



2023 State Legislative Wrap-Up: Torts, Insurance and Compensation Law Section

We've come to the end of 2023, with several actions taken by the Legislature and Governor that may be of interest to your section. Any memoranda and letters drafted by the section in support of or opposition to legislation were shared by the Government Relations team, and the team looks forward to working with the section as we move into the 2024 Legislative Session.

Legislation of Interest

- A6698(Weinstein)/S6636(Hoylman-Sigal): Provides for the types of damages that may be awarded to the persons for whose benefit an action for wrongful death is brought. This legislation passed both houses in 2023 but was vetoed by the Governor.
- S5591-A(Comrie)/A5646-A(Cook): Makes provisions relating to the collateral estoppel effect of issues decided by certain arbitrators. This legislation passed both houses and was signed by the Governor on 12/22/23. It goes into effect immediately.
- A4721(Solages)/S5137(Gonzalez): Relates to prohibiting a court from denying class certification solely because the action involves governmental operations. This legislation passed both houses but was vetoed by the Governor.
- A5772(Lavine) Allows an affirmation by any person, wherever made, in a civil action. This legislation was signed by the Governor and takes effect January 1st, 2024.
- A115(Magnarelli): Relates to consumer litigation funding. No same as; reintroduced in the Assembly in 2024.
- S3261(Hoylman-Sigal)/A2218(Weprin): Repeals section 470 of the judiciary law relating to allowing attorneys having offices in the state to reside in an adjoining state. This legislation passed both houses in 2023 but was vetoed by the Governor.
- A2127(Dinowitz)/S5188(Skoufis): Relates to permitting a plaintiff to recover directly against a third-party defendant found to be liable in certain actions. This legislation did not move passed judiciary in 2023; reintroduced and referred to judiciary in 2024.
- S1319(Rivera)/A4135(Weprin): Relates to clinical standards for utilization review of care for medically fragile children; repealer. This legislation was signed by the Governor and goes into effect immediately.
- S7095-A(Breslin)/A7356(Weprin): Relates to group capital calculations, liquidity stress tests and confidentiality. This legislation was signed by the Governor and takes effect immediately.
- A1707-A (Rosenthal)/S599-A(Salazar): Requires certain manufacturers of prescription drugs to notify the drug utilization review board of the proposed increase of the wholesale acquisition cost of such prescription drugs. This bill was signed by the Governor and takes effect immediately.

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- S2683-A(Breslin)/A4599-A(Weprin): Relates to certain charitable annuities. This legislation was signed by the Governor on October 25th, 2023 and will take effect within 90 days of enactment.
- S2330-B(Mayer)/A345C(Burdick): Requires certain notices be posted and provided regarding long term care insurance policy changes. This legislation was signed by the Governor on November 17th, 2023 and will go into effect 100 days after enactment
- A4984-B(Rosenthal)/S4354-A(Breslin): Authorizes an examination of records maintained by the excess line broker by the excess line association; extends the expiration thereof. This legislation was signed by the Governor and takes effect immediately.
- A2078(Stern)/S5201(Skoufis): Relates to standards for the prompt investigation and settlement of claims arising out of states of emergency and disasters. This legislation was delivered to the Governor on 12/27/23; she has yet to act.
- S1466(Breslin)/A250A(Magnarelli): Authorizes payments to nonparticipating or nonpreferred providers of ambulance services licensed under article 30 of the public health law. This bill was signed by the Governor and will take effect January 1st, 2025.
- S5890-A(Breslin)/A2853B(Meeks): Authorizes life insurers to establish wellness programs. This legislation was signed by the Governor and will take effect immediately.
- A3172-A(Zebrowski)/S5889(Breslin): Provides that an automobile insurer may waive the inspection of a private passenger automobile prior to providing physical damage coverage. This legislation was signed by the Governor on November 17th, 2023 and will go into effect 180 days after enactment.
- S439 (Skoufis)/A1178(Jacobson): Relates to uninsured and underinsured motorist coverage for police agencies. This legislation was signed by the Governor and will take effect immediately.
- S2475-B(Hoylman-Sigal)/A6046B(Skoufis): Relates to certain prohibitions regarding the legal system and gender-affirming care. This bill was signed by the Governor and takes effect immediately.
- S6410-A(Ramos)/A52B(Magnarelli): Authorizes certain groups to adopt a plan for self-insurance as a group to be known as a public group self-insurer. This legislation was signed by the Governor and will take effect immediately.
- S1196-A(Persaud)/A1673A(Hunter) Requires health insurance policies and Medicaid to cover biomarker testing for certain purposes. This legislation was signed by the Governor and will take effect April 1st, 2024.
- S7189(Breslin)/A7352(Hunter): Extends provisions of the property/casualty insurance availability act and the authority of the New York property insurance underwriting association. This legislation was signed by the Governor and will take effect immediately.
- S5959-B(Webb)/A5718-B(Kelles): Authorizes certain policies issued by a risk retention group not chartered in this state. This legislation was signed by the Governor and will take effect immediately.
- A7291(Steck)/S7103(Breslin): Extends authorization for certain exemptions from filing requirements. This legislation was signed by the Governor and will take effect immediately.