STATE OF NEW YORK

1439

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

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 Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 4 of section 311 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

(a) Affording coverage as defined in the minimum provisions prescribed in a regulation which shall be promulgated by the superintendent at least ninety days prior to effective date of this act. The superintendent before promulgating such regulations or any amendment thereof, shall consult with all insurers licensed to write automobile liability insurance in this state and shall not prescribe minimum provisions which fail to reflect the provisions of automobile liability insurance policies, other than motor vehicle liability policies as defined in section three hundred forty-five of this chapter, issued within this state at the date of such regulation or amendment thereof. Nothing contained in such regulation or in this article shall prohibit any insurer from affording coverage under an owner's policy of liability insurance more liberal than that required by said minimum provisions. Every such owner's policy of liability insurance shall provide insurance subject to said regulation against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a specific motor vehicle or motor vehicles within the state of New York, or elsewhere in the United States in North America or the Dominion of Canada, subject to a limit, exclusive of interest and costs, with respect to each such motor vehicle except a tow truck, of [~~twenty-five~~] **two hundred** thousand dollars because of bodily injuries to and [~~fifty~~] **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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accident and, subject to said limit for one person, to a limit of [~~fifty~~] **three hundred** thousand dollars because of bodily injury to and [~~one~~] **four** hundred thousand dollars because of death of two or more persons in any one accident, and to a limit of [~~ten~~] **twenty-five** thousand dollars because of injury to or destruction of property of others in any one accident provided, however, that such policy need not be for a period coterminous with the registration period of the vehicle insured. The limit, exclusive of interest and costs, with respect to a tow truck shall be a combined single limit of at least three hundred thousand dollars because of bodily injury or death to one or more persons or because of injury or destruction of property of others in any one accident, and to a limit of twenty-five thousand dollars because of damage to a vehicle in the care, custody and control of the insured. Any insurer authorized to issue an owner's policy of liability insurance as provided for in this article may, pending the issue of such a policy, make an agreement, to be known as a binder, or may, in lieu of such a policy, issue a renewal endorsement or evidence of renewal of an existing policy; each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. The provisions of this article shall apply to such binders, renewal endorsements or evidences of renewal. Every such policy issued insuring private passenger vehicles and every renewal policy, renewal endorsement, or other evidence of renewal issued shall have attached thereto a rating information form which clearly specifies and defines the rating classification assigned thereto, including any applicable merit rating plan; and

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

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

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

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

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

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

§ 3. This act shall take effect immediately.