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9462

I N  A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. HEASTIE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring insurance carriers to submit proof of financial responsibility to the commissioner of motor vehicles for persons required to furnish proof of an existent motor vehicle liability policy

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

Section 1. Subdivision (c) of section 330 of the vehicle and traffic law is amended to read as follows:

(c) Upon any reasonable ground, appearing on the records of the bureau, the commissioner may suspend or revoke the operator's or chauffeur's license of any person and may suspend or revoke any and all of the registration certificates or registration plates for any motor vehicle and may refuse to issue to any such person any new or renewal license or to register in the name of such person any motor vehicle unless and until [such person gives] proof of [his] SUCH PERSON'S financial responsibility IS SUBMITTED BY SUCH PERSON'S INSURANCE CARRIER TO THE COMMISSIONER in the future as hereinafter provided in this article.

Any person furnishing proof of financial responsibility pursuant to this subdivision may be relieved from continuing to furnish such proof in the discretion of the commissioner provided three years have elapsed since such proof was first furnished during which period such person has not been convicted of, or forfeited bail given on being charged with, any of the offenses specified in subdivision two of section five hundred ten of this chapter and no charges of any of such offenses are pending against such person. The affidavit of such person shall be accepted as proof of the facts therein stated, in the absence of evidence to the contrary before the commissioner.

S 2. Section 343 of the vehicle and traffic law, subdivision (c) as amended by chapter 300 of the laws of 1960, is amended to read as follows:

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

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S 343. Proof of financial responsibility [by certificate showing] SUBMITTED BY INSURANCE CARRIER OF A motor vehicle liability policy [obtained]. (a) Proof of financial responsibility [may] SHALL be [made] SUBMITTED by [filing with] THE INSURANCE CARRIER OF THE PERSON REQUIRED TO FURNISH SUCH PROOF DIRECTLY TO the commissioner [the]. SUCH INSURANCE CARRIER, DULY AUTHORIZED TO DO BUSINESS IN THIS STATE, SHALL SUBMIT A written certificate [of any insurance carrier duly authorized to do business in this state,] certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same date as the effective date of the certificate and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

(c) When a person has been required to furnish proof of a financial responsibility and there has been in effect a motor vehicle liability policy for his OR HER benefit for a period of three years, during which period such person or any vehicle registered in his OR HER name has not been involved in any accident upon which a report is required pursuant to section six hundred five [hereof] OF THIS CHAPTER, such person may file in lieu thereof, the written certificate of any insurance carrier duly authorized to do business in this state, certifying that there is in effect a standard provisions automobile liability policy in form approved by the [superintendant] SUPERINTENDENT of insurance with a limit of liability no less than provided in subdivision (a) of section three hundred thirty-five of this [law] ARTICLE.

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