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

4213

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. BRENNAN, GREENE, ABBATE -- Multi-Sponsored by -- M. of A. COLTON, GABRYSZAK, JOHN, PHEFFER, ROSENTHAL, SWEENEY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to creation and issuance by the commissioner of motor vehicles of a guide booklet describing rights of pedestrians and responsibilities of motorists to them respecting the rules of the road, for inclusion by insurers with automobile liability insurance policies and annually upon renewals sent to insured owners of motor vehicles principally garaged or principally used in this state

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

Section 1. Section 1101 of the vehicle and traffic law is amended to read as follows:

S 1101. Required obedience to traffic laws. (A) It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a traffic infraction for any person to do any act forbidden or fail to perform any act required in ANY OTHER SECTION OF this title.

(B) THE COMMISSIONER SHALL DEVELOP AND ISSUE A GUIDE BOOKLET TO HELP PEDESTRIANS AND MOTORISTS BETTER UNDERSTAND THEIR RESPONSIBILITIES TO PROMOTE PEDESTRIAN SAFETY. THE GUIDE BOOKLET SHALL BE DESIGNATED "PEDESTRIAN RIGHTS AND MOTORIST'S RESPONSIBILITIES" AND SHALL DESCRIBE IN PLAIN LANGUAGE AND HIGHLIGHT AND, WHERE APPROPRIATE, EXCERPT, THOSE PROVISIONS OF THIS TITLE OF THIS CHAPTER ("RULES OF THE ROAD") WHICH, IN THE OPINION OF THE COMMISSIONER, MOST CONCERN PROMOTION OF THE SAFETY OF PEDESTRIANS, THEIR RIGHTS AND THE RESPONSIBILITIES OF MOTORISTS TOWARD THEM.

S 2. Paragraph (a) of subdivision 4 of section 311 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

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

LBD03247-01-9

(a) Affording coverage as defined in the minimum provisions prescribed in a regulation which shall be promulgated by the superintendent at least ninety days prior to effective date of this act. The superintendent before promulgating such regulations or any amendment thereof, shall consult with all insurers licensed to write automobile liability insurance in this state and shall not prescribe minimum provisions which fail to reflect the provisions of automobile liability insurance policies, other than motor vehicle liability policies as defined in section three hundred forty-five of this [chapter] TITLE, issued within this state at the date of such regulation or amendment thereof. Nothing contained in such regulation or in this article shall prohibit any insurer from affording coverage under an owner's policy of liability insurance more liberal than that required by said minimum provisions. Every such owner's policy of liability insurance shall provide insurance subject to said regulation against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a specific motor vehicle or motor vehicles within the state of New York, or elsewhere in the United States in North America or the Dominion of Canada, subject to a limit, exclusive of interest and costs, with respect to each such motor vehicle except a tow truck, of twenty-five thousand dollars because of bodily injuries to and fifty thousand dollars because of death of one person in any one accident and, subject to said limit for one person, to a limit of fifty thousand dollars because of bodily injury to and one hundred thousand dollars because of death of two or more persons in any one accident, and to a limit of ten thousand dollars because of injury to or destruction of property of others in any one accident provided, however, that such policy need not be for a period coterminous with the registration period of the vehicle insured. The limit, exclusive of interest and costs, with respect to a tow truck shall be a combined single limit of at least three hundred thousand dollars because of bodily injury or death to one or more persons or because of injury or destruction of property of others in any one accident, and to a limit of twenty-five thousand dollars because of damage to a vehicle in the care, custody and control of the insured. Any insurer authorized to issue an owner's policy of liability insurance as provided for in this article may, pending the issue of such a policy, make an agreement, to be known as a binder, or may, in lieu of such a policy, issue a renewal endorsement or evidence of renewal of an existing policy; each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. The provisions of this article shall apply to such binders, renewal endorsements or evidences of renewal. Every such policy issued insuring private passenger vehicles and every renewal policy, renewal endorsement, or other evidence of renewal issued shall have attached thereto a rating information form which clearly specifies and defines the rating classification assigned thereto, including any applicable merit rating plan AND SHALL HAVE ENCLOSED THEREWITH, AT LEAST ANNUALLY, A COPY OF THE COMMISSIONER'S GUIDE BOOKLET ENTITLED "PEDESTRIAN RIGHTS AND MOTORIST'S RESPONSIBILITIES" REFERRED TO IN SECTION ELEVEN HUNDRED ONE OF THIS CHAPTER; and

S 3. Subsection (f) of section 3420 of the insurance law is amended by adding a new paragraph 2-a to read as follows:

(2-A) MULTIPLE COPIES OF THE GUIDE BOOKLET ENTITLED "PEDESTRIAN RIGHTS AND MOTORIST'S RESPONSIBILITIES" AS DEVELOPED AND ISSUED BY THE COMMIS-

SIONER OF MOTOR VEHICLES SHALL BE REPRODUCED BY AUTHORIZED INSURERS WHICH ISSUE OR DELIVER IN THIS STATE POLICIES INSURING OWNERS OF MOTOR VEHICLES AGAINST LOSS RESULTING FROM LIABILITY IMPOSED BY LAW FOR BODILY INJURY OR DEATH SUFFERED BY ANY NATURAL PERSON ARISING OUT OF THE OWNERSHIP, MAINTENANCE AND USE OF A MOTOR VEHICLE PRINCIPALLY GARAGED OR PRINCIPALLY USED IN THIS STATE, IN SUFFICIENT QUANTITIES TO PERMIT DISTRIBUTION BY SUCH INSURERS OF ONE COPY OF SUCH GUIDE BOOKLET ONCE PER YEAR TO EVERY SUCH INSURED. SUCH COPY SHALL BE INCLUDED BY SUCH INSURER WITH THE ORIGINAL ISSUANCE OF SUCH POLICY, AND AT LEAST ANNUALLY THEREAFTER WITH THE RENEWAL OF SUCH POLICY, SENT BY MAIL OR OTHERWISE DELIVERED TO EVERY INSURED OWNER OF SUCH A MOTOR VEHICLE.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations by the commissioner of motor vehicles and superintendent of insurance, and the development and issuance of the guide booklet by the commissioner of motor vehicles, necessary for the implementation of the foregoing sections of this act on the effective date of this act are authorized and directed to be made and completed on or before such effective date.