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

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I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. CARLUCCI -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2336 of the insurance law is amended by adding a new subsection (i) to read as follows:

(I) ANY SCHEDULE OR RATING PLAN FOR NON-COMMERCIAL PRIVATE PASSENGER AUTOMOBILE INSURANCE MAY ALSO PROVIDE FOR AN ACTUARIALLY APPROPRIATE REDUCTION IN PREMIUM CHARGES FOR BODILY INJURY LIABILITY, PROPERTY DAMAGE LIABILITY, PERSONAL INJURY PROTECTION, MEDICAL PAYMENTS AND COLLISION COVERAGE WITH RESPECT TO AUTOMOBILES EQUIPPED WITH AN AUTOMOTIVE SAFETY MONITORING DEVICE.

(1) FOR THE PURPOSES OF THIS SUBSECTION:

(A) (I) "AUTOMOTIVE SAFETY MONITORING DEVICE" SHALL MEAN A TRACKING DEVICE, GLOBAL POSITIONING SYSTEM RECEIVER OR EVENT DATA RECORDER THAT IS INSTALLED ON AN AUTOMOBILE THAT ALLOWS A DRIVER OR A MINOR CHILD'S PARENT OR GUARDIAN TO MONITOR VEHICLE SPEED, ACCELERATION OR BRAKING PATTERNS, DISTANCE OR DIRECTION TRAVELED, THE NUMBER OF PASSENGERS IN SUCH AUTOMOBILE, WHETHER PASSENGERS ARE WEARING SEAT BELTS, THE LOCATION OF THE AUTOMOBILE OR OTHER SAFETY INDICIA WHEN SUCH AUTOMOBILE IS BEING OPERATED BY AN AUTHORIZED MINOR OPERATOR.

(II) SUCH DEVICE NEED NOT BE PERMANENTLY INSTALLED BUT MUST HAVE THE CAPABILITY TO ACCURATELY MONITOR THE OPERATION OF THE VEHICLE AND NOTIFY PARENTS OR GUARDIANS OF THE LOCATION OF SUCH AUTOMOBILE OR OF UNSAFE VEHICULAR MOVEMENTS THAT ARE OCCURRING WHILE SUCH VEHICLE IS UNDER THE CONTROL OF A MINOR VEHICLE OPERATOR.

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

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(III) SUCH DEVICE MAY INCLUDE A REMOVABLE DEVICE OR CHIP WHICH INTERFACES WITH THE AUTOMOBILE'S ONBOARD DIAGNOSTIC SYSTEM PORT AND RECORDS DATA FROM THE MANUFACTURER'S EVENT DATA RECORDER; PROVIDED, HOWEVER, THAT SUCH DEVICE HAS THE CAPACITY TO ACCURATELY MONITOR THE OPERATION OF THE AUTOMOBILE.

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

(2) THE SUPERINTENDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER OF MOTOR VEHICLES, PROMULGATE RULES AND REGULATIONS TO ESTABLISH QUALIFICATIONS AND STANDARDS FOR THE APPROVAL, UTILIZATION AND INSTALLATION OF AUTOMOTIVE SAFETY MONITORING DEVICES.

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

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