

# STATE OF NEW YORK

9407

## IN ASSEMBLY

March 13, 2024

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

AN ACT to amend the insurance law, in relation to supplemental spousal liability insurance

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

1 Section 1. Subsection (g) of section 3420 of the insurance law, as  
2 amended by chapter 735 of the laws of 2022, is amended to read as  
3 follows:

4 (g) (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 the insured's spouse or because of injury to, or destruction of property  
8 of [~~his or her~~] the insured's spouse unless express provision relating  
9 specifically thereto is included in the policy. This exclusion shall  
10 apply only where the injured spouse, to be entitled to recover, must  
11 prove the culpable conduct of the insured spouse.

12 (2) (A) [~~Every~~] (i) Upon payment of a reasonable premium established  
13 in accordance with article twenty-three of this chapter, an insurer  
14 issuing or delivering any policy that satisfies the requirements of  
15 article six of the vehicle and traffic law and is subject to section  
16 three thousand four hundred twenty-five of this article shall provide  
17 coverage in such a policy issued to a first named insured who has indi-  
18 cated that such insured has a spouse on the insurance application,  
19 against liability of an insured because of death of or injuries to [~~his~~  
20 ~~or her~~] the insured's spouse up to the liability insurance limits  
21 provided under such policy even where the injured spouse, to be entitled  
22 to recover, must prove the culpable conduct of the insured spouse,  
23 unless [~~the~~] a first named insured elects, in writing and in such form  
24 as the superintendent determines, to decline and refuse such coverage in  
25 [~~his or her~~] the first named insured's policy. Such insurance coverage  
26 shall be known as "supplemental spousal liability insurance".

27 (ii) Upon written request of an insured, and upon payment of a reason-  
28 able premium established in accordance with article twenty-three of this

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

LBD14782-01-4

1 chapter, an insurer issuing or delivering any policy that satisfies the  
2 requirements of article six of the vehicle and traffic law, other than  
3 as specified in clause (i) of this subparagraph, shall provide coverage  
4 in such a policy against liability of an insured because of death of or  
5 injuries to the insured's spouse up to the liability insurance limits  
6 provided under such policy even where the injured spouse, to be entitled  
7 to recover, must prove the culpable conduct of the insured spouse.

8 (B) Upon issuance, renewal or amendment of a motor vehicle liability  
9 policy that satisfies the requirements of article six of the vehicle and  
10 traffic law and is subject to section three thousand four hundred twen-  
11 ty-five of this article, the insurer shall notify [~~the~~] a first named  
12 insured who has indicated that such insured has a spouse on the insur-  
13 ance application or that has requested supplemental spousal liability  
14 insurance pursuant to clause (ii) of subparagraph (A) of this paragraph,  
15 in writing, that such policy shall include supplemental spousal liabil-  
16 ity insurance unless [~~the~~] a first named insured declines and refuses  
17 such insurance, in writing and in such form as shall be determined by  
18 the superintendent. Such notification shall be contained on the front of  
19 the premium notice in boldface type and include a concise statement that  
20 [~~supplementary~~] supplemental spousal coverage is provided unless  
21 declined by [~~the~~] a first named insured, an explanation of such cover-  
22 age, and the insurer's premium for such coverage.

23 (C) A notification of the availability of supplemental spousal liabil-  
24 ity insurance shall be provided upon policy issuance, other than for the  
25 policies to which the notification requirement in subparagraph (B) of  
26 this paragraph applies, and at least once a year for all motor vehicle  
27 liability policies that satisfy the requirements of article six of the  
28 vehicle and traffic law, where the policy does not already provide  
29 supplemental spousal liability insurance. Such notice shall be  
30 contained on the front of the premium notice in boldface type and  
31 include a concise statement that supplemental spousal liability coverage  
32 is available, an explanation of such coverage, and the insurer's premium  
33 for such coverage.

34 § 2. This act shall take effect on the one hundred eightieth day after  
35 it shall have become a law and shall apply to policies issued,  
36 renewed or modified on or after such date; provided, however that the  
37 amendments to subsection (g) of section 3420 of the insurance law made  
38 by section one of this act shall be subject to the expiration and rever-  
39 sion of such subsection pursuant to section 2 of chapter 735 of the laws  
40 of 2022, as amended.