

# STATE OF NEW YORK

438

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, the vehicle and traffic law, the civil practice law and rules, and the criminal procedure law, in relation to dashboard cameras

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

1 Section 1. Section 2336 of the insurance law is amended by adding a  
2 new subsection (i) to read as follows:

3 (i) (1) Any schedule or rating plan for non-commercial private passen-  
4 ger insurance shall provide for a five percent reduction in premium  
5 charges for bodily injury liability, property damage liability, personal  
6 injury protection, medical payments and collision coverage with respect  
7 to automobiles equipped with an operating dashboard camera that complies  
8 with the rules and regulations of the commissioner of motor vehicles  
9 promulgated pursuant to subdivision fifty-two of section three hundred  
10 seventy-five of the vehicle and traffic law. Each insurer may establish  
11 such requirements as it shall deem necessary for the submission of proof  
12 and certification that such a dashboard camera has been installed in the  
13 insured automobile and that such camera is in operating condition. The  
14 superintendent shall, in consultation with the commissioner of motor  
15 vehicles, promulgate rules and regulations.

16 (2) In any instance in which an insured is receiving the premium  
17 reduction provided in paragraph one of this subsection and the insured  
18 has falsely certified that his or her automobile is equipped with an  
19 operating dashboard camera or the dashboard camera is no longer in oper-  
20 ating condition while the automobile is being operated, the insurer may  
21 impose a civil penalty upon such insured equal to the premium reduction  
22 granted for the dashboard camera for one year or for the period such  
23 reduction was wrongfully granted, whichever shall be shorter. Further-

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

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1 more, an insurer may thereafter deny the provision of such premium  
2 reduction regardless of whether a suitable dashboard camera is installed  
3 in the automobile in the future.

4 (3) Every insurer shall include in each certification completed by an  
5 insured pursuant to this subsection, a statement of the imposition of  
6 the civil penalty authorized by paragraph two of this subsection in the  
7 event such certification is false. In addition each such certification  
8 shall inform the insured of his or her duty to maintain the dashboard  
9 camera in working condition at all times.

10 § 2. The insurance law is amended by adding a new section 5110 to read  
11 as follows:

12 § 5110. Review of dashboard camera images. (a) Every insurer in the  
13 settlement of any claim involving a motor vehicle or motor vehicles,  
14 shall review any available images from a dashboard camera or dashboard  
15 cameras installed in any of the vehicles to which such claim relates.  
16 Thereafter, each such insurer shall submit certification of such review  
17 to the superintendent.

18 (b) The images from a dashboard camera shall be considered based on  
19 the totality of the circumstances of a claim, and such images shall not  
20 be deemed to be dispositive, but shall be considered as any other  
21 evidence relating to a claim.

22 § 3. Subdivision (c) of section 301 of the vehicle and traffic law is  
23 amended by adding a new paragraph 4 to read as follows:

24 (4)(i) During the course of each safety inspection, a certified  
25 inspector shall determine whether a dashboard camera is installed in the  
26 motor vehicle. In the event that such a camera is installed in a motor  
27 vehicle, he or she shall determine whether the dashboard camera complies  
28 with the rules and regulations of the commissioner promulgated pursuant  
29 to subdivision fifty-two of section three hundred seventy-five of this  
30 title and whether such camera is in operating condition while the motor  
31 vehicle is being operated.

32 (ii) In the event a motor vehicle does not have a dashboard camera,  
33 has a camera which does not comply with the rules of the commissioner,  
34 or such camera is not in operating condition, the certified inspector  
35 shall include a notation, that the motor vehicle does not have an oper-  
36 ating dashboard camera, upon the certificate of inspection provided to  
37 the owner and the department.

38 (iii) In the event a motor vehicle has an operating dashboard camera,  
39 which complies with the rules and regulations of the commissioner, the  
40 certified inspector shall issue a certification thereof to the owner and  
41 the department.

42 § 4. The vehicle and traffic law is amended by adding a new section  
43 322 to read as follows:

44 § 322. Dashboard camera records. Upon the request of any insurer issu-  
45 ing owner's policies of liability insurance, the commissioner shall  
46 forward to such insurer a copy of any report, relating to a dashboard  
47 camera installed in a motor vehicle insured by the insurer, which the  
48 commissioner possesses pursuant to paragraph four of subdivision (c) of  
49 section three hundred one of this title.

50 § 5. Section 375 of the vehicle and traffic law is amended by adding a  
51 new subdivision 52 to read as follows:

52 52. Dashboard cameras. The commissioner shall, by rules and regu-  
53 lations, establish standards for the size, location and use of dashboard  
54 cameras installed in motor vehicles. The commissioner may maintain a  
55 list of those dashboard cameras approved by him or her as conforming to  
56 the specifications and requirements established for such cameras.

1 § 6. The civil practice law and rules is amended by adding a new  
2 section 4549 to read as follows:

3 § 4549. Dashboard camera images. Any image or images produced by a  
4 dashboard camera shall be admissible as proof of the occurrence or event  
5 depicted in such image or images.

6 § 7. The criminal procedure law is amended by adding a new section  
7 60.80 to read as follows:

8 § 60.80 Dashboard camera images.

9 Any image or images produced by a dashboard camera shall be admissible  
10 as proof of the occurrence or event depicted in such image or images.

11 § 8. This act shall take effect on the first of January next succeed-  
12 ing the date on which it shall have become a law and section one of this  
13 act shall apply to all policies issued, renewed, modified, altered or  
14 amended on or after such date. Provided, however, that, effective imme-  
15 diately, any and all rules and regulations and any other measures neces-  
16 sary to implement the provisions of this act on its effective date are  
17 authorized and directed to be completed on or before such date.