

**STATE OF NEW YORK
INSURANCE DEPARTMENT**

**SECOND AMENDMENT TO REGULATION NO. 35-C
(11 NYCRR 64-2)**

LIABILITY INSURANCE COVERING ALL-TERRAIN VEHICLES

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, and 5103 of the Insurance Law and Section 2407 of the Vehicle and Traffic Law, do hereby promulgate the following Second Amendment to 11 NYCRR 64-2 (Regulation No. 35-C) of Title 11 of the Official Compilation of Codes, Rules and Regulations, to take effect upon publication in the State Register.

(Matter in brackets is deleted; new matter is underlined)

The opening paragraph of Section 64-2.1 is amended to read as follows:

Every ATV owner's policy of liability insurance issued or renewed [on or after January 1, 1987] in satisfaction of the minimum requirements of article VI of the Vehicle and Traffic Law and article 51 of the Insurance Law, shall contain provisions providing minimum benefits at least equal to those set out below and contained in the provisions of the Mandatory Personal Injury Protection Endorsement in accordance with section 65-1.1(d) of this Title. [Every liability policy covering an ATV issued prior to January 1, 1987 shall not be in satisfaction of the financial security requirements of the Vehicle and Traffic Law unless the insurer conforms the policy to said minimum provisions.]

The "UNINSURED MOTORISTS COVERAGE" provision set forth in Section 64-2.1 is amended to read as follows:

UNINSURED MOTORISTS COVERAGE

The [~~New York Automobile Accident Indemnification Endorsement~~] Uninsured Motorists Endorsement – New York is hereby made a part of this policy, and wherever the word automobile or motor vehicle appears, reference to ATV should be inserted.

The last paragraph in the "GENERAL PROVISIONS" set forth in Section 64-2.1, entitled "TWO OR MORE AUTO POLICIES", is amended to read as follows:

TWO OR MORE [AUTO] ATV POLICIES. If this policy and any other insurance policy issued to you by us apply to the same accident, the maximum limit of our liability under all the policies shall not exceed the highest applicable limit of liability under any one policy.

Section 64-2.2 is amended to read as follows:

§ 64-2.2 Forms filing.

All insurers issuing policies covering ATV's in accordance with this Subpart shall file with the superintendent the required forms, including (but not limited to) the aforementioned Declarations Page and the [New York Automobile Accident Indemnification Endorsement by March 15, 1987] Uninsured Motorists Endorsement – New York.

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is the Second Amendment to 11 NYCRR 64-2 (Regulation 35-C), promulgated by me on August 16, 2002, pursuant to the authority granted by Sections 201, 301 and 5103 of the Insurance Law and Section 2407 of the Vehicle and Traffic Law, to take effect upon publication in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed amendment was published in the State Register on June 19, 2002. No other publication or prior notice is required by statute.

Gregory V. Serio
Superintendent of Insurance

August 16, 2002