



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

George E. Pataki
Governor

Howard Mills
Acting Superintendent

The Office of General Counsel issued the following informal opinion on February 2, 2005, representing the position of the New York State Insurance Department.

Re: The Provision for Other Expenses under the New York Prescribed No-Fault Endorsement's Basic Economic Loss Section

Question Presented:

Are taxi cab fares, bus fares, train fares, parking fees, and tolls reimbursable as "other reasonable and necessary expenses" as defined in the N.Y. Insurance Law?

Conclusion:

The provision for Other Expenses under the New York prescribed No-Fault Mandatory Personal Injury Protection Endorsement's Basic Economic Loss section includes transportation expenses for treatment by healthcare providers reimbursable up to \$25. Thus taxi cab fares, bus fares, train fares, parking fees, and tolls may be reimbursable as "reasonable and necessary expenses" under the N.Y. Ins. Law. Whether a specific method of transportation is reasonable and necessary for reimbursement up to \$25 is a question of fact to be determined ultimately by the No-Fault insurer, arbitration, or a Court of competent jurisdiction.

Facts:

No facts were provided.

Analysis:

The provision for Other Expenses under the New York prescribed No-Fault Mandatory Personal Injury Protection Endorsement's Basic Economic Loss section codified in N.Y. Comp. Codes R. & Regs. tit. 11, § 65-1.1(d)(2002)(Subpart 65-1 of Regulation 68-A) states: "Other expenses shall consist of all reasonable and necessary expenses, other than medical expense and work loss, up to \$25 per day for a period of one year from the date of the accident causing injury." Thus taxi cab fares, bus fares, train fares, parking fees, and tolls may be reimbursable as "reasonable and necessary expenses" under the N.Y. Ins. Law. Whether a specific

method of transportation utilized to travel for treatment by healthcare providers is reasonable and necessary for reimbursement up to \$25 is a question of fact to be determined ultimately by the No-Fault insurer, arbitration, or a Court of competent jurisdiction. The types of transportation expenses the inquirer refers to, as well as others, may be deemed reasonable or unreasonable dependent upon the specific factual circumstances of each transportation reimbursement claim by an eligible injured person.

For further information one may contact Senior Attorney Robert Freedman at the New York City Office.