# STATE OF NEW YORK

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9367

# IN SENATE

May 20, 2022
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Introduced  by  Sen. BRESLIN -- read twice and ordered printed, and when
   printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law,  in  relation  to  the  provision  of
   supplemental  spousal  liability  insurance to persons who are insured
   for loss resulting from the ownership, maintenance and use of a  motor
   vehicle

   **The  People of the State of New York, represented in Senate and Assem-
   bly, do enact as follows:**

 1    Section 1. Subsection (g) of section 3420 of  the  insurance  law,  as
 2  amended  by  chapter  584  of  the  laws  of 2002, is amended to read as
 3  follows:
 4    (g) [No] **(1) Except as otherwise provided in  paragraph  two  of  this
 5  subsection,  no** policy or contract shall be deemed to insure against any
 6  liability of an insured because of death of or injuries to  his  or  her
 7  spouse or because of injury to, or destruction of property of his or her
 8  spouse  unless  express  provision  relating  specifically  thereto  is
 9  included in the policy [as provided in paragraphs one and  two  of  this
10  subsection].  This  exclusion shall apply only where the injured spouse,
11  to be entitled to recover,  must  prove  the  culpable  conduct  of  the
12  insured spouse.
13    [(1) Upon written request of an insured, and upon payment of a reason-
14  able premium established in accordance with article twenty-three of this
15  chapter, an] **(2) (A) Every** insurer issuing or delivering any policy that
16  satisfies the requirements of article six of the vehicle and traffic law
17  shall  provide  coverage  **in such policy** against liability of an insured
18  because of death of or injuries to his or her spouse up to the liability
19  insurance limits provided under  such  policy  even  where  the  injured
20  spouse,  to  be  entitled to recover, must prove the culpable conduct of
21  the insured spouse**, unless the insured elects, in writing  and  in  such
22  form as the superintendent determines, to decline and refuse such cover-
23  age  in  his  or  her  policy**. Such insurance coverage shall be known as
24  "supplemental spousal liability insurance".
25    [(2)] **(B)** Upon issuance**, renewal  or  amendment** of  a  motor  vehicle
26  liability  policy  that satisfies the requirements of article six of the

 1  vehicle and traffic law [~~and that becomes effective on or after  January~~
 2  ~~first,  two  thousand  three, pursuant to regulations promulgated by the~~
 3  ~~superintendent~~], the insurer shall notify the insured, in  writing,  [~~of~~
 4  ~~the availability of~~] **that such policy shall include** supplemental spousal
 5  liability  insurance **unless the insured declines and refuses such insur-**
 6  **ance, in writing and in such form as shall be determined by  the  super-**
 7  **intendent**.   Such  notification  shall be contained on the front of the
 8  premium notice in boldface type and include  a  concise  statement  that
 9  supplementary  spousal  coverage is [~~available~~] **provided unless declined**
10  **by the insured**, an explanation  of  such  coverage,  and  the  insurer's
11  premium  for  such coverage. [~~Subsequently, a notification of the avail-~~
12  ~~ability of supplementary spousal liability coverage shall be provided at~~
13  ~~least once a year in motor vehicle liability policies issued pursuant to~~
14  ~~article six of the vehicle and traffic law, including  those  originally~~
15  ~~issued  prior  to  January  first,  two thousand three. Such notice must~~
16  ~~include a concise  statement  that  supplementary  spousal  coverage  is~~
17  ~~available,  an  explanation  of such coverage, and the insurer's premium~~
18  ~~for such coverage.~~]
19     § 2. This act shall take effect on the first of January next  succeed-
20  ing  the  date  on  which  it shall have become a law and shall apply to
21  policies issued, renewed or modified on or after  such  date.  Effective
22  immediately,  the addition, amendment and/or repeal of any rule or regu-
23  lation necessary for the implementation of this  act  on  its  effective
24  date are authorized to be made and completed on or before such effective
25  date.