action of any
54 nature shall arise against such person for any: (i) information relating
55 to suspected fraudulent insurance transactions or fraudulent life
56 settlement acts furnished to law enforcement officials, their agents and

1 employees; (ii) information relating to suspected fraudulent insurance
2 transactions or fraudulent life settlement acts furnished to other
3 persons [subject to the provisions of this chapter]; and (iii) such
4 information furnished in reports to THE ATTORNEY GENERAL, A DISTRICT
5 ATTORNEY, the insurance frauds bureau, its agents or employees or any
6 state agency investigating fraud or misconduct relating to workers'
7 compensation insurance, its agents or employees. Nor shall the super-
8 intendent or any employee of the insurance frauds bureau, in the absence
9 of fraud or bad faith, be subject to civil liability and no civil cause
10 of action of any nature shall arise against them by virtue of the publi-
11 cation of any report or bulletin related to the official activities of
12 the insurance frauds bureau. Nothing [herein] IN THIS SECTION is
13 intended to abrogate or modify in any way any common law privilege of
14 immunity heretofore enjoyed by any person.

15 S 6. Section 2133 of the insurance law, as amended by chapter 77 of
16 the laws of 1994, is amended to read as follows:

17 S 2133. [Forged] FALSE INSURANCE DOCUMENTS AND FORGED insurance iden-
18 tification cards. Any insurance company, insurance agent, insurance
19 broker or other person who or which, personally or by the action of an
20 employee or agent, KNOWINGLY possesses, transfers or uses: (A) ANY DOCU-
21 MENT WHICH PURPORTS TO EVINCE INSURANCE COVERAGE WHEN SUCH COVERAGE IS
22 NOT IN EFFECT OR IS IN EFFECT AT LIMITS LESS THAN THOSE STATED IN THE
23 DOCUMENT; OR (B) a forged insurance identification card for a motor
24 vehicle, having knowledge, personally or through such employee or agent,
25 of the fact that such insurance identification card, when issued, did
26 not actually represent an owner's policy of liability insurance or a
27 financial security bond issued by an insurance company licensed to do
28 business in this state covering the motor vehicle identified on such
29 card, shall be liable for payment to the people of this state of a civil
30 penalty in a sum not exceeding one thousand dollars for the first such
31 violation and a sum not exceeding five thousand dollars for each subse-
32 quent violation. For the purposes of this section the term "forged
33 insurance identification card" means a written insurance identification
34 card which has been falsely made, completed or altered, and the term
35 "falsely made, completed or altered" shall have the same meaning as set
36 forth in section 170.00 of the penal law.

37 S 7. The executive law is amended by adding a new section 231 to read
38 as follows:

39 S 231. INSURANCE FRAUD REWARD PROGRAM; ESTABLISHMENT. 1. THE SUPER-
40 INTENDENT SHALL ESTABLISH A STATEWIDE INSURANCE FRAUD REWARD PROGRAM TO
41 PAY REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF
42 PERSONS GUILTY OF A FRAUDULENT INSURANCE ACT AS DEFINED IN ARTICLE ONE
43 HUNDRED SEVENTY-SIX OF THE PENAL LAW.

44 2. THE SUPERINTENDENT SHALL CAUSE TO BE ESTABLISHED A TOLL-FREE STATE-
45 WIDE TELEPHONE NUMBER AND INTERNET WEBSITE FOR USE IN COLLECTING INFOR-
46 MATION TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF INSURANCE FRAUD
47 CRIMES.

48 3. THE SUPERINTENDENT IS AUTHORIZED TO PROVIDE REWARDS OF UP TO ONE
49 THOUSAND DOLLARS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF
50 INDIVIDUALS GUILTY OF A FRAUDULENT INSURANCE ACT AS DEFINED IN ARTICLE
51 ONE HUNDRED SEVENTY-SIX OF THE PENAL LAW.

52 4. THE SUPERINTENDENT IS AUTHORIZED TO PROVIDE REWARDS OF UP TO FIVE
53 THOUSAND DOLLARS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF
54 INDIVIDUALS GUILTY OF A SPECIFIED OFFENSE IN ARTICLE ONE HUNDRED SEVEN-
55 TY-SIX OF THE PENAL LAW.

1 5. NO PERSON WHO RECEIVES COMPENSATION PURSUANT TO SECTION FOUR
2 HUNDRED FIVE-A OF THE INSURANCE LAW SHALL BE ELIGIBLE FOR A REWARD
3 PURSUANT TO THIS SECTION.

4 6. THE SUPERINTENDENT SHALL DISBURSE THE REWARDS PROVIDED FOR IN THIS
5 SECTION FROM THE MONEYS APPROPRIATED TO THE DIVISION OF STATE POLICE
6 FROM THE STATE POLICE MOTOR VEHICLE LAW ENFORCEMENT ACCOUNT ESTABLISHED
7 BY SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW, AS ADDED BY CHAPTER
8 FIFTY-FIVE OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO.

9 S 8. Paragraph (a) of subdivision 2 of section 846-m of the executive
10 law, as amended by section 6 of part T of chapter 57 of the laws of
11 2000, is amended to read as follows:

12 (a) The moneys received by the fund shall be expended in a manner that
13 is consistent with the plan of operation, pursuant to appropriation,
14 only to reimburse costs incurred by provider agencies for pilot program
15 activities relating to the detection, prevention or reduction of motor
16 vehicle theft and motor vehicle insurance fraud; PROVIDED, HOWEVER, THAT
17 ON AND AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, AT LEAST ONE-QUARTER OF
18 THE MONEYS RECEIVED BY THE FUND SHALL BE DISBURSED EXCLUSIVELY TO
19 SUPPORT EFFORTS UNDERTAKEN BY DISTRICT ATTORNEYS TO DETECT, IDENTIFY AND
20 PROSECUTE FRAUD PERTAINING TO ARTICLE FIFTY-ONE OF THE INSURANCE LAW.

21 S 9. Subdivision 3 of section 97-mm of the state finance law, as
22 amended by section 5 of part T of chapter 56 of the laws of 2009, is
23 amended to read as follows:

24 3. Nine million one hundred thousand dollars annually of the state
25 police motor vehicle law enforcement account, following appropriation by
26 the legislature and allocation by the director of the budget, shall be
27 made available for the state operation expenses of the division of state
28 police including but not limited to the costs of activities relating to
29 the detection, prosecution or reduction of automobile theft and related
30 purposes, AND THE COSTS OF THE INSURANCE FRAUD REWARD PROGRAM ESTAB-
31 LISHED PURSUANT TO SECTION TWO HUNDRED THIRTY-ONE OF THE EXECUTIVE LAW.
32 All other funds of the state police motor vehicle law enforcement
33 account, following appropriation by the legislature and allocation by
34 the director of the budget, shall be made available for the state opera-
35 tion expenses of the division of state police including but not limited
36 to the costs of activities relating to highway safety and public securi-
37 ty.

38 S 10. Subdivision 4 of section 97-mm of the state finance law, as
39 added by section 8 of part T of chapter 57 of the laws of 2000, is
40 amended to read as follows:

41 4. The superintendent of state police, no later than March fifteenth
42 of each year, shall furnish to the governor, the speaker of the assembly
43 and the temporary president of the senate, a report detailing each
44 programmatic component associated with the automobile theft AND AUTOMO-
45 BILE INSURANCE FRAUD prevention activities of the state police for the
46 previous year. The report shall include, but not be limited to, a break-
47 down of the funds allocated to each programmatic component, including a
48 breakdown by personal and nonpersonal services and number of employees,
49 and the number of arrests, convictions, and vehicle recoveries. The
50 report shall also contain an analysis of the incidence of automobile
51 theft AND AUTOMOBILE INSURANCE FRAUD for each of the state police troop
52 jurisdictions.

53 S 11. Subdivision 5 of section 170.10 of the penal law is amended and
54 a new subdivision 6 is added to read as follows:

55 5. A prescription of a duly licensed physician or other person author-
56 ized to issue the same for any drug or any instrument or device used in

1 the taking or administering of drugs for which a prescription is
2 required by law[.]; OR

3 6. A CERTIFICATE OF INSURANCE OR AN INSURANCE IDENTIFICATION CARD, AS
4 DEFINED IN SECTION THREE HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW.

5 S 12. Section 170.15 of the penal law is amended to read as follows:

6 S 170.15 Forgery in the first degree.

7 A person is guilty of forgery in the first degree when, with intent to
8 defraud, deceive or injure another, he OR SHE falsely makes, completes
9 or alters [a]:

10 1. TEN OR MORE WRITTEN INSTRUMENTS; OR

11 2. A written instrument which is or purports to be, or which is calcu-
12 lated to become or to represent if completed:

13 [1.] (A) Part of an issue of money, stamps, securities or other valu-
14 able instruments issued by a government or governmental instrumentality;
15 or

16 [2.] (B) Part of an issue of stock, bonds or other instruments repres-
17 enting interests in or claims against a corporate or other organization
18 or its property.

19 Forgery in the first degree is a class C felony.

20 S 13. The penal law is amended by adding a new section 175.50 to read
21 as follows:

22 S 175.50 OFFERING A FALSE APPLICATION FOR MOTOR VEHICLE INSURANCE OR
23 REGISTRATION.

24 A PERSON IS GUILTY OF OFFERING A FALSE APPLICATION FOR MOTOR VEHICLE
25 INSURANCE OR REGISTRATION WHEN KNOWING THAT ANY DOCUMENT HE OR SHE FILES
26 WITH THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURER PROVIDING LIABILITY
27 INSURANCE FOR A MOTOR VEHICLE CONTAINS A FALSE STATEMENT OR FALSE INFOR-
28 MATION WITH REGARD TO WHERE HE OR SHE RESIDES OR WHERE HIS OR HER MOTOR
29 VEHICLE IS GARAGED AND OPERATED.

30 OFFERING A FALSE APPLICATION FOR MOTOR VEHICLE INSURANCE OR REGISTRA-
31 TION IS A CLASS E FELONY.

32 S 14. Subdivision 1 of section 176.05 of the penal law, as amended by
33 chapter 635 of the laws of 1996 and as designated by chapter 2 of the
34 laws of 1998, is amended to read as follows:

35 1. A fraudulent insurance act is committed by any person who, knowing-
36 ly and with intent to defraud presents, causes to be presented, or
37 prepares with knowledge or belief that it will be presented to or by an
38 insurer, self insurer, or purported insurer, or purported self insurer,
39 or any agent thereof, any written statement as part of, or in support
40 of, an application for the issuance of, or the rating of a commercial
41 insurance policy, or certificate or evidence of self insurance for
42 commercial OR PERSONAL insurance or commercial OR PERSONAL self insur-
43 ance, or a claim for payment or other benefit pursuant to an insurance
44 policy or self insurance program for commercial or personal insurance
45 which he knows to: (i) contain materially false information concerning
46 any fact material thereto; or (ii) conceal, for the purpose of mislead-
47 ing, information concerning any fact material thereto.

48 S 15. Paragraph (c) of subdivision 4-b of section 1310 of the civil
49 practice law and rules, as added by chapter 655 of the laws of 1990, is
50 amended and a new paragraph (d) is added to read as follows:

51 (c) a conviction of a person for a violation of section 220.09,
52 220.16, 220.34 or 220.39 of the penal law, or a conviction of a criminal
53 defendant for a violation of section 221.30 of the penal law, or where
54 the accusatory instrument charges any such felony, conviction upon a
55 plea of guilty to a felony for which the plea is otherwise authorized by
56 law, together with evidence which: (i) provides substantial indicia that

1 the defendant used the real property to engage in a continual, ongoing
2 course of conduct involving the unlawful mixing, compounding, manufac-
3 turing, warehousing, or packaging of controlled substances or where the
4 conviction is for a violation of section 221.30 of the penal law, mari-
5 juana, as part of an illegal trade or business for gain; and (ii) estab-
6 lishes, where the conviction is for possession of a controlled substance
7 or where the conviction is for a violation of section 221.30 of the
8 penal law, marijuana, that such possession was with the intent to sell
9 it[.]; OR

10 (D) A CONVICTION OF A PERSON OF ANY FELONY DEFINED IN ARTICLE ONE
11 HUNDRED SEVENTY-SIX OF THE PENAL LAW, OR OF AN ATTEMPT OR CONSPIRACY TO
12 COMMIT ANY SUCH FELONY, PROVIDED THAT SUCH ATTEMPT OR CONSPIRACY CONSTI-
13 TUTES A FELONY.

14 S 16. Subdivision 3-a of section 1311 of the civil practice law and
15 rules, as added by chapter 655 of the laws of 1990, is amended to read
16 as follows:

17 3-a. Conviction of a person in a criminal action upon an accusatory
18 instrument which includes one or more of the felonies specified in
19 subdivision four-b of section thirteen hundred ten of this article, of
20 any felony other than such felonies, shall not preclude a defendant, in
21 any subsequent proceeding under this article where that conviction is at
22 issue, from adducing evidence that the conduct underlying the conviction
23 would not establish the elements of any of the felonies specified in
24 such subdivision other than the one to which the criminal defendant pled
25 guilty. If the defendant does adduce such evidence, the burden shall be
26 upon the claiming authority to prove, by clear and convincing evidence,
27 that the conduct underlying the criminal conviction would establish the
28 elements of the felony specified in such subdivision. Nothing contained
29 in this subdivision shall affect the validity of a settlement of any
30 forfeiture action negotiated between the claiming authority and a crimi-
31 nal defendant contemporaneously with the taking of a plea of guilty in a
32 criminal action to any felony defined in article ONE HUNDRED SEVENTY-SIX
33 OR two hundred twenty, or section 221.30 or 221.55 of the penal law, or
34 to a felony conspiracy to commit the same.

35 S 17. Paragraphs (a) and (b) of subdivision 11 of section 1311 of the
36 civil practice law and rules, as added by chapter 655 of the laws of
37 1990, are amended to read as follows:

38 (a) Any stipulation or settlement agreement between the parties to a
39 forfeiture action shall be filed with the clerk of the court in which
40 the forfeiture action is pending. No stipulation or settlement agreement
41 shall be accepted for filing unless it is accompanied by an affidavit
42 from the claiming authority that written notice of the stipulation or
43 settlement agreement, including the terms of such, has been given to the
44 state crime victims board, the [state] division of criminal justice
45 services, and in the case of a forfeiture based on a felony defined in
46 article two hundred twenty or section 221.30 or 221.55 of the penal law,
47 to the [state division] OFFICE of ALCOHOLISM AND substance abuse
48 services. IN THE CASE OF A FORFEITURE BASED ON A FELONY DEFINED IN
49 ARTICLE ONE HUNDRED SEVENTY-SIX OF THE PENAL LAW, SUCH NOTICE SHALL ALSO
50 BE GIVEN TO THE INSURANCE FRAUDS BUREAU OF THE INSURANCE DEPARTMENT.

51 (b) No judgment or order of forfeiture shall be accepted for filing
52 unless it is accompanied by an affidavit from the claiming authority
53 that written notice of judgment or order, including the terms of such,
54 has been given to the [state] crime victims board, the [state] division
55 of criminal justice services, and in the case of a forfeiture based on a
56 felony defined in article two hundred twenty or section 221.30 or 221.55

1 of the penal law, to the [state division] OFFICE of ALCOHOLISM AND
2 substance abuse services. IN THE CASE OF A FORFEITURE BASED ON A FELONY
3 DEFINED IN ARTICLE ONE HUNDRED SEVENTY-SIX OF THE PENAL LAW, SUCH NOTICE
4 SHALL ALSO BE GIVEN TO THE INSURANCE FRAUDS BUREAU OF THE INSURANCE
5 DEPARTMENT.

6 S 18. Subdivision 4 of section 1349 of the civil practice law and
7 rules, as added by chapter 655 of the laws of 1990, is amended to read
8 as follows:

9 4. The claiming authority shall report the disposal of property and
10 collection of assets pursuant to this section to the [state] crime
11 victims board, the [state] division of criminal justice services [and],
12 the [state division] OFFICE of ALCOHOLISM AND substance abuse services
13 AND THE INSURANCE FRAUDS BUREAU OF THE INSURANCE DEPARTMENT.

14 S 19. The vehicle and traffic law is amended by adding a new section
15 201-a to read as follows:

16 S 201-A. ACCESS TO INFORMATION. THE DEPARTMENT SHALL ALLOW LAW
17 ENFORCEMENT PERSONNEL ACCESS TO ANY INDIVIDUAL'S STREET ADDRESS PROVIDED
18 PURSUANT TO PARAGRAPH B OF SUBDIVISION ONE OF SECTION FOUR HUNDRED ONE
19 AND SUBDIVISION ONE OF SECTION FIVE HUNDRED TWO OF THIS CHAPTER.

20 S 20. Paragraph b of subdivision 1 of section 401 of the vehicle and
21 traffic law, as amended by chapter 222 of the laws of 1996, is amended
22 to read as follows:

23 b. Every owner of a motor vehicle which shall be operated or driven
24 upon the public highways of this state shall, except as otherwise
25 expressly provided, cause to be presented, by mail or otherwise, to the
26 office or a branch office of the commissioner, or to any agent of the
27 commissioner, constituted as provided in this chapter, an application
28 for registration addressed to the commissioner, and on a blank to be
29 prepared under the direction of and furnished by the commissioner for
30 that purpose, containing: (a) a brief description of the motor vehicle
31 to be registered, including the name and factory number of such vehicle,
32 and such other facts as the commissioner shall require; (b) the weight
33 of the vehicle upon which the registration fee is based if the fee is
34 based on weight; (c) the name and residence, including county of the
35 owner of such motor vehicle, PROVIDED THAT IF THE APPLICANT USES A POST
36 OFFICE BOX WHEN PROVIDING A RESIDENCE ADDRESS, SUCH APPLICANT SHALL ALSO
37 PROVIDE THE STREET ADDRESS AT WHICH HE OR SHE RESIDES; (d) provided
38 that, if such motor vehicle is used or to be used as an omnibus, the
39 applicant also shall so certify, and in the case of an omnibus also
40 certify as to the seating capacity, and if the omnibus is to be operated
41 wholly within a municipality pursuant to a franchise other than a fran-
42 chise express or implied in articles of incorporation upon certain
43 streets designated in such franchise, those facts shall also be certi-
44 fied, and a certified copy of such franchise furnished to the commis-
45 sioner; (e) provided, that, if such motor vehicle is an altered livery,
46 the applicant shall so furnish a certified copy of the length of the
47 center panel of such vehicle, provided, however, that the commissioner
48 shall require such proof, as he OR SHE may determine is necessary, in
49 the application for registration and provided further, if the center
50 panel of such vehicle exceeds one hundred inches, the commissioner shall
51 require proof that such vehicle is in compliance with all applicable
52 federal and state motor vehicle safety standards; and (f) such addi-
53 tional facts or evidence as the commissioner may require in connection
54 with the application for registration. Every owner of a trailer shall
55 also make application for the registration thereof in the manner herein
56 provided for an application to register a motor vehicle, but shall

1 contain a statement showing the manufacturer's number or other identifi-
2 cation satisfactory to the commissioner and no number plate for a trail-
3 er issued under the provisions of subdivision three of section four
4 hundred two of this [chapter] ARTICLE shall be transferred to or used
5 upon any other trailer than the one for which number plate is issued.
6 The commissioner shall require proof, in the application for registra-
7 tion, or otherwise, as such commissioner may determine, that the motor
8 vehicle for which registration is applied for is equipped with lights
9 conforming in all respects to the requirements of this chapter, and no
10 motor vehicle shall be registered unless it shall appear by such proofs
11 that such motor vehicle is equipped with proper lights as aforesaid. The
12 said application shall contain or be accompanied by such evidence of the
13 ownership of the motor vehicle described in the application as may be
14 required by the commissioner or his OR HER agent and which, with respect
15 to new vehicles, shall include, unless otherwise specifically provided
16 by the commissioner, the manufacturer's statement of origin. Applica-
17 tions received by an agent of the commissioner shall be forwarded to the
18 commissioner as he OR SHE shall direct for filing. No application for
19 registration shall be accepted unless the applicant is at least sixteen
20 years of age AND HAS SIGNED SUCH APPLICATION ATTESTING TO THE TRUTH AND
21 VERACITY OF THE FACTS STATED THEREIN.

22 S 21. Subdivision 1 of section 502 of the vehicle and traffic law, as
23 amended by chapter 639 of the laws of 2006, is amended to read as
24 follows:

25 1. Application for license. Application for a driver's license shall
26 be made to the commissioner. The fee prescribed by law may be submitted
27 with such application. The applicant shall furnish such proof of identi-
28 ty, age, ADDRESS OF HIS OR HER RESIDENCE and fitness as may be required
29 by the commissioner. WHEN PROVIDING HIS OR HER ADDRESS OF RESIDENCE, THE
30 APPLICANT SHALL PROVIDE THE STREET ADDRESS AT WHICH HE OR SHE RESIDES.
31 EACH APPLICANT SHALL SIGN HIS OR HER APPLICATION ATTESTING TO THE TRUTH
32 AND VERACITY OF THE FACTS STATED THEREIN. The commissioner may also
33 provide that the application procedure shall include the taking of a
34 photo image or images of the applicant in accordance with rules and
35 regulations prescribed by the commissioner. In addition, the commission-
36 er also shall require that the applicant provide his or her social secu-
37 rity number and provide space on the application so that the applicant
38 may register in the New York state organ and tissue donor registry under
39 section forty-three hundred ten of the public health law. In addition,
40 an applicant for a commercial driver's license who will operate a
41 commercial motor vehicle in interstate commerce shall certify that such
42 applicant meets the requirements to operate a commercial motor vehicle,
43 as set forth in public law 99-570, title XII, and title 49 of the code
44 of federal regulations, and all regulations promulgated by the United
45 States secretary of transportation under the hazardous materials trans-
46 portation act. Upon a determination that the holder of a commercial
47 driver's license has made any false statement, with respect to the
48 application for such license, the commissioner shall revoke such
49 license.

50 S 22. Temporary task force on motor vehicle insurance fraud. (a) The
51 superintendent of insurance and the commissioner of motor vehicles shall
52 convene a temporary task force on motor vehicle insurance fraud to exam-
53 ine the feasibility and cost-effectiveness of developing methodologies
54 to identify owners and operators of motor vehicles who misrepresent the
55 principal place of their residence or where their motor vehicles are
56 garaged and operated. Such task force shall develop a plan on the feasi-

bility of implementing a statewide registry of the street addresses of the owners and operators of motor vehicles in this state. The report issued by this task force shall:

(1) investigate the feasibility of developing and implementing a statewide registry of the addresses of motor vehicle owners and operators;

(2) detail the costs of establishing such a registry;

(3) identify the parameters for entering and retrieving data from such registry; and

(4) evaluate the value of establishing such registry in identifying motor vehicle owners and operators who misrepresent their place of residence or where their vehicle is garaged and operated.

(b) The task force shall consist of 13 members. The superintendent of insurance and the commissioner of motor vehicles, or their designees, shall be members of the task force and shall be the co-chairs of the task force. A representative of the New York Automobile Insurance Plan shall be a member of the task force. The remaining ten members of the task force shall be appointed as follows: four shall be appointed by the governor, two shall be appointed by the temporary president of the senate, two shall be appointed by the speaker of the assembly, one shall be appointed by the minority leader of the senate, and one shall be appointed by the minority leader of the assembly. Of such ten members: three shall be representatives of insurers actively writing motor vehicle insurance in this state, three shall be representatives of the insurance agent and broker community actively selling motor vehicle insurance in this state, two shall be representatives of companies the business of which involves collecting, dispersing and synthesizing data, and two shall be representatives of the motor vehicle insurance buying public.

(c) The task force shall submit a report to the governor and the legislature of its findings, conclusions and recommendations within fifteen months of the effective date of this section.

S 23. This act shall take effect on the sixtieth day after it shall have become a law, provided that:

(a) sections two, three and five of this act shall take effect on the same date and in the same manner as chapter 499 of the laws of 2009 takes effect; and

(b) section twenty-two of this act shall expire and be deemed repealed eighteen months after the effective date of this act.