

STATE OF NEW YORK

1178

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JACOBSON, STECK -- 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 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:

1 Section 1. Subparagraph (A) of paragraph 2 of subsection (f) of
2 section 3420 of the insurance law, as amended by section 19 of part III
3 of chapter 59 of the laws of 2019, is amended to read as follows:
4 (A) Any such policy shall, at the option of the insured, also provide
5 supplementary uninsured/underinsured motorists insurance for bodily
6 injury, in an amount up to the bodily injury liability insurance limits
7 of coverage provided under such policy, subject to a maximum of two
8 hundred fifty thousand dollars because of bodily injury to or death of
9 one person in any one accident and, subject to such limit for one
10 person, up to five hundred thousand dollars because of bodily injury to
11 or death of two or more persons in any one accident, or a combined
12 single limit policy of five hundred thousand dollars because of bodily
13 injury to or death of one or more persons in any one accident; and any
14 such policy insuring against loss resulting from liability imposed by
15 law for bodily injury or death suffered by any natural person arising
16 out of the ownership, maintenance, and use of an altered motor vehicle
17 commonly referred to as a "stretch limousine" having a seating capacity
18 of eight or more passengers used in the business of carrying or trans-
19 porting passengers for hire, shall provide supplementary
20 uninsured/underinsured motorists insurance for bodily injury, in an
21 amount of a combined single limit of one million five hundred thousand
22 dollars because of bodily injury or death of one or more persons in any
23 one accident. Provided however, an insurer issuing any such policy,
24 except a policy insuring against loss resulting from liability imposed

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

LBD02192-01-3

1 by law for bodily injury or death suffered by any natural person arising
2 out of the ownership, maintenance, and use of an altered motor vehicle
3 commonly referred to as a "stretch limousine" having a seating capacity
4 of eight or more passengers used in the business of carrying or trans-
5 porting passengers for hire, in lieu of offering to the insured the
6 coverages stated above, may provide supplementary uninsured/underinsured
7 motorists insurance for bodily injury, in an amount up to the bodily
8 injury liability insurance limits of coverage provided under such poli-
9 cy, subject to a maximum of one hundred thousand dollars because of
10 bodily injury to or death of one person in any one accident and, subject
11 to such limit for one person, up to three hundred thousand dollars
12 because of bodily injury to or death of two or more persons in any one
13 accident, or a combined single limit policy of three hundred thousand
14 dollars because of bodily injury to or death of one or more persons in
15 any one accident, if such insurer also makes available a personal
16 umbrella policy with liability coverage limits up to at least five
17 hundred thousand dollars which also provides coverage for supplementary
18 uninsured/underinsured motorists claims. Supplementary
19 uninsured/underinsured motorists insurance shall provide coverage, in
20 any state or Canadian province, if the limits of liability under all
21 bodily injury liability bonds and insurance policies of another motor
22 vehicle liable for damages are in a lesser amount than the bodily injury
23 liability insurance limits of coverage provided by such policy. Upon
24 written request by any insured covered by supplemental
25 uninsured/underinsured motorists insurance or his duly authorized repre-
26 sentative and upon disclosure by the insured of the insured's bodily
27 injury and supplemental uninsured/underinsured motorists insurance
28 coverage limits, the insurer of any other owner or operator of another
29 motor vehicle against which a claim has been made for damages to the
30 insured shall disclose, within forty-five days of the request, the bodi-
31 ly injury liability insurance limits of its coverage provided under the
32 policy or all bodily injury liability bonds. The time of the insured to
33 make any supplementary uninsured/underinsured motorist claim, shall be
34 tolled during the period the insurer of any other owner or operator of
35 another motor vehicle that may be liable for damages to the insured,
36 fails to so disclose its coverage. As a condition precedent to the obli-
37 gation of the insurer to pay under the supplementary
38 uninsured/underinsured motorists insurance coverage, the limits of
39 liability of all bodily injury liability bonds or insurance policies
40 applicable at the time of the accident shall be exhausted by payment of
41 judgments or settlements. As used in this subsection, "motor vehicle"
42 shall include fire vehicles, as defined in section one hundred fifteen-a
43 of the vehicle and traffic law, and police vehicles, as defined in
44 section one hundred thirty-two-a of the vehicle and traffic law.

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

48 (5) This paragraph shall apply to self-insurance or a policy that
49 provides supplementary uninsured/underinsured motorist insurance cover-
50 age for bodily injury and is a policy: (A) issued or delivered in this
51 state that insures against liability arising out of the ownership, main-
52 tenance, and use of a fire vehicle, as defined in section one hundred
53 fifteen-a of the vehicle and traffic law, where the fire vehicle is
54 principally garaged or used in this state, or a police vehicle, as
55 defined in section one hundred thirty-two-a of the vehicle and traffic
56 law; or (B) as specified in paragraph one of this subsection. Every

1 such policy that insures a fire department, fire company, as defined in
2 section one hundred of the general municipal law, an ambulance service,
3 [~~or~~] a voluntary ambulance service, as defined in section three thousand
4 one of the public health law, or a police agency, as defined in section
5 eight hundred thirty-five of the executive law, shall provide such
6 supplementary uninsured/underinsured motorist insurance coverage no less
7 than the bodily injury liability insurance limits of coverage provided
8 under such policy to an individual employed by or who is a member of the
9 fire department, fire company, ambulance service, [~~or~~] voluntary ambu-
10 lance service, or police agency and who is injured by an uninsured or
11 underinsured motor vehicle while acting in the scope of the individual's
12 duties for the fire department, fire company, ambulance service, [~~or~~]
13 voluntary ambulance service, or police agency covered under the policy,
14 except with respect to the use or operation by such an individual of a
15 motor vehicle not covered under the policy.

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

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

33 § 4. This act shall take effect immediately and shall apply to poli-
34 cies and contracts issued, renewed, modified, altered or amended on or
35 after such effective date.