

1911

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the minimum insurance coverage requirements for motor vehicles rented or leased in the state of New York

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

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

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

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1 Canada, subject to a limit, exclusive of interest and costs, with  
2 respect to each such motor vehicle except a tow truck OR A MOTOR VEHICLE  
3 WHICH IS RENTED OR LEASED FROM A PERSON, ORGANIZATION OR BUSINESS REGU-  
4 LARLY ENGAGED IN THE BUSINESS OF RENTING OR LEASING MOTOR VEHICLES TO  
5 THE GENERAL PUBLIC, of twenty-five thousand dollars because of bodily  
6 injuries to and fifty thousand dollars because of death of one person in  
7 any one accident and, subject to said limit for one person, to a limit  
8 of fifty thousand dollars because of bodily injury to and one hundred  
9 thousand dollars because of death of two or more persons in any one  
10 accident, and to a limit of ten thousand dollars because of injury to or  
11 destruction of property of others in any one accident provided, however,  
12 that such policy need not be for a period coterminous with the registra-  
13 tion period of the vehicle insured. The limit, exclusive of interest and  
14 costs, with respect to a tow truck shall be a combined single limit of  
15 at least three hundred thousand dollars because of bodily injury or  
16 death to one or more persons or because of injury or destruction of  
17 property of others in any one accident, and to a limit of twenty-five  
18 thousand dollars because of damage to a vehicle in the care, custody and  
19 control of the insured. THE LIMIT, EXCLUSIVE OF INTEREST AND COSTS,  
20 WITH RESPECT TO A MOTOR VEHICLE WHICH IS RENTED OR LEASED FROM A PERSON,  
21 ORGANIZATION OR BUSINESS REGULARLY ENGAGED IN THE BUSINESS OF RENTING OR  
22 LEASING MOTOR VEHICLES TO THE GENERAL PUBLIC, SHALL BE A COMBINED SINGLE  
23 LIMIT OF AT LEAST ONE MILLION DOLLARS BECAUSE OF BODILY INJURY OR DEATH  
24 TO ONE OR MORE PERSONS OR BECAUSE OF INJURY OR DESTRUCTION OF PROPERTY  
25 OF OTHERS IN ANY ONE ACCIDENT, AND TO A LIMIT OF TWENTY-FIVE THOUSAND  
26 DOLLARS BECAUSE OF DAMAGE TO A VEHICLE IN THE CARE, CUSTODY AND CONTROL  
27 OF THE INSURED. Any insurer authorized to issue an owner's policy of  
28 liability insurance as provided for in this article may, pending the  
29 issue of such a policy, make an agreement, to be known as a binder, or  
30 may, in lieu of such a policy, issue a renewal endorsement or evidence  
31 of renewal of an existing policy; each of which shall be construed to  
32 provide indemnity or protection in like manner and to the same extent as  
33 such a policy. The provisions of this article shall apply to such bind-  
34 ers, renewal endorsements or evidences of renewal. Every such policy  
35 issued insuring private passenger vehicles and every renewal policy,  
36 renewal endorsement, or other evidence of renewal issued shall have  
37 attached thereto a rating information form which clearly specifies and  
38 defines the rating classification assigned thereto, including any appli-  
39 cable merit rating plan; and

40 S 2. Section 312 of the vehicle and traffic law is amended by adding a  
41 new subdivision 6 to read as follows:

42 6. (A) NO MOTOR VEHICLE SHALL BE LEASED OR RENTED IN THIS STATE UNLESS  
43 UPON THE REGISTRATION OF THE LEASED OR RENTED MOTOR VEHICLE, THE APPLI-  
44 CATION FOR SUCH REGISTRATION IS ACCOMPANIED BY PROOF OF FINANCIAL SECU-  
45 RITY REQUIRED BY SECTION THREE HUNDRED ELEVEN OF THIS ARTICLE WHICH  
46 SHALL BE EVIDENCED BY PROOF OF INSURANCE OR EVIDENCE OF A FINANCIAL  
47 SECURITY BOND, A FINANCIAL SECURITY DEPOSIT OR QUALIFICATION AS A SELF-  
48 INSURER UNDER SECTION THREE HUNDRED SIXTEEN OF THIS ARTICLE; PROVIDED,  
49 THAT IF DIRECTED BY REGULATION OF THE COMMISSIONER, UPON RENEWAL OF  
50 REGISTRATION AN APPLICATION ACCOMPANIED BY A CERTIFICATE OF REGISTRATION  
51 OR RENEWAL STUB IN FORCE IMMEDIATELY PRECEDING THE DATE OF APPLICATION  
52 FOR RENEWAL, TOGETHER WITH A STATEMENT IN A FORM PRESCRIBED BY THE  
53 COMMISSIONER CERTIFYING THAT THERE IS IN EFFECT PROOF OF FINANCIAL SECU-  
54 RITY, SHALL MEET THE REQUIREMENTS OF THIS SECTION. UPON THE ISSUANCE OR  
55 RENEWAL OF A PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICY SUBJECT TO  
56 THE PROVISIONS OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OF THE

1 INSURANCE LAW, THE INSURANCE COMPANY SHALL PROVIDE THE INSURED WITH AN  
2 INFORMATIONAL STATEMENT OUTLINING THE LEGAL AND FINANCIAL CONSEQUENCES  
3 OF CONVICTIONS UNDER SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER,  
4 PERTAINING TO OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF  
5 ALCOHOL OR DRUGS. SUCH INFORMATION SHALL BE SUPPLIED TO THE COMPANY BY  
6 THE STATE DEPARTMENT OF FINANCIAL SERVICES IN CONSULTATION WITH THE  
7 COMMISSIONER.

8 (B) THE OWNER AND REGISTRANT IF THE REGISTRANT IS DIFFERENT FROM THE  
9 OWNER OF SUCH LEASED OR RENTED MOTOR VEHICLE SHALL MAINTAIN PROOF OF  
10 FINANCIAL SECURITY CONTINUOUSLY THROUGHOUT THE REGISTRATION PERIOD AND  
11 HIS FAILURE TO PRODUCE PROOF OF FINANCIAL SECURITY WHEN REQUESTED TO DO  
12 SO UPON DEMAND OF A MAGISTRATE, MOTOR VEHICLE INSPECTOR, PEACE OFFICER,  
13 ACTING PURSUANT TO HIS SPECIAL DUTIES, OR POLICE OFFICER, WHILE SUCH  
14 VEHICLE IS BEING OPERATED UPON THE PUBLIC HIGHWAY, SHALL BE PRESUMPTIVE  
15 EVIDENCE OF OPERATING A MOTOR VEHICLE WITHOUT PROOF OF FINANCIAL SECURI-  
16 TY. UPON THE PRODUCTION OF PROOF OF FINANCIAL SECURITY SUCH PRESUMPTION  
17 IS REMOVED. PRODUCTION OF PROOF OF FINANCIAL SECURITY MAY BE MADE BY  
18 MAILING SUCH PROOF TO THE COURT HAVING JURISDICTION IN THE MATTER, AND  
19 ANY NECESSARY RESPONSE BY SUCH COURT OR ACKNOWLEDGEMENT OF THE  
20 PRODUCTION OF SUCH PROOF MAY ALSO BE MADE BY MAIL. WHEN INSURANCE WITH  
21 RESPECT TO ANY MOTOR VEHICLE, OTHER THAN A MOTORCYCLE, IS TERMINATED THE  
22 OWNER SHALL SURRENDER FORTHWITH THEIR REGISTRATION CERTIFICATE AND  
23 NUMBER PLATES OF THE VEHICLE TO THE COMMISSIONER UNLESS PROOF OF FINAN-  
24 CIAL SECURITY OTHERWISE IS MAINTAINED IN COMPLIANCE WITH THIS ARTICLE.

25 (C) THE OWNER OF ANY LEASED OR RENTED VEHICLE THAT FAILS TO MAINTAIN  
26 THE PROOF OF FINANCIAL SECURITY REQUIRED ABOVE MAY BE HELD PERSONALLY  
27 LIABLE FOR ANY JUDGMENT ENTERED AGAINST ANY DRIVER AND/OR REGISTRANT OF  
28 THE LEASED OR RENTED VEHICLE FOR DAMAGES SUSTAINED AS A RESULT OF  
29 PERSONAL INJURY, WRONGFUL DEATH AND/OR PROPERTY DAMAGE SUFFERED AS A  
30 RESULT OF THE USE AND OPERATION OF THE LEASED OR RENTED VEHICLE.

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

34 (3) Shall insure the insured, THE VEHICLE OPERATOR, or such other  
35 person against loss from the liability imposed by law for damages,  
36 including damages for care and loss of services because of bodily injury  
37 to or death of any person and injury to or destruction of property aris-  
38 ing out of the ownership, maintenance, use, or operation of such motor  
39 vehicle or motor vehicles within the state of New York, or elsewhere in  
40 the United States in North America or the Dominion of Canada, subject to  
41 a limit, exclusive of interest and cost, with respect to each such motor  
42 vehicle, except a tow truck OR A MOTOR VEHICLE WHICH IS RENTED OR LEASED  
43 FROM A PERSON, ORGANIZATION OR BUSINESS REGULARLY ENGAGED IN THE BUSI-  
44 NESS OF RENTING OR LEASING MOTOR VEHICLES TO THE GENERAL PUBLIC, of  
45 twenty-five thousand dollars because of bodily injury to or fifty thou-  
46 sand dollars because of death of one person in any one accident and,  
47 subject to said limit for one person, to a limit of fifty thousand  
48 dollars because of bodily injury to or one hundred thousand dollars  
49 because of death of two or more persons in any one accident, and to a  
50 limit of ten thousand dollars because of injury to or destruction of  
51 property of others in any one accident. The limit, exclusive of interest  
52 and costs, with respect to a tow truck shall be a combined single limit  
53 of three hundred thousand dollars because of bodily injury [of] OR death  
54 to one or more persons or because of injury or destruction of property  
55 of others in any one accident, and to a limit of twenty-five thousand  
56 dollars because of damage to a vehicle in the care, custody and control

1 of the insured. THE LIMIT, EXCLUSIVE OF INTEREST AND COSTS, WITH  
2 RESPECT TO A MOTOR VEHICLE WHICH IS RENTED OR LEASED FROM A PERSON,  
3 ORGANIZATION OR BUSINESS REGULARLY ENGAGED IN THE BUSINESS OF RENTING OR  
4 LEASING MOTOR VEHICLES TO THE GENERAL PUBLIC, SHALL BE A COMBINED SINGLE  
5 LIMIT OF AT LEAST ONE MILLION DOLLARS BECAUSE OF BODILY INJURY OR DEATH  
6 TO ONE OR MORE PERSONS OR BECAUSE OF INJURY OR DESTRUCTION OF PROPERTY  
7 OF OTHERS IN ANY ONE ACCIDENT, AND TO A LIMIT OF TWENTY-FIVE THOUSAND  
8 DOLLARS BECAUSE OF DAMAGE TO A VEHICLE IN THE CARE, CUSTODY AND CONTROL  
9 OF THE INSURED.

10 S 4. This act shall take effect on the one hundred eightieth day after  
11 it shall have become a law.