

988

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the insurance law, the executive law, the state finance law, the penal law, the civil practice law and rules and the vehicle and traffic law, in relation to insurance fraud; to establish the temporary task force on motor vehicle insurance fraud; and providing for the repeal of certain provisions upon the expiration thereof

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

1 Section 1. Section 401 of the insurance law is amended by adding a new
2 subsection (e) to read as follows:
3 (E) THE SUPERINTENDENT SHALL HAVE BROAD AUTHORITY PURSUANT TO THIS
4 CHAPTER TO INVESTIGATE FRAUDULENT ACTIVITIES WITH REGARD TO MOTOR VEHI-
5 CLE DRIVERS THAT OPERATE AUTOMOBILES WITH NO INSURANCE COVERAGE, AND
6 MOTOR VEHICLE INSUREDS WHO MISREPRESENT THE PRINCIPAL PLACE WHERE
7 INSURED MOTOR VEHICLES ARE GARAGED AND OPERATED. OPERATING MOTOR VEHI-
8 CLES WITHOUT PROPER INSURANCE IN VIOLATION OF ARTICLE SIX OF THE VEHICLE
9 AND TRAFFIC LAW IS A SIGNIFICANT DANGER TO THE PUBLIC BECAUSE DRIVERS
10 ARE UNABLE TO COMPENSATE INDIVIDUALS FOR PERSONAL INJURIES, DEATH AND
11 PROPERTY DAMAGE THEY INFLICT UPON OTHERS. FURTHERMORE, MOTOR VEHICLE
12 INSUREDS WHO MISREPRESENT THE PRINCIPAL PLACE WHERE SUCH VEHICLES ARE
13 GARAGED AND OPERATED IMPROPERLY SHIFT THEIR HIGH LIABILITY EXPOSURE
14 COSTS TO OTHER MOTOR VEHICLE INSUREDS THAT DO NOT FACE SUCH HIGH LIABIL-
15 ITY RISK AND INSURANCE PREMIUM COSTS.
16 S 2. Subsection (a) of section 405 of the insurance law, as amended by
17 chapter 499 of the laws of 2009, is amended to read as follows:
18 (a) Any person licensed or registered pursuant to the provisions of
19 this chapter, and any person engaged in the business of insurance or
20 life settlement in this state who is exempted from compliance with the
21 licensing requirements of this chapter, including the state insurance

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

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1 fund of this state, who has reason to believe that an insurance trans-
2 action or life settlement act may be fraudulent, or has knowledge that a
3 fraudulent insurance transaction or fraudulent life settlement act is
4 about to take place, or has taken place shall, within thirty days after
5 determination by such person that the transaction appears to be fraudu-
6 lent, send to the insurance frauds bureau on a form prescribed by the
7 superintendent, the information requested by the form and such addi-
8 tional information relative to the factual circumstances of the trans-
9 action and the parties involved as the superintendent may require. The
10 insurance frauds bureau shall accept reports of suspected fraudulent
11 insurance transactions or fraudulent life settlement acts from any self
12 insurer, including but not limited to self insurers providing health
13 insurance coverage or those defined in section fifty of the workers'
14 compensation law, and shall treat such reports as any other received
15 pursuant to this section. THE INSURANCE FRAUDS BUREAU SHALL ACCEPT
16 REPORTS OF SUSPECTED FRAUDULENT INSURANCE TRANSACTIONS FROM ANY SELF
17 INSURER INCLUDING, BUT NOT LIMITED TO, SELF INSURERS PROVIDING HEALTH
18 INSURANCE COVERAGE, THOSE PROVIDING MOTOR VEHICLE LIABILITY INSURANCE OR
19 THOSE DEFINED IN SECTION FIFTY OF THE WORKERS' COMPENSATION LAW, AND
20 SHALL TREAT SUCH REPORTS AS ANY OTHER RECEIVED PURSUANT TO THIS SECTION.

21 S 3. The insurance law is amended by adding a new section 405-a to
22 read as follows:

23 S 405-A. COMPENSATION FOR REPORT OF INSURANCE FRAUD TO LAW ENFORCE-
24 MENT AUTHORITIES. (A) ANY PERSON, OTHER THAN PERSONS DESCRIBED IN
25 SUBSECTION (A) OF SECTION FOUR HUNDRED FIVE OF THIS ARTICLE AND OTHER
26 THAN A PERSON WHO HAS RECEIVED AN AWARD PURSUANT TO SECTION TWO HUNDRED
27 THIRTY-ONE OF THE EXECUTIVE LAW, WHO HAS REASON TO BELIEVE THAT A FRAU-
28 DULENT INSURANCE ACT PROHIBITED PURSUANT TO ARTICLE ONE HUNDRED SEVEN-
29 TY-SIX OF THE PENAL LAW HAS BEEN COMMITTED OR THAT AN INSURANCE TRANS-
30 ACTION MAY BE FRAUDULENT, OR HAS KNOWLEDGE THAT A FRAUDULENT INSURANCE
31 TRANSACTION IS ABOUT TO TAKE PLACE, OR HAS TAKEN PLACE MAY REPORT SUCH
32 ACT OR TRANSACTION AND ANY ADDITIONAL INFORMATION RELATIVE TO THE FACTU-
33 AL CIRCUMSTANCES OF THE TRANSACTION AND THE PARTIES INVOLVED TO THE
34 ATTORNEY GENERAL, DISTRICT ATTORNEY OR INSURANCE FRAUDS BUREAU.

35 (B) IF THE INSURANCE FRAUDS BUREAU RECOMMENDS TO THE ATTORNEY GENERAL
36 OR DISTRICT ATTORNEY TO COMMENCE AN ACTION, OR IF THE ATTORNEY GENERAL
37 OR DISTRICT ATTORNEY COMMENCES AN ACTION BASED ON INFORMATION PROVIDED
38 BY A PERSON PURSUANT TO SUBSECTION (A) OF THIS SECTION, THEN SUCH PERSON
39 SHALL BE ENTITLED TO RECEIVE AN AWARD OF NOT MORE THAN FIFTEEN PERCENT
40 OF THE PROCEEDS OF THE ACTION OR A SETTLEMENT OF THE CLAIM IN AN AMOUNT
41 NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS. THE ATTORNEY GENERAL OR
42 DISTRICT ATTORNEY SHALL RECOMMEND TO THE COURT WHEN A SETTLEMENT IS
43 ENTERED THE AMOUNT OF SUCH AWARD. THE COURT SHALL BASE SUCH AWARD DECI-
44 SION ON THE EXTENT TO WHICH THE PERSON SUBSTANTIALLY CONTRIBUTED TO THE
45 PROSECUTION OF THE ACTION.

46 S 4. Section 406 of the insurance law, as amended by chapter 499 of
47 the laws of 2009, is amended to read as follows:

48 S 406. Immunity. In the absence of fraud or bad faith, no person shall
49 be subject to civil liability, and no civil cause of action of any
50 nature shall arise against such person for any: (i) information relating
51 to suspected fraudulent insurance transactions or fraudulent life
52 settlement acts furnished to law enforcement officials, their agents and
53 employees; (ii) information relating to suspected fraudulent insurance
54 transactions or fraudulent life settlement acts furnished to other
55 persons [subject to the provisions of this chapter]; and (iii) such
56 information furnished in reports to THE ATTORNEY GENERAL, A DISTRICT

1 ATTORNEY, the insurance frauds bureau, its agents or employees or any
2 state agency investigating fraud or misconduct relating to workers'
3 compensation insurance, its agents or employees. Nor shall the super-
4 intendent or any employee of the insurance frauds bureau, in the absence
5 of fraud or bad faith, be subject to civil liability and no civil cause
6 of action of any nature shall arise against them by virtue of the publi-
7 cation of any report or bulletin related to the official activities of
8 the insurance frauds bureau. Nothing [herein] IN THIS SECTION is
9 intended to abrogate or modify in any way any common law privilege of
10 immunity heretofore enjoyed by any person.

11 S 5. Section 2133 of the insurance law, as amended by chapter 77 of
12 the laws of 1994, is amended to read as follows:

13 S 2133. [Forged] FALSE INSURANCE DOCUMENTS AND FORGED insurance iden-
14 tification cards. Any insurance company, insurance agent, insurance
15 broker or other person who or which, personally or by the action of an
16 employee or agent, KNOWINGLY possesses, transfers or uses: (A) ANY DOCU-
17 MENT WHICH PURPORTS TO EVINCE INSURANCE COVERAGE WHEN SUCH COVERAGE IS
18 NOT IN EFFECT OR IS IN EFFECT AT LIMITS LESS THAN THOSE STATED IN THE
19 DOCUMENT; OR (B) a forged insurance identification card for a motor
20 vehicle, having knowledge, personally or through such employee or agent,
21 of the fact that such insurance identification card, when issued, did
22 not actually represent an owner's policy of liability insurance or a
23 financial security bond issued by an insurance company licensed to do
24 business in this state covering the motor vehicle identified on such
25 card, shall be liable for payment to the people of this state of a civil
26 penalty in a sum not exceeding one thousand dollars for the first such
27 violation and a sum not exceeding five thousand dollars for each subse-
28 quent violation. For the purposes of this section the term "forged
29 insurance identification card" means a written insurance identification
30 card which has been falsely made, completed or altered, and the term
31 "falsely made, completed or altered" shall have the same meaning as set
32 forth in section 170.00 of the penal law.

33 S 6. The executive law is amended by adding a new section 231 to read
34 as follows:

35 S 231. INSURANCE FRAUD REWARD PROGRAM; ESTABLISHMENT. 1. THE SUPER-
36 INTENDENT SHALL ESTABLISH A STATEWIDE INSURANCE FRAUD REWARD PROGRAM TO
37 PAY REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF
38 PERSONS GUILTY OF A FRAUDULENT INSURANCE ACT AS DEFINED IN ARTICLE ONE
39 HUNDRED SEVENTY-SIX OF THE PENAL LAW.

40 2. THE SUPERINTENDENT SHALL CAUSE TO BE ESTABLISHED A TOLL-FREE STATE-
41 WIDE TELEPHONE NUMBER AND INTERNET WEBSITE FOR USE IN COLLECTING INFOR-
42 MATION TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF INSURANCE FRAUD
43 CRIMES.

44 3. THE SUPERINTENDENT IS AUTHORIZED TO PROVIDE REWARDS OF UP TO ONE
45 THOUSAND DOLLARS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF
46 INDIVIDUALS GUILTY OF A FRAUDULENT INSURANCE ACT AS DEFINED IN ARTICLE
47 ONE HUNDRED SEVENTY-SIX OF THE PENAL LAW.

48 4. THE SUPERINTENDENT IS AUTHORIZED TO PROVIDE REWARDS OF UP TO FIVE
49 THOUSAND DOLLARS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF
50 INDIVIDUALS GUILTY OF A SPECIFIED OFFENSE IN ARTICLE ONE HUNDRED SEVEN-
51 TY-SIX OF THE PENAL LAW.

52 5. NO PERSON WHO RECEIVES COMPENSATION PURSUANT TO SECTION FOUR
53 HUNDRED FIVE-A OF THE INSURANCE LAW SHALL BE ELIGIBLE FOR A REWARD
54 PURSUANT TO THIS SECTION.

55 6. THE SUPERINTENDENT SHALL DISBURSE THE REWARDS PROVIDED FOR IN THIS
56 SECTION FROM THE MONEYS APPROPRIATED TO THE DIVISION OF STATE POLICE

1 FROM THE STATE POLICE MOTOR VEHICLE LAW ENFORCEMENT ACCOUNT ESTABLISHED
2 BY SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW, AS ADDED BY SECTION
3 THREE HUNDRED EIGHTY-SEVEN OF CHAPTER FIFTY-FIVE OF THE LAWS OF NINETEEN
4 HUNDRED NINETY-TWO.

5 S 7. Paragraph (a) of subdivision 2 of section 846-m of the executive
6 law, as amended by section 6 of part T of chapter 57 of the laws of
7 2000, is amended to read as follows:

8 (a) The moneys received by the fund shall be expended in a manner that
9 is consistent with the plan of operation, pursuant to appropriation,
10 only to reimburse costs incurred by provider agencies for pilot program
11 activities relating to the detection, prevention or reduction of motor
12 vehicle theft and motor vehicle insurance fraud; PROVIDED, HOWEVER, THAT
13 ON AND AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, AT LEAST ONE-QUARTER OF
14 THE MONEYS RECEIVED BY THE FUND SHALL BE DISBURSED EXCLUSIVELY TO
15 SUPPORT EFFORTS UNDERTAKEN BY DISTRICT ATTORNEYS TO DETECT, IDENTIFY AND
16 PROSECUTE FRAUD PERTAINING TO ARTICLE FIFTY-ONE OF THE INSURANCE LAW.

17 S 8. Subdivision 3 of section 97-mm of the state finance law, as
18 amended by section 5 of part T of chapter 56 of the laws of 2009, is
19 amended to read as follows:

20 3. Nine million one hundred thousand dollars annually of the state
21 police motor vehicle law enforcement account, following appropriation by
22 the legislature and allocation by the director of the budget, shall be
23 made available for the state operation expenses of the division of state
24 police including but not limited to the costs of activities relating to
25 the detection, prosecution or reduction of automobile theft and related
26 purposes, AND THE COSTS OF THE INSURANCE FRAUD REWARD PROGRAM ESTAB-
27 LISHED PURSUANT TO SECTION TWO HUNDRED THIRTY-ONE OF THE EXECUTIVE LAW.
28 All other funds of the state police motor vehicle law enforcement
29 account, following appropriation by the legislature and allocation by
30 the director of the budget, shall be made available for the state opera-
31 tion expenses of the division of state police including but not limited
32 to the costs of activities relating to highway safety and public securi-
33 ty.

34 S 9. Subdivision 4 of section 97-mm of the state finance law, as added
35 by section 8 of part T of chapter 57 of the laws of 2000, is amended to
36 read as follows:

37 4. The superintendent of state police, no later than March fifteenth
38 of each year, shall furnish to the governor, the speaker of the assembly
39 and the temporary president of the senate, a report detailing each
40 programmatic component associated with the automobile theft AND AUTOMO-
41 BILE INSURANCE FRAUD prevention activities of the state police for the
42 previous year. The report shall include, but not be limited to, a break-
43 down of the funds allocated to each programmatic component, including a
44 breakdown by personal and nonpersonal services and number of employees,
45 and the number of arrests, convictions, and vehicle recoveries. The
46 report shall also contain an analysis of the incidence of automobile
47 theft AND AUTOMOBILE INSURANCE FRAUD for each of the state police troop
48 jurisdictions.

49 S 10. Subdivision 5 of section 170.10 of the penal law is amended and
50 a new subdivision 6 is added to read as follows:

51 5. A prescription of a duly licensed physician or other person author-
52 ized to issue the same for any drug or any instrument or device used in
53 the taking or administering of drugs for which a prescription is
54 required by law[.]; OR

55 6. A CERTIFICATE OF INSURANCE OR AN INSURANCE IDENTIFICATION CARD, AS
56 DEFINED IN SECTION THREE HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW.

1 S 11. Section 170.15 of the penal law is amended to read as follows:
2 S 170.15 Forgery in the first degree.

3 A person is guilty of forgery in the first degree when, with intent to
4 defraud, deceive or injure another, he OR SHE falsely makes, completes
5 or alters [a]:

6 1. TEN OR MORE WRITTEN INSTRUMENTS; OR

7 2. A written instrument which is or purports to be, or which is calcu-
8 lated to become or to represent if completed:

9 [1.] (A) Part of an issue of money, stamps, securities or other valu-
10 able instruments issued by a government or governmental instrumentality;
11 or

12 [2.] (B) Part of an issue of stock, bonds or other instruments repres-
13 enting interests in or claims against a corporate or other organization
14 or its property.

15 Forgery in the first degree is a class C felony.

16 S 12. The penal law is amended by adding a new section 175.50 to read
17 as follows:

18 S 175.50 OFFERING A FALSE APPLICATION FOR MOTOR VEHICLE INSURANCE OR
19 REGISTRATION.

20 A PERSON IS GUILTY OF OFFERING A FALSE APPLICATION FOR MOTOR VEHICLE
21 INSURANCE OR REGISTRATION WHEN KNOWING THAT ANY DOCUMENT HE OR SHE FILES
22 WITH THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURER PROVIDING LIABILITY
23 INSURANCE FOR A MOTOR VEHICLE CONTAINS A FALSE STATEMENT OR FALSE INFOR-
24 MATION WITH REGARD TO WHERE HE OR SHE RESIDES OR WHERE HIS OR HER MOTOR
25 VEHICLE IS GARAGED AND OPERATED.

26 OFFERING A FALSE APPLICATION FOR MOTOR VEHICLE INSURANCE OR REGISTRA-
27 TION IS A CLASS E FELONY.

28 S 13. Subdivision 1 of section 176.05 of the penal law, as amended by
29 chapter 635 of the laws of 1996 and as designated by chapter 2 of the
30 laws of 1998, is amended to read as follows:

31 1. A fraudulent insurance act is committed by any person who, knowing-
32 ly and with intent to defraud presents, causes to be presented, or
33 prepares with knowledge or belief that it will be presented to or by an
34 insurer, self insurer, or purported insurer, or purported self insurer,
35 or any agent thereof, any written statement as part of, or in support
36 of, an application for the issuance of, or the rating of a commercial
37 insurance policy, or certificate or evidence of self insurance for
38 commercial OR PERSONAL insurance or commercial OR PERSONAL self insur-
39 ance, or a claim for payment or other benefit pursuant to an insurance
40 policy or self insurance program for commercial or personal insurance
41 which he knows to: (i) contain materially false information concerning
42 any fact material thereto; or (ii) conceal, for the purpose of mislead-
43 ing, information concerning any fact material thereto.

44 S 14. Section 176.15 of the penal law, as amended by chapter 515 of
45 the laws of 1986, is amended to read as follows:

46 S 176.15 Insurance fraud in the fourth degree.

47 A person is guilty of insurance fraud in the fourth degree when he
48 [commits] OR SHE:

49 1. COMMITS a fraudulent insurance act and thereby wrongfully takes,
50 obtains or withholds, or attempts to wrongfully take, obtain or withhold
51 property with a value in excess of one thousand dollars; OR

52 2. OPERATES A MOTOR VEHICLE ON A PUBLIC HIGHWAY, WHEN SUCH MOTOR VEHI-
53 CLE IS INSURED BY A POLICY ISSUED UNDER THE LAWS OF ANOTHER STATE, WHEN
54 SUCH PERSON MAINTAINS HIS OR HER PRINCIPAL RESIDENCE IN THIS STATE OR
55 SUCH MOTOR VEHICLE IS PRINCIPALLY GARAGED IN THIS STATE, AND SUCH INSUR-
56 ANCE POLICY WAS ISSUED UPON ANY WRITTEN OR ORAL STATEMENT BY SUCH PERSON

1 THAT HE OR SHE PRINCIPALLY RESIDES IN SUCH OTHER STATE OR THAT SUCH
2 MOTOR VEHICLE IS PRINCIPALLY GARAGED IN SUCH OTHER STATE.

3 Insurance fraud in the fourth degree is a class E felony.

4 S 15. Paragraph (c) of subdivision 4-b of section 1310 of the civil
5 practice law and rules, as added by chapter 655 of the laws of 1990, is
6 amended and a new paragraph (d) is added to read as follows:

7 (c) a conviction of a person for a violation of section 220.09,
8 220.16, 220.34 or 220.39 of the penal law, or a conviction of a criminal
9 defendant for a violation of section 221.30 of the penal law, or where
10 the accusatory instrument charges any such felony, conviction upon a
11 plea of guilty to a felony for which the plea is otherwise authorized by
12 law, together with evidence which: (i) provides substantial indicia that
13 the defendant used the real property to engage in a continual, ongoing
14 course of conduct involving the unlawful mixing, compounding, manufac-
15 turing, warehousing, or packaging of controlled substances or where the
16 conviction is for a violation of section 221.30 of the penal law, mari-
17 juana, as part of an illegal trade or business for gain; and (ii) estab-
18 lishes, where the conviction is for possession of a controlled substance
19 or where the conviction is for a violation of section 221.30 of the
20 penal law, marijuana, that such possession was with the intent to sell
21 it[.]; OR

22 (D) A CONVICTION OF A PERSON OF ANY FELONY DEFINED IN ARTICLE ONE
23 HUNDRED SEVENTY-SIX OF THE PENAL LAW, OR OF AN ATTEMPT OR CONSPIRACY TO
24 COMMIT ANY SUCH FELONY, PROVIDED THAT SUCH ATTEMPT OR CONSPIRACY CONSTI-
25 TUTES A FELONY.

26 S 16. Subdivision 3-a of section 1311 of the civil practice law and
27 rules, as added by chapter 655 of the laws of 1990, is amended to read
28 as follows:

29 3-a. Conviction of a person in a criminal action upon an accusatory
30 instrument which includes one or more of the felonies specified in
31 subdivision four-b of section thirteen hundred ten of this article, of
32 any felony other than such felonies, shall not preclude a defendant, in
33 any subsequent proceeding under this article where that conviction is at
34 issue, from adducing evidence that the conduct underlying the conviction
35 would not establish the elements of any of the felonies specified in
36 such subdivision other than the one to which the criminal defendant pled
37 guilty. If the defendant does adduce such evidence, the burden shall be
38 upon the claiming authority to prove, by clear and convincing evidence,
39 that the conduct underlying the criminal conviction would establish the
40 elements of the felony specified in such subdivision. Nothing contained
41 in this subdivision shall affect the validity of a settlement of any
42 forfeiture action negotiated between the claiming authority and a crimi-
43 nal defendant contemporaneously with the taking of a plea of guilty in a
44 criminal action to any felony defined in article ONE HUNDRED SEVENTY-SIX
45 OR two hundred twenty, or section 221.30 or 221.55 of the penal law, or
46 to a felony conspiracy to commit the same.

47 S 17. Paragraphs (a) and (b) of subdivision 11 of section 1311 of the
48 civil practice law and rules, as amended by section 47 of part A-1 of
49 chapter 56 of the laws of 2010, are amended to read as follows:

50 (a) Any stipulation or settlement agreement between the parties to a
51 forfeiture action shall be filed with the clerk of the court in which
52 the forfeiture action is pending. No stipulation or settlement agreement
53 shall be accepted for filing unless it is accompanied by an affidavit
54 from the claiming authority that written notice of the stipulation or
55 settlement agreement, including the terms of such, has been given to the
56 office of victim services, the [state] division of criminal justice

services, and in the case of a forfeiture based on a felony defined in article two hundred twenty or section 221.30 or 221.55 of the penal law, to the [state division] OFFICE of ALCOHOLISM AND substance abuse services. IN THE THE CASE OF A FORFEITURE BASED ON A FELONY DEFINED IN ARTICLE ONE HUNDRED SEVENTY-SIX OF THE PENAL LAW, SUCH NOTICE SHALL ALSO BE GIVEN TO THE INSURANCE FRAUDS BUREAU OF THE INSURANCE DEPARTMENT.

(b) No judgment or order of forfeiture shall be accepted for filing unless it is accompanied by an affidavit from the claiming authority that written notice of judgment or order, including the terms of such, has been given to the office of victim services, the [state] division of criminal justice services, and in the case of a forfeiture based on a felony defined in article two hundred twenty or section 221.30 or 221.55 of the penal law, to the [state division] OFFICE of ALCOHOLISM AND substance abuse services. IN THE CASE OF A FORFEITURE BASED ON A FELONY DEFINED IN ARTICLE ONE HUNDRED SEVENTY-SIX OF THE PENAL LAW, SUCH NOTICE SHALL ALSO BE GIVEN TO THE INSURANCE FRAUDS BUREAU OF THE INSURANCE DEPARTMENT.

S 18. Subdivision 4 of section 1349 of the civil practice law and rules, as amended by section 48 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

4. The claiming authority shall report the disposal of property and collection of assets pursuant to this section to the office of victim services, the [state] division of criminal justice services [and], the [state division] OFFICE of ALCOHOLISM AND substance abuse services AND THE INSURANCE FRAUDS BUREAU OF THE INSURANCE DEPARTMENT.

S 19. The vehicle and traffic law is amended by adding a new section 201-a to read as follows:

S 201-A. ACCESS TO INFORMATION. THE DEPARTMENT SHALL ALLOW LAW ENFORCEMENT PERSONNEL ACCESS TO ANY INDIVIDUAL'S STREET ADDRESS PROVIDED PURSUANT TO PARAGRAPH B OF SUBDIVISION ONE OF SECTION FOUR HUNDRED ONE AND SUBDIVISION ONE OF SECTION FIVE HUNDRED TWO OF THIS CHAPTER.

S 20. Paragraph b of subdivision 1 of section 401 of the vehicle and traffic law, as amended by chapter 222 of the laws of 1996, is amended to read as follows:

b. Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state shall, except as otherwise expressly provided, cause to be presented, by mail or otherwise, to the office or a branch office of the commissioner, or to any agent of the commissioner, constituted as provided in this chapter, an application for registration addressed to the commissioner, and on a blank to be prepared under the direction of and furnished by the commissioner for that purpose, containing: (a) a brief description of the motor vehicle to be registered, including the name and factory number of such vehicle, and such other facts as the commissioner shall require; (b) the weight of the vehicle upon which the registration fee is based if the fee is based on weight; (c) the name and residence, including county of the owner of such motor vehicle, PROVIDED THAT IF THE APPLICANT USES A POST OFFICE BOX WHEN PROVIDING A RESIDENCE ADDRESS, SUCH APPLICANT SHALL ALSO PROVIDE THE STREET ADDRESS AT WHICH HE OR SHE RESIDES; (d) provided that, if such motor vehicle is used or to be used as an omnibus, the applicant also shall so certify, and in the case of an omnibus also certify as to the seating capacity, and if the omnibus is to be operated wholly within a municipality pursuant to a franchise other than a franchise express or implied in articles of incorporation upon certain streets designated in such franchise, those facts shall also be certified, and a certified copy of such franchise furnished to the commis-

1 sioner; (e) provided, that, if such motor vehicle is an altered livery,
2 the applicant shall so furnish a certified copy of the length of the
3 center panel of such vehicle, provided, however, that the commissioner
4 shall require such proof, as he OR SHE may determine is necessary, in
5 the application for registration and provided further, if the center
6 panel of such vehicle exceeds one hundred inches, the commissioner shall
7 require proof that such vehicle is in compliance with all applicable
8 federal and state motor vehicle safety standards; and (f) such addi-
9 tional facts or evidence as the commissioner may require in connection
10 with the application for registration. Every owner of a trailer shall
11 also make application for the registration thereof in the manner herein
12 provided for an application to register a motor vehicle, but shall
13 contain a statement showing the manufacturer's number or other identifi-
14 cation satisfactory to the commissioner and no number plate for a trail-
15 er issued under the provisions of subdivision three of section four
16 hundred two of this [chapter] ARTICLE shall be transferred to or used
17 upon any other trailer than the one for which number plate is issued.
18 The commissioner shall require proof, in the application for registra-
19 tion, or otherwise, as such commissioner may determine, that the motor
20 vehicle for which registration is applied for is equipped with lights
21 conforming in all respects to the requirements of this chapter, and no
22 motor vehicle shall be registered unless it shall appear by such proofs
23 that such motor vehicle is equipped with proper lights as aforesaid. The
24 said application shall contain or be accompanied by such evidence of the
25 ownership of the motor vehicle described in the application as may be
26 required by the commissioner or his OR HER agent and which, with respect
27 to new vehicles, shall include, unless otherwise specifically provided
28 by the commissioner, the manufacturer's statement of origin. Applica-
29 tions received by an agent of the commissioner shall be forwarded to the
30 commissioner as he OR SHE shall direct for filing. No application for
31 registration shall be accepted unless the applicant is at least sixteen
32 years of age AND HAS SIGNED SUCH APPLICATION ATTESTING TO THE TRUTH AND
33 VERACITY OF THE FACTS STATED THEREIN.

34 S 21. Subdivision 1 of section 502 of the vehicle and traffic law, as
35 amended by chapter 639 of the laws of 2006, is amended to read as
36 follows:

37 1. Application for license. Application for a driver's license shall
38 be made to the commissioner. The fee prescribed by law may be submitted
39 with such application. The applicant shall furnish such proof of identi-
40 ty, age, ADDRESS OF HIS OR HER RESIDENCE and fitness as may be required
41 by the commissioner. WHEN PROVIDING HIS OR HER ADDRESS OF RESIDENCE, THE
42 APPLICANT SHALL PROVIDE THE STREET ADDRESS AT WHICH HE OR SHE RESIDES.
43 EACH APPLICANT SHALL SIGN HIS OR HER APPLICATION ATTESTING TO THE TRUTH
44 AND VERACITY OF THE FACTS STATED THEREIN. The commissioner may also
45 provide that the application procedure shall include the taking of a
46 photo image or images of the applicant in accordance with rules and
47 regulations prescribed by the commissioner. In addition, the commission-
48 er also shall require that the applicant provide his or her social secu-
49 rity number and provide space on the application so that the applicant
50 may register in the New York state organ and tissue donor registry under
51 section forty-three hundred ten of the public health law. In addition,
52 an applicant for a commercial driver's license who will operate a
53 commercial motor vehicle in interstate commerce shall certify that such
54 applicant meets the requirements to operate a commercial motor vehicle,
55 as set forth in public law 99-570, title XII, and title 49 of the code
56 of federal regulations, and all regulations promulgated by the United

1 States secretary of transportation under the hazardous materials trans-
2 portation act. Upon a determination that the holder of a commercial
3 driver's license has made any false statement, with respect to the
4 application for such license, the commissioner shall revoke such
5 license.

6 S 22. Temporary task force on motor vehicle insurance fraud. (a) The
7 superintendent of insurance and the commissioner of motor vehicles shall
8 convene a temporary task force on motor vehicle insurance fraud to exam-
9 ine the feasibility and cost-effectiveness of developing methodologies
10 to identify owners and operators of motor vehicles who misrepresent the
11 principal place of their residence or where their motor vehicles are
12 garaged and operated. Such task force shall develop a plan on the feasi-
13 bility of implementing a statewide registry of the street addresses of
14 the owners and operators of motor vehicles in this state. The report
15 issued by this task force shall:

16 (1) investigate the feasibility of developing and implementing a
17 statewide registry of the addresses of motor vehicle owners and opera-
18 tors;

19 (2) detail the costs of establishing such a registry;

20 (3) identify the parameters for entering and retrieving data from such
21 registry; and

22 (4) evaluate the value of establishing such registry in identifying
23 motor vehicle owners and operators who misrepresent their place of resi-
24 dence or where their vehicle is garaged and operated.

25 (b) The task force shall consist of 13 members. The superintendent of
26 insurance and the commissioner of motor vehicles, or their designees,
27 shall be members of the task force and shall be the co-chairs of the
28 task force. A representative of the New York Automobile Insurance Plan
29 shall be a member of the task force. The remaining ten members of the
30 task force shall be appointed as follows: four shall be appointed by the
31 governor, two shall be appointed by the temporary president of the
32 senate, two shall be appointed by the speaker of the assembly, one shall
33 be appointed by the minority leader of the senate, and one shall be
34 appointed by the minority leader of the assembly. Of such ten members:
35 three shall be representatives of insurers actively writing motor vehi-
36 cle insurance in this state, three shall be representatives of the
37 insurance agent and broker community actively selling motor vehicle
38 insurance in this state, two shall be representatives of companies the
39 business of which involves collecting, dispersing and synthesizing data,
40 and two shall be representatives of the motor vehicle insurance buying
41 public.

42 (c) The task force shall submit a report to the governor and the
43 legislature of its findings, conclusions and recommendations within
44 fifteen months of the effective date of this section.

45 S 23. This act shall take effect on the sixtieth day after it shall
46 have become a law, provided that section twenty-two of this act shall
47 expire and be deemed repealed eighteen months after the effective date
48 of this act.