

S. 5969

A. 8227

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

October 25, 2013

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IN SENATE -- Introduced by Sen. BALL -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. WEISENBERG -- read once and  
referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to electronic  
proof of financial security

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

1     Section 1. Paragraph (b) of subdivision 1 of section 312 of the vehi-  
2     cle and traffic law, as amended by chapter 557 of the laws of 1994, is  
3     amended to read as follows:  
4     (b) The owner of such motor vehicle shall maintain proof of financial  
5     security continuously throughout the registration period and his OR HER  
6     failure to produce proof of financial security when requested to do so  
7     upon demand of a magistrate, motor vehicle inspector, peace officer,  
8     acting pursuant to his OR HER special duties, or police officer, while  
9     such vehicle is being operated upon the public highway, shall be  
10    presumptive evidence of operating a motor vehicle without proof of  
11    financial security. SUBJECT TO THE RULES OF THE COMMISSIONER, PURSUANT  
12    TO PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION THREE HUNDRED THIRTEEN OF  
13    THIS ARTICLE, SUCH PROOF OF FINANCIAL SECURITY SHALL BE PRODUCED IN  
14    WRITTEN FORM OR IN ELECTRONIC FORM ON THE OWNER'S PORTABLE ELECTRONIC  
15    DEVICE, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWELVE  
16    HUNDRED TWENTY-FIVE-D OF THIS CHAPTER. Upon the production of proof of  
17    financial security such presumption is removed. Production of proof of  
18    financial security may be made by mailing such proof to the court having  
19    jurisdiction in the matter, and any necessary response by such court or  
20    acknowledgement of the production of such proof may also be made by  
21    mail. When insurance with respect to any motor vehicle, other than a  
22    motorcycle, is terminated the owner shall surrender forthwith his OR HER

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

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1 registration certificate and number plates of the vehicle to the commis-  
2 sioner unless proof of financial security otherwise is maintained in  
3 compliance with this article.

4 S 2. Paragraph (c) of subdivision 2 of section 313 of the vehicle and  
5 traffic law, as amended by chapter 678 of the laws of 1997, is amended  
6 to read as follows:

7 (c) The commissioner shall promulgate regulations establishing proce-  
8 dures for issuance of proof of insurance and for reporting by insurers  
9 of notices of termination and policy issuance, either electronically or  
10 by paper copy, at the option of the department. Such reporting shall be  
11 required for every cancellation or termination which is effective on or  
12 after July first, nineteen hundred eighty-four and for every policy  
13 issuance which is effective on or after January first, two thousand;  
14 provided, however, that should the commissioner find, after testing of  
15 reporting procedures, that it would be feasible to require reporting for  
16 policy cancellations, terminations or issuances effective on an earlier  
17 date, he OR SHE may by regulation so require reporting on such earlier  
18 date, but in no event shall reporting be required for cancellations or  
19 terminations effective prior to February first, nineteen hundred eight-  
20 y-four nor for policy issuances effective prior to September first,  
21 nineteen hundred ninety-nine. THE COMMISSIONER SHALL PROVIDE FOR THE  
22 ISSUANCE AND ACCEPTANCE OF PROOF OF INSURANCE IN ELECTRONIC FORM TO A  
23 MOTOR VEHICLE OWNER'S PORTABLE ELECTRONIC DEVICE, AS DEFINED IN PARA-  
24 GRAPH (A) OF SUBDIVISION TWO OF SECTION TWELVE HUNDRED TWENTY-FIVE-D OF  
25 THIS CHAPTER. Insurers shall cooperate fully with the commissioner in  
26 any such testing of reporting procedures.

27 S 3. This act shall take effect on the one hundred eightieth day after  
28 it shall have become a law. Provided, however, that effective immediate-  
29 ly, the addition, amendment and/or repeal of any rule or regulation  
30 necessary for the implementation of this act on its effective date are  
31 authorized and directed to be made and completed on or before such  
32 effective date.