STATE OF NEW YORK

959

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the insurance law and the vehicle and traffic law, in relation to premium reductions of commercial risk insurance policies covering for-hire vehicles and to amend a chapter of the laws of 2020 amending the insurance law relating to establishing the for-hire motor vehicle safety program as proposed in legislative bills numbers S. 7881 and A. 9763-A, in relation to the effectiveness of such chapter

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

Section 1. Subsection (d) of section 2353 of the insurance law, as added by a chapter of the laws of 2020 amending the insurance law relating to establishing the for-hire motor vehicle safety program as proposed in legislative bills numbers S. 7881 and A. 9763-A, is amended to read as follows:

(d) The superintendent shall provide for an actuarially appropriate reduction for a period of three years in the rates of premiums for commercial risk insurance applicable to motor vehicles engaged in the business of carrying or transporting passengers for-hire, having a seating capacity of not less than eight passengers, for each triennial completion of a course of instruction on for-hire motor vehicle safety as authorized pursuant to this section. The [~~superintendent~~] **commissioner of motor vehicles** shall evaluate and approve any for-hire vehicle safety program created pursuant to this section within sixty days of the effective date of this section.

§ 2. Subsection (f) of section 2353 of the insurance law is relettered subsection (g) and a new subsection (f) is added to read as follows:

(f) Any insured who successfully completes a course of instruction on for-hire motor vehicle safety pursuant to this section and receives a

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

LBD07186-01-1

premium reduction on the insured's commercial risk insurance policy covering the for-hire vehicle shall not, during the period set forth in subsection (e) of this section, also be eligible for an additional premium reduction on the insured's commercial risk insurance policy covering the for-hire vehicle for successful completion of the motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, authorized under section two thousand three hundred thirty-six of this article.

§ 3. Subsection (a) of section 2336 of the insurance law, as amended by chapter 751 of the laws of 2005, is amended to read as follows:

(a) (1) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that, except as provided in article twelve-C of the vehicle and traffic law, there shall be no reduction in premiums for a [~~self-instruction~~] self-instruction defensive driving course or a course [~~which~~] that does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness and in "Work Zone Safety" awareness as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

(2) Any insured who successfully completes a course pursuant to this subsection and receives a premium reduction on the insured's insurance policy covering the for-hire vehicle, shall not, during the period set forth in subsection (e) of section two thousand three hundred fifty-three of this article, also be eligible for an additional premium reduction on the insured's commercial risk insurance policy covering the for-hire motor vehicle for successful completion of the for-hire safety motor vehicle course authorized under section two thousand three hundred fifty-three of this article.

§ 4. Subsection (a) of section 2336 of the insurance law, as amended by chapter 585 of the laws of 2002, is amended to read as follows:

(a) (1) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that in either event there shall be no reduction in premiums for a [~~self-instruction~~] self-instruction defensive driving course or a course [~~which~~] that does not provide for actual classroom instruction for a

minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness and in "Work Zone Safety" awareness as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

(2) Any insured who successfully completes a course pursuant to this subsection and receives a premium reduction on the insured's insurance policy covering the for-hire vehicle, shall not, during the period set forth in subsection (e) of section two thousand three hundred fifty-three of this article, also be eligible for an additional premium reduction on the insured's commercial risk insurance policy covering the for-hire motor vehicle for successful completion of the for-hire safety motor vehicle course authorized under section two thousand three hundred fifty-three of this article.

§ 5. The vehicle and traffic law is amended by adding a new section 397-c to read as follows:

§ 397-c. For-hire motor vehicle safety program. The commissioner shall evaluate and approve any for-hire motor vehicle safety program created pursuant to section two thousand three hundred fifty-three of the insurance law within sixty days of the effective date of such section.

§ 6. Section 2 of a chapter of the laws of 2020 amending the insurance law relating to establishing the for-hire motor vehicle safety program as proposed in legislative bills numbers S. 7881 and A. 9763-A, is amended to read as follows:

§ 2. This act shall take effect [~~immediately and shall apply to all policies issued, renewed, modified, altered or amended on or after the sixtieth day following the effective date of this act~~] **on the sixtieth day after it shall have become a law**.

§ 7. This act shall take effect immediately; provided, however, that sections one, two, three and five of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2020 amending the insurance law relating to establishing the for-hire motor vehicle safety program as proposed in legislative bills numbers S. 7881 and A. 9763-A, takes effect; and provided further that the amendments to subsection (a) of section 2336 of the insurance law made by section three of this act shall be subject to the expiration and reversion of such subsection when upon such date the provisions of section four of this act shall take effect.