

3306

2013-2014 Regular Sessions

I N A S S E M B L Y

January 24, 2013

Introduced by M. of A. BRENNAN, LAVINE, ROSENTHAL, MILLER, TITONE,
WEPRIN, ROBERTS, COOK -- Multi-Sponsored by -- M. of A. ABINANTI,
GOTTFRIED -- read once and referred to the Committee on Insurance

AN ACT to amend the vehicle and traffic law and the insurance law, in
relation to increasing the minimum insurance coverage requirements for
automobiles registered and/or operated within the state of New York

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

1 Section 1. Paragraph (a) of subdivision 4 and subdivision 7 of section
2 311 of the vehicle and traffic law, paragraph (a) of subdivision 4 as
3 amended by chapter 305 of the laws of 1995 and subdivision 7 as amended
4 by chapter 805 of the laws of 1984, are amended to read as follows:
5 (a) Affording coverage as defined in the minimum provisions prescribed
6 in a regulation which shall be promulgated by the superintendent at
7 least ninety days prior to effective date of this act. The superinten-
8 dent before promulgating such regulations or any amendment thereof,
9 shall consult with all insurers licensed to write automobile liability
10 insurance in this state and shall not prescribe minimum provisions which
11 fail to reflect the provisions of automobile liability insurance poli-
12 cies, other than motor vehicle liability policies as defined in section
13 three hundred forty-five of this chapter, issued within this state at
14 the date of such regulation or amendment thereof. Nothing contained in
15 such regulation or in this article shall prohibit any insurer from
16 affording coverage under an owner's policy of liability insurance more
17 liberal than that required by said minimum provisions. Every such
18 owner's policy of liability insurance shall provide insurance subject to
19 said regulation against loss from the liability imposed by law for
20 damages, including damages for care and loss of services, because of
21 bodily injury to or death of any person and injury to or destruction of
22 property arising out of the ownership, maintenance, use, or operation of
23 a specific motor vehicle or motor vehicles within the state of New York,

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

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1 or elsewhere in the United States in North America or the Dominion of
2 Canada, subject to a limit, exclusive of interest and costs, with
3 respect to each such motor vehicle except a tow truck, of [twenty-five]
4 ONE HUNDRED thousand dollars because of bodily injuries to and [fifty]
5 THREE HUNDRED thousand dollars because of death of one person in any one
6 accident and, subject to said limit for one person, to a limit of
7 [fifty] THREE HUNDRED thousand dollars because of bodily injury to and
8 [one] FIVE hundred thousand dollars because of death of two or more
9 persons in any one accident, and to a limit of [ten] TWENTY-FIVE thou-
10 sand dollars because of injury to or destruction of property of others
11 in any one accident provided, however, that such policy need not be for
12 a period coterminous with the registration period of the vehicle
13 insured. The limit, exclusive of interest and costs, with respect to a
14 tow truck shall be a combined single limit of at least three hundred
15 thousand dollars because of bodily injury or death to one or more
16 persons or because of injury or destruction of property of others in any
17 one accident, and to a limit of twenty-five thousand dollars because of
18 damage to a vehicle in the care, custody and control of the insured. Any
19 insurer authorized to issue an owner's policy of liability insurance as
20 provided for in this article may, pending the issue of such a policy,
21 make an agreement, to be known as a binder, or may, in lieu of such a
22 policy, issue a renewal endorsement or evidence of renewal of an exist-
23 ing policy; each of which shall be construed to provide indemnity or
24 protection in like manner and to the same extent as such a policy. The
25 provisions of this article shall apply to such binders, renewal endorse-
26 ments or evidences of renewal. Every such policy issued insuring private
27 passenger vehicles and every renewal policy, renewal endorsement, or
28 other evidence of renewal issued shall have attached thereto a rating
29 information form which clearly specifies and defines the rating classi-
30 fication assigned thereto, including any applicable merit rating plan;
31 and

32 7. The term "financial security deposit" shall mean for each motor
33 vehicle the deposit with the commissioner of [twenty-five] ONE HUNDRED
34 thousand dollars in cash, or securities, such as may legally be
35 purchased by savings banks or trust funds, of a market value of [twen-
36 ty-five] ONE HUNDRED thousand dollars and an additional deposit in an
37 amount determined by the commissioner to be sufficient to satisfy the
38 requirements of article fifty-one of the insurance law.

39 S 2. Paragraph 3 of subdivision (b) of section 345 of the vehicle and
40 traffic law, as amended by chapter 305 of the laws of 1995, is amended
41 to read as follows:

42 (3) Shall insure the insured or such other person against loss from
43 the liability imposed by law for damages, including damages for care and
44 loss of services because of bodily injury to or death of any person and
45 injury to or destruction of property arising out of the ownership, main-
46 tenance, use, or operation of such motor vehicle or motor vehicles with-
47 in the state of New York, or elsewhere in the United States in North
48 America or the Dominion of Canada, subject to a limit, exclusive of
49 interest and cost, with respect to each such motor vehicle, except a tow
50 truck, of [twenty-five] ONE HUNDRED thousand dollars because of bodily
51 injury to or [fifty] THREE HUNDRED thousand dollars because of death of
52 one person in any one accident and, subject to said limit for one
53 person, to a limit of [fifty] THREE HUNDRED thousand dollars because of
54 bodily injury to or [one] FIVE hundred thousand dollars because of death
55 of two or more persons in any one accident, and to a limit of [ten]
56 TWENTY-FIVE thousand dollars because of injury to or destruction of

1 property of others in any one accident. The limit, exclusive of interest
2 and costs, with respect to a tow truck shall be a combined single limit
3 of three hundred thousand dollars because of bodily injury or death to
4 one or more persons or because of injury or destruction of property of
5 others in any one accident, and to a limit of twenty-five thousand
6 dollars because of damage to a vehicle in the care, custody and control
7 of the insured.

8 S 3. Paragraph 1 of subsection (f) of section 3420 of the insurance
9 law, as amended by chapter 305 of the laws of 1995, is amended to read
10 as follows:

11 (1) No policy insuring against loss resulting from liability imposed
12 by law for bodily injury or death suffered by any natural person arising
13 out of the ownership, maintenance and use of a motor vehicle by the
14 insured shall be issued or delivered by any authorized insurer upon any
15 motor vehicle then principally garaged or principally used in this state
16 unless it contains a provision whereby the insurer agrees that it will
17 pay to the insured, as defined in such provision, subject to the terms
18 and conditions set forth therein to be prescribed by the board of direc-
19 tors of the Motor Vehicle Accident Indemnification Corporation and
20 approved by the superintendent, all sums, not exceeding a maximum amount
21 or limit of [twenty-five] ONE HUNDRED thousand dollars exclusive of
22 interest and costs, on account of injury to and all sums, not exceeding
23 a maximum amount or limit of [fifty] THREE HUNDRED thousand dollars
24 exclusive of interest and costs, on account of death of one person, in
25 any one accident, and the maximum amount or limit, subject to such limit
26 for any one person so injured of [fifty] THREE HUNDRED thousand dollars
27 or so killed of [one] FIVE hundred thousand dollars, exclusive of inter-
28 est and costs, on account of injury to, or death of, more than one
29 person in any one accident, which the insured or his legal represen-
30 tative shall be entitled to recover as damages from an owner or operator
31 of an uninsured motor vehicle, unidentified motor vehicle which leaves
32 the scene of an accident, a motor vehicle registered in this state as to
33 which at the time of the accident there was not in effect a policy of
34 liability insurance, a stolen vehicle, a motor vehicle operated without
35 permission of the owner, an insured motor vehicle where the insurer
36 disclaims liability or denies coverage or an unregistered vehicle
37 because of bodily injury, sickness or disease, including death resulting
38 therefrom, sustained by the insured, caused by accident occurring in
39 this state and arising out of the ownership, maintenance or use of such
40 motor vehicle. No payment for non-economic loss shall be made under such
41 policy provision to a covered person unless such person has incurred a
42 serious injury, as such terms are defined in section five thousand one
43 hundred two of this chapter. Such policy shall not duplicate any element
44 of basic economic loss provided for under article fifty-one of this
45 chapter. No payments of first party benefits for basic economic loss
46 made pursuant to such article shall diminish the obligations of the
47 insurer under this policy provision for the payment of non-economic loss
48 and economic loss in excess of basic economic loss. Notwithstanding any
49 inconsistent provisions of section three thousand four hundred twenty-
50 five of this article, any such policy which does not contain the afore-
51 said provisions shall be construed as if such provisions were embodied
52 therein.

53 S 4. Subsection (a) of section 5210 of the insurance law, as amended
54 by chapter 305 of the laws of 1995, is amended to read as follows:

55 (a) When any qualified person who has complied with all the applicable
56 requirements of this article recovers a final judgment in a court

1 against a financially irresponsible motorist, for injury to, or death
2 of, any person arising out of the ownership, maintenance or use of the
3 uninsured motor vehicle in this state, which remains unpaid, and all
4 appeals have been concluded or the time for commencing them has expired,
5 the judgment creditor may file a verified petition in the court in which
6 the judgment was entered and, upon ten days' written notice to the
7 corporation apply to the court for an order directing payment by the
8 corporation of the amount unpaid on the judgment. However, there shall
9 be no right of recovery by a covered person from the corporation for
10 non-economic loss unless such person has incurred a serious injury, as
11 such terms are defined in section five thousand one hundred two of this
12 chapter. Such judgment exclusive of interest and costs shall not
13 exceed:

14 (1) [twenty-five] ONE HUNDRED thousand dollars on account of injury to
15 one person in any one accident, and

16 (2) [fifty] THREE HUNDRED thousand dollars on account of death to one
17 person in any one accident, and

18 (3) [fifty] THREE HUNDRED thousand dollars on account of injury to
19 more than one person in any one accident subject to the limit of twen-
20 ty-five thousand dollars for any one person, and

21 (4) [one] FIVE hundred thousand dollars on account of death to more
22 than one person in any one accident subject to the limit of fifty thou-
23 sand dollars for any one person.

24 S 5. This act shall take effect on the one hundred eightieth day after
25 is shall have become a law.