

# 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:

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

3 § 2327. Verification of driving history. No insurer who utilizes an  
4 applicant's driving history as a rating or underwriting factor for  
5 private passenger motor vehicle insurance in this state shall bind a  
6 policy of insurance, or accept a percentage of the annual premium due  
7 for a policy, without first making a good faith effort to verify said  
8 applicant's driving history, as well as the driving history of all named  
9 drivers that are used to rate the policy and are listed by the applicant  
10 on the private passenger motor vehicle insurance application, through  
11 the use of a third-party database. An insurer also shall verify, through  
12 a third-party database, the driving history of a named driver used to  
13 rate the policy when added during the policy period and shall verify the  
14 driving history of all drivers used to rate the policy at policy  
15 renewal, unless the driving history is unavailable at the time of the  
16 initial inquiry due to a temporary website outage, service interruption  
17 or other circumstances beyond the control of the insurer, producer or  
18 third-party representative.

19 § 2. This act shall take effect on the one hundred eightieth day after  
20 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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1 on or after such date. Effective immediately, the addition, amendment  
2 and/or repeal of any rule or regulation necessary for the implementation  
3 of this act on its effective date are authorized to be made and  
4 completed on or before such effective date.