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

11116

I N A S S E M B L Y

May 17, 2010

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

AN ACT to amend the insurance law, in relation to losses sustained as a result of intoxication

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

Section 1. Paragraph 2 of subsection (b) of section 5103 of the insurance law is amended to read as follows:

(2) Is injured as a result of operating a motor vehicle while in an intoxicated condition or while his ability to operate such vehicle is impaired by the use of a drug within the meaning of section eleven hundred ninety-two of the vehicle and traffic law; PROVIDED, HOWEVER, THAT AN INSURER SHALL NOT EXCLUDE SUCH PERSON FROM COVERAGE WITH RESPECT TO NECESSARY EMERGENCY HEALTH SERVICES RENDERED IN A GENERAL HOSPITAL, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO THOUSAND EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW, INCLUDING AMBULANCE SERVICES ATTENDANT THERETO AND RELATED MEDICAL SCREENING. NOTWITHSTANDING ANY OTHER LAW, WHERE THE COVERED PERSON IS FOUND TO HAVE VIOLATED SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, THE INSURER HAS A CAUSE OF ACTION FOR THE AMOUNT OF FIRST PARTY BENEFITS PAID OR PAYABLE ON BEHALF OF SUCH COVERED PERSON AGAINST SUCH COVERED PERSON.

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, renewed, modified, altered or amended on or after such date.

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

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