STATE OF NEW YORK

5646--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. COOK, PEOPLES-STOKES, HYNDMAN, DICKENS, SIMON -- Multi-Sponsored by -- M. of A. DAVILA -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to the collateral estoppel effect of issues decided by certain arbitrators

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

Section 1. Short title. This act shall be known and may be cited as the "fairness for accident victims act ("FAVA")".

§ 2. Section 5106 of the insurance law is amended by adding new subsection (e) to read as follows:

(e) With respect to an action for serious personal injury permissible under section five thousand one hundred four of this article, an award or decision of an arbitrator or master arbitrator or that is court rendered pursuant to subsection (c) of this section seeking no-fault reimbursement by or for medical providers, shall not be given collateral estoppel effect in any action or proceeding arising out of the same occurrence and shall not be admissible in any action or proceeding in actions seeking damages for bodily injuries, pain suffering, medical care and loss of wages as evidence of any facts.

§ 3. This act shall take effect immediately and shall apply to all pending civil actions and arbitrations.

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

LBD04058-03-3