

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

S. 5969--A
Cal. No. 513

A. 8227--A

2013-2014 Regular Sessions

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

October 25, 2013

IN SENATE -- Introduced by Sens. BALL, BONACIC, BOYLE, DeFRANCISCO, DIAZ, ESPAILLAT, GIPSON, HANNON, LATIMER, MARCHIONE, MAZIARZ, PARKER, RANZENHOFER, RITCHIE, SAMPSON, SMITH, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

IN ASSEMBLY -- Introduced by M. of A. WEISENBERG, THIELE, MILLMAN, GALEF, DiPIETRO, GRAF, OTIS, BUCHWALD -- Multi-Sponsored by -- M. of A. BARCLAY, COOK, CROUCH, DUPREY, HENNESSEY, ROBINSON, SCHIMEL, SKARTADOS, SWEENEY, TITONE -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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

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

LBD11769-04-4

1 presumptive evidence of operating a motor vehicle without proof of
2 financial security. SUBJECT TO THE RULES OF THE COMMISSIONER, PURSUANT
3 TO PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION THREE HUNDRED THIRTEEN OF
4 THIS ARTICLE, SUCH PROOF OF FINANCIAL SECURITY SHALL BE PRODUCED IN
5 WRITTEN FORM OR IN ELECTRONIC FORM ON THE OWNER'S PORTABLE ELECTRONIC
6 DEVICE, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION TWELVE
7 HUNDRED TWENTY-FIVE-D OF THIS CHAPTER. INSURERS SHALL RETAIN THE RIGHT
8 TO DETERMINE WHETHER TO OFFER TO THEIR POLICYHOLDERS THE ABILITY TO
9 PRODUCE PROOF OF FINANCIAL SECURITY IN ELECTRONIC FORM. Upon the
10 production of proof of financial security such presumption is removed.
11 Production of proof of financial security may be made by mailing such
12 proof to the court having jurisdiction in the matter, and any necessary
13 response by such court or acknowledgement of the production of such
14 proof may also be made by mail. When insurance with respect to any motor
15 vehicle, other than a motorcycle, is terminated the owner shall surren-
16 der forthwith his OR HER registration certificate and number plates of
17 the vehicle to the commissioner unless proof of financial security
18 otherwise is maintained in compliance with this article.

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

22 (c) The commissioner shall promulgate regulations establishing proce-
23 dures for issuance of proof of insurance and for reporting by insurers
24 of notices of termination and policy issuance, either electronically or
25 by paper copy, at the option of the department. Such reporting shall be
26 required for every cancellation or termination which is effective on or
27 after July first, nineteen hundred eighty-four and for every policy
28 issuance which is effective on or after January first, two thousand;
29 provided, however, that should the commissioner find, after testing of
30 reporting procedures, that it would be feasible to require reporting for
31 policy cancellations, terminations or issuances effective on an earlier
32 date, he OR SHE may by regulation so require reporting on such earlier
33 date, but in no event shall reporting be required for cancellations or
34 terminations effective prior to February first, nineteen hundred eight-
35 y-four nor for policy issuances effective prior to September first,
36 nineteen hundred ninety-nine. THE COMMISSIONER SHALL PROVIDE FOR THE
37 ACCEPTANCE OF PROOF OF INSURANCE IN ELECTRONIC FORM ON A MOTOR VEHICLE
38 OWNER'S PORTABLE ELECTRONIC DEVICE, AS DEFINED IN PARAGRAPH (A) OF
39 SUBDIVISION TWO OF SECTION TWELVE HUNDRED TWENTY-FIVE-D OF THIS CHAPTER.
40 Insurers shall cooperate fully with the commissioner in any such testing
41 of reporting procedures.

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