

STATE OF NEW YORK

9081

IN ASSEMBLY

January 18, 2018

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

AN ACT to amend the insurance law, in relation to motor vehicle liability insurance rate surcharges for traffic violations

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York spare me a raise on my automobile insurance act".

3 § 2. Section 2335 of the insurance law, as amended by chapter 277 of
4 the laws of 2010, is amended to read as follows:

5 § 2335. Motor vehicle liability insurance rates; prohibition of
6 surcharges for certain accidents and traffic infractions. No insurer
7 authorized to transact or transacting business in this state, or
8 controlling or controlled by or under common control by or with an
9 insurer authorized to transact or transacting business in this state,
10 which sells a policy providing motor vehicle liability insurance cover-
11 age in this state shall increase the policy premium in connection with
12 the insurance permitted or required by this chapter solely because the
13 insured or any other person who customarily operates an automobile
14 covered by the policy:

15 (a) has had an accident that does not result in aggregate damage to
16 property in excess of two thousand dollars, provided that any policy
17 surcharge shall be permissible for any accident which results in bodily
18 injury or if the insured has more than one accident in the merit rating
19 experience period. Nothing in this subsection shall change the dollar
20 amount of the accident reporting threshold required under paragraph one
21 of subdivision (a) of section six hundred five of the vehicle and traf-
22 fic law[-];

23 (b) has been found guilty of a traffic infraction under any of the
24 provisions of the vehicle and traffic law provided, however, that this
25 provision shall not apply to a conviction or convictions for two or more
26 moving violations or a non-moving violation which occurred during the
27 thirty-six month period ending on the last day of the fourth month

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

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1 preceding the month of the effective date of the policy if such
2 conviction or convictions consisted of:

3 (1) operating a motor vehicle at a speed of more than fifteen miles
4 per hour in excess of the legal limit;

5 (2) operating a motor vehicle in excess of the speed limit, or in a
6 reckless manner, where injury or death results therefrom;

7 (3) operating a motor vehicle in excess of the speed limit, or reck-
8 less driving, or any combination thereof, on three or more occasions;

9 (4) operating a motor vehicle while intoxicated or impaired by the
10 consumption of alcohol;

11 (5) operating a motor vehicle while impaired by the use of a drug,
12 within the meaning of section one thousand one hundred ninety-two of the
13 vehicle and traffic law;

14 (6) homicide or assault arising out of the use or operation of a motor
15 vehicle, or criminal negligence in the use or operation of a motor vehi-
16 cle resulting in the injury or death of another person, or use or opera-
17 tion of a motor vehicle directly or indirectly in the commission of a
18 felony;

19 (7) operating a motor vehicle while seeking to avoid apprehension or
20 arrest by a law enforcement officer;

21 (8) filing or attempting to file a false or fraudulent automobile
22 insurance claim, or knowingly aiding or abetting in the filing or
23 attempted filing of any such claim;

24 (9) leaving the scene of an incident without reporting;

25 (10) filing a false document with the department of motor vehicles, or
26 using a license or registration obtained by filing a false document with
27 the department of motor vehicles;

28 (11) operating a motor vehicle in a race or speed test;

29 (12) knowingly permitting or authorizing an unlicensed driver to oper-
30 ate a motor vehicle insured under the policy;

31 (13) operating a motor vehicle insured under the policy without a
32 valid license or registration in effect, except when the person
33 convicted had possessed a valid license or registration which had
34 expired and was subsequently renewed, or during a period of revocation
35 or suspension thereof, or in violation of the limitations applicable to
36 a license issued pursuant to article twenty-one or article twenty-one-a
37 of the vehicle and traffic law; or

38 (14) [~~two or more~~] any moving violations of any other provision of the
39 vehicle and traffic law;

40 (c) has had a temporary suspension of a driver's license pending a
41 hearing, prosecution or investigation or an indefinite suspension of a
42 driver's license which is issued because of the failure of the person
43 suspended to perform an act, which suspension will be terminated by the
44 performance of the act by the person suspended, or has had more than one
45 such temporary or indefinite suspension arising out of the same incident
46 issued against him or her, provided that the foregoing provisions of
47 this section shall not apply if such suspension or suspensions has or
48 have not been terminated on or before the effective date of the policy;
49 or

50 (d) with respect to a non-commercial private passenger automobile
51 insurance policy, has had an accident while operating a commercial vehi-
52 cle in the course of employment and in the discharge of the employee's
53 duties at the time of the accident, unless the accident is determined to
54 have been caused by the intentional action or gross negligence of the
55 insured.

1 § 3. This act shall take effect immediately, provided, however, that
2 the amendments to section 2335 of the insurance law made by section two
3 of this act shall not affect the expiration of such section and shall be
4 deemed to expire therewith; and provided, further, that this act shall
5 only apply to policies entered into, modified, or renewed on or after
6 such effective date.