STATE OF NEW YORK

55

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. GOUNARDES -- 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 increasing certain monetary limits under the comprehensive motor vehicle insurance reparations act

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

Section 1. Paragraphs 2 and 3 of subsection (a) of section 5102 of the insurance law, paragraph 2 as amended by chapter 320 of the laws of 1991, are amended to read as follows:

(2) Loss of earnings from work which the person would have performed had he not been injured, and reasonable and necessary expenses incurred by such person in obtaining services in lieu of those that he would have performed for income, up to [~~two~~] three thousand dollars per month for not more than three years from the date of the accident causing the injury. An employee who is entitled to receive monetary payments, pursuant to statute or contract with the employer, or who receives voluntary monetary benefits paid for by the employer, by reason of the employee's inability to work because of personal injury arising out of the use or operation of a motor vehicle, is not entitled to receive first party benefits for "loss of earnings from work" to the extent that such monetary payments or benefits from the employer do not result in the employee suffering a reduction in income or a reduction in the employee's level of future benefits arising from a subsequent illness or injury.

(3) [~~All~~] Any and all other reasonable and necessary expenses incurred including, without limitation, medical transportation, non-medical transportation, pet care services, house cleaning services, laundry services, and food preparation and delivery services, up to [~~twenty-five~~] fifty dollars per day for not more than one year from the date of the accident causing the injury. In determining whether an "other

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

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expense" is reasonable and necessary, the certification of a treating physician that the claimant was disabled from work during the relevant period constitutes prima facie proof that the expense was reasonable and necessary.

§ 2. Subsection (b) of section 5102 of the insurance law is amended to read as follows:

(b) "First party benefits" means payments to reimburse a person for basic economic loss on account of personal injury arising out of the use or operation of a motor vehicle, less:

(1) Twenty percent of lost earnings computed pursuant to paragraph two of subsection (a) of this section**, provided, however, that such twenty percent shall not count towards the fifty thousand dollar limit for basic economic loss per person described in subsection (a) of this section**.

(2) Amounts recovered or recoverable on account of such injury under state or federal laws providing social security disability benefits, or workers' compensation benefits, or disability benefits under article nine of the workers' compensation law, or medicare benefits, other than lifetime reserve days and provided further that the medicare benefits utilized herein do not result in a reduction of such person's medicare benefits for a subsequent illness or injury.

(3) Amounts deductible under the applicable insurance policy.

§ 3. This act shall take effect immediately.