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I N   S E N A T E

March 6, 2012

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Introduced by Sens. CARLUCCI, KLEIN -- 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 providing premium  
reductions for non-commercial motor vehicles equipped with automotive  
safety monitoring devices

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

1     Section 1. Section 2336 of the insurance law is amended by adding a  
2     new subsection (i) to read as follows:  
3     (I) ANY SCHEDULE OR RATING PLAN FOR NON-COMMERCIAL PRIVATE PASSENGER  
4     AUTOMOBILE INSURANCE MAY ALSO PROVIDE FOR AN ACTUARIALLY APPROPRIATE  
5     REDUCTION IN PREMIUM CHARGES FOR BODILY INJURY LIABILITY, PROPERTY  
6     DAMAGE LIABILITY, PERSONAL INJURY PROTECTION, MEDICAL PAYMENTS AND  
7     COLLISION COVERAGE WITH RESPECT TO AUTOMOBILES EQUIPPED WITH AN AUTOMO-  
8     TIVE SAFETY MONITORING DEVICE.  
9     (1) FOR THE PURPOSES OF THIS SUBSECTION:  
10    (A) (I) "AUTOMOTIVE SAFETY MONITORING DEVICE" SHALL MEAN A TRACKING  
11    DEVICE, GLOBAL POSITIONING SYSTEM RECEIVER OR EVENT DATA RECORDER THAT  
12    IS INSTALLED ON AN AUTOMOBILE THAT ALLOWS A DRIVER OR A MINOR CHILD'S  
13    PARENT OR GUARDIAN TO MONITOR VEHICLE SPEED, ACCELERATION OR BRAKING  
14    PATTERNS, DISTANCE OR DIRECTION TRAVELED, THE NUMBER OF PASSENGERS IN  
15    SUCH AUTOMOBILE, WHETHER PASSENGERS ARE WEARING SEAT BELTS, THE LOCATION  
16    OF THE AUTOMOBILE OR OTHER SAFETY INDICIA WHEN SUCH AUTOMOBILE IS BEING  
17    OPERATED BY AN AUTHORIZED MINOR OPERATOR.  
18    (II) SUCH DEVICE NEED NOT BE PERMANENTLY INSTALLED BUT MUST HAVE THE  
19    CAPABILITY TO ACCURATELY MONITOR THE OPERATION OF THE VEHICLE AND NOTIFY  
20    PARENTS OR GUARDIANS OF THE LOCATION OF SUCH AUTOMOBILE OR OF UNSAFE  
21    VEHICULAR MOVEMENTS THAT ARE OCCURRING WHILE SUCH VEHICLE IS UNDER THE  
22    CONTROL OF A MINOR VEHICLE OPERATOR.  
23    (III) SUCH DEVICE MAY INCLUDE A REMOVABLE DEVICE OR CHIP WHICH INTER-  
24    FACES WITH THE AUTOMOBILE'S ONBOARD DIAGNOSTIC SYSTEM PORT AND RECORDS  
25    DATA FROM THE MANUFACTURER'S EVENT DATA RECORDER; PROVIDED, HOWEVER,  
26    THAT SUCH DEVICE HAS THE CAPACITY TO ACCURATELY MONITOR THE OPERATION OF  
27    THE AUTOMOBILE.

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

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1 (B) "MINOR CHILD" SHALL MEAN A PERSON UNDER THE AGE OF TWENTY-TWO  
2 YEARS WHO HOLDS A LICENSE TO OPERATE A MOTOR VEHICLE.

3 (2) THE SUPERINTENDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER OF  
4 MOTOR VEHICLES, PROMULGATE RULES AND REGULATIONS TO ESTABLISH QUALIFICA-  
5 TIONS AND STANDARDS FOR THE APPROVAL, UTILIZATION AND INSTALLATION OF  
6 AUTOMOTIVE SAFETY MONITORING DEVICES.

7 (3) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PREVENT AN AUTO-  
8 MOBILE INSURER FROM PROVIDING ACTUARIALLY APPROPRIATE REDUCTIONS IN  
9 PREMIUM CHARGES FOR BODILY INJURY LIABILITY, PROPERTY DAMAGE LIABILITY,  
10 PERSONAL INJURY PROTECTION, MEDICAL PAYMENTS AND COLLISION COVERAGE FOR  
11 COMMERCIAL AUTOMOBILE INSURANCE POLICIES TO ANY OTHER INSURED WHOSE  
12 AUTOMOBILE IS EQUIPPED WITH AUTOMOTIVE SAFETY MONITORING DEVICES.

13 S 2. This act shall take effect on the first of January next succeed-  
14 ing the date on which it shall have become a law and shall apply to all  
15 policies issued, renewed, modified, altered or amended on or after such  
16 date; provided that any and all rules and regulations and any other  
17 measures necessary to implement any provision of this act on its effec-  
18 tive date may be promulgated and taken on or before such effective date.