

STATE OF NEW YORK

4809--A

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

Introduced by Sens. COMRIE, BAILEY, BRISPORT, CLEARE, COONEY, FERNANDEZ, HARCKHAM, JACKSON, LIU, MAY, MYRIE, PARKER, PERSAUD, SANDERS, STAVISKY, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the vehicle and traffic law, in relation to captive insurance for commuter vans, black cars, ambulances and paratransit vehicles, and small school buses

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

1 Section 1. The insurance law is amended by adding a new section 7013
2 to read as follows:

3 § 7013. Captive insurance for commuter vans, pre-arranged for-hire
4 vehicles, transportation network companies, and accessible vehicles.

5 (a) Notwithstanding any provisions to the contrary pursuant to
6 subsection (b) of section seven thousand three of this article, commuter
7 vans, pre-arranged for-hire vehicles, transportation network companies,
8 and accessible vehicles that are engaged in the business of carrying or
9 transporting passengers for hire may create a group captive insurance
10 company or companies. The superintendent shall implement:

11 (1) standards for enrollment of eligible commuter vans, pre-arranged
12 for-hire vehicles, transportation network companies, and accessible
13 vehicles including mechanisms for determining eligibility; and

14 (2) standards for monitoring the performance of such captive insurance
15 company or companies in providing affordable insurance coverage to
16 commuter vans, pre-arranged for-hire vehicles, transportation network
17 companies, and accessible vehicles pursuant to subsection (c) of this
18 section.

19 (b) For the purposes of this section, the following terms shall have
20 the following meanings:

21 (1) "Commuter van" shall mean a commuter van service having a seating
22 capacity of nine passengers but not more than twenty-four passengers or
23 such greater capacity as the superintendent may establish by rule and

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

LBD06067-02-5

1 carrying passengers for hire. The term "commuter van" shall include, but
2 not be limited to, shuttles and transportation vans.

3 (2) "Pre-arranged for-hire vehicle" shall mean a motor vehicle that is
4 used in the business of transporting passengers for compensation on a
5 pre-arranged basis, and operated in such business under a license or
6 permit issued by a licensing jurisdiction. Such term shall include, but
7 not be limited to, small school buses pursuant to section one hundred
8 forty-two or sixteen hundred forty-two-a of the vehicle and traffic law.
9 The term "pre-arranged for-hire vehicle" shall apply to vehicles as
10 defined in this paragraph regardless of any other provision of local law
11 or rule defining or describing such vehicles by any other terms such as
12 school bus, charter bus, livery, taxi, black car, or luxury limousine.

13 (3) "Transportation network company" shall have the same meaning as
14 set forth in section sixteen hundred ninety-one of the vehicle and traf-
15 fic law.

16 (4) "Accessible vehicle" shall mean a vehicle that:

17 (A) complies with the accessibility requirements of the Americans with
18 Disabilities Act of 1990, as amended, and the regulations promulgated
19 thereunder;

20 (B) is equipped with a lift, ramp or any other device, arrangement or
21 alteration, so it is capable of transporting individuals who use wheel-
22 chairs, scooters, or other mobility aids while they remain seated in
23 their wheelchairs, scooters, or other mobility aids;

24 (C) is equipped with an assistive listening system for persons with
25 hearing impairments that is connected with any intercom, video or audio
26 system, when such a system is installed or designed and approved to
27 provide service to persons with disabilities;

28 (D) is equipped with standardized signs printed in: (i) braille; and
29 (ii) large-print text so that such signs are visible to persons with low
30 vision;

31 (E) provides sufficient floor space to accommodate a service animal;

32 (F) if powered by a hybrid-electric motor, is equipped with an appro-
33 priate device to enable persons who are blind to hear the approach of
34 the vehicle as readily as they can hear a conventional gasoline-powered
35 vehicle;

36 (G) shall include, but not be limited to, "ambulette" which shall have
37 the same meaning set forth in 17 NYCRR Part 720.8 or "paratransit" vehi-
38 cle which means a special-purpose vehicle, designed and equipped to
39 provide nonemergency transport, that has wheelchair-carrying capacity,
40 stretcher-carrying capacity, or the ability to carry disabled persons as
41 defined in section fifteen-b of the transportation law.

42 (c) Captive insurance companies created pursuant to this section shall
43 provide minimum limits and coverages as required by law. In addition,
44 all no fault insurance related to commuter vans, pre-arranged for-hire
45 vehicles, transportation network companies, and accessible vehicles
46 insured in this program will rely on the medical treatment guidelines
47 promulgated in existing workers' compensation law.

48 § 2. Subdivision 8 of section 1229-c of the vehicle and traffic law,
49 as added by chapter 365 of the laws of 1984, is amended to read as
50 follows:

51 8. Non-compliance with the provisions of this section shall [~~not~~]
52 admissible as evidence in any civil action in a court of law in regard
53 to the issue of liability [~~but~~] and may be introduced into evidence in
54 mitigation of damages provided the party introducing said evidence has
55 pleaded such non-compliance as an affirmative defense.

56 § 3. This act shall take effect immediately.