

# STATE OF NEW YORK

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1439

2017-2018 Regular Sessions

## IN ASSEMBLY

January 12, 2017

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Introduced by M. of A. SIMON, HOOPER, BRINDISI, GOTTFRIED, JAFFEE,  
ORTIZ, RICHARDSON -- Multi-Sponsored by -- M. of A. GALEF, LAWRENCE --  
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 owner's policy of liability insurance

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 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  
24 Canada, subject to a limit, exclusive of interest and costs, with  
25 respect to each such motor vehicle except a tow truck, of [~~twenty-five~~  
26 two hundred thousand dollars because of bodily injuries to and [~~fifty~~  
27 three hundred thousand dollars because of death of one person in any one

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

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

27 § 2. Subsection (a) of section 5210 of the insurance law, as amended  
28 by chapter 305 of the laws of 1995, is amended to read as follows:

29 (a) When any qualified person who has complied with all the applicable  
30 requirements of this article recovers a final judgment in a court  
31 against a financially irresponsible motorist, for injury to, or death  
32 of, any person arising out of the ownership, maintenance or use of the  
33 uninsured motor vehicle in this state, which remains unpaid, and all  
34 appeals have been concluded or the time for commencing them has expired,  
35 the judgment creditor may file a verified petition in the court in which  
36 the judgment was entered and, upon ten days' written notice to the  
37 corporation apply to the court for an order directing payment by the  
38 corporation of the amount unpaid on the judgment. However, there shall  
39 be no right of recovery by a covered person from the corporation for  
40 non-economic loss unless such person has incurred a serious injury, as  
41 such terms are defined in section five thousand one hundred two of this  
42 chapter. Such judgment exclusive of interest and costs shall not  
43 exceed:

44 (1) [~~twenty-five~~] two hundred thousand dollars on account of injury to  
45 one person in any one accident, and

46 (2) [~~fifty~~] three hundred thousand dollars on account of death to one  
47 person in any one accident, and

48 (3) [~~fifty~~] three hundred thousand dollars on account of injury to  
49 more than one person in any one accident subject to the limit of [~~twen-~~  
50 ~~ty-five~~] two hundred thousand dollars for any one person, and

51 (4) [~~one~~] four hundred thousand dollars on account of death to more  
52 than one person in any one accident subject to the limit of [~~fifty~~]  
53 three hundred thousand dollars for any one person.

54 § 3. This act shall take effect immediately.