



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Informs Residents About New Laws for 2011

CHARLES J. FUSCHILLO JR. January 3, 2011

Senator Charles J. Fuschillo, Jr. (R-Merrick) is informing residents about some of the new laws which took effect on January 1st. The new laws include new measures to protect first responders, greater protections for consumers when redeeming rebates, and safeguards to protect seriously ill individuals from having their treatment coverage dropped by their insurance company.

Move Over Act:

To protect law enforcement officers and other emergency personnel while they are performing their duties along the roadways, drivers are now required to “move over” or “slow down” when approaching emergency vehicles on the side of the road.

Under the “Move Over Act”, drivers must exercise due care when approaching a parked, stopped, or standing emergency vehicle that has its emergency lights flashing. When approaching these vehicles on all roads and highways, drivers must reduce their speed. On parkways and other controlled access highways with multiple lanes, drivers must move from the lane immediately next to the emergency vehicle, unless traffic or other hazards prevent them from doing so safely.

Drivers who violate the new law face a moving violation of two points on their driver’s license and a fine.

Stronger Consumer Protections for Redeeming Rebates:

Businesses offering rebates must now conspicuously disclose if the rebate will be offered in another form besides cash or a check, such as a gift card, gift certificate, general prepaid card, or credit towards a future purchase. Additionally, businesses must disclose if there will be any additional fees related to exercising or non-exercising of the rebate.

The law is designed to give greater disclosure to consumers before they make their purchase. There have been cases where consumers made a purchase that promised a rebate, but found out afterwards that the rebate is given as credit towards a future purchase, or that it comes on a prepaid card which contains activation fees.

Ian's Law:

Individuals will now be better protected from being dropped from their insurance coverage when they are seriously ill and need it the most. The law closes a loophole which allows insurance companies to disqualify entire classes of policies in order as a pretext to dropping a high-cost individual's insurance policy. Under the new law, policy holders with serious medical conditions who have utilized benefits related to their serious medical condition within the past twelve months get to keep those benefits if their insurance company disqualifies their class of policies.

The law is named after Ian Pearl, a muscular dystrophy patient who requires 24 hour around the clock care. That care was covered by his insurance company. However, his insurance company allegedly took the claims history of Mr. Pearl and other severely ill and disabled policyholders into account when deciding which policy classes to terminate.

Senator Fuschillo supported each of the new laws in the Senate.

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