

4397

2011-2012 Regular Sessions

I N S E N A T E

April 4, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to liability for vehicles damaged by emergency vehicles or vehicles being pursued by a law enforcement official

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

1 Section 1. Subsection (k) of section 3411 of the insurance law is
2 amended to read as follows:
3 (k) (1) Each insurer which offers physical damage insurance subject to
4 the provisions of this section shall offer such insurance with a stand-
5 ard deductible of two hundred dollars for each occurrence. The insured
6 shall, however, at the inception of the policy or at the annual anniversary
7 date, or at the time of the replacement or addition of an automobile,
8 have the option of purchasing a policy with a lesser deductible,
9 but in no event may the insurer sell a policy with a deductible of less
10 than fifty dollars for fire, theft or comprehensive insurance coverages
11 (one hundred dollars for assigned risk policies issued pursuant to paragraph
12 two of subsection (a) of section five thousand three hundred three
13 of this chapter) and one hundred dollars for collision insurance coverage
14 except that window glass coverage may be sold without a deductible.
15 Each insurer which offers physical damage insurance subject to the
16 provisions of this section shall also offer physical damage coverages
17 with co-insurance or deductible provisions or combinations thereof as
18 the superintendent may prescribe, including but not limited to deductibles
19 of two hundred fifty dollars, five hundred dollars and one thousand
20 dollars.
21 (2) NO INSURER SHALL REQUIRE THE INSURED TO PAY A DEDUCTIBLE FOR
22 DAMAGES OCCURRING, THROUGH NO FAULT OF THE INSURED, AS THE RESULT OF AN
23 ACCIDENT BETWEEN THE INSURED'S VEHICLE AND A MUNICIPAL OR STATE VEHICLE
24 UTILIZED TO REMOVE SNOW ON BEHALF OF A MUNICIPALITY OF THE STATE. THE

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

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1 INSURER IS NOT PROHIBITED FROM PURSUING RECOVERY FROM THE RESPONSIBLE
2 PARTY OR THE INSURER OF THE RESPONSIBLE PARTY.
3 S 2. This act shall take effect on the first of October next succeed-
4 ing the date on which it shall have become a law and shall apply to all
5 policies issued or renewed on or after such effective date.