STATE OF NEW YORK

5764--B

Cal. No. 1187

2023-2024 Regular Sessions

IN SENATE

March 15, 2023

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to using driving history as a rating or underwriting factor for private passenger motor vehicle insurance

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

Section 1. The insurance law is amended by adding a new section 2327 to read as follows:

§ 2327. Verification of driving history. No insurer who utilizes an applicant's driving history as a rating or underwriting factor for private passenger motor vehicle insurance in this state shall bind a policy of insurance, or accept a percentage of the annual premium due for a policy, without first making a good faith effort to verify said applicant's driving history, as well as the driving history of all named drivers that are used to rate the policy and are listed by the applicant on the private passenger motor vehicle insurance application, through the use of a third-party database. An insurer also shall verify, through a third-party database, the driving history of a named driver used to rate the policy when added during the policy period and shall verify the driving history of all drivers used to rate the policy at policy renewal, unless the driving history is unavailable at the time of the initial inquiry due to a temporary website outage, service interruption or other circumstances beyond the control of the insurer, producer or third-party representative.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to policies issued or renewed

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

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on or after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.