

1055

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the insurance law, in relation to the provision of  
supplemental spousal liability insurance to persons who are insured  
for loss resulting from the ownership, maintenance and use of a motor  
vehicle

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

1     Section 1. Subsection (g) of section 3420 of the insurance law, as  
2     amended by chapter 584 of the laws of 2002, is amended to read as  
3     follows:  
4     (g) [No] (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH TWO OF THIS  
5     SUBSECTION, NO policy or contract shall be deemed to insure against any  
6     liability of an insured because of death of or injuries to his or her  
7     spouse or because of injury to, or destruction of property of his or her  
8     spouse unless express provision relating specifically thereto is  
9     included in the policy [as provided in paragraphs one and two of this  
10    subsection]. This exclusion shall apply only where the injured spouse,  
11    to be entitled to recover, must prove the culpable conduct of the  
12    insured spouse.  
13    [(1) Upon written request of an insured, and upon payment of a reason-  
14    able premium established in accordance with article twenty-three of this  
15    chapter, and] (2) (A) EVERY insurer issuing or delivering any policy that  
16    satisfies the requirements of article six of the vehicle and traffic law  
17    shall provide coverage IN SUCH POLICY against liability of an insured  
18    because of death of or injuries to his or her spouse up to the liability  
19    insurance limits provided under such policy even where the injured  
20    spouse, to be entitled to recover, must prove the culpable conduct of  
21    the insured spouse, UNLESS THE INSURED ELECTS, IN WRITING AND IN SUCH  
22    FORM AS THE SUPERINTENDENT DETERMINES, TO DECLINE AND REFUSE SUCH COVER-

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

LBD04011-01-3

1 AGE IN HIS OR HER POLICY. Such insurance coverage shall be known as  
2 "supplemental spousal liability insurance".  
3 [(2)] (B) Upon issuance, RENEWAL OR AMENDMENT of a motor vehicle  
4 liability policy that satisfies the requirements of article six of the  
5 vehicle and traffic law [and that becomes effective on or after January  
6 first, two thousand three, pursuant to regulations promulgated by the  
7 superintendent], the insurer shall notify the insured, in writing, [of  
8 the availability of] THAT SUCH POLICY SHALL INCLUDE supplemental spousal  
9 liability insurance UNLESS THE INSURED DECLINES AND REFUSES SUCH INSUR-  
10 ANCE, IN WRITING AND IN SUCH FORM AS SHALL BE DETERMINED BY THE SUPER-  
11 INTENDENT. Such notification shall be contained on the front of the  
12 premium notice in boldface type and include a concise statement that  
13 supplementary spousal coverage is [available] PROVIDED UNLESS DECLINED  
14 BY THE INSURED, an explanation of such coverage, and the insurer's  
15 premium for such coverage. [Subsequently, a notification of the avail-  
16 ability of supplementary spousal liability coverage shall be provided at  
17 least once a year in motor vehicle liability policies issued pursuant to  
18 article six of the vehicle and traffic law, including those originally  
19 issued prior to January first, two thousand three. Such notice must  
20 include a concise statement that supplementary spousal coverage is  
21 available, an explanation of such coverage, and the insurer's premium  
22 for such coverage.]  
23 S 2. This act shall take effect on the first of January next succeed-  
24 ing the date on which it shall have become a law and shall apply to  
25 policies issued, renewed or modified on or after such date; provided  
26 that, effective immediately, any actions necessary to implement the  
27 provisions of this act on its effective date are authorized and directed  
28 to be completed on or before such date.