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I N S E N A T E

June 6, 2012

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

AN ACT to amend the vehicle and traffic law, in relation to increasing the minimum insurance coverage requirements for motor vehicles rented or leased in the state of New York

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

1 Section 1. Paragraph (a) of subdivision 4 of section 311 of the vehi-
2 cle and traffic law, as amended by chapter 305 of the laws of 1995, is
3 amended to read as follows:
4 (a) Affording coverage as defined in the minimum provisions prescribed
5 in a regulation which shall be promulgated by the superintendent at
6 least ninety days prior to effective date of this act. The superinten-
7 dent before promulgating such regulations or any amendment thereof,
8 shall consult with all insurers licensed to write automobile liability
9 insurance in this state and shall not prescribe minimum provisions which
10 fail to reflect the provisions of automobile liability insurance poli-
11 cies, other than motor vehicle liability policies as defined in section
12 three hundred forty-five of this chapter, issued within this state at
13 the date of such regulation or amendment thereof. Nothing contained in
14 such regulation or in this article shall prohibit any insurer from
15 affording coverage under an owner's policy of liability insurance more
16 liberal than that required by said minimum provisions. Every such
17 owner's policy of liability insurance shall provide insurance subject to
18 said regulation against loss from the liability imposed by law for
19 damages, including damages for care and loss of services, because of
20 bodily injury to or death of any person and injury to or destruction of
21 property arising out of the ownership, maintenance, use, or operation of
22 a specific motor vehicle or motor vehicles within the state of New York,
23 or elsewhere in the United States in North America or the Dominion of
24 Canada, subject to a limit, exclusive of interest and costs, with
25 respect to each such motor vehicle except a tow truck OR A MOTOR VEHICLE
26 WHICH IS RENTED OR LEASED FROM A PERSON, ORGANIZATION OR BUSINESS REGU-
27 LARLY ENGAGED IN THE BUSINESS OF RENTING OR LEASING MOTOR VEHICLES TO

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

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1 THE GENERAL PUBLIC, of twenty-five thousand dollars because of bodily
2 injuries to and fifty thousand dollars because of death of one person in
3 any one accident and, subject to said limit for one person, to a limit
4 of fifty thousand dollars because of bodily injury to and one hundred
5 thousand dollars because of death of two or more persons in any one
6 accident, and to a limit of ten thousand dollars because of injury to or
7 destruction of property of others in any one accident provided, however,
8 that such policy need not be for a period coterminous with the registra-
9 tion period of the vehicle insured. The limit, exclusive of interest and
10 costs, with respect to a tow truck shall be a combined single limit of
11 at least three hundred thousand dollars because of bodily injury or
12 death to one or more persons or because of injury or destruction of
13 property of others in any one accident, and to a limit of twenty-five
14 thousand dollars because of damage to a vehicle in the care, custody and
15 control of the insured. THE LIMIT, EXCLUSIVE OF INTEREST AND COSTS,
16 WITH RESPECT TO A MOTOR VEHICLE WHICH IS RENTED OR LEASED FROM A PERSON,
17 ORGANIZATION OR BUSINESS REGULARLY ENGAGED IN THE BUSINESS OF RENTING OR
18 LEASING MOTOR VEHICLES TO THE GENERAL PUBLIC, SHALL BE A COMBINED SINGLE
19 LIMIT OF AT LEAST ONE MILLION DOLLARS BECAUSE OF BODILY INJURY OR DEATH
20 TO ONE OR MORE PERSONS OR BECAUSE OF INJURY OR DESTRUCTION OF PROPERTY
21 OF OTHERS IN ANY ONE ACCIDENT, AND TO A LIMIT OF TWENTY-FIVE THOUSAND
22 DOLLARS BECAUSE OF DAMAGE TO A VEHICLE IN THE CARE, CUSTODY AND CONTROL
23 OF THE INSURED. Any insurer authorized to issue an owner's policy of
24 liability insurance as provided for in this article may, pending the
25 issue of such a policy, make an agreement, to be known as a binder, or
26 may, in lieu of such a policy, issue a renewal endorsement or evidence
27 of renewal of an existing policy; each of which shall be construed to
28 provide indemnity or protection in like manner and to the same extent as
29 such a policy. The provisions of this article shall apply to such bind-
30 ers, renewal endorsements or evidences of renewal. Every such policy
31 issued insuring private passenger vehicles and every renewal policy,
32 renewal endorsement, or other evidence of renewal issued shall have
33 attached thereto a rating information form which clearly specifies and
34 defines the rating classification assigned thereto, including any appli-
35 cable merit rating plan; and

36 S 2. Section 312 of the vehicle and traffic law is amended by adding a
37 new subdivision 6 to read as follows:

38 6. (A) NO MOTOR VEHICLE SHALL BE LEASED OR RENTED IN THIS STATE UNLESS
39 UPON THE REGISTRATION OF THE LEASED OR RENTED MOTOR VEHICLE, THE APPLI-
40 CATION FOR SUCH REGISTRATION IS ACCOMPANIED BY PROOF OF FINANCIAL SECU-
41 RITY REQUIRED BY SECTION THREE HUNDRED ELEVEN OF THIS ARTICLE WHICH
42 SHALL BE EVIDENCED BY PROOF OF INSURANCE OR EVIDENCE OF A FINANCIAL
43 SECURITY BOND, A FINANCIAL SECURITY DEPOSIT OR QUALIFICATION AS A SELF-
44 INSURER UNDER SECTION THREE HUNDRED SIXTEEN OF THIS ARTICLE; PROVIDED,
45 THAT IF DIRECTED BY REGULATION OF THE COMMISSIONER, UPON RENEWAL OF
46 REGISTRATION AN APPLICATION ACCOMPANIED BY A CERTIFICATE OF REGISTRATION
47 OR RENEWAL STUB IN FORCE IMMEDIATELY PRECEDING THE DATE OF APPLICATION
48 FOR RENEWAL, TOGETHER WITH A STATEMENT IN A FORM PRESCRIBED BY THE
49 COMMISSIONER CERTIFYING THAT THERE IS IN EFFECT PROOF OF FINANCIAL SECU-
50 RITY, SHALL MEET THE REQUIREMENTS OF THIS SECTION. UPON THE ISSUANCE OR
51 RENEWAL OF A PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY SUBJECT TO
52 THE PROVISIONS OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OF THE
53 INSURANCE LAW, THE INSURANCE COMPANY SHALL PROVIDE THE INSURED WITH AN
54 INFORMATIONAL STATEMENT OUTLINING THE LEGAL AND FINANCIAL CONSEQUENCES
55 OF CONVICTIONS UNDER SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER,
56 PERTAINING TO OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF

1 ALCOHOL OR DRUGS. SUCH INFORMATION SHALL BE SUPPLIED TO THE COMPANY BY
2 THE STATE INSURANCE DEPARTMENT IN CONSULTATION WITH THE COMMISSIONER.

3 (B) THE OWNER AND REGISTRANT IF THE REGISTRANT IS DIFFERENT FROM THE
4 OWNER OF SUCH LEASED OR RENTED MOTOR VEHICLE SHALL MAINTAIN PROOF OF
5 FINANCIAL SECURITY CONTINUOUSLY THROUGHOUT THE REGISTRATION PERIOD AND
6 HIS FAILURE TO PRODUCE PROOF OF FINANCIAL SECURITY WHEN REQUESTED TO DO
7 SO UPON DEMAND OF A MAGISTRATE, MOTOR VEHICLE INSPECTOR, PEACE OFFICER,
8 ACTING PURSUANT TO HIS SPECIAL DUTIES, OR POLICE OFFICER, WHILE SUCH
9 VEHICLE IS BEING OPERATED UPON THE PUBLIC HIGHWAY, SHALL BE PRESUMPTIVE
10 EVIDENCE OF OPERATING A MOTOR VEHICLE WITHOUT PROOF OF FINANCIAL SECURI-
11 TY. UPON THE PRODUCTION OF PROOF OF FINANCIAL SECURITY SUCH PRESUMPTION
12 IS REMOVED. PRODUCTION OF PROOF OF FINANCIAL SECURITY MAY BE MADE BY
13 MAILING SUCH PROOF TO THE COURT HAVING JURISDICTION IN THE MATTER, AND
14 ANY NECESSARY RESPONSE BY SUCH COURT OR ACKNOWLEDGEMENT OF THE
15 PRODUCTION OF SUCH PROOF MAY ALSO BE MADE BY MAIL. WHEN INSURANCE WITH
16 RESPECT TO ANY MOTOR VEHICLE, OTHER THAN A MOTORCYCLE, IS TERMINATED THE
17 OWNER SHALL SURRENDER FORTHWITH THEIR REGISTRATION CERTIFICATE AND
18 NUMBER PLATES OF THE VEHICLE TO THE COMMISSIONER UNLESS PROOF OF FINAN-
19 CIAL SECURITY OTHERWISE IS MAINTAINED IN COMPLIANCE WITH THIS ARTICLE.

20 (C) THE OWNER OF ANY LEASED OR RENTED VEHICLE THAT FAILS TO MAINTAIN
21 THE PROOF OF FINANCIAL SECURITY REQUIRED ABOVE MAY BE HELD PERSONALLY
22 LIABLE FOR ANY JUDGMENT ENTERED AGAINST ANY DRIVER AND/OR REGISTRANT OF
23 THE LEASED OR RENTED VEHICLE FOR DAMAGES SUSTAINED AS A RESULT OF
24 PERSONAL INJURY, WRONGFUL DEATH AND/OR PROPERTY DAMAGE SUFFERED AS A
25 RESULT OF THE USE AND OPERATION OF THE LEASED OR RENTED VEHICLE.

26 S 3. Paragraph 3 of subdivision (b) of section 345 of the vehicle and
27 traffic law, as amended by chapter 305 of the laws of 1995, is amended
28 to read as follows:

29 (3) Shall insure the insured, THE VEHICLE OPERATOR, or such other
30 person against loss from the liability imposed by law for damages,
31 including damages for care and loss of services because of bodily injury
32 to or death of any person and injury to or destruction of property aris-
33 ing out of the ownership, maintenance, use, or operation of such motor
34 vehicle or motor vehicles within the state of New York, or elsewhere in
35 the United States in North America or the Dominion of Canada, subject to
36 a limit, exclusive of interest and cost, with respect to each such motor
37 vehicle, except a tow truck OR A MOTOR VEHICLE WHICH IS RENTED OR LEASED
38 FROM A PERSON, ORGANIZATION OR BUSINESS REGULARLY ENGAGED IN THE BUSI-
39 NESS OF RENTING OR LEASING MOTOR VEHICLES TO THE GENERAL PUBLIC, of
40 twenty-five thousand dollars because of bodily injury to or fifty thou-
41 sand dollars because of death of one person in any one accident and,
42 subject to said limit for one person, to a limit of fifty thousand
43 dollars because of bodily injury to or one hundred thousand dollars
44 because of death of two or more persons in any one accident, and to a
45 limit of ten thousand dollars because of injury to or destruction of
46 property of others in any one accident. The limit, exclusive of interest
47 and costs, with respect to a tow truck shall be a combined single limit
48 of three hundred thousand dollars because of bodily injury [of] OR death
49 to one or more persons or because of injury or destruction of property
50 of others in any one accident, and to a limit of twenty-five thousand
51 dollars because of damage to a vehicle in the care, custody and control
52 of the insured. THE LIMIT, EXCLUSIVE OF INTEREST AND COSTS, WITH
53 RESPECT TO A MOTOR VEHICLE WHICH IS RENTED OR LEASED FROM A PERSON,
54 ORGANIZATION OR BUSINESS REGULARLY ENGAGED IN THE BUSINESS OF RENTING OR
55 LEASING MOTOR VEHICLES TO THE GENERAL PUBLIC, SHALL BE A COMBINED SINGLE
56 LIMIT OF AT LEAST ONE MILLION DOLLARS BECAUSE OF BODILY INJURY OR DEATH

1 TO ONE OR MORE PERSONS OR BECAUSE OF INJURY OR DESTRUCTION OF PROPERTY
2 OF OTHERS IN ANY ONE ACCIDENT, AND TO A LIMIT OF TWENTY-FIVE THOUSAND
3 DOLLARS BECAUSE OF DAMAGE TO A VEHICLE IN THE CARE, CUSTODY AND CONTROL
4 OF THE INSURED.

5 S 4. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law.