STATE OF NEW YORK

1264

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, the insurance law, the executive law and the tax law, in relation to the regulation of transportation network company services; and to establish the New York State TNC Accessibility Task Force

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The purpose of this act is to ensure the safety, reliability, and cost-effectiveness of transportation network company (TNC) services within the state of New York and to preserve and enhance access to these important transportation options for residents and visitors to the state.

§ 2. The vehicle and traffic law is amended by adding a new article 44-B to read as follows:

ARTICLE 44-B

TRANSPORTATION NETWORK COMPANY SERVICES

Section 1691. Definitions.
1692. General provisions.
1693. Financial responsibility of transportation network companies.
1694. Disclosures.
1695. Insurance provisions.
1696. Driver and vehicle requirements.
1697. Maintenance of records.
1698. Audit procedures; confidentiality of records.
1699. Criminal history background check of transportation network company drivers.
1700. Controlling authority.

§ 1691. Definitions. As used in this article: 1. "Transportation network company vehicle" or "TNC vehicle" means a vehicle that is:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(a) used by a transportation network company driver to provide a TNC prearranged trip within the state of New York;

(b) owned, leased or otherwise authorized for use by the transportation network company driver and shall not include:

(i) a taxicab, as defined in section one hundred forty-eight-a of this chapter and section 19-502 of the administrative code of the city of New York, or as otherwise defined in local law;

(ii) a livery vehicle, as defined in section one hundred twenty-one-e of this chapter, or as otherwise defined in local law;

(iii) a black car, limousine, or luxury limousine, as defined in section 19-502 of the administrative code of the city of New York, or as otherwise defined in local law;

(iv) a for-hire vehicle, as defined in section 19-502 of the administrative code of the city of New York, or as otherwise defined in local law;

(v) a bus, as defined in section one hundred four of this chapter;

(vi) any motor vehicle weighing more than six thousand five hundred pounds unloaded;

(vii) any motor vehicle having a seating capacity of more than seven passengers; and

(viii) any motor vehicle subject to section three hundred seventy of this chapter.

2. "Digital network" means any system or service offered or utilized by a transportation network company that enables TNC prearranged trips with transportation network company drivers.

3. "Transportation network company" or "TNC" means a person, corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to this article and is operating in New York state exclusively using a digital network to connect transportation network company passengers to transportation network company drivers who provide TNC prearranged trips.

4. "Transportation network company driver" or "TNC driver" means an individual who:

(a) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a TNC vehicle to offer or provide a TNC prearranged trip to transportation network company passengers upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.

5. "Transportation network company passenger" or "passenger" means a person or persons who use a transportation network company's digital network to connect with a transportation network company driver who provides TNC prearranged trips to the passenger in the TNC vehicle between points chosen by the passenger.

6. "TNC prearranged trip" means the provision of transportation by a transportation network company driver to a passenger provided through the use of a TNC's digital network:

(a) beginning when a transportation network company driver accepts a passenger's request for a trip through a digital network controlled by a transportation network company;

(b) continuing while the transportation network company driver transports the requesting passenger in a TNC vehicle; and

(c) ending when the last requesting passenger departs from the TNC vehicle.

7. "Group policy" means an insurance policy issued pursuant to section three thousand four hundred fifty-five of the insurance law.

§ 1692. General provisions. 1. A TNC or a TNC driver is not a common carrier, as defined in subdivision six of section two of the transportation law; a contract carrier of passengers by motor vehicle, as defined in subdivision nine of section two of the transportation law; or a motor carrier, as defined in subdivision seventeen of section two of the transportation law; nor do they provide taxicab or for-hire vehicle service. Moreover, a TNC driver shall not be required to register the TNC vehicle such TNC driver uses for TNC prearranged trips as a commercial or for-hire vehicle, as set forth in article fourteen of this chapter.

2. A TNC may not operate in the state of New York without first having obtained a license issued by the department in a form and manner and with applicable fees as provided for by regulations promulgated by the commissioner. As a condition of obtaining a license, a TNC shall be required to submit to the department proof of a group policy issued pursuant to section three thousand four hundred fifty-five of the insurance law. Failure of a TNC to obtain a license before operation, pursuant to this subdivision shall constitute a misdemeanor. No license shall be suspended or revoked except upon notice to the TNC and after an opportunity to be heard.

3. A TNC must maintain an agent for service of process in the state of New York.

4. On behalf of a TNC driver, a TNC may charge a fare for the services provided to passengers; provided that, if a fare is collected from a passenger, the TNC shall disclose to the passengers the fare or fare calculation method on its website or within the application service. The TNC shall also provide the passengers with the applicable rates being charged and an estimated fare before the passenger enters the TNC vehicle.

5. A TNC's digital network shall display a picture of the TNC driver, and the make, model, color and license plate number of the TNC vehicle utilized for providing the TNC prearranged trip before the passenger enters the TNC vehicle.

6. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger on behalf of the TNC driver that lists:

(a) The origin and destination of the trip;

(b) The total time and distance of the trip;

(c) An itemization of the total fare paid, if any; and

(d) a separate statement of the applicable taxes.

7. A TNC driver shall not solicit or accept street hails.

8. A TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments for the fares charged to passengers for TNC prearranged trips and notify TNC drivers of such policy. TNC drivers shall not solicit or accept cash payments from passengers.

9. Nothing in this article shall apply to cities with a population of one million or more.

§ 1693. Financial responsibility of transportation network companies. 1. A TNC driver, or TNC on the TNC driver's behalf through a group policy, shall maintain insurance that recognizes that the driver is a TNC driver and provides financial responsibility coverage:

(a) while the TNC driver is logged onto the TNC's digital network; and

(b) while the TNC driver is engaged in a TNC prearranged trip.

2. (a) The following automobile financial responsibility insurance requirements shall apply while a TNC driver is logged onto the TNC's digital network and is available to receive transportation requests but is not engaged in a TNC prearranged trip: insurance against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property arising out of the ownership, maintenance, use or operation of a personal vehicle or vehicles within this state, or elsewhere in the United States in North America or Canada, subject to a limit, exclusive of interest and costs, with respect to each such occurrence, of at least fifty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of at least one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and to a limit of at least twenty-five thousand dollars because of injury to or destruction of property of others in any one accident provided, however, that such policy need not be for a period coterminous with the registration period of the personal vehicle insured, and coverage in satisfaction of the financial responsibility requirements set forth in section three thousand four hundred twenty of the insurance law, article fifty-one of the insurance law, and such other requirements or regulations that may apply for the purposes of satisfying the financial responsibility requirements with respect to the use or operation of a motor vehicle.

(b) The coverage requirements of paragraph (a) of this subdivision may be satisfied by any of the following:

(i) insurance maintained by the TNC driver; or

(ii) insurance provided through a group policy maintained by the TNC; or

(iii) a combination of subparagraphs (i) and (ii) of this paragraph.

3. (a) The following automobile financial responsibility insurance requirements shall apply while a TNC driver is engaged in a TNC prearranged trip: insurance against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a specific personal vehicle or vehicles within this state, or elsewhere in the United States in North America or Canada, subject to a limit, exclusive of interest and costs, with respect to each such occurrence, of at least one million dollars because of bodily injuries, death and property damage, provided, however, that such policy need not be for a period coterminous with the registration period of the personal vehicle insured, and coverage in satisfaction of the financial responsibility requirements set forth in section three thousand four hundred twenty of the insurance law, article fifty-one of the insurance law, and such other requirements or regulations that may apply for the purposes of satisfying the financial responsibility requirements with respect to the use or operation of a motor vehicle.

(b) The coverage requirements of paragraph (a) of this subdivision may be satisfied by any of the following:

(i) insurance maintained by the TNC driver; or

(ii) insurance provided through a group policy maintained by the TNC; or

(iii) a combination of subparagraphs (i) and (ii) of this paragraph.

4. A TNC shall, upon entering into a contractual agreement with a TNC driver, provide notice to the TNC driver that he or she may need addi-

tional insurance coverage including motor vehicle physical damage coverage as described in paragraph nineteen of subsection (a) of section one thousand one hundred thirteen of the insurance law if the TNC vehicle being used by the TNC driver is subject to a lease or loan. A TNC shall also post this notice on its website in a prominent place.

5. If insurance maintained by a TNC driver pursuant to subdivisions two and three of this section has lapsed or does not provide the required coverage, then the group policy maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

6. Coverage under a group policy maintained by the TNC shall not be dependent on the denial of a claim by the insurer that issued the insurance policy used to register the TNC vehicle, nor shall that insurer be required to first deny a claim.

7. Insurance required by this section may be placed with an insurer authorized or eligible to write insurance in this state and shall be eligible for placement by an excess line broker pursuant to section two thousand one hundred eighteen of the insurance law.

8. A TNC driver who, while operating a TNC vehicle was either logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or was logged on to the TNC's digital network and was engaged in a TNC prearranged trip, has in effect the insurance required pursuant to this article and shall not be deemed to be in violation of article six of this chapter during such time that he or she was either logged onto the the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or was logged on to the TNC's digital network and was engaged in a TNC prearranged trip.

9. A TNC driver shall carry proof of coverage satisfying subdivisions two and three of this section with him or her at all times during his or her use or operation of a TNC vehicle in connection with a TNC's digital network. Such proof of coverage shall be in such form as the commissioner shall prescribe, which may be in the form of an insurance identification card as defined in section three hundred eleven of this chapter. Any insurance identification card issued pursuant to the provisions of this article shall be in addition to the insurance identification card required pursuant to article six of this chapter, and nothing contained in this article shall be deemed to supersede the requirements of such article six. Whenever the production of an insurance identification card is required by law, a TNC driver shall (a) produce the insurance identification card issued pursuant to article six of this chapter and, (b) if such driver either (i) was logged onto the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (ii) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip, such driver shall also produce the insurance identification card required pursuant to this article.

10. The superintendent of financial services is authorized to issue such rules and regulations necessary to implement this section.

11. Nothing in this section shall impose financial responsibility requirements upon any entities operating as vehicles for hire in a city with a population of one million or more.

§ 1694. Disclosures. A TNC shall disclose in writing to TNC drivers the following before they are allowed to accept a request for a TNC prearranged trip on the TNC's digital network:

1. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a TNC vehicle in connection with a TNC's digital network;

2. That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the TNC's digital network and is available to receive transportation requests or is engaged in a TNC prearranged trip, depending on its terms; and

3. That, if a TNC vehicle has a lien against it, then the continued use of such TNC vehicle by its TNC driver without physical damage coverage may violate the terms of the contract with the lienholder.

§ 1695. Insurance provisions. 1. Insurers that write motor vehicle insurance in this state may, in the insurance policy, exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle for any loss or injury that occurs while a TNC driver is logged on to a TNC's digital network or while a driver provides a prearranged trip, including:

(a) liability coverage for bodily injury and property damage;

(b) coverage provided pursuant to article fifty-one of the insurance law;

(c) uninsured and underinsured motorist coverage; and

(d) motor vehicle physical damage coverage as described in paragraph nineteen of subsection (a) of section one thousand one hundred thirteen of the insurance law.

2. Such exclusions shall apply notwithstanding any requirement under the law to the contrary. Nothing in this section implies or requires that an owner's policy of liability insurance or other motor vehicle insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a TNC prearranged trip or while the TNC driver otherwise uses or operates a TNC vehicle to transport passengers for compensation.

3. Nothing shall be deemed to preclude an insurer from providing primary, excess, or umbrella coverage for the TNC driver's TNC vehicle, if it chose to do so by contract or endorsement.

4. Motor vehicle insurers that exclude the coverage described in this article shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this article shall be deemed to invalidate or limit an exclusion contained in a policy including any policy in use or approved for use in this state prior to the effective date of the chapter of the laws of two thousand seventeen that added this section.

5. A motor vehicle insurer that defends or indemnifies a claim against a TNC driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide motor vehicle insurance to the same driver in satisfaction of the coverage requirements of the provisions of the chapter of the laws of two thousand seventeen which added this article at the time of loss.

6. In a claims coverage investigation, a TNC and any insurer potentially providing coverage under this article shall, within fifteen days after a claim has been filed, facilitate the exchange of relevant information with directly involved parties and any insurer of the TNC driver if applicable, including the precise times that a TNC driver logged on and off of the TNC's digital network in the twelve hour period immediately preceding and in the twelve hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any motor vehicle insurance maintained under this article.

7. The commissioner shall promulgate regulations for the provision of relevant insurance coverage information required by this article to the following persons upon request:

(a) a person to whom an accident report pertains or who is named in such report, or his or her authorized representative; and

(b) any other person or his or her authorized representative who has demonstrated to the satisfaction of the commissioner that such person is or may be a party to a civil action arising out of the conduct described in such accident report.

§ 1696. Driver and vehicle requirements. 1. (a) At all times, an individual acting as a TNC driver shall be permitted by the TNC as follows:

(i) The individual shall submit an application to the TNC, which shall include information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(ii) The TNC shall conduct a criminal background check for each applicant in accordance with section sixteen hundred ninety-nine of this article and that shall review:

(A) whether the applicant is listed on the New York state sex offender registry pursuant to article six-c of the correction law; and

(B) The National Sex Offender registry maintained by the United States Department of Justice;

(iii) The TNC shall obtain and review, or have a third party obtain and review, a driving history research report for such individual.

(b) The TNC shall not permit an applicant where such applicant:

(i) fails to meet all qualifications pursuant to section sixteen hundred ninety-nine of this article;

(ii) is a match in the United States Department of Justice National Sex Offender Public Website;

(iii) does not possess a valid New York driver's license, unless such applicant does possess a valid out of state driver's license and proof that such applicant is an active duty member of the armed services of the United States stationed in this state or is a family or household member of such an active duty member;

(iv) does not possess proof of registration for the motor vehicle(s) used to provide TNC prearranged trips;

(v) does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC prearranged trips as a TNC vehicle; or

(vi) is not at least nineteen years of age.

(c) Upon review of all information received and retained by the TNC and upon verifying that the individual is not disqualified pursuant to this section from receiving a TNC driver permit, a TNC may issue a TNC driver permit to the applicant. The TNC shall review all information received relating to such applicant and hold such information for six years along with a certification that such applicant qualifies to receive a TNC driver permit.

(d) (i) A TNC that issues a TNC driver's permit pursuant to this section shall participate in the New York License Event Notification Service (LENS) established by the department to obtain timely notice when any of the following violations are added to a TNC driver's driving record:

(A) unlawful fleeing a police officer in a motor vehicle in violation of sections 270.35, 270.30 or 270.25 of the penal law;

(B) reckless driving in violation of section one thousand two hundred twelve of this chapter;

(C) operating while license or privilege is suspended or revoked in violation of section five hundred eleven of this chapter, excluding subdivision seven of such section;

(D) operating a motor vehicle while under the influence of alcohol or drugs in violation of section one thousand one hundred ninety-two of this chapter; and

(E) leaving the scene of an incident without reporting in violation of subdivision two of section six hundred of this chapter.

(e) No person shall operate a TNC vehicle or operate as a TNC driver unless such person holds a valid TNC driver permit issued pursuant to this section. A violation of this paragraph shall be a traffic infraction punishable by a fine of not less than seventy-five nor more than three hundred dollars, or by imprisonment for not more than fifteen days, or by both such fine and imprisonment.

2. A TNC shall implement a zero-tolerance policy regarding a TNC driver's activities while accessing the TNC's digital network. Such policy shall address the issue of operating a vehicle under the influence of alcohol or drugs while a TNC driver is providing TNC prearranged trips or is logged onto the TNC's digital network but is not providing TNC prearranged trips, and the TNC shall provide notice of this policy on its digital network, as well as procedures to report a complaint about a TNC driver with whom a TNC prearranged trip was commenced and whom the passenger reasonably suspects was operating a vehicle under the influence of alcohol or drugs during the course of the TNC prearranged trip.

3. (a) A TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief, practice or affiliation, sex, disability, age, sexual orientation, gender identity, or genetic predisposition with respect to passengers and potential passengers and notify TNC drivers of such policy.

(b) TNC drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief, practice or affiliation, sex, disability, age, sexual orientation, gender identity, or genetic predisposition with respect to passengers and potential passengers and notify TNC drivers of such policy.

(c) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

(d) A TNC shall implement and maintain a policy of providing accessibility to passengers or potential passengers with a disability and accommodation of service animals as such term is defined in section one hundred twenty-three-b of the agriculture and markets law and shall to the extent practicable adopt findings established by the New York state TNC accessibility task force adopted pursuant to section nineteen of the chapter of the laws of two thousand seventeen that added this section. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(e) The New York state division of human rights shall be authorized to accept, review and investigate any potential or actual violations of this subdivision in a form and manner consistent with authority under article fifteen of the executive law and shall notify the department, upon a finding of a violation, for purposes of permit suspension.

4. A TNC shall require that any motor vehicle(s) that a TNC driver will use as a TNC vehicle to provide TNC prearranged trips meets applicable New York state vehicle safety and emissions requirements, as set forth in section three hundred one of this chapter, or the vehicle safe-

ty and emissions requirements of the state in which the vehicle is registered.

5. The department shall promulgate regulations to ensure that each TNC vehicle is easily identified as such and that the TNC for which the TNC driver is providing the TNC service or TNC prearranged trip is distinguishable. Such demarcation shall be in such form as is approved by the commissioner, and shall be attached, affixed or displayed in such manner as he or she may prescribe by regulation.

§ 1697. Maintenance of records. A TNC shall maintain the following records:

1. individual trip records for at least six years from the date each trip was provided; and

2. individual records of TNC drivers at least until the six year anniversary of the date on which a TNC driver's relationship with the TNC has ended.

§ 1698. Audit procedures; confidentiality of records. 1. For the sole purpose of verifying that a TNC is in compliance with the requirements of this article and no more than biannually, the department shall reserve the right to visually inspect a sample of records that the TNC is required to maintain, upon request by the department that shall be fulfilled in no less than ten business days by the TNC. The sample shall be chosen randomly by the department in a manner agreeable to both parties. The audit shall take place at a mutually agreed location in New York. Any record furnished to the department may exclude information that would tend to identify specific drivers or passengers.

2. (a) The department shall establish regulations for the filing of complaints against any TNC driver or TNC pursuant to this section.

(b) In response to a specific complaint against any TNC driver or TNC, the department is authorized to inspect records held by the TNC that are necessary to investigate and resolve the complaint. The TNC and the department shall endeavor to have the inspection take place at a mutually agreed location in New York. Any record furnished to the department may exclude information that would tend to identify specific drivers or passengers, unless the identity of a driver or passenger is relevant to the complaint.

3. The department shall promulgate regulations for the filing of complaints pursuant to this section.

§ 1699. Criminal history background check of transportation network company drivers. 1. A transportation network company shall conduct a criminal history background check using a lawful method approved by the department pursuant to paragraph (a) of subdivision two of this section for persons applying to drive for such company.

2. (a) The method used to conduct a criminal history background check pursuant to subdivision one of this section shall be established in regulations adopted by the department within 30 days of the effective date of the chapter of the laws of 2017 that added this subdivision. To ensure safety of the riders and the public such regulations shall establish the method used to conduct such background checks and any processes and operations necessary to complete such checks. The review of criminal history information and determinations about whether or not an applicant is issued a TNC driver permit shall be controlled by paragraphs (b), (c) and (d) of this subdivision.

(b) An applicant shall be disqualified to receive a TNC driver permit where he or she:

(i) stands convicted in the last three years of: unlawful fleeing a police officer in a motor vehicle in violation of sections 270.35,

270.30 or 270.25 of the penal law, reckless driving in violation of section two thousand twelve of this chapter, operating while license or privilege is suspended or revoked in violation of section five hundred eleven of this chapter, excluding subdivision seven of such section, a misdemeanor offense of operating a motor vehicle while under the influence of alcohol or drugs in violation of section one thousand one hundred and ninety two of this chapter, or leaving the scene of an accident in violation of subdivision two of section six hundred of this chapter. In calculating the three year period under this subparagraph, any period of time during which the person was incarcerated after the commission of such offense shall be excluded and such three year period shall be extended by a period or periods equal to the time spent incarcerated; or

(ii) stands convicted in the last seven years of: a sex offense defined in subdivision two of section 168-a of the correction law, a felony offense defined in article one hundred twenty-five of the penal law, a violent felony offense defined in section 70.02 of the penal law, a class A felony offense defined in the penal law, vehicular assault in violation of section 120.03, 120.04 or subdivision (a) of 120.04 of the penal law, a felony offense defined in section eleven hundred ninety-two of the vehicle and traffic law, an offense for which registration as a sex offender is required pursuant to article six-C of the correction law, or any conviction of an offense in any other jurisdiction that has all the essential elements of an offense listed in this subparagraph. In calculating the seven year period under this subparagraph, any period of time during which the person was incarcerated after the commission of such offense shall be excluded and such seven year period shall be extended by a period or periods equal to the time spent incarcerated.

(c) A criminal history record that contains criminal conviction information that does not disqualify an applicant pursuant to subparagraphs (i) or (ii) of paragraph (b) of this subdivision, shall be reviewed and considered according to the provisions of article twenty-three-A of the correction law and subdivisions fifteen and sixteen of section two hundred ninety-six of the executive law in determining whether or not the applicant should be issued a TNC driver's permit.

(d) Upon receipt of criminal conviction information pursuant to this section for any applicant, such applicant shall promptly be provided with a copy of such information as well as a copy of article twenty-three-A of the correction law. Such applicant shall also be informed of his or her right to seek correction of any incorrect information contained in such criminal history information pursuant to the regulations and procedures established by the division of criminal justice services.

(e) The department shall promulgate regulations for the purpose of implementing the provisions of this subdivision.

3. A transportation network company shall update the criminal history background check yearly during the period in which the person is authorized to drive for the company, however, the commissioner may require, pursuant to regulation, more frequent criminal history background checks.

4. To ensure safety of the riders and the public, a transportation network company shall be responsible for all fees associated with the criminal history check pursuant to subdivision one of this section.

5. Any transportation network company found to have violated any requirements established pursuant to this section, shall on the first instance, be subject to a civil penalty of not more than ten thousand

dollars. For any subsequent instance within the period of two years from any initial violation, such transportation network company shall be subject to a civil penalty of not more than fifty thousand dollars, or the suspension or revocation of its TNC license or both.

§ 1700. Controlling authority. 1. Notwithstanding any other provision of law, the regulation of TNCs and TNC drivers is governed exclusively by the provisions of the chapter of the laws of two thousand seventeen which added this section and any rules promulgated by the state through its agencies consistent with such chapter. No county, town, city or village may enact a tax or any fee or other surcharge on a TNC, a TNC driver, or a TNC vehicle used by a TNC driver or require a license, permit, or additional insurance coverage or any other limitations or restrictions, a TNC driver, or a TNC vehicle used by a TNC driver, where such fee, surcharge, unauthorized tax, license, permit, insurance coverage, limitation or restriction, relates to facilitating or providing TNC prearranged trips, or subjects a TNC, a TNC driver, or a TNC vehicle used by a TNC driver to operational, or other requirements.

2. Nothing in this article shall authorize any TNC driver to pick-up a passenger for purposes of a TNC prearranged trip in a city with a population of one million or more.

3. Nothing in this article shall; (a) limit the ability of a county, town, city or village to adopt or amend generally applicable limitations or restrictions relating to local traffic or parking control as authorized by state law; or (b) to preempt any reciprocity agreements, including agreements entered into pursuant to section four hundred ninety-eight of this chapter, between a county, town, city or village that relates to services regulated by section one hundred eighty-one of the general municipal law.

§ 3. Section 370 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any other provision of this article, an individual shall not be deemed to be engaged in the business of carrying or transporting passengers for hire if the individual does so solely as a transportation network company driver in accordance with article forty-four-B of this chapter.

§ 4. Subdivision 1 of section 312-a of the vehicle and traffic law, as amended by chapter 781 of the laws of 1983, is amended to read as follows:

1. Upon issuance of an owner's policy of liability insurance or other financial security required by this chapter or the article forty-four-B of this chapter, an insurer shall issue proof of insurance in accordance with the regulations promulgated by the commissioner pursuant to paragraph (b) of subdivision two of section three hundred thirteen of this article.

§ 4-a. Section 600 of the vehicle and traffic law, as amended by chapter 49 of the laws of 2005, is amended to read as follows:

§ 600. Leaving scene of an incident without reporting. 1. Property damage. a. Any person operating a motor vehicle who, knowing or having cause to know that damage has been caused to the real property or to the personal property, not including animals, of another, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the damage occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his or her name, residence, including street and number, insurance carrier and insurance identification information including but not

limited to the number and effective dates of said individual's insurance policy, and license number to the party sustaining the damage, or in case the person sustaining the damage is not present at the place where the damage occurred then he or she shall report the same as soon as physically able to the nearest police station, or judicial officer. **In addition to the foregoing, any such person shall also: (i) produce the proof of insurance coverage required pursuant to article forty-four-B of this chapter if such person is a TNC driver operating a TNC vehicle while the incident occurred who was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip; and (ii) disclose whether he or she, at the time such incident occurred, was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip.**

b. It shall be the duty of any member of a law enforcement agency who is at the scene of the accident to request the said operator or operators of the motor vehicles, when physically capable of doing so, to exchange the information required hereinabove and such member of a law enforcement agency shall assist such operator or operators in making such exchange of information in a reasonable and harmonious manner.

A violation of the provisions of paragraph a of this subdivision shall constitute a traffic infraction punishable by a fine of up to two hundred fifty dollars or a sentence of imprisonment for up to fifteen days or both such fine and imprisonment.

2. Personal injury**.** a. Any person operating a motor vehicle who, knowing or having cause to know that personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then, he or she shall report said incident as soon as physically able to the nearest police station or judicial officer. **In addition to the foregoing, any such person shall also: (i) produce the proof of insurance coverage required pursuant to article forty-four-B of this chapter if such person is a TNC driver operating a TNC vehicle at the time of the incident who was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip; and (ii) disclose whether he or she, at the time such incident occurred, was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip.**

b. It shall be the duty of any member of a law enforcement agency who is at the scene of the accident to request the said operator or operators of the motor vehicles, when physically capable of doing so, to

exchange the information required hereinabove and such member of a law enforcement agency shall assist such operator or operators in making such exchange of information in a reasonable and harmonious manner.

c. A violation of the provisions of paragraph a of this subdivision resulting solely from the failure of an operator to exhibit his or her license and insurance identification card for the vehicle or exchange the information required in such paragraph shall constitute a class B misdemeanor punishable by a fine of not less than two hundred fifty nor more than five hundred dollars in addition to any other penalties provided by law. Any subsequent such violation shall constitute a class A misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, shall constitute a class A misdemeanor, punishable by a fine of not less than five hundred dollars nor more than one thousand dollars in addition to any other penalties provided by law. Any such violation committed by a person after such person has previously been convicted of such a violation shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than two thousand five hundred dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, where the personal injury involved (i) results in serious physical injury, as defined in section 10.00 of the penal law, shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than five thousand dollars in addition to any other penalties provided by law, or (ii) results in death shall constitute a class D felony punishable by a fine of not less than two thousand nor more than five thousand dollars in addition to any other penalties provided by law.

3. For the purposes of this article, the terms "TNC", "TNC driver", "TNC vehicle", "TNC prearranged trip" and "digital network" shall have the same meanings as such terms are defined in article forty-four-B of this chapter.

§ 4-b. Section 601 of the vehicle and traffic law, as amended by chapter 672 of the laws of 2004, is amended to read as follows:

§ 601. Leaving scene of injury to certain animals without reporting. Any person operating a motor vehicle which shall strike and injure any horse, dog, cat or animal classified as cattle shall stop and endeavor to locate the owner or custodian of such animal or a police, peace or judicial officer of the vicinity, and take any other reasonable and appropriate action so that the animal may have necessary attention, and shall also promptly report the matter to such owner, custodian or officer (or if no one of such has been located, then to a police officer of some other nearby community), exhibiting his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, giving his or her name and residence, including street and street number, insurance carrier and insurance identification information and license number. **In addition to the foregoing, any such person shall also: (i) produce the proof of insurance coverage required pursuant to article forty-four-B of this chapter is such person is a TNC driver operating a TNC vehicle at the**

time of the incident who was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip and (ii) disclose whether he or she, at the time such incident occurred, was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip. Violation of this section shall be punishable by a fine of not more than one hundred dollars for a first offense and by a fine of not less than fifty nor more than one hundred fifty dollars for a second offense and each subsequent offense; provided, however where the animal that has been struck and injured is a guide dog, hearing dog or service dog, as such terms are defined in section forty-seven-b of the civil rights law which is actually engaged in aiding or guiding a person with a disability, a violation of this section shall be [~~publishable~~] punishable by a fine of not less than fifty nor more than one hundred fifty dollars for a first offense and by a fine of not less than one hundred fifty dollars nor more than three hundred dollars for a second offense and each subsequent offense.

§ 5. The insurance law is amended by adding a new section 3455 to read as follows:

§ 3455. Transportation network company group insurance policies. (a) For purposes of this section, the following definitions shall apply:

(1) "Transportation network company" shall have the same meaning as set forth in article forty-four-B of the vehicle and traffic law.

(2) "Certificate" or "certificate of insurance" means any policy, contract or other evidence of insurance, or endorsement thereto, issued to a group member under a transportation network company group policy.

(3) "Transportation network company group policy" or "group policy" means a group policy, including certificates issued to the group members, where the group policyholder is a transportation network company and the policy provides insurance to the transportation network company and to group members:

(A) in accordance with the requirements of article forty-four-B of the vehicle and traffic law;

(B) of the type described in paragraph thirteen, fourteen, or nineteen of subsection (a) of section one thousand one hundred thirteen of this chapter; and

(C) in satisfaction of the financial responsibility requirements set forth in section three thousand four hundred twenty of this article, subdivision four of section three hundred eleven of the vehicle and traffic law, article fifty-one of this chapter, and such other requirements or regulations that may apply for the purposes of satisfying the financial responsibility requirements with respect to the use or operation of a motor vehicle.

(4) "Group member" means a transportation network company driver as defined in article forty-four-B of the vehicle and traffic law.

(5) "Group policyholder" means a transportation network company.

(6) "TNC vehicle" shall have the meaning set forth in article forty-four-B of the vehicle and traffic law.

(b) An insurer may issue or issue for delivery in this state a transportation network company group policy to a transportation network company as a group policyholder only in accordance with the provisions of this section.

(c)(1) A transportation network company group policy shall provide coverage for a TNC vehicle in accordance with the requirements of article forty-four-B of the vehicle and traffic law.

(2) A transportation network company group policy may provide:

(A) coverage for limits higher than the minimum limits required pursuant to article forty-four-B of the vehicle and traffic law.

(B) supplementary uninsured/underinsured motorists insurance for bodily injury pursuant to paragraph two of subsection (f) of section three thousand four hundred twenty of this article;

(C) supplemental spousal liability insurance pursuant to subsection (g) of section three thousand four hundred twenty of this chapter; and

(D) motor vehicle physical damage coverage as described in paragraph nineteen of subsection (a) of section one thousand one hundred thirteen of this chapter.

(3) The coverage described in paragraphs one and two of this subsection may be provided in one group policy or in separate group policies. A transportation network company group policy, including certificates, shall be issued by authorized insurers or from excess line brokers pursuant to section sixteen hundred ninety-three of the vehicle and traffic law.

(4) A policyholder also may be an insured under a group policy.

(d) The premium for the transportation network company group policy, including certificates may be paid by the group policyholder from the funds contributed:

(1) wholly by the group policyholder;

(2) wholly by the group members; or

(3) jointly by the group policyholder and the group members.

(e) (1) Any policy dividend, retrospective premium credit, or retrospective premium refund in respect of premiums paid by the group policyholder may:

(A) be applied to reduce the premium contribution of the group policyholder, but not in excess of the proportion to its contribution; or

(B) be retained by the group policyholder.

(2) Any policy dividend, retrospective premium credit, or retrospective premium refund not distributed under paragraph one of this subsection shall be:

(A) applied to reduce future premiums and, accordingly, future contributions, of existing or future group members, or both; or

(B) paid or refunded to those group members insured on the date the payment or refund is made to the group policyholder, if distributed by the group policyholder, or on the date of mailing, if distributed directly by the insurer, subject to the following requirements:

(i) The insurer shall be responsible for determining the allocation of the payment of refund to the group members;

(ii) If the group policyholder distributes the payment or refund, the insurer shall be responsible for audit to ascertain that the payment or refund is actually made in accordance with the allocation procedure; and

(iii) If the group policyholder fails to make the payment or refund, the insurer shall make the payment or refund directly or use the method provided in subparagraph (A) of this paragraph.

(3) Notwithstanding paragraphs one and two of this subsection, if a dividend accrues upon termination of coverage under a transportation network company group policy, the premium for which was paid out of funds contributed by group members specifically for the coverage, the dividend shall be paid or refunded by the group policyholder to the group members insured on the date the payment or refund is made to the

group policyholder, net of reasonable expenses incurred by the group policyholder in paying or refunding the dividend to such group members.

(4) For the purposes of this subsection, "dividend" means a return by the insurer of a transportation network company group policy of excess premiums to the group policyholder in light of favorable loss experience, including retrospective premium credits or retrospective premium refunds. The term "dividend" does not include reimbursements or fees received by a group policyholder in connection with the operation or administration of a transportation network company group policy, including administrative reimbursements, fees for services provided by the group policyholder, or transactional service fees.

(f) The insurer shall treat in like manner all eligible group members of the same class and status.

(g) Each policy written pursuant to this section shall provide per occurrence limits of coverage for each group member in an amount not less than that required by this article, and may provide coverage for limits higher than the minimum limits required under the law.

(h) (1) The insurer shall be responsible for mailing or delivery of a certificate of insurance to each group member insured under the transportation network company group policy, provided, however, that the insurer may delegate the mailing or delivery to the transportation network company. The insurer shall also be responsible for the mailing or delivery to each group member of an amended certificate of insurance or endorsement to the certificate, whenever there is a change in limits; change in type of coverage; addition, reduction, or elimination of coverage; or addition of exclusion, under the transportation network company group policy or certificate.

(2) The certificate shall contain in substance all material terms and conditions of coverage afforded to group members, unless the transportation network company group policy is incorporated by reference and a copy of the group policy accompanies the certificate.

(3) If any coverage afforded to the group member is excess of applicable insurance coverage, the certificate shall contain a notice advising the group members that, if the member has other insurance coverage, specified coverages under the transportation network company group policy will be excess over the other insurance.

(i) A group policyholder shall comply with the provisions of section two thousand one hundred twenty-two of this chapter, in the same manner as an agent or broker, in any advertisement, sign, pamphlet, circular, card, or other public announcement referring to coverage under a transportation network company group policy or certificate.

(j) A transportation network company group policy shall not be subject to section three thousand four hundred twenty-five or section three thousand four hundred twenty-six of this article; provided that the following requirements shall apply with regard to termination of coverage:

(1)(A) An insurer may terminate a group policy or certificate only if cancellation is based on one or more of the reasons set forth in subparagraph (A) through (D) or (F) through (H) of paragraph one of subsection (c) of section three thousand four hundred twenty-six of this article; provided, however, that an act or omission by a group member that would constitute the basis for cancellation of an individual certificate shall not constitute the basis for cancellation of the group policy.

(B) Where the premium is derived wholly from funds contributed by the group policyholder, an insurer may cancel an individual certificate only if cancellation is based on one or more of the reasons set forth in

subparagraph (B), (C) or (H) of paragraph one of subsection (c) of section three thousand four hundred twenty-six of this article.

(2) (A) An insurer's cancellation of a group policy, including all certificates, shall not become effective until thirty days after the insurer mails or delivers written notice of cancellation to the group policyholder at the mailing address shown in the policy.

(i) Where all or part of the premium is derived from funds contributed by the group member specifically for the coverage, the insurer shall also mail or deliver written notice of cancellation of the group policy to the group member at the group member's mailing address. Such cancellation shall not become effective until thirty days after the insurer mails or delivers the written notice to the group member.

(ii) Where none of the premium is derived from funds contributed by a group member specifically for the coverage, the group policy holder shall mail or deliver written notice to the group member advising the group member of the cancellation of the group policy and the effective date of cancellation. The group policy holder shall mail or deliver the written notice within ninety days after receiving notice of cancellation from the insurer.

(B) An insurer's cancellation of an individual certificate shall not become effective until thirty days after the insurer mails or delivers written notice of cancellation to the group member at the group member's mailing address and to the group policyholder at the mailing address shown in the group policy.

(3) (A) A group policyholder may cancel a group policy, including all certificates, or any individual certificate, for any reason upon thirty days written notice to the insurer and each group member; and

(B) The group policyholder shall mail or deliver written notice to each affected group member of the group policyholder's cancellation of the group policy or certificate and the effective date of cancellation. The group policyholder shall mail or deliver the written notice to the group member's mailing address at least thirty days prior to the effective date of cancellation.

(4) (A) Unless a group policy provides for a longer policy period, the policy and all certificates shall be issued or renewed for a one-year policy period.

(B) The group policyholder shall be entitled to renew the group policy and all certificates upon timely payment of the premium billed to the group policyholder for the renewal, unless:

(i) the insurer mails or delivers to the group policyholder and all group members written notice of nonrenewal, or conditional renewal; and

(ii) the insurer mails or delivers the written notice at least thirty, but not more than one hundred twenty days prior to the expiration date specified in the policy or, if no date is specified, the next anniversary date of the policy.

(5) Where the group policyholder nonrenews the group policy, the group policyholder shall mail or deliver written notice to each group member advising the group member of nonrenewal of the group policy and the effective date of nonrenewal. The group policyholder shall mail or deliver written notice at least thirty days prior to the nonrenewal.

(6) Every notice of cancellation, nonrenewal, or conditional renewal shall set forth the specific reason or reasons for cancellation, nonrenewal, or conditional renewal.

(7) (A) An insurer shall not be required under this subsection to give notice to a group member if the insurer has been advised by either the

group policyholder or another insurer that substantially similar coverage has been obtained from the other insurer without lapse of coverage.

(B) A group policyholder shall not be required under this subsection to give notice to a group member if substantially similar coverage has been obtained from another insurer without lapse of coverage.

(8) (A) If, prior to the effective date of cancellation, nonrenewal, or conditional renewal of the group policy, or a certificate, whether initiated by the insurer, group policyholder or by the group member in regard to the group member's certificate, coverage attaches pursuant to the terms of a group policy, then the coverage shall be effective until expiration of the applicable period of coverage provided in the group policy notwithstanding the cancellation, nonrenewal or conditional nonrenewal of the group policy.

(B) Notwithstanding subparagraph (A) of this paragraph, an insurer may terminate coverage under an individual certificate on the effective date of cancellation, if the certificate is cancelled in accordance with the provisions of subparagraph (B) of paragraph one of this subsection.

(k) Any mailing or delivery to a group member required or permitted under this section may be made by electronic mail if consent to such method of delivery has been previously received from such group member.

(l) An insurer may issue a transportation network company group policy to a transportation network company, notwithstanding that it may be a condition of operating a vehicle on the transportation network company's digital network for the TNC driver to participate in such group policy.

(m) An insurer shall not include a mandatory arbitration clause in a policy that provides financial responsibility coverage under this section except as permitted in section five thousand one hundred five of the insurance law.

§ 6. Subsection (g) of section 5102 of the insurance law is amended to read as follows:

(g) "Insurer" means the insurance company or self-insurer, as the case may be, which provides the financial security required by article six [~~or~~], eight, or forty-four-B of the vehicle and traffic law.

§ 7. Subsection (b) of section 5103 of the insurance law is amended by adding a new paragraph 4 to read as follows:

(4) Is injured while a motor vehicle is being used or operated by a TNC driver pursuant to article forty-four-B of the vehicle and traffic law, provided, however, that an insurer may not include this exclusion in a policy used to satisfy the requirements under article forty-four-B of the vehicle and traffic law.

§ 8. Subsection (d) of section 5106 of the insurance law, as added by chapter 452 of the laws of 2005, is amended to read as follows:

(d) [~~Where~~] (1) Except as provided in paragraph two of this subsection, where there is reasonable belief more than one insurer would be the source of first party benefits, the insurers may agree among themselves, if there is a valid basis therefor, that one of them will accept and pay the claim initially. If there is no such agreement, then the first insurer to whom notice of claim is given shall be responsible for payment. Any such dispute shall be resolved in accordance with the arbitration procedures established pursuant to section five thousand one hundred five of this article and [~~regulation~~] regulations as promulgated by the superintendent, and any insurer paying first-party benefits shall be reimbursed by other insurers for their proportionate share of the costs of the claim and the allocated expenses of processing the claim, in accordance with the provisions entitled "other coverage" contained in regulation and the provisions entitled "other sources of first-party

benefits" contained in regulation. If there is no such insurer and the motor vehicle accident occurs in this state, then an applicant who is a qualified person as defined in article fifty-two of this chapter shall institute the claim against **the** motor vehicle accident indemnification corporation.

(2) A group policy issued pursuant to section three thousand four hundred fifty-five of this chapter shall provide first party benefits when a dispute exists as to whether a driver was using or operating a motor vehicle in connection with a transportation network company when loss, damage, injury, or death occurs. A transportation network company shall notify the insurer that issued the owner's policy of liability insurance of the dispute within ten business days of becoming aware that the dispute exists. When there is a dispute, the group insurer liable for the payment of first party benefits under a group policy shall have the right to recover the amount paid from the driver's insurer to the extent that the driver would have been liable to pay damages in an action at law.

§ 9. Subsection (b) of section 2305 of the insurance law, as amended by chapter 11 of the laws of 2008, paragraph 13 as amended by chapter 136 of the laws of 2008, is amended to read as follows:

(b) rate filings for:

(1) workers' compensation insurance;

(2) motor vehicle insurance, or surety bonds, required by section three hundred seventy of the vehicle and traffic law **or article forty-four-B of the vehicle and traffic law**;

(3) joint underwriting;

(4) motor vehicle assigned risk insurance;

(5) insurance issued by the New York Property Insurance Underwriting Association;

(6) risk sharing plans authorized by section two thousand three hundred eighteen of this article;

(7) title insurance;

(8) medical malpractice liability insurance;

(9) insurance issued by the Medical Malpractice Insurance Association;

(10) mortgage guaranty insurance;

(11) credit property insurance, as defined in section two thousand three hundred forty of this article; [~~and~~]

(12) gap insurance**; and**

(13) [~~Private~~] **private** passenger automobile insurance, except as provided in section two thousand three hundred fifty of this article[~~.~~]**,** shall be filed with the superintendent and shall not become effective unless either the filing has been approved or thirty days, which the superintendent may with cause extend an additional thirty days and with further cause extend an additional fifteen days, have elapsed and the filing has not been disapproved as failing to meet the requirements of this article, including the standard that rates be not otherwise unreasonable. After a rate filing becomes effective, the filing and supporting information shall be open to public inspection. If a filing is disapproved, **then** notice of such disapproval order shall be given, specifying in what respects such filing fails to meet the requirements of this article. Upon his or her request, the superintendent shall be provided with support and assistance from the workers' compensation board and other state agencies and departments with appropriate jurisdiction. The loss cost multiplier for each insurer providing coverage for workers' compensation, as defined by regulation promulgated by the

superintendent, shall be promptly displayed on the department's website and updated in the event of any change.

§ 10. Paragraph 1 of subsection (a) of section 3425 of the insurance law, as amended by chapter 235 of the laws of 1989, is amended to read as follows:

(1) "Covered policy" means a contract of insurance, referred to in this section as "automobile insurance", issued or issued for delivery in this state, on a risk located or resident in this state, insuring against losses or liabilities arising out of the ownership, operation, or use of a motor vehicle, predominantly used for non-business purposes, when a natural person is the named insured under the policy of automobile insurance**; provided, however, that the use or operation of the motor vehicle by a transportation network driver as a TNC vehicle in accordance with article forty-four-B of the vehicle and traffic law shall not be included in determining whether the motor vehicle is being used predominantly for non-business purposes**.

§ 11. Subdivisions 1 and 3 of section 160-cc of the executive law, as added by chapter 49 of the laws of 1999, are amended and a new subdivision 10 is added to read as follows:

1. "Black car operator" means the registered owner of a for-hire vehicle, or a driver designated by such registered owner to operate the registered owner's for-hire vehicle as the registered owner's authorized designee, whose injury arose out of and in the course of providing covered services to a central dispatch facility that is a registered member of the New York black car operators' injury compensation fund, inc. **For the purposes of administration of this article, a black car operator shall include a transportation network company driver as defined in article forty-four-B of the vehicle and traffic law.**

3. "Central dispatch facility" means a central facility, wherever located, **including a transportation network company,** that (a) dispatches the registered owners of for-hire vehicles, or drivers acting as the designated agent of such registered owners, to both pick-up and discharge passengers in the state, and (b) has certified to the satisfaction of the department of state that more than ninety percent of its for-hire business is on a payment basis other than direct cash payment by a passenger; provided, however, that a central dispatch facility shall not include any such central facility that owns fifty percent or more of the cars it dispatches. **For the purposes of administration of this article, central dispatch facility shall include TNC prearranged as defined in article forty-four-B of the vehicle and traffic law.**

10. "Transportation network company" or "TNC" shall have the same meaning as the term is defined in article forty-four-B of the vehicle and traffic law.

§ 12. Subdivision 1 of section 160-ff of the executive law, as added by chapter 49 of the laws of 1999, is amended to read as follows:

1. [~~Within thirty days of the effective date of this article, there~~] **There** shall be appointed a board of directors of the fund, consisting of nine directors, [~~five~~] **four** of whom shall be selected by the black car assistance corporation; [~~three~~] **four** of whom shall be chosen by the governor, including one chosen upon the recommendation of the temporary president of the senate and one chosen upon the recommendation of the speaker of the assembly**, and one chosen to represent a transportation network company as defined by article forty-four-B of the vehicle and traffic law**; and one of whom shall be the secretary, who shall serve ex officio. [~~The initial terms of directors other than the secretary shall be staggered, the three directors appointed by the governor serving for~~

~~initial terms of three years from the effective date of this article, three of the remaining five directors serving for initial terms of two years from the effective date of this article and two directors serving for initial terms of one year from the effective date of this article~~] The term of the director appointed by the governor to represent the transportation network company organization shall begin upon the expiration of the term of a director selected by the black car assistance corporation following December thirty-first, two thousand sixteen. In the event that a director appointed by the black car assistance corporation is serving in an expired appointment on December thirty-first, two thousand sixteen, such member shall be replaced immediately by a director appointed by the governor to represent a transportation network company organization. The [~~subsequent~~] terms of all directors other than the secretary shall be three years. The board shall have the power to remove for cause any director other than the secretary.

§ 13. Subdivision 3 of section 160-jj of the executive law, as added by chapter 49 of the laws of 1999, is amended to read as follows:

3. No local licensing authority or the department or the New York state department of motor vehicles shall issue, continue or renew any license or registration certificate, or permit for the operation of any central dispatch facility unless such central dispatch facility, as a condition of maintaining its license and/or registration certificate, adds the surcharge required by this section to every invoice and billing for covered services sent to, and every credit payment for covered services received from, its customers and pays to the fund no later than the fifteenth day of each month the total surcharges due pursuant to this article.

§ 14. Subdivision 1 of section 171-a of the tax law, as amended by chapter 90 of the laws of 2014, is amended to read as follows:

1. All taxes, interest, penalties and fees collected or received by the commissioner or the commissioner's duly authorized agent under articles nine (except section one hundred eighty-two-a thereof and except as otherwise provided in section two hundred five thereof), nine-A, twelve-A (except as otherwise provided in section two hundred eighty-four-d thereof), thirteen, thirteen-A (except as otherwise provided in section three hundred twelve thereof), eighteen, nineteen, twenty (except as otherwise provided in section four hundred eighty-two thereof), twenty-B, twenty-one, twenty-two, twenty-six, [~~twenty-six-B,~~] twenty-eight (except as otherwise provided in section eleven hundred two or eleven hundred three thereof), twenty-eight-A, twenty-nine-B (except as otherwise provided in section twelve hundred ninety-eight thereof), thirty-one (except as otherwise provided in section fourteen hundred twenty-one thereof), thirty-three and thirty-three-A of this chapter shall be deposited daily in one account with such responsible banks, banking houses or trust companies as may be designated by the comptroller, to the credit of the comptroller. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under such articles of this chapter, the comptroller shall retain in the comptroller's hands such amount as the commissioner may determine to be necessary for refunds or reimbursements under such articles of this chapter out of which amount the comptroller shall pay any refunds or reimbursements to which taxpayers shall be entitled under the provisions of such articles of this chapter. The commissioner and the comptroller

shall maintain a system of accounts showing the amount of revenue collected or received from each of the taxes imposed by such articles. The comptroller, after reserving the amount to pay such refunds or reimbursements, shall, on or before the tenth day of each month, pay into the state treasury to the credit of the general fund all revenue deposited under this section during the preceding calendar month and remaining to the comptroller's credit on the last day of such preceding month, (i) except that the comptroller shall pay to the state department of social services that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this article, (ii) and except that the comptroller shall pay to the New York state higher education services corporation and the state university of New York or the city university of New York respectively that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of guaranteed student loans and state university loans or city university loans pursuant to subdivision five of section one hundred seventy-one-d and subdivision six of section one hundred seventy-one-e of this article, (iii) and except further that, notwithstanding any law, the comptroller shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter, and any interest thereon, which is certified to the comptroller by the commissioner as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this article, provided, however, he shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this article, (iv) and except further that the comptroller shall pay to the city of New York that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any interest thereon that is certified to the comptroller by the commissioner as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article, (v) and except further that the comptroller shall pay to a non-obligated spouse that amount of overpayment of tax imposed by article twenty-two of this chapter and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this article and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter; and (vi) the comptroller shall deduct a like amount which the comptroller shall pay into the treasury to the credit of the general fund from amounts subsequently payable to the department of social services, the state university of New York, the city university of New York, or the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the

case may be, whichever had been credited the amount originally withheld from such overpayment, and (vii) with respect to amounts originally withheld from such overpayment pursuant to section one hundred seventy-one-l of this article and paid to the city of New York, the comptroller shall collect a like amount from the city of New York.

§ 14-a. Subdivision 1 of section 171-a of the tax law, as amended by section 54 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

1. All taxes, interest, penalties and fees collected or received by the commissioner or the commissioner's duly authorized agent under articles nine (except section one hundred eighty-two-a thereof and except as otherwise provided in section two hundred five thereof), nine-A, twelve-A (except as otherwise provided in section two hundred eighty-four-d thereof), thirteen, thirteen-A (except as otherwise provided in section three hundred twelve thereof), eighteen, nineteen, twenty (except as otherwise provided in section four hundred eighty-two thereof), twenty-one, twenty-two, twenty-six, [~~twenty-six-B,~~] twenty-eight (except as otherwise provided in section eleven hundred two or eleven hundred three thereof), twenty-eight-A, **twenty-nine-B (except as otherwise provided in section twelve hundred ninety-eight thereof),** thirty-one (except as otherwise provided in section fourteen hundred twenty-one thereof), thirty-three and thirty-three-A of this chapter shall be deposited daily in one account with such responsible banks, banking houses or trust companies as may be designated by the comptroller, to the credit of the comptroller. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under such articles of this chapter, the comptroller shall retain in the comptroller's hands such amount as the commissioner may determine to be necessary for refunds or reimbursements under such articles of this chapter out of which amount the comptroller shall pay any refunds or reimbursements to which taxpayers shall be entitled under the provisions of such articles of this chapter. The commissioner and the comptroller shall maintain a system of accounts showing the amount of revenue collected or received from each of the taxes imposed by such articles. The comptroller, after reserving the amount to pay such refunds or reimbursements, shall, on or before the tenth day of each month, pay into the state treasury to the credit of the general fund all revenue deposited under this section during the preceding calendar month and remaining to the comptroller's credit on the last day of such preceding month, (i) except that the comptroller shall pay to the state department of social services that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this article, (ii) and except that the comptroller shall pay to the New York state higher education services corporation and the state university of New York or the city university of New York respectively that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of guaranteed student loans and state university loans or city university loans pursuant to subdivision five of section one hundred seventy-one-d and subdivision six of section one hundred seven-

ty-one-e of this article, (iii) and except further that, notwithstanding any law, the comptroller shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter, and any interest thereon, which is certified to the comptroller by the commissioner as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this article, provided, however, he shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this article, (iv) and except further that the comptroller shall pay to the city of New York that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any interest thereon that is certified to the comptroller by the commissioner as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article, (v) and except further that the comptroller shall pay to a non-obligated spouse that amount of overpayment of tax imposed by article twenty-two of this chapter and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this article and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter; and (vi) the comptroller shall deduct a like amount which the comptroller shall pay into the treasury to the credit of the general fund from amounts subsequently payable to the department of social services, the state university of New York, the city university of New York, or the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment, and (vii) with respect to amounts originally withheld from such overpayment pursuant to section one hundred seventy-one-l of this article and paid to the city of New York, the comptroller shall collect a like amount from the city of New York.

§ 15. Paragraph 34 of subdivision (b) of section 1101 of the tax law, as amended by section 1 of part WW of chapter 57 of the laws of 2010, is amended to read as follows:

(34) Transportation service. The service of transporting, carrying or conveying a person or persons by livery service; whether to a single destination or to multiple destinations; and whether the compensation paid by or on behalf of the passenger is based on mileage, trip, time consumed or any other basis. A service that begins and ends in this state is deemed intra-state even if it passes outside this state during a portion of the trip. However, transportation service does not include transportation of persons in connection with funerals. Transportation service includes transporting, carrying, or conveying property of the person being transported, whether owned by or in the care of such person. **Notwithstanding the foregoing, transportation service shall not include a TNC prearranged trip, as that term is defined in article forty-four-B of the vehicle and traffic law, that is subject to tax**

under article twenty-nine-B of this chapter. In addition to what is included in the definition of "receipt" in paragraph three of this subdivision, receipts from the sale of transportation service subject to tax include any handling, carrying, baggage, booking service, administrative, mark-up, additional, or other charge, of any nature, made in conjunction with the transportation service. Livery service means service provided by limousine, black car or other motor vehicle, with a driver, but excluding (i) a taxicab, (ii) a bus, and (iii), in a city of one million or more in this state, an affiliated livery vehicle, and excluding any scheduled public service. Limousine means a vehicle with a seating capacity of up to fourteen persons, excluding the driver. Black car means a for-hire vehicle dispatched from a central facility. "Affiliated livery vehicle" means a for-hire motor vehicle with a seating capacity of up to six persons, including the driver, other than a black car or luxury limousine, that is authorized and licensed by the taxi and limousine commission of a city of one million or more to be dispatched by a base station located in such a city and regulated by such taxi and limousine commission; and the charges for service provided by an affiliated livery vehicle are on the basis of flat rate, time, mileage, or zones and not on a garage to garage basis.

§ 16. The tax law is amended by adding a new article 29-B to read as follows:

ARTICLE 29-B

STATE ASSESSMENT FEE ON TRANSPORTATION NETWORK COMPANY PREARRANGED TRIPS

Section 1291. Definitions.
1292. Imposition.
1293. Presumption.
1294. Returns and payment of state assessment fee.
1295. Records to be kept.
1296. Secrecy of returns and reports.
1297. Practice and procedure.
1298. Deposit and disposition of revenue.

§ 1291. Definitions. (a) "Person" means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals and any other form of unincorporated enterprise owned or conducted by two or more persons.

(b) "City" means a city of a million or more located in the metropolitan commuter transportation district established by section twelve hundred sixty-two of the public authorities law.

(c) "Transportation network company" or "TNC" shall have the same meaning as the term is defined in article forty-four-B of the vehicle and traffic law.

(d) "TNC prearranged trip" shall have the same meaning as the term is defined in article forty-four-B of the vehicle and traffic law.

(e) "TNC driver" shall have the same meaning as the term is defined in article forty-four-B of the vehicle and traffic law.

(f) "TNC vehicle" shall have the same meaning as the term is defined in article forty-four-B of the vehicle and traffic law.

(g) "Gross trip fare" means the sum of the base fare charge, distance charge and time charge for a complete TNC prearranged trip at the rate published by the TNC by or through which such trip is arranged.

§ 1292. Imposition. There is hereby imposed on every TNC a state assessment fee of four percent of the gross trip fare of every TNC prearranged trip provided by such TNC that originates anywhere in the state outside the city and terminates anywhere in this state.

§ 1293. Presumption. For the purpose of the proper administration of this article and to prevent evasion of the state assessment fee imposed by this article, it shall be presumed that every TNC prearranged trip that originates anywhere in the state outside the city is subject to the state assessment fee. This presumption shall prevail until the contrary is proven by the person liable for the fee.

§ 1294. Returns and payment of state assessment fee. (a) Every person liable for the state assessment fee imposed by this article shall file a return on a calendar-quarterly basis with the commissioner. Each return shall show the number of TNC prearranged trips in the quarter for which the return is filed, together with such other information as the commissioner may require. The returns required by this section shall be filed within thirty days after the end of the quarterly period covered thereby. If the commissioner deems it necessary in order to ensure the payment of the state assessment fee imposed by this article, the commissioner may require returns to be made for shorter periods than prescribed by the foregoing provisions of this section, and upon such dates as the commissioner may specify. The form of returns shall be prescribed by the commissioner and shall contain such information as the commissioner may deem necessary for the proper administration of this article. The commissioner may require amended returns to be filed within thirty days after notice and to contain the information specified in the notice. The commissioner may require that the returns be filed electronically.

(b) Every person required to file a return under this article shall, at the time of filing such return, pay to the commissioner the total of all state assessment fees on the correct number of trips subject to such fee under this article. The amount so payable to the commissioner for the period for which a return is required to be filed shall be due and payable to the commissioner on the date specified for the filing of the return for such period, without regard to whether a return is filed or whether the return that is filed correctly shows the correct number of trips or the amount of fees due thereon. The commissioner may require that the fee be paid electronically.

§ 1295. Records to be kept. Every person liable for the state assessment fee imposed by this article shall keep:

(a) records of every TNC prearranged trip subject to the state assessment fee under this article, and of all amounts paid, charged or due thereon, in such form as the commissioner may require;

(b) true and complete copies of any records required to be kept by a state agency that is authorized to permit or regulate a TNC; and

(c) such other records and information as the commissioner may require to perform his or her duties under this article.

§ 1296. Secrecy of returns and reports. (a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner, any officer or employee of the department, any person engaged or retained by the department on an independent contract basis, or any person who in any manner may acquire knowledge of the contents of a return or report filed with the commissioner pursuant to this article, to divulge or make known in any manner any particulars set forth or disclosed in any such return or report. The officers charged with the custody of such returns and reports shall not be

required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the commissioner in an action or proceeding under the provisions of this chapter or in any other action or proceeding involving the collection of a state assessment fee due under this article to which the state or the commissioner is a party or a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this article when the returns, reports or facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the division of tax appeals may require the production of, and may admit into evidence, so much of said returns, reports or of the facts shown thereby, as are pertinent to the action, proceeding or hearing and no more. The commissioner or the division of tax appeals may, nevertheless, publish a copy or a summary of any decision rendered after a hearing required by this article. Nothing in this section shall be construed to prohibit the delivery to a person who has filed a return or report or to such person's duly authorized representative of a certified copy of any return or report filed in connection with such person's state assessment fee. Nor shall anything in this section be construed to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof, or the inspection by the attorney general or other legal representatives of the state of the return or report of any person required to pay the state assessment fee who shall bring action to review the state assessment fee based thereon, or against whom an action or proceeding under this chapter has been recommended by the commissioner or the attorney general or has been instituted, or the inspection of the returns or reports required under this article by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any state assessment fee paid by a person required to pay the state assessment fee under this article. Provided, further, nothing in this section shall be construed to prohibit the disclosure, in such manner as the commissioner deems appropriate, of the names and other appropriate identifying information of those persons required to pay state assessment fee under this article.

(b) Notwithstanding the provisions of subdivision (a) of this section, the commissioner, in his or her discretion, may require or permit any or all persons liable for any state assessment fee imposed by this article, to make payment to banks, banking houses or trust companies designated by the commissioner and to file returns with such banks, banking houses or trust companies as agents of the commissioner, in lieu of paying any such state assessment fee directly to the commissioner. However, the commissioner shall designate only such banks, banking houses or trust companies as are already designated by the comptroller as depositories pursuant to section twelve hundred eighty-eight of this chapter.

(c) Notwithstanding the provisions of subdivision (a) of this section, the commissioner may permit the secretary of the treasury of the United States or such secretary's delegate, or the authorized representative of either such officer, to inspect any return filed under this article, or may furnish to such officer or such officer's authorized representative an abstract of any such return or supply such person with information concerning an item contained in any such return, or disclosed by any investigation of liability under this article, but such permission shall be granted or such information furnished only if the laws of the United States grant substantially similar privileges to the commissioner or

officer of this state charged with the administration of the state assessment fee imposed by this article, and only if such information is to be used for purposes of tax administration only; and provided further the commissioner may furnish to the commissioner of internal revenue or such commissioner's authorized representative such returns filed under this article and other tax information, as such commissioner may consider proper, for use in court actions or proceedings under the internal revenue code, whether civil or criminal, where a written request therefor has been made to the commissioner by the secretary of the treasury of the United States or such secretary's delegate, provided the laws of the United States grant substantially similar powers to the secretary of the treasury of the United States or his or her delegate. Where the commissioner has so authorized use of returns and other information in such actions or proceedings, officers and employees of the department may testify in such actions or proceedings in respect to such returns or other information.

(d) Returns and reports filed under this article shall be preserved for three years and thereafter until the commissioner orders them to be destroyed.

(e) (1) Any officer or employee of the state who willfully violates the provisions of subdivision (a) of this section shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

(2) Cross-reference: For criminal penalties, see article thirty-seven of this chapter.

§ 1297. Practice and procedure. The provisions of article twenty-seven of this chapter shall apply with respect to the administration of and procedure with respect to the state assessment fee imposed by this article in the same manner and with the same force and effect as if the language of such article twenty-seven had been incorporated in full into this article and had expressly referred to the state assessment fee under this article, except to the extent that any such provision is either inconsistent with a provision of this article or is not relevant to this article.

§ 1298. Deposit and disposition of revenue. All taxes, fees, interest and penalties collected or received by the commissioner under this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter. From such taxes, interest and penalties collected or received by the commissioner under this article, twenty-five percent shall be deposited to the credit of a dedicated transportation fund established pursuant to a chapter of the laws of two thousand seventeen for the support of transportation related needs throughout the state.

§ 17. The tax law is amended by adding a new section 1822 to read as follows:

§ 1822. Violation of the state assessment fee on transportation network company prearranged trips. Any willful act or omission by any person that constitutes a violation of any provision of article twenty-nine-B of this chapter shall constitute a misdemeanor.

§ 18. Section 1825 of the tax law, as amended by section 89 of part A of chapter 59 of the laws of 2014, is amended to read as follows:

§ 1825. Violation of secrecy provisions of the tax law.--Any person who violates the provisions of subdivision (b) of section twenty-one, subdivision one of section two hundred two, subdivision eight of section two hundred eleven, subdivision (a) of section three hundred fourteen, subdivision one or two of section four hundred thirty-seven, section

four hundred eighty-seven, subdivision one or two of section five hundred fourteen, subsection (e) of section six hundred ninety-seven, subsection (a) of section nine hundred ninety-four, subdivision (a) of section eleven hundred forty-six, section twelve hundred eighty-seven, **section twelve hundred ninety-six,** subdivision (a) of section fourteen hundred eighteen, subdivision (a) of section fifteen hundred eighteen, subdivision (a) of section fifteen hundred fifty-five of this chapter, and subdivision (e) of section 11-1797 of the administrative code of the city of New York shall be guilty of a misdemeanor.

§ 19. 1. For purposes of this section, transportation network company shall mean a transportation network company as defined by article forty-four-B of the vehicle and traffic law.

2. There is hereby established the New York State Transportation Network Company Accessibility Task Force to analyze and advise on how to maximize effective and integrated transportation services for persons with disabilities in the transportation network company market. The New York State Transportation Network Company Accessibility Task Force shall consist of eleven members. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the speaker of the assembly. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the temporary president of the senate. Seven members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the governor and shall include, but not be limited to, two representatives of groups who serve persons with disabilities and two representatives from a transportation network company. The governor shall designate two chairpersons to the New York State Transportation Network Company Accessibility Task Force.

3. The New York State Transportation Network Company Accessibility Task Force shall study the demand responsive transportation marketplace and shall, in addition to any responsibilities assigned by the governor: (a) conduct a needs assessment concerning the demand for demand responsive accessible transportation; (b) conduct a resource assessment concerning the availability of accessible demand responsive transportation services for persons with disabilities; (c) identify opportunities for, and barriers to, increasing accessible demand responsive transportation service for persons with mobility disabilities; (d) propose strategies for increasing accessible demand responsive transportation service for persons with disabilities; and (e) any other issues determined important to the task force in establishing a recommendation pursuant to subdivision five of this section.

4. The New York State Transportation Network Company Accessibility Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in subdivision two of this section.

5. The New York State Transportation Network Company Accessibility Task Force shall complete a report addressing the activities described in subdivision two of this section and make a recommendation, supported by such activities, recommending the amount of accessibility necessary for adequate transportation for disabled passengers in order to utilize transportation network companies and present such findings at a public meeting where its members shall accept such report, pursuant to majority vote of the task force, and present such report to the governor, the speaker of the assembly and the temporary president of the senate, and make such report publicly available for review.

6. Upon making the report described in subdivision five of this section, the New York State Transportation Network Company Accessibility Task Force shall be deemed dissolved.

§ 20. Severability clause. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

§ 21. Each agency that is designated to perform any function or duty pursuant to this act shall be authorized to establish rules and regulations for the administration and execution of such authority in a manner consistent with the provisions of this act and for the protection of the public, health, safety and welfare of persons within this state.

§ 22. This act shall take effect on the ninetieth day after it shall have become a law; provided that the amendments to subdivision 1 of section 171-a of the tax law made by section fourteen of this act shall not affect the expiration of such subdivision and shall expire therewith, pursuant to section 12 of chapter 90 of the laws of 2014, as amended, when upon such date the provisions of section fourteen-a of this act shall take effect.