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I N A S S E M B L Y

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Introduced by M. of A. CAHILL, MORELLE, McDONALD, FAHY, SANTABARBARA, LUPARDO, CERETTO, ZEBROWSKI, McDONOUGH, LAVINE, HUNTER, RIVERA -- Multi-Sponsored by -- M. of A. COOK, LAWRENCE, LUPINACCI -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, the executive law and the general municipal law, in relation to transportation network companies

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 3441
2 to read as follows:

3 S 3441. TRANSPORTATION NETWORK COMPANIES. (A) NOTWITHSTANDING ANY
4 OTHER PROVISION OF THIS CHAPTER, THIS SECTION SHALL APPLY TO TRANSPORTA-
5 TION NETWORK COMPANIES.

6 (B) FOR PURPOSES OF THIS SECTION THE FOLLOWING DEFINITIONS SHALL
7 APPLY:

8 (1) "PERSONAL VEHICLE" MEANS A MOTOR VEHICLE USED BY A TRANSPORTATION
9 NETWORK COMPANY DRIVER AND IS OWNED OR LEASED BY THE TRANSPORTATION
10 NETWORK COMPANY DRIVER.

11 (2) "DIGITAL NETWORK" MEANS ANY ONLINE-ENABLED APPLICATION, SOFTWARE,
12 WEBSITE OR SYSTEM OFFERED OR UTILIZED BY A TRANSPORTATION NETWORK COMPA-
13 NY THAT ENABLES THE PREARRANGEMENT OF RIDES WITH TRANSPORTATION NETWORK
14 COMPANY DRIVERS.

15 (3) "TRANSPORTATION NETWORK COMPANY" MEANS A CORPORATION, PARTNERSHIP,
16 SOLE PROPRIETORSHIP, OR OTHER ENTITY THAT IS OPERATING IN THIS STATE
17 THAT USES A DIGITAL NETWORK TO CONNECT TRANSPORTATION NETWORK COMPANY

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

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1 RIDERS TO TRANSPORTATION NETWORK COMPANY DRIVERS WHO PROVIDE PREARRANGED
2 RIDES.

3 (4) "TRANSPORTATION NETWORK COMPANY DRIVER" OR "DRIVER" MEANS AN INDI-
4 VIDUAL WHO USES A PERSONAL VEHICLE TO OFFER OR PROVIDE A PREARRANGED
5 RIDE TO RIDERS UPON CONNECTION THROUGH A DIGITAL NETWORK CONTROLLED BY A
6 TRANSPORTATION NETWORK COMPANY IN RETURN FOR COMPENSATION OR PAYMENT OF
7 A FEE.

8 (5) "TRANSPORTATION NETWORK COMPANY RIDER" OR "RIDER" MEANS AN INDI-
9 VIDUAL OR PERSONS WHO USE A TRANSPORTATION NETWORK COMPANY'S DIGITAL
10 NETWORK TO CONNECT WITH A TRANSPORTATION NETWORK DRIVER WHO PROVIDES
11 PREARRANGED RIDES TO THE RIDER IN THE DRIVER'S PERSONAL VEHICLE BETWEEN
12 POINTS CHOSEN BY THE RIDER.

13 (6) "PREARRANGED RIDE" MEANS THE PROVISION OF TRANSPORTATION BY A
14 DRIVER TO A RIDER, BEGINNING WHEN A DRIVER ACCEPTS A RIDE REQUESTED BY A
15 RIDER THROUGH A DIGITAL NETWORK CONTROLLED BY A TRANSPORTATION NETWORK
16 COMPANY, CONTINUING WHILE THE DRIVER TRANSPORTS A REQUESTING RIDER, AND
17 ENDING WHEN THE LAST REQUESTING RIDER DEPARTS FROM THE PERSONAL VEHICLE.

18 (7) "GROUP POLICY" MEANS AN INSURANCE POLICY ISSUED PURSUANT TO
19 SECTION THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS ARTICLE.

20 (8) "UNAUTHORIZED USER" MEANS AN INDIVIDUAL OR PERSONS, OTHER THAN A
21 TRANSPORTATION NETWORK COMPANY DRIVER, WHO USE A TRANSPORTATION NETWORK
22 COMPANY DRIVER'S ACCOUNT WITH OR WITHOUT THE DRIVER'S PERMISSION TO LOG
23 ON TO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK AND PROVIDE
24 PREARRANGED RIDES TO RIDERS.

25 (C) PRIOR TO OPERATING IN THIS STATE, A TRANSPORTATION NETWORK COMPANY
26 SHALL PURCHASE AND MAINTAIN A GROUP POLICY SUBJECT TO THE FOLLOWING
27 REQUIREMENTS:

28 (1) SUCH POLICY SHALL RECOGNIZE THAT THE DRIVER IS A TRANSPORTATION
29 NETWORK COMPANY DRIVER OR OTHERWISE USES A VEHICLE TO TRANSPORT PASSENGERS
30 FOR COMPENSATION AND COVERS THE DRIVER:

31 (A) WHILE THE DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK COMPA-
32 NY'S DIGITAL NETWORK; AND

33 (B) WHILE THE DRIVER IS ENGAGED IN A PREARRANGED RIDE.

34 (2) THE FOLLOWING AUTOMOBILE INSURANCE REQUIREMENTS SHALL APPLY WHILE
35 A PARTICIPATING TRANSPORTATION NETWORK COMPANY DRIVER OR UNAUTHORIZED
36 USER IS LOGGED ON TO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL
37 NETWORK AND IS AVAILABLE TO RECEIVE TRANSPORTATION REQUESTS BUT IS NOT
38 ENGAGED IN A PREARRANGED RIDE:

39 (A) PRIMARY AUTOMOBILE LIABILITY INSURANCE IN THE AMOUNT OF AT LEAST
40 ONE HUNDRED THOUSAND DOLLARS FOR DEATH AND BODILY INJURY PER PERSON,
41 THREE HUNDRED THOUSAND DOLLARS FOR DEATH AND BODILY INJURY PER INCIDENT,
42 AND TWENTY-FIVE THOUSAND DOLLARS FOR PROPERTY DAMAGE AND COVERAGE IN
43 SATISFACTION OF THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET FORTH IN
44 SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE, ARTICLE
45 FIFTY-ONE OF THIS CHAPTER AND REGULATIONS PROMULGATED THEREUNDER; AND

46 (B) THE COVERAGE REQUIREMENTS OF THIS SUBSECTION MAY BE SATISFIED ONLY
47 BY AUTOMOBILE INSURANCE PROVIDED THROUGH A GROUP POLICY MAINTAINED BY
48 THE TRANSPORTATION NETWORK COMPANY.

49 (3) THE FOLLOWING AUTOMOBILE INSURANCE REQUIREMENTS SHALL APPLY WHILE
50 A TRANSPORTATION NETWORK COMPANY DRIVER OR UNAUTHORIZED USER IS ENGAGED
51 IN A PREARRANGED RIDE:

52 (A) PRIMARY AUTOMOBILE LIABILITY INSURANCE THAT PROVIDES AT LEAST ONE
53 MILLION FIVE HUNDRED THOUSAND DOLLARS FOR DEATH, BODILY INJURY AND PROP-
54 erty DAMAGE AND COVERAGE IN SATISFACTION OF THE FINANCIAL RESPONSIBILITY
55 REQUIREMENTS SET FORTH IN SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF

1 THIS ARTICLE, ARTICLE FIFTY-ONE OF THIS CHAPTER AND REGULATIONS PROMUL-
2 GATED THEREUNDER; AND

3 (B) THE COVERAGE REQUIREMENTS OF THIS SUBSECTION MAY BE SATISFIED ONLY
4 BY AUTOMOBILE INSURANCE PROVIDED THROUGH A GROUP POLICY MAINTAINED BY
5 THE TRANSPORTATION NETWORK COMPANY.

6 (4) A TRANSPORTATION NETWORK COMPANY SHALL, UPON ENTERING INTO A
7 CONTRACTUAL AGREEMENT WITH A TRANSPORTATION NETWORK COMPANY DRIVER,
8 PROVIDE NOTICE TO THE TRANSPORTATION NETWORK COMPANY DRIVER THAT THE
9 DRIVER MAY NEED ADDITIONAL INSURANCE COVERAGE INCLUDING MOTOR VEHICLE
10 PHYSICAL DAMAGE COVERAGE AS DESCRIBED IN PARAGRAPH NINETEEN OF
11 SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN OF THIS
12 CHAPTER IF THE DRIVER'S PERSONAL VEHICLE IS SUBJECT TO A LEASE OR LOAN
13 AND THAT THE TRANSPORTATION NETWORK COMPANY SHALL PROVIDE THIS ADDI-
14 TIONAL COVERAGE PURSUANT TO PARAGRAPH TWO OF SUBSECTION (C) OF SECTION
15 THREE THOUSAND FOUR HUNDRED FIFTY-FIVE OF THIS ARTICLE IF NECESSARY. A
16 TRANSPORTATION NETWORK COMPANY SHALL ALSO POST THIS NOTICE ON ITS
17 WEBSITE IN A PROMINENT PLACE.

18 (5) ANY COVERAGE PROVIDED BY A TRANSPORTATION NETWORK COMPANY'S GROUP
19 POLICY SHALL BE PRIMARY WITH RESPECT TO ANY OTHER INSURANCE AVAILABLE TO
20 A TRANSPORTATION NETWORK COMPANY DRIVER. THE TRANSPORTATION NETWORK
21 COMPANY'S GROUP POLICY INSURER SHALL NOTIFY THE TRANSPORTATION NETWORK
22 COMPANY DRIVER AND THE DRIVER'S OWN AUTOMOBILE INSURER, AS WELL AS ANY
23 OTHER INSURANCE INTERESTED PARTIES, OF THE TRANSPORTATION NETWORK COMPA-
24 NY INSURER'S DUTY TO DEFEND AND INDEMNIFY ANY CLAIM FOR DAMAGE OR INJURY
25 OCCURRING WHILE A DRIVER IS LOGGED ON TO A COMPANY'S DIGITAL NETWORK
26 WITHIN FIFTEEN DAYS FROM THE DATE THE CLAIM IS MADE.

27 (6) INSURANCE REQUIRED BY THIS SUBSECTION MAY BE PLACED WITH AN INSUR-
28 ER AUTHORIZED OR ELIGIBLE TO WRITE INSURANCE IN THIS STATE AND SHALL BE
29 ELIGIBLE FOR PLACEMENT BY AN EXCESS LINE BROKER LICENSED PURSUANT TO
30 ARTICLE TWENTY-ONE OF THIS CHAPTER.

31 (7) INSURANCE SATISFYING THE REQUIREMENTS OF THIS SUBSECTION SHALL BE
32 DEEMED TO SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET FORTH IN
33 SUBDIVISION FOUR OF SECTION THREE HUNDRED ELEVEN OF THE VEHICLE AND
34 TRAFFIC LAW, SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE,
35 ARTICLE FIFTY-ONE OF THIS CHAPTER, AND REGULATIONS PROMULGATED THERE-
36 UNDER, AND SUCH OTHER REQUIREMENTS THAT MAY APPLY FOR THE PURPOSES OF
37 SATISFYING THE FINANCIAL RESPONSIBILITY REQUIREMENTS WITH RESPECT TO THE
38 USE OR OPERATION OF A MOTOR VEHICLE.

39 (8) A TRANSPORTATION NETWORK COMPANY DRIVER SHALL CARRY PROOF OF
40 COVERAGE SATISFYING PARAGRAPHS TWO AND THREE OF THIS SUBSECTION WITH HIM
41 OR HER AT ALL TIMES DURING HIS OR HER USE OF A VEHICLE IN CONNECTION
42 WITH A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK. IN THE EVENT OF
43 AN ACCIDENT, A TRANSPORTATION NETWORK COMPANY DRIVER SHALL PROVIDE THIS
44 INSURANCE COVERAGE INFORMATION TO THE DIRECTLY INTERESTED PARTIES, AUTO-
45 MOBILE INSURERS AND INVESTIGATING POLICE OFFICERS, UPON REQUEST. UPON
46 SUCH REQUEST, A TRANSPORTATION NETWORK COMPANY DRIVER SHALL ALSO
47 DISCLOSE TO DIRECTLY INTERESTED PARTIES, AUTOMOBILE INSURERS, AND INVES-
48 TIGATING POLICE OFFICERS, WHETHER HE OR SHE WAS LOGGED ON TO THE TRANS-
49 PORTATION NETWORK COMPANY'S DIGITAL NETWORK OR ON A PREARRANGED RIDE AT
50 THE TIME OF AN ACCIDENT.

51 (D) A TRANSPORTATION NETWORK COMPANY SHALL, PRIOR TO ALLOWING TRANS-
52 PORTATION NETWORK COMPANY DRIVERS TO ACCEPT REQUESTS FOR PREARRANGED
53 RIDES, NOTIFY DRIVERS IN WRITING THAT THE INSURANCE COVERAGE, INCLUDING
54 THE TYPES OF COVERAGE AND THE LIMITS FOR EACH COVERAGE, THAT THE TRANS-
55 PORTATION NETWORK COMPANY PROVIDES WHILE THE TRANSPORTATION NETWORK

1 COMPANY DRIVER USES A PERSONAL VEHICLE IN CONNECTION WITH A TRANSPORTA-
2 TION NETWORK COMPANY'S DIGITAL NETWORK.

3 (E) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE THE DEPARTMENT OF
4 MOTOR VEHICLES WITH A LIST OF THE PERSONAL VEHICLES THAT ARE COVERED BY
5 A TRANSPORTATION NETWORK COMPANY'S GROUP POLICY, WHICH SHALL BE UPDATED
6 BY THE TRANSPORTATION NETWORK COMPANY EACH TIME A NEW OWNER BECOMES A
7 PARTY TO A VALID CONTRACT WITH THE TRANSPORTATION NETWORK COMPANY. THE
8 DEPARTMENT OF MOTOR VEHICLES SHALL IDENTIFY THE TRANSPORTATION NETWORK
9 COMPANY'S INSURANCE AS AN EXTRA LINE OF COVERAGE WITH EACH RESPECTIVE
10 PERSONAL VEHICLE.

11 (F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A TRANSPOR-
12 TATION NETWORK COMPANY DRIVER FROM PURCHASING ADDITIONAL AUTOMOBILE
13 INSURANCE COVERAGE UNDER SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF
14 THIS ARTICLE OR COVERAGE FOR LIMITS HIGHER THAN THE MINIMUM LIMITS
15 REQUIRED UNDER SECTION THREE HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC
16 LAW.

17 (G) NOTHING IN THIS SECTION SHALL LIMIT THE AUTHORITY OF CITIES,
18 TOWNS, VILLAGES AND CERTAIN COUNTIES TO ENACT ORDINANCES REGULATING
19 REGISTRATION, LICENSING, PARKING AND PASSENGER PICK-UP AND DISCHARGE OF
20 TAXICABS, LIMOUSINES, LIVERY VEHICLES AND TRANSPORTATION NETWORK COMPA-
21 NIES PURSUANT TO SECTION ONE HUNDRED EIGHTY-ONE OF THE GENERAL MUNICIPAL
22 LAW.

23 (H) NO TRANSPORTATION NETWORK COMPANY SHALL BE AUTHORIZED TO OPERATE
24 IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE.

25 (I) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO EXEMPT AN OWNER OF
26 A VEHICLE FROM LIABILITY ESTABLISHED UNDER SECTION THREE HUNDRED EIGHT-
27 Y-EIGHT OF THE VEHICLE AND TRAFFIC LAW.

28 (J) NO TRANSPORTATION NETWORK COMPANY DRIVER'S POLICY OF AUTOMOBILE
29 INSURANCE THAT IS SUBJECT TO SECTION THREE THOUSAND FOUR HUNDRED TWEN-
30 TY-FIVE OF THIS ARTICLE SHALL BE CANCELLED, VOIDED, TERMINATED, RESCIND-
31 ED, NON-RENEWED, SOLELY ON THE BASIS THAT THE DRIVER'S VEHICLE HAS BEEN
32 MADE AVAILABLE FOR USE IN A TRANSPORTATION NETWORK COMPANY THAT IS IN
33 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. FOR THE PURPOSES OF THIS
34 SECTION, PARTICIPATION IN A TRANSPORTATION NETWORK COMPANY SHALL NOT
35 CONSTITUTE FRAUD OR MISREPRESENTATION BY A DRIVER.

36 S 2. The insurance law is amended by adding a new section 3455 to read
37 as follows:

38 S 3455. TRANSPORTATION NETWORK COMPANY GROUP INSURANCE POLICIES. (A)
39 FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

40 (1) "TRANSPORTATION NETWORK COMPANY" SHALL HAVE THE MEANING SET FORTH
41 IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF
42 THIS ARTICLE.

43 (2) "CERTIFICATE" OR "CERTIFICATE OF INSURANCE" MEANS ANY POLICY,
44 CONTRACT OR OTHER EVIDENCE OF INSURANCE, OR RIDER OR ENDORSEMENT THERE-
45 TO, ISSUED TO A GROUP MEMBER UNDER A TRANSPORTATION NETWORK COMPANY
46 GROUP POLICY.

47 (3) "TRANSPORTATION NETWORK COMPANY GROUP POLICY" OR "GROUP POLICY"
48 MEANS GROUP POLICY, INCLUDING CERTIFICATE ISSUED TO THE GROUP MEMBERS,
49 WHERE THE GROUP POLICYHOLDER IS A TRANSPORTATION NETWORK COMPANY AND THE
50 POLICY PROVIDES INSURANCE TO THE TRANSPORTATION NETWORK COMPANY AND TO
51 GROUP MEMBERS:

52 (A) IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (C) OF SECTION
53 THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS ARTICLE;

54 (B) OF THE TYPE DESCRIBED IN PARAGRAPHS THIRTEEN, FOURTEEN AND NINE-
55 TEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN OF
56 THIS CHAPTER; AND

1 (C) IN SATISFACTION OF THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET
2 FORTH IN SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE,
3 SUBDIVISION FOUR OF SECTION THREE HUNDRED ELEVEN OF THE VEHICLE AND
4 TRAFFIC LAW, ARTICLE FIFTY-ONE OF THIS CHAPTER, AND REGULATIONS PROMUL-
5 GATED THEREUNDER.

6 (4) "GROUP MEMBER" MEANS A "TRANSPORTATION NETWORK COMPANY DRIVER" AS
7 DEFINED IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-
8 ONE OF THIS ARTICLE.

9 (5) "GROUP POLICYHOLDER" MEANS A TRANSPORTATION NETWORK COMPANY.

10 (6) "PERSONAL VEHICLE" SHALL HAVE THE MEANING SET FORTH IN SUBSECTION
11 (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS ARTICLE.

12 (7) "TRANSPORTATION NETWORK COMPANY DRIVER" SHALL HAVE THE MEANING SET
13 FORTH IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE
14 OF THIS ARTICLE.

15 (8) "DIGITAL NETWORK" SHALL HAVE THE MEANING SET FORTH IN SUBSECTION
16 (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS ARTICLE.

17 (9) "PREARRANGED RIDE" SHALL HAVE THE MEANING SET FORTH IN SUBSECTION
18 (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS ARTICLE.

19 (10) "TRANSPORTATION NETWORK COMPANY RIDER" OR "RIDER" SHALL HAVE THE
20 MEANING SET FORTH IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR
21 HUNDRED FORTY-ONE OF THIS ARTICLE.

22 (B) AN INSURER MAY ISSUE OR ISSUE FOR DELIVERY IN THIS STATE A TRANS-
23 PORTATION NETWORK COMPANY GROUP POLICY TO A TRANSPORTATION NETWORK
24 COMPANY AS A GROUP POLICYHOLDER ONLY IN ACCORDANCE WITH THE PROVISIONS
25 OF THIS SECTION.

26 (C)(1) A TRANSPORTATION NETWORK COMPANY GROUP POLICY SHALL PROVIDE
27 COVERAGE FOR A PERSONAL VEHICLE IN ACCORDANCE WITH THE REQUIREMENTS OF
28 SUBSECTION (C) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS
29 ARTICLE.

30 (2) A TRANSPORTATION NETWORK COMPANY GROUP POLICY SHALL PROVIDE UPON
31 REQUEST BY A DRIVER:

32 (A) COVERAGE FOR LIMITS HIGHER THAN THE MINIMUM LIMITS REQUIRED PURSU-
33 ANT TO SUBSECTION (C) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE
34 OF THIS ARTICLE;

35 (B) SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORISTS INSURANCE FOR BODI-
36 LY INJURY PURSUANT TO PARAGRAPH TWO OF SUBSECTION (F) OF SECTION THREE
37 THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE;

38 (C) SUPPLEMENTAL SPOUSAL LIABILITY INSURANCE PURSUANT TO SUBSECTION
39 (G) OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS CHAPTER; AND

40 (D) MOTOR VEHICLE PHYSICAL DAMAGE COVERAGE AS DESCRIBED IN PARAGRAPH
41 NINETEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN
42 OF THIS CHAPTER.

43 (3) THE COVERAGE DESCRIBED IN PARAGRAPHS ONE AND TWO OF THIS
44 SUBSECTION MAY BE PROVIDED IN ONE GROUP POLICY OR IN SEPARATE GROUP
45 POLICIES.

46 (4) ANY COVERAGE PROVIDED BY A TRANSPORTATION NETWORK COMPANY'S GROUP
47 POLICY SHALL BE PRIMARY WITH RESPECT TO ANY OTHER INSURANCE AVAILABLE TO
48 THE TRANSPORTATION NETWORK COMPANY DRIVER. THE TRANSPORTATION NETWORK
49 COMPANY'S GROUP POLICY INSURER SHALL NOTIFY THE TRANSPORTATION NETWORK
50 COMPANY DRIVER AND THE DRIVER'S OWN AUTOMOBILE INSURER, AS WELL AS ANY
51 OTHER INSURANCE INTERESTED PARTIES, OF THE TRANSPORTATION NETWORK COMPA-
52 NY INSURER'S DUTY TO DEFEND AND INDEMNIFY ANY CLAIM FOR DAMAGE OR INJURY
53 OCCURRING WHILE A DRIVER IS LOGGED ONTO A TRANSPORTATION NETWORK COMPA-
54 NY'S DIGITAL NETWORK WITHIN FIFTEEN DAYS FROM THE DATE THE CLAIM IS
55 MADE.

1 (5) WHEN A TRANSPORTATION NETWORK COMPANY DRIVER IS LOGGED ON TO MORE
2 THAN ONE DIGITAL NETWORK AND IS AVAILABLE TO RECEIVE PREARRANGED RIDES
3 BUT IS NOT ENGAGED IN A PREARRANGED RIDE ON ANY NETWORK, EACH TRANSPOR-
4 TATION NETWORK COMPANY'S GROUP POLICY SHALL BE PRIMARY AND SHALL RUN
5 CONCURRENTLY AND CUMULATIVELY UP TO THE FULL EXTENT OF COVERAGE PROVIDED
6 UNDER EACH TRANSPORTATION NETWORK COMPANY'S GROUP POLICY REGARDLESS OF
7 WHICH GROUP POLICY THE INJURED PARTY SEEKS COVERAGE FROM. ANY DISPUTE
8 AS TO WHICH INSURER IS OBLIGATED TO PROVIDE COVERAGE SHALL BE ADJUDI-
9 CATED PURSUANT TO SUBSECTION (B) OF SECTION FIVE THOUSAND ONE HUNDRED
10 FIVE OF THIS CHAPTER.

11 (6) WHEN A TRANSPORTATION NETWORK COMPANY DRIVER IS LOGGED ON TO MORE
12 THAN ONE DIGITAL NETWORK AND IS ENGAGED IN A PREARRANGED RIDE ON ONE OF
13 THE NETWORKS, THE GROUP POLICY THAT IS PROVIDING THE HIGHER AMOUNT OF
14 COVERAGE WILL BE PRIMARY AND THE GROUP POLICY THAT IS PROVIDING THE
15 LOWER AMOUNT OF COVERAGE WILL BE EXCESS. SUCH A DISPUTE AS TO WHICH
16 POLICY PROVIDES HIGHER COVERAGE SHALL BE ADJUDICATED PURSUANT TO
17 SUBSECTION (B) OF SECTION FIVE THOUSAND ONE HUNDRED FIVE OF THIS CHAP-
18 TER.

19 (7) A TRANSPORTATION NETWORK COMPANY'S GROUP POLICY, INCLUDING ANY
20 ADDITIONAL COVERAGE REQUIRED BY A MUNICIPALITY THAT IS REGULATING OR
21 LICENSING SUCH TRANSPORTATION NETWORK COMPANY, SHALL REMAIN IN EFFECT
22 WHEN A TRANSPORTATION NETWORK COMPANY DRIVER IS TRANSPORTING RIDERS FROM
23 A POINT OUTSIDE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE TO A
24 POINT WITHIN SUCH CITY PROVIDED THAT NOTHING IN THIS PARAGRAPH SHALL BE
25 CONSTRUED TO AUTHORIZE DRIVERS TO ACCEPT PREARRANGED RIDES FROM RIDERS
26 WITHIN SUCH CITY.

27 (8) A TRANSPORTATION NETWORK COMPANY'S GROUP POLICY, INCLUDING ANY
28 ADDITIONAL COVERAGE REQUIRED BY A MUNICIPALITY THAT IS REGULATING OR
29 LICENSING SUCH TRANSPORTATION NETWORK COMPANY, SHALL REMAIN IN EFFECT
30 WHEN A TRANSPORTATION NETWORK COMPANY DRIVER IS TRANSPORTING RIDERS FROM
31 ONE MUNICIPALITY TO ANOTHER MUNICIPALITY.

32 (9) A TRANSPORTATION NETWORK COMPANY GROUP POLICY, INCLUDING CERTIF-
33 ICATES, SHALL BE ISSUED BY AN INSURER AUTHORIZED OR ELIGIBLE TO WRITE
34 INSURANCE IN THIS STATE AND SHALL BE ELIGIBLE FOR PLACEMENT BY AN EXCESS
35 LINE BROKER LICENSED PURSUANT TO ARTICLE TWENTY-ONE OF THIS CHAPTER.

36 (10) A POLICYHOLDER ALSO MAY BE AN INSURED UNDER A GROUP POLICY.

37 (D) THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS THAT PROVIDE FOR
38 THE DISTRIBUTION OF ANY POLICY DIVIDEND, RETROSPECTIVE PREMIUM CREDIT,
39 OR RETROSPECTIVE PREMIUM REFUND IN RESPECT OF PREMIUMS PAID BY THE GROUP
40 POLICYHOLDER.

41 (E) (1) THE INSURER OR THE GROUP POLICYHOLDER SHALL BE RESPONSIBLE FOR
42 MAILING OR DELIVERY OF A CERTIFICATE OF INSURANCE TO EACH GROUP MEMBER
43 INSURED UNDER THE TRANSPORTATION NETWORK COMPANY GROUP POLICY. THE
44 INSURER OR THE GROUP POLICYHOLDER SHALL ALSO BE RESPONSIBLE FOR THE
45 MAILING OR DELIVERY TO EACH GROUP MEMBER OF AN AMENDED CERTIFICATE OF
46 INSURANCE OR ENDORSEMENT TO THE CERTIFICATE, WHENEVER THERE IS A CHANGE
47 IN LIMITS; CHANGE IN TYPE OF COVERAGE; ADDITION, REDUCTION, OR ELIMI-
48 NATION OF COVERAGE; OR ADDITION OF EXCLUSION, UNDER THE TRANSPORTATION
49 NETWORK COMPANY GROUP POLICY OR CERTIFICATE.

50 (2) THE CERTIFICATE SHALL CONTAIN IN SUBSTANCE ALL MATERIAL TERMS AND
51 CONDITIONS OF COVERAGE AFFORDED TO GROUP MEMBERS, UNLESS THE TRANSPORTA-
52 TION NETWORK COMPANY GROUP POLICY IS INCORPORATED BY REFERENCE AND A
53 COPY OF THE GROUP POLICY ACCOMPANIES THE CERTIFICATE.

54 (F) A GROUP POLICYHOLDER SHALL COMPLY WITH THE PROVISIONS OF SECTION
55 TWO THOUSAND ONE HUNDRED TWENTY-TWO OF THIS CHAPTER, IN THE SAME MANNER
56 AS AN AGENT OR BROKER, IN ANY ADVERTISEMENT, SIGN, PAMPHLET, CIRCULAR,

1 CARD, OR OTHER PUBLIC ANNOUNCEMENT REFERRING TO COVERAGE UNDER A TRANS-
2 PORTATION NETWORK COMPANY GROUP POLICY OR CERTIFICATE.

3 (G) A TRANSPORTATION NETWORK COMPANY'S GROUP POLICY SHALL BE SUBJECT
4 TO SECTION THREE THOUSAND FOUR HUNDRED AND TWENTY-SIX OF THIS ARTICLE
5 WITH REGARD TO TERMINATION OF COVERAGE.

6 (H) ANY MAILING OR DELIVERY TO A GROUP MEMBER REQUIRED OR PERMITTED
7 UNDER THIS SECTION MAY BE MADE BY ELECTRONIC MAIL IF CONSENT TO SUCH
8 METHOD OF DELIVERY HAS BEEN PREVIOUSLY RECEIVED FROM SUCH GROUP MEMBER.

9 (I) FORMS AND RATES FOR ANY GROUP POLICY ISSUED OR ISSUED FOR DELIVERY
10 IN THIS STATE PURSUANT TO THIS SECTION SHALL BE FILED WITH THE SUPER-
11 INTENDENT IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF THIS CHAPTER.

12 (J) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING PERSONS,
13 FIRMS, ASSOCIATIONS OR CORPORATIONS ENGAGED IN THE BUSINESS OF CARRYING
14 OR TRANSPORTING PASSENGERS FOR HIRE FROM PURCHASING GROUP POLICIES
15 ISSUED PURSUANT TO THIS SECTION.

16 S 3. Subdivisions 1 and 3 of section 160-cc of the executive law, as
17 added by chapter 49 of the laws of 1999, are amended to read as follows:

18 1. "Black car operator" means the registered owner of a for-hire vehi-
19 cle, or a driver designated by such registered owner to operate the
20 registered owner's for-hire vehicle as the registered owner's authorized
21 designee, whose injury arose out of and in the course of providing
22 covered services to a central dispatch facility that is a registered
23 member of the New York black car operators' injury compensation fund,
24 inc AND FOR THE PURPOSES OF THIS ARTICLE, A TRANSPORTATION NETWORK
25 COMPANY DRIVER AS DEFINED IN SECTION THREE THOUSAND FOUR HUNDRED
26 ONE OF THE INSURANCE LAW WHOSE INJURY OCCURRED AT ANY TIME WHILE THEY
27 WERE DRIVING AND WERE LOGGED ON TO A TRANSPORTATION NETWORK COMPANY
28 NETWORK.

29 3. "Central dispatch facility" means a central facility, wherever
30 located, that (a) dispatches the registered owners of for-hire vehicles,
31 or drivers acting as the designated agent of such registered owners, to
32 both pick-up and discharge passengers in the state, and (b) has certi-
33 fied to the satisfaction of the department of state that more than nine-
34 ty percent of its for-hire business is on a payment basis other than
35 direct cash payment by a passenger; provided, however, that a central
36 dispatch facility shall not include any such central facility that owns
37 fifty percent or more of the cars it dispatches, FOR THE PURPOSES OF
38 THIS ARTICLE "CENTRAL DISPATCH FACILITY" SHALL INCLUDE A TRANSPORTATION
39 NETWORK COMPANY AS DEFINED IN SECTION THREE THOUSAND FOUR HUNDRED
40 FORTY-ONE OF THE INSURANCE LAW.

41 S 4. Subdivision 1 of section 160-hh of the executive law, as added by
42 chapter 49 of the laws of 1999, is amended to read as follows:

43 1. The membership of the fund shall be composed of all central
44 dispatch facilities. Each central dispatch facility shall be required,
45 as a condition of doing business within this state, to pay the depart-
46 ment a two hundred dollar annual fee for the purpose of registering as a
47 member of the fund and receiving a certificate of registration. Such
48 sums shall be used by the department for the administration of this
49 article. The initial registration fee shall be due no later than ninety
50 days after the effective date of this article OR FIFTEEN DAYS AFTER
51 COMMENCEMENT OF OPERATION. The department shall have the power to
52 assess an additional fee against each registrant in the amount necessary
53 to provide it with sufficient funds to cover its expenses in performing
54 its duties pursuant to this article. The department shall provide the
55 fund with an updated list of registrants on a monthly basis.

1 S 5. Section 160-jj of the executive law is amended by adding a new
2 subdivision 8 to read as follows:

3 8. TRANSPORTATION NETWORK COMPANIES, AS DEFINED IN SECTION THREE THOU-
4 SAND FOUR HUNDRED FORTY-ONE OF THE INSURANCE LAW, SHALL PROVIDE TO THE
5 FUND ALL NECESSARY RECORDS, INFORMATION AND DATA ASSOCIATED WITH A DRIV-
6 ER'S DUTIES TO ENSURE THE FUND CAN CARRY OUT ITS POWERS UNDER THIS ARTI-
7 CLE.

8 S 6. Section 181 of the general municipal law, as amended by chapter
9 579 of the laws of 1993, subdivisions 1 and 2 as amended by chapter 498
10 of the laws of 2015, is amended to read as follows:

11 S 181. Ordinances to regulate taxicabs [and] limousines, LIVERY AND
12 TRANSPORTATION NETWORK COMPANY VEHICLES. The municipal officers and
13 boards in the several cities, towns and villages of this state now
14 having the authority to enact ordinances, may adopt ordinances regulat-
15 ing:

16 1. The registration and licensing of taxicabs, LIMOUSINES, LIVERY AND
17 TRANSPORTATION NETWORK COMPANY VEHICLES, and may limit the number of
18 taxicabs to be licensed, and the county of Westchester may adopt ordi-
19 nances regulating the registration and licensing of taxicabs and limou-
20 sines and may limit the number to be licensed; the county of Nassau may
21 adopt ordinances regulating the registration of taxicabs and limousines;
22 and the county of Suffolk may adopt local laws or ordinances regulating
23 the registration of taxicabs, limousines, and livery vehicles; and the
24 county of Rockland may adopt local laws or ordinances regulating the
25 registration and licensing of taxicabs, limousines, and livery vehicles
26 and may limit the number to be licensed.

27 2. Parking and passenger pick-up and discharge by taxicabs, limousines
28 [and], livery AND TRANSPORTATION NETWORK COMPANY vehicles. Establishment
29 of such local laws or ordinances and regulations regulating parking and
30 passenger pick-up and discharges may be based upon recommendations from
31 municipal planning officials or other public entities and may address
32 and take into consideration such factors, including, but not limited to,
33 geographic areas, vehicle type, limiting the number of parked vehicles
34 and activities undertaken while parked, and periods of idling.

35 S 7. This act shall take effect on the ninetieth day after it shall
36 have become a law.