

**NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES
ELEVENTH AMENDMENT TO 11 NYCRR 60-2
(INSURANCE REGULATION 35-D)**

SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST COVERAGE

I, Adrienne A. Harris, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Sections 301 and 3420(f) of the Insurance Law, do hereby promulgate the Eleventh Amendment to Subpart 60-2 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 35-D), to take effect upon publication of the Notice of Adoption in the State Register, to read as follows:

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

With respect to section 60-2.3(f), the definition of “insured” in Insuring Agreements, I. Definitions is amended, footnotes 2-9 are renumbered as footnotes 3-10, and a new footnote 2 is added as follows:

I. Definitions: For purposes of this SUM endorsement, the following terms have the following meanings.

(a) Insured. The unqualified term “insured” means:

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

(2) any person while acting in the scope of that person’s duties for you, except with respect to the use and operation by such person of a motor vehicle not covered under this policy, where such person is:¹

(i) your employee and you are a fire department;

(ii) your member and you are a fire company, as defined in General Municipal Law section 100;

(iii) your employee and you are an ambulance service, as defined in Public Health Law section 3001; [or]

(iv) your member and you are a voluntary ambulance service, as defined in Public Health Law section 3001; or

(v) your employee and you are a police agency, as defined in Executive Law section 835;²

(3) any other person while occupying:

(i) a motor vehicle insured for SUM under this policy; or

¹ Language in paragraph (2) of the definition of “insured” may be deleted for covered policies as defined in Insurance Law section 3425(a)(1).

² Language in subparagraph (v) applies to policies issued, renewed, modified, altered, or amended on or after December 22, 2023.

(ii) any other motor vehicle while being operated by you or your spouse; and

(4) any person, with respect to damages such person is entitled to recover, because of bodily injury to which this coverage applies sustained by an insured under paragraph (1), (2) or (3) above.



KATHY HOCHUL
Governor

ADRIENNE A. HARRIS
Superintendent

CERTIFICATION

I, Adrienne A. Harris, Superintendent of Financial Services, do hereby certify that the foregoing is the Eleventh Amendment to Subpart 60-2 of Part 60 of Title 11 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (Insurance Regulation 35-D), signed by me on April 25, 2024 pursuant to the authority granted by Financial Services Law Sections 202 and 302 and Insurance Law Sections 301 and 3420(f), to take effect upon the publication of the Notice of Adoption in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed rule was published in the New York State Register on February 21, 2024. No other publication or prior notice is required by statute.

Signed copy filed with Department of State
Adrienne A. Harris
Superintendent of Financial Services

Date: April 25, 2024