



STATE OF NEW YORK
INSURANCE DEPARTMENT
160 WEST BROADWAY
NEW YORK, NEW YORK 10013

**Supplement No. 2 to
Circular Letter No. 15 (1995)
June 25, 1996**

TO: All Insurers Licensed to Write Motor Vehicle Liability in New York State and all Rate Service Organizations Which File Policy Forms and Endorsements on Behalf of Motor Vehicle Liability

Re: Implementation of Chapter 305 of the Laws of 1995 Increasing the Required Minimum Limits of Liability for Motor Vehicle Insurance

-REVISED ENDORSEMENT FOR UNINSURED MOTORIST COVERAGE

The Motor Vehicle Accident Indemnification Corporation (MVAIC) has filed and the Superintendent of Insurance has approved, a technical correction to the Uninsured Motorists Endorsement -- New York which was distributed as part of Supplement No. 1 of Circular Letter No. 15 (1995) dated April 4, 1996.

The correction is to pages 3 and 4 of the endorsement. Under the definition of Uninsured Motor Vehicle, subparagraph (3)(ii) is deleted and subparagraph (3)(iii) is renumbered as (3)(ii). The deleted language is the following:

"The amount of such insurance coverage or bond has been reduced, by payments to other persons injured in the accident to an amount less than the UM limits of the policy; or

(iii)"

The revised pages 3 and 4 of the endorsement are attached to this supplement.

The correction is necessary because the language, as originally filed and approved, would have broadened uninsured motorists coverage in certain instances beyond that contemplated by s. 3420 (f)(1) of the Insurance Law and beyond the requirements of Article 52 of the Insurance Law.

Insurers and rate service organizations should continue to implement the endorsement, as amended by this Circular Letter, in accordance with the procedures contained in Supplement No. 1 of Circular Letter No. 15 (1995) dated April 4, 1996.

Please direct any questions concerning this Circular Letter to Ms. Benita Hirsch, Principal Examiner, Property/Casualty Bureau, 160 West Broadway, New York, New York 10013 (212-602-0356).

ATTACHMENT (REVISED PAGES 3 AND 4)

with the insured or with a motor vehicle occupied by the insured at the time of the accident, provided that:

(i) The insured or someone on the insured's behalf shall have reported the accident within 24 hours or as soon as reasonably possible to a police, peace or judicial officer or to the Commissioner of Motor Vehicles and shall have filed with us a statement under oath that the insured or the insured's legal representative has a cause or causes of action arising out of such accident for damages against a person or persons whose identity is unascertainable, and setting forth the facts in support thereof; and

(ii) At our request, the insured or the insured's legal representative makes available for inspection the motor vehicle the insured was occupying at the time of the accident, or

(3) There is a bodily injury liability insurance coverage or bond applicable to such motor vehicle at the time of the accident, but:

(i) The amount of such insurance coverage or bond is less than the UM limits of this policy; or

(ii) The insurer writing such insurance coverage or bond denies coverage.

(4) The term "uninsured motor vehicle" does not include a motor vehicle that is:

(i) Insured under the liability coverage of this policy; or

(ii) Owned by you, as the named insured and, while residents of the same household, your spouse and relatives of either you or your spouse; or

(iii) Self-insured within the meaning of the financial responsibility law of the state in which the motor vehicle is registered, or any similar state or federal law, to the extent that the required amount of such coverage is equal to, or greater than, the UM limits of this policy; or

(iv) Owned by the United States of America, Canada, a state, a political subdivision of any such government, or an agency of any of the foregoing; or

(v) A land motor vehicle or trailer, while located for use as a residence or premises and not as a vehicle, or while operated on rails or crawler-treads; or