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

5705

2011-2012 Regular Sessions

I N A S S E M B L Y

February 25, 2011

Introduced by M. of A. CALHOUN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, the state finance law and the executive law, in relation to creating the innocent uncompensated motorist accident fund

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

Section 1. Paragraph 2 of subsection (e) of section 9110 of the insurance law, as added by section 2 of part T of chapter 56 of the laws of 2009, is renumbered paragraph 3 and a new paragraph 2 is added to read as follows:

(2) EACH FISCAL YEAR, ONE-HALF PERCENT OF THE MONEYS COLLECTED SHALL BE PAID TO THE INNOCENT UNCOMPENSATED MOTORIST ACCIDENT FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW.

S 2. The state finance law is amended by adding a new section 97-kkkk to read as follows:

S 97-KKKK. INNOCENT UNCOMPENSATED MOTORIST ACCIDENT FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE INNOCENT UNCOMPENSATED MOTORIST ACCIDENT FUND. SUCH FUND SHALL CONSIST OF MONEYS RECEIVED PURSUANT TO PARAGRAPH TWO OF SUBSECTION (E) OF SECTION NINE THOUSAND ONE HUNDRED TEN OF THE INSURANCE LAW.

2. MONEYS OF THE FUND SHALL BE MADE AVAILABLE TO THE COMMISSIONER OF MOTOR VEHICLES FOR THE PURPOSE OF COMPENSATING THE OWNER OF A MOTOR VEHICLE INVOLVED IN AN ACCIDENT WHICH IS CAUSED BY PERSONS, TEAMS, MOTOR VEHICLES, AND OTHER EQUIPMENT WHILE ACTUALLY ENGAGED IN WORK ON A HIGHWAY, NOTWITHSTANDING SUBDIVISION (B) OF SECTION ONE THOUSAND ONE HUNDRED THREE OF THE VEHICLE AND TRAFFIC LAW.

S 3. Paragraph (a) of subdivision 2 of section 846-m of the executive law, as amended by section 6 of part T of chapter 57 of the laws of 2000, 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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(a) The moneys received by the fund shall be expended in a manner that is consistent with the plan of operation, pursuant to appropriation, only to reimburse costs incurred by provider agencies for pilot program activities relating to the detection, prevention or reduction of motor vehicle theft and motor vehicle insurance fraud; PROVIDED, HOWEVER, THAT ON AND AFTER JANUARY 1, 2012, ONE-HALF PERCENT OF THE MONEYS RECEIVED BY THE FUND SHALL BE TRANSFERRED AND DEPOSITED INTO THE INNOCENT UNCOMPENSATED MOTORIST ACCIDENT FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW AND DISBURSED EXCLUSIVELY TO COMPENSATE THE OWNER OF A MOTOR VEHICLE INVOLVED IN AN ACCIDENT WHICH IS CAUSED BY PERSONS, TEAMS, MOTOR VEHICLES, AND OTHER EQUIPMENT WHILE ACTUALLY ENGAGED IN WORK ON A HIGHWAY, NOTWITHSTANDING SUBDIVISION (B) OF SECTION ONE THOUSAND ONE HUNDRED THREE OF THE VEHICLE AND TRAFFIC LAW.

S 4. This act shall take effect immediately.