

NEW YORK STATE
INSURANCE DEPARTMENT

FOURTH AMENDMENT TO REGULATION NO. 100
(11 NYCRR 169)

**NONCOMMERCIAL PRIVATE PASSENGER AUTOMOBILE INSURANCE MERIT
RATING PLANS**

I, James J. Wrynn, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, 2334, 2335, 2345 and 3425 of the Insurance Law do hereby promulgate the following Fourth Amendment to Part 169 of Title 11 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (Regulation No. 100), to take effect upon publication in the State Register, to read as follows:

(Matter in Brackets Is Deleted; Matter Underlined Is New)

Section 169.0 (d) is amended to read as follows:

(d) Insurers' merit rating plans are also subject to Insurance Law section 2335 [of the New York Insurance Law], which restricts the circumstances under which policy premiums for any motor vehicle insurance coverage may be increased. Chapter 277 of the Laws of 2010 amended Insurance Law section 2335 by prohibiting an insurer from imposing a premium increase for an accident where the property damage does not exceed two thousand dollars.

Section 169.1 (a) is amended to read as follows:

(a) Property damage threshold. An accident that does not result in aggregate damage to property in excess of [the dollar amount of the accident reporting threshold of the Department of Motor Vehicles (DMV)] two thousand dollars shall not result in the assignment of points or any surcharge under the rules of any merit rating plan. [All subsequent changes in the property damage reporting threshold to DMV shall be deemed to be incorporated into each insurer's merit rating plan on the same date the change becomes effective for DMV reporting purposes.] However, if an insured has two or more accidents involving any property damage during the experience period, a surcharge may be imposed.



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I, James J. Wrynn, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is the Fourth Amendment to Part 169 of Title 11 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (Regulation No. 100), entitled “Noncommercial Private Passenger Automobile Insurance Merit Rating Plans”, promulgated by me on January 3, 2011 pursuant to the authority granted by Sections 201, 301, 2334, 2335, 2345 and 3425 of the Insurance 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 regulation was published in the State Register on November 10, 2010. No other publication or prior notice is required by statute.

James J. Wrynn
Superintendent of Insurance

Dated: January 3, 2011