



**STATE OF NEW YORK
INSURANCE DEPARTMENT**
25 BEAVER STREET
NEW YORK, NEW YORK 10004

George E. Pataki
Governor

Howard Mills
Superintendent

The Office of General Counsel issued the following opinion on September 19, 2005, representing the position of the New York State Insurance Department.

RE: Minimum Requirement for No Fault Transportation Benefits Claim

Question Presented:

Is there any monetary limit below which an insurer is not required to reimburse an applicant for incurred mileage in a No Fault Transportation Benefits claim?

Conclusion:

No, there is no minimum limit to which an insured can request reimbursement for a transportation claim for incurred mileage under N.Y. Ins. Law § 5102(a) (3).

Facts:

This is a general inquiry.

Analysis:

N.Y. Ins. Law § 5102 (a) (3) provides No-Fault coverage for:

All other reasonable and necessary expenses incurred, up to twenty-five dollars per day for not more than one year from the date of the accident causing the injury.

Included in this reimbursement category is transportation expenses incurred for visits by an injured person to health providers. Thus, where an incurred mileage claim for transportation falls under the "reasonable and necessary" clause of the statute, then an insurer is required to pay *any* reimbursable amount up to \$25 a day.

For further information please contact Supervising Attorney Lawrence Fuchsberg at the New York City Office.