

10392

I N A S S E M B L Y

May 25, 2016

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, the vehicle and traffic law, the civil practice law and rules, and the criminal procedure law, in relation to dashboard cameras

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

1 Section 1. Section 2336 of the insurance law is amended by adding a
2 new subsection (i) to read as follows:
3 (I) (1) ANY SCHEDULE OR RATING PLAN FOR NON-COMMERCIAL PRIVATE PASSENGER
4 INSURANCE SHALL PROVIDE FOR A FIVE PERCENT REDUCTION IN PREMIUM
5 CHARGES FOR BODILY INJURY LIABILITY, PROPERTY DAMAGE LIABILITY, PERSONAL
6 INJURY PROTECTION, MEDICAL PAYMENTS AND COLLISION COVERAGE WITH RESPECT
7 TO AUTOMOBILES EQUIPPED WITH AN OPERATING DASHBOARD CAMERA THAT COMPLIES
8 WITH THE RULES AND REGULATIONS OF THE COMMISSIONER OF MOTOR VEHICLES
9 PROMULGATED PURSUANT TO SUBDIVISION FIFTY-TWO OF SECTION THREE HUNDRED
10 SEVENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW. EACH INSURER MAY ESTABLISH
11 SUCH REQUIREMENTS AS IT SHALL DEEM NECESSARY FOR THE SUBMISSION OF PROOF
12 AND CERTIFICATION THAT SUCH A DASHBOARD CAMERA HAS BEEN INSTALLED IN THE
13 INSURED AUTOMOBILE AND THAT SUCH CAMERA IS IN OPERATING CONDITION. THE
14 SUPERINTENDENT SHALL, IN CONSULTATION WITH THE COMMISSIONER OF MOTOR
15 VEHICLES, PROMULGATE RULES AND REGULATIONS.
16 (2) IN ANY INSTANCE IN WHICH AN INSURED IS RECEIVING THE PREMIUM
17 REDUCTION PROVIDED IN PARAGRAPH ONE OF THIS SUBSECTION AND THE INSURED
18 HAS FALSELY CERTIFIED THAT HIS OR HER AUTOMOBILE IS EQUIPPED WITH AN
19 OPERATING DASHBOARD CAMERA OR THE DASHBOARD CAMERA IS NO LONGER IN OPERATING
20 CONDITION WHILE THE AUTOMOBILE IS BEING OPERATED, THE INSURER MAY
21 IMPOSE A CIVIL PENALTY UPON SUCH INSURED EQUAL TO THE PREMIUM REDUCTION
22 GRANTED FOR THE DASHBOARD CAMERA FOR ONE YEAR OR FOR THE PERIOD SUCH
23 REDUCTION WAS WRONGFULLY GRANTED, WHICHEVER SHALL BE SHORTER. FURTHER-
24 MORE, AN INSURER MAY THEREAFTER DENY THE PROVISION OF SUCH PREMIUM
25 REDUCTION REGARDLESS OF WHETHER A SUITABLE DASHBOARD CAMERA IS INSTALLED
26 IN THE AUTOMOBILE IN THE FUTURE.

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

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(3) EVERY INSURER SHALL INCLUDE IN EACH CERTIFICATION COMPLETED BY AN INSURED PURSUANT TO THIS SUBSECTION, A STATEMENT OF THE IMPOSITION OF THE CIVIL PENALTY AUTHORIZED BY PARAGRAPH TWO OF THIS SUBSECTION IN THE EVENT SUCH CERTIFICATION IS FALSE. IN ADDITION EACH SUCH CERTIFICATION SHALL INFORM THE INSURED OF HIS OR HER DUTY TO MAINTAIN THE DASHBOARD CAMERA IN WORKING CONDITION AT ALL TIMES.

S 2. The insurance law is amended by adding a new section 5110 to read as follows:

S 5110. REVIEW OF DASHBOARD CAMERA IMAGES. (A) EVERY INSURER IN THE SETTLEMENT OF ANY CLAIM INVOLVING A MOTOR VEHICLE OR MOTOR VEHICLES, SHALL REVIEW ANY AVAILABLE IMAGES FROM A DASHBOARD CAMERA OR DASHBOARD CAMERAS INSTALLED IN ANY OF THE VEHICLES TO WHICH SUCH CLAIM RELATES. THEREAFTER, EACH SUCH INSURER SHALL SUBMIT CERTIFICATION OF SUCH REVIEW TO THE SUPERINTENDENT.

(B) THE IMAGES FROM A DASHBOARD CAMERA SHALL BE CONSIDERED BASED ON THE TOTALITY OF THE CIRCUMSTANCES OF A CLAIM, AND SUCH IMAGES SHALL NOT BE DEEMED TO BE DISPOSITIVE, BUT SHALL BE CONSIDERED AS ANY OTHER EVIDENCE RELATING TO A CLAIM.

S 3. Subdivision (c) of section 301 of the vehicle and traffic law is amended by adding a new paragraph 4 to read as follows:

(4)(I) DURING THE COURSE OF EACH SAFETY INSPECTION, A CERTIFIED INSPECTOR SHALL DETERMINE WHETHER A DASHBOARD CAMERA IS INSTALLED IN THE MOTOR VEHICLE. IN THE EVENT THAT SUCH A CAMERA IS INSTALLED IN A MOTOR VEHICLE, HE OR SHE SHALL DETERMINE WHETHER THE DASHBOARD CAMERA COMPLIES WITH THE RULES AND REGULATIONS OF THE COMMISSIONER PROMULGATED PURSUANT TO SUBDIVISION FIFTY-TWO OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS TITLE AND WHETHER SUCH CAMERA IS IN OPERATING CONDITION WHILE THE MOTOR VEHICLE IS BEING OPERATED.

(II) IN THE EVENT A MOTOR VEHICLE DOES NOT HAVE A DASHBOARD CAMERA, HAS A CAMERA WHICH DOES NOT COMPLY WITH THE RULES OF THE COMMISSIONER, OR SUCH CAMERA IS NOT IN OPERATING CONDITION, THE CERTIFIED INSPECTOR SHALL INCLUDE A NOTATION, THAT THE MOTOR VEHICLE DOES NOT HAVE AN OPERATING DASHBOARD CAMERA, UPON THE CERTIFICATE OF INSPECTION PROVIDED TO THE OWNER AND THE DEPARTMENT.

(III) IN THE EVENT A MOTOR VEHICLE HAS AN OPERATING DASHBOARD CAMERA, WHICH COMPLIES WITH THE RULES AND REGULATIONS OF THE COMMISSIONER, THE CERTIFIED INSPECTOR SHALL ISSUE A CERTIFICATION THEREOF TO THE OWNER AND THE DEPARTMENT.

S 4. The vehicle and traffic law is amended by adding a new section 322 to read as follows:

S 322. DASHBOARD CAMERA RECORDS. UPON THE REQUEST OF ANY INSURER ISSUING OWNER'S POLICIES OF LIABILITY INSURANCE, THE COMMISSIONER SHALL FORWARD TO SUCH INSURER A COPY OF ANY REPORT, RELATING TO A DASHBOARD CAMERA INSTALLED IN A MOTOR VEHICLE INSURED BY THE INSURER, WHICH THE COMMISSIONER POSSESSES PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION (C) OF SECTION THREE HUNDRED ONE OF THIS TITLE.

S 5. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 52 to read as follows:

52. DASHBOARD CAMERAS. THE COMMISSIONER SHALL, BY RULES AND REGULATIONS, ESTABLISH STANDARDS FOR THE SIZE, LOCATION AND USE OF DASHBOARD CAMERAS INSTALLED IN MOTOR VEHICLES. THE COMMISSIONER MAY MAINTAIN A LIST OF THOSE DASHBOARD CAMERAS APPROVED BY HIM OR HER AS CONFORMING TO THE SPECIFICATIONS AND REQUIREMENTS ESTABLISHED FOR SUCH CAMERAS.

S 6. The civil practice law and rules is amended by adding a new section 4549 to read as follows:

1 S 4549. DASHBOARD CAMERA IMAGES. ANY IMAGE OR IMAGES PRODUCED BY A
2 DASHBOARD CAMERA SHALL BE ADMISSIBLE AS PROOF OF THE OCCURRENCE OR EVENT
3 DEPICTED IN SUCH IMAGE OR IMAGES.

4 S 7. The criminal procedure law is amended by adding a new section
5 60.80 to read as follows:

6 S 60.80 DASHBOARD CAMERA IMAGES.

7 ANY IMAGE OR IMAGES PRODUCED BY A DASHBOARD CAMERA SHALL BE ADMISSIBLE
8 AS PROOF OF THE OCCURRENCE OR EVENT DEPICTED IN SUCH IMAGE OR IMAGES.

9 S 8. This act shall take effect on the first of January next succeed-
10 ing the date on which it shall have become a law and section one of this
11 act shall apply to all policies issued, renewed, modified, altered or
12 amended on or after such date. Provided, however, that, effective imme-
13 diately, any and all rules and regulations and any other measures neces-
14 sary to implement the provisions of this act on its effective date are
15 authorized and directed to be completed on or before such date.