STATE OF NEW YORK

4734--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. BRINDISI, SIMOTAS, ZEBROWSKI, D'URSO, BLAKE, GARBARINO -- Multi-Sponsored by -- M. of A. HAWLEY, ORTIZ -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance 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 insurance law, in relation to permitting certain liability policies to provide coverage for punitive damages and civil penalties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The insurance law is amended by adding a new section 3421 to read as follows:

§ 3421. Punitive damages and civil penalties coverage. 1. An insurer may provide and an insured may purchase insurance against an award of punitive damages, or civil penalties, or other non-compensatory damages in any liability insurance policy except in a policy of personal lines insurance issued to a natural person for non-business purposes, or a commercial automobile liability insurance policy.

2. Coverage may provide protection for vicarious liability resulting from the conduct of another, or when assessed against a party directly for gross negligence or reckless conduct. Coverage shall not apply where liability results from action that was intended to cause the resulting harm, damage or injury. Coverage shall apply only when expressly provided for by the insurance policy.

3. This section shall apply prospectively to insurance policies with effective dates on or after the effective date of this section.

§ 2. This act shall take effect immediately.

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

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