STATE OF NEW YORK

742--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JACOBSON, STECK -- 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 and the vehicle and traffic law, in relation to supplementary uninsured and underinsured motorist coverage for police agencies

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

Section 1. Subparagraph (A) of paragraph 2 of subsection (f) of section 3420 of the insurance law, as amended by section 19 of part III of chapter 59 of the laws of 2019, is amended to read as follows:

(A) Any such policy shall, at the option of the insured, also provide supplementary uninsured/underinsured motorists insurance for bodily injury, in an amount up to the bodily injury liability insurance limits of coverage provided under such policy, subject to a maximum of two hundred fifty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, up to five hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, or a combined single limit policy of five hundred thousand dollars because of bodily injury to or death of one or more persons in any one accident; and any such policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance, and use of an altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of eight or more passengers used in the business of carrying or transporting passengers for hire, shall provide supplementary uninsured/underinsured motorists insurance for bodily injury, in an

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

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amount of a combined single limit of one million five hundred thousand dollars because of bodily injury or death of one or more persons in any one accident. Provided however, an insurer issuing any such policy, except a policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance, and use of an altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of eight or more passengers used in the business of carrying or transporting passengers for hire, in lieu of offering to the insured the coverages stated above, may provide supplementary uninsured/underinsured motorists insurance for bodily injury, in an amount up to the bodily injury liability insurance limits of coverage provided under such policy, subject to a maximum of one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, up to three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, or a combined single limit policy of three hundred thousand dollars because of bodily injury to or death of one or more persons in any one accident, if such insurer also makes available a personal umbrella policy with liability coverage limits up to at least five hundred thousand dollars which also provides coverage for supplementary uninsured/underinsured motorists claims. Supplementary uninsured/underinsured motorists insurance shall provide coverage, in any state or Canadian province, if the limits of liability under all bodily injury liability bonds and insurance policies of another motor vehicle liable for damages are in a lesser amount than the bodily injury liability insurance limits of coverage provided by such policy. Upon written request by any insured covered by supplemental uninsured/underinsured motorists insurance or his duly authorized representative and upon disclosure by the insured of the insured's bodily injury and supplemental uninsured/underinsured motorists insurance coverage limits, the insurer of any other owner or operator of another motor vehicle against which a claim has been made for damages to the insured shall disclose, within forty-five days of the request, the bodily injury liability insurance limits of its coverage provided under the policy or all bodily injury liability bonds. The time of the insured to make any supplementary uninsured/underinsured motorist claim, shall be tolled during the period the insurer of any other owner or operator of another motor vehicle that may be liable for damages to the insured, fails to so disclose its coverage. As a condition precedent to the obligation of the insurer to pay under the supplementary uninsured/underinsured motorists insurance coverage, the limits of liability of all bodily injury liability bonds or insurance policies applicable at the time of the accident shall be exhausted by payment of judgments or settlements. **As used in this subsection, "motor vehicle" shall include fire vehicles, as defined in section one hundred fifteen-a of the vehicle and traffic law, and police vehicles, as defined in section one hundred thirty-two-a of the vehicle and traffic law.**

§ 2. Paragraph 5 of subsection (f) of section 3420 of the insurance law, as amended by chapter 11 of the laws of 2013, is amended to read as follows:

(5) This paragraph shall apply to **self-insurance or** a policy that provides supplementary uninsured/underinsured motorist insurance coverage for bodily injury and is a policy: (A) issued or delivered in this state that insures against liability arising out of the ownership, maintenance, and use of a fire vehicle, as defined in section one hundred

fifteen-a of the vehicle and traffic law, where the fire vehicle is principally garaged or used in this state**, or a police vehicle, as defined in section one hundred thirty-two-a of the vehicle and traffic law**; or (B) as specified in paragraph one of this subsection. Every such policy that insures a fire department, fire company, as defined in section one hundred of the general municipal law, an ambulance service, [~~or~~] a voluntary ambulance service, as defined in section three thousand one of the public health law, **or a police agency, as defined in section eight hundred thirty-five of the executive law,** shall provide such supplementary uninsured/underinsured motorist insurance coverage **no less than the bodily injury liability insurance limits of coverage provided under such policy** to an individual employed by or who is a member of the fire department, fire company, ambulance service, [~~or~~] voluntary ambulance service**, or police agency** and who is injured by an uninsured or underinsured motor vehicle while acting in the scope of the individual's duties for the fire department, fire company, ambulance service, [~~or~~] voluntary ambulance service**, or police agency** covered under the policy, except with respect to the use or operation by such an individual of a motor vehicle not covered under the policy.

§ 3. Subdivision 2 of section 388 of the vehicle and traffic law, as amended by chapter 608 of the laws of 1960, is amended to read as follows:

2. As used in this section, "vehicle" means a "motor vehicle", as defined in section one hundred twenty-five of this chapter, except fire and police vehicles, self-propelled combines, self-propelled corn and hay harvesting machines and tractors used exclusively for agricultural purposes, and shall also include "semitrailer" and "trailer" as defined in article one of this chapter, whether or not such vehicles are used or operated upon a public highway**; provided, however, that for purposes of paragraph two of subdivision (f) of section three thousand four hundred twenty of the insurance law, the term "motor vehicle" shall include fire vehicles, as defined in section one hundred fifteen-a of this chapter, and police vehicles, as defined in section one hundred thirty-two-a of this chapter**. For the purpose of this section, self-propelled caterpillar or crawler-type equipment while being operated on the contract site, shall not be defined as motor vehicles.

§ 4. This act shall take effect immediately and shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.