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

5535

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. OAKS, BALL, BARCLAY, HAWLEY, KOLB, TOBACCO, WALKER -- Multi-Sponsored by -- M. of A. ERRIGO, FINCH, JORDAN, McDONOUGH, TOWNSEND -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to recovery of non-economic loss

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

Section 1. Section 5104 of the insurance law is amended by adding a new subsection (d) to read as follows:

(D) A FINANCIALLY IRRESPONSIBLE MOTORIST AND AN UNLAWFULLY INSURED PERSON SHALL NOT HAVE A RIGHT OF RECOVERY FOR NON-ECONOMIC LOSS ARISING OUT OF THE USE OR OPERATION OF A MOTOR VEHICLE OR MOTORCYCLE.

S 2. This act shall take effect January 1, 2010 and shall apply to any cause of action filed on or after such date.

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

LBD06382-01-9