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

4900--A

2015-2016 Regular Sessions

I N S E N A T E

April 23, 2015

Introduced by Sens. SEWARD, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to insurance fraud

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

Section 1. Section 176.15 of the penal law, as amended by chapter 515 of the laws of 1986, is amended to read as follows:

S 176.15 Insurance fraud in the fourth degree.

A person is guilty of insurance fraud in the fourth degree when:

1. he OR SHE commits a fraudulent insurance act and thereby wrongfully takes, obtains or withholds, or attempts to wrongfully take, obtain or withhold property with a value in excess of one thousand dollars; OR

2. HE OR SHE COMMITS A FRAUDULENT INSURANCE ACT AND THE MATERIAL FACT CONTAINED OR CONCEALED IS THAT SUCH PERSON EITHER (A) MAINTAINS A PRINCIPAL RESIDENCE IN THE OTHER STATE WHEN, IN FACT, THAT PERSON'S PRINCIPAL RESIDENCE IS IN THIS STATE; OR (B) HAS HIS OR HER MOTOR VEHICLE PRINCIPALLY GARAGED IN THE OTHER STATE, WHEN, IN FACT, THAT PERSON HAS HIS OR HER MOTOR VEHICLE PRINCIPALLY GARAGED IN THIS STATE. THIS SECTION SHALL NOT APPLY TO A PERSON WHO INSURES A VEHICLE IN ANOTHER STATE, AS PERMITTED BY AND IN ACCORDANCE WITH THE LAWS OF THAT STATE, BASED ON A SECOND RESIDENCE, OR ATTENDANCE AT AN EDUCATIONAL INSTITUTION, IN THAT OTHER STATE, WHERE SUCH PERSON ALSO DRIVES AND GARAGES A VEHICLE IN THAT STATE, IF IN OBTAINING THE POLICY THE PERSON TRUTHFULLY DISCLOSES TO THE INSURANCE COMPANY OR PRODUCER THE STATE OF THE PERSON'S PRINCIPAL RESIDENCE AND THE STATE WHERE THE VEHICLE IS PRINCIPALLY GARAGED.

Insurance fraud in the fourth degree is a class E felony.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD10577-02-5