

STATE OF NEW YORK

7979

2019-2020 Regular Sessions

IN ASSEMBLY

May 29, 2019

Introduced by M. of A. JACOBSON -- 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 increasing the minimum insurance coverage required for motor vehicles registered and/or operated within the state of New York

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

1 Section 1. Paragraph (a) of subdivision 4 and subdivision 7 of section
2 311 of the vehicle and traffic law, paragraph (a) of subdivision 4 as
3 amended by chapter 305 of the laws of 1995 and subdivision 7 as amended
4 by chapter 805 of the laws of 1984, are amended to read as follows:

5 (a) Affording coverage as defined in the minimum provisions prescribed
6 in a regulation which shall be promulgated by the superintendent at
7 least ninety days prior to effective date of this act. The superinten-
8 dent before promulgating such regulations or any amendment thereof,
9 shall consult with all insurers licensed to write automobile liability
10 insurance in this state and shall not prescribe minimum provisions which
11 fail to reflect the provisions of automobile liability insurance poli-
12 cies, other than motor vehicle liability policies as defined in section
13 three hundred forty-five of this ~~chapter~~ title, issued within this
14 state at the date of such regulation or amendment thereof. Nothing
15 contained in such regulation or in this article shall prohibit any
16 insurer from affording coverage under an owner's policy of liability
17 insurance more liberal than that required by said minimum provisions.
18 Every such owner's policy of liability insurance shall provide insurance
19 subject to said regulation against loss from the liability imposed by
20 law for damages, including damages for care and loss of services,
21 because of bodily injury to or death of any person and injury to or
22 destruction of property arising out of the ownership, maintenance, use,
23 or operation of a specific motor vehicle or motor vehicles within the
24 state of New York, or elsewhere in the United States in North America or

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

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

31 7. The term "financial security deposit" shall mean for each motor
32 vehicle the deposit with the commissioner of [~~twenty-five~~] fifty thou-
33 sand dollars in cash, or securities, such as may legally be purchased by
34 savings banks or trust funds, of a market value of [~~twenty-five~~] fifty
35 thousand dollars and an additional deposit in an amount determined by
36 the commissioner to be sufficient to satisfy the requirements of article
37 fifty-one of the insurance law.

38 § 2. Paragraph 3 of subdivision (b) of section 345 of the vehicle and
39 traffic law, as amended by chapter 305 of the laws of 1995, is amended
40 to read as follows:

41 (3) Shall insure the insured or such other person against loss from
42 the liability imposed by law for damages, including damages for care and
43 loss of services because of bodily injury to or death of any person and
44 injury to or destruction of property arising out of the ownership, main-
45 tenance, use, or operation of such motor vehicle or motor vehicles with-
46 in the state of New York, or elsewhere in the United States in North
47 America or the Dominion of Canada, subject to a limit, exclusive of
48 interest and cost, with respect to each such motor vehicle, except a tow
49 truck, of [~~twenty-five~~] fifty thousand dollars because of bodily injury
50 to or [~~fifty~~] one hundred thousand dollars because of death of one
51 person in any one accident and, subject to said limit for one person, to
52 a limit of [~~fifty~~] one hundred thousand dollars because of bodily injury
53 to or [~~one~~] two hundred thousand dollars because of death of two or more
54 persons in any one accident, and to a limit of [~~ten~~] twenty-five thou-
55 sand dollars because of injury to or destruction of property of others
56 in any one accident. The limit, exclusive of interest and costs, with

1 respect to a tow truck shall be a combined single limit of three hundred
2 thousand dollars because of bodily injury of death to one or more
3 persons or because of injury or destruction of property of others in any
4 one accident, and to a limit of twenty-five thousand dollars because of
5 damage to a vehicle in the care, custody and control of the insured.

6 § 3. Paragraph 1 of subsection (f) of section 3420 of the insurance
7 law, as amended by section 19 of part III of chapter 59 of the laws of
8 2019, is amended to read as follows:

9 (1) No policy insuring against loss resulting from liability imposed
10 by law for bodily injury or death suffered by any natural person arising
11 out of the ownership, maintenance and use of a motor vehicle or an
12 altered motor vehicle commonly referred to as a "stretch limousine"
13 having a seating capacity of eight or more passengers used in the busi-
14 ness of carrying or transporting passengers for hire, by the insured
15 shall be issued or delivered by any authorized insurer upon any motor
16 vehicle or an altered motor vehicle commonly referred to as a "stretch
17 limousine" having a seating capacity of eight or more passengers used in
18 the business of carrying or transporting passengers for hire, then prin-
19 cipally garaged or principally used in this state unless it contains a
20 provision whereby the insurer agrees that it will pay to the insured, as
21 defined in such provision, subject to the terms and conditions set forth
22 therein to be prescribed by the board of directors of the Motor Vehicle
23 Accident Indemnification Corporation and approved by the superintendent,
24 all sums, not exceeding a maximum amount or limit of [~~twenty-five~~] fifty
25 thousand dollars exclusive of interest and costs, on account of injury
26 to and all sums, not exceeding a maximum amount or limit of [~~fifty~~] one
27 hundred thousand dollars exclusive of interest and costs, on account of
28 death of one person, in any one accident, and the maximum amount or
29 limit, subject to such limit for any one person so injured of [~~fifty~~]
30 one hundred thousand dollars or so killed of [~~one~~] two hundred thousand
31 dollars, exclusive of interest and costs, on account of injury to, or
32 death of, more than one person in any one accident, which the insured or
33 his legal representative shall be entitled to recover as damages from an
34 owner or operator of an uninsured motor vehicle, unidentified motor
35 vehicle which leaves the scene of an accident, a motor vehicle regis-
36 tered in this state as to which at the time of the accident there was
37 not in effect a policy of liability insurance, a stolen vehicle, a motor
38 vehicle operated without permission of the owner, an insured motor vehi-
39 cle where the insurer disclaims liability or denies coverage or an
40 unregistered vehicle because of bodily injury, sickness or disease,
41 including death resulting therefrom, sustained by the insured, caused by
42 accident occurring in this state and arising out of the ownership, main-
43 tenance or use of such motor vehicle. No payment for non-economic loss
44 shall be made under such policy provision to a covered person unless
45 such person has incurred a serious injury, as such terms are defined in
46 section five thousand one hundred two of this chapter. Such policy shall
47 not duplicate any element of basic economic loss provided for under
48 article fifty-one of this chapter. No payments of first party benefits
49 for basic economic loss made pursuant to such article shall diminish the
50 obligations of the insurer under this policy provision for the payment
51 of non-economic loss and economic loss in excess of basic economic loss.
52 Notwithstanding any inconsistent provisions of section three thousand
53 four hundred twenty-five of this article, any such policy which does not
54 contain the aforesaid provisions shall be construed as if such
55 provisions were embodied therein.

§ 4. 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~~] fifty thousand dollars on account of injury to one person in any one accident, and

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

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

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

§ 5. This act shall take effect on the same date and in the same manner as section 19 of part III of chapter 59 of the laws of 2019, takes effect.