S T A T E O F N E W Y O R K

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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:

Section 1. The insurance law is amended by adding a new section 3441 to read as follows:

S 3441. TRANSPORTATION NETWORK COMPANIES. (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THIS SECTION SHALL APPLY TO TRANSPORTATION NETWORK COMPANIES.

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

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

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

(3) "TRANSPORTATION NETWORK COMPANY" MEANS A CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER ENTITY THAT IS OPERATING IN THIS STATE 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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RIDERS TO TRANSPORTATION NETWORK COMPANY DRIVERS WHO PROVIDE PREARRANGED RIDES.

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

(5) "TRANSPORTATION NETWORK COMPANY RIDER" OR "RIDER" MEANS AN INDIVIDUAL OR PERSONS WHO USE A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK TO CONNECT WITH A TRANSPORTATION NETWORK DRIVER WHO PROVIDES PREARRANGED RIDES TO THE RIDER IN THE DRIVER'S PERSONAL VEHICLE BETWEEN POINTS CHOSEN BY THE RIDER.

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

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

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

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

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

(A) WHILE THE DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK; AND

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

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

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

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

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

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

THIS ARTICLE, ARTICLE FIFTY-ONE OF THIS CHAPTER AND REGULATIONS PROMULGATED THEREUNDER; AND

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

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

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

(6) INSURANCE REQUIRED BY THIS SUBSECTION 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 LICENSED PURSUANT TO ARTICLE TWENTY-ONE OF THIS CHAPTER.

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

(8) A TRANSPORTATION NETWORK COMPANY DRIVER SHALL CARRY PROOF OF COVERAGE SATISFYING PARAGRAPHS TWO AND THREE OF THIS SUBSECTION WITH HIM OR HER AT ALL TIMES DURING HIS OR HER USE OF A VEHICLE IN CONNECTION WITH A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK. IN THE EVENT OF AN ACCIDENT, A TRANSPORTATION NETWORK COMPANY DRIVER SHALL PROVIDE THIS INSURANCE COVERAGE INFORMATION TO THE DIRECTLY INTERESTED PARTIES, AUTOMOBILE INSURERS AND INVESTIGATING POLICE OFFICERS, UPON REQUEST. UPON SUCH REQUEST, A TRANSPORTATION NETWORK COMPANY DRIVER SHALL ALSO DISCLOSE TO DIRECTLY INTERESTED PARTIES, AUTOMOBILE INSURERS, AND INVESTIGATING POLICE OFFICERS, WHETHER HE OR SHE WAS LOGGED ON TO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK OR ON A PREARRANGED RIDE AT THE TIME OF AN ACCIDENT.

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

COMPANY DRIVER USES A PERSONAL VEHICLE IN CONNECTION WITH A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK.

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

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

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

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

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

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

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

S 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 MEANING SET FORTH IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS ARTICLE.

(2) "CERTIFICATE" OR "CERTIFICATE OF INSURANCE" MEANS ANY POLICY, CONTRACT OR OTHER EVIDENCE OF INSURANCE, OR RIDER 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 GROUP POLICY, INCLUDING CERTIFICATE 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 SUBSECTION (C) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS ARTICLE;

(B) OF THE TYPE DESCRIBED IN PARAGRAPHS THIRTEEN, FOURTEEN AND 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 REGULATIONS PROMULGATED THEREUNDER.

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

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

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

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

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

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

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

(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 PERSONAL VEHICLE IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (C) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THIS ARTICLE.

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

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

(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.

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

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

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

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

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

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

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

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

(E) (1) THE INSURER OR THE GROUP POLICYHOLDER SHALL BE RESPONSIBLE FOR MAILING OR DELIVERY OF A CERTIFICATE OF INSURANCE TO EACH GROUP MEMBER INSURED UNDER THE TRANSPORTATION NETWORK COMPANY GROUP POLICY. THE INSURER OR THE GROUP POLICYHOLDER 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.

(F) 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.

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

(H) 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.

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

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

S 3. Subdivisions 1 and 3 of section 160-cc of the executive law, as added by chapter 49 of the laws of 1999, are amended 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 AND FOR THE PURPOSES OF THIS ARTICLE, A TRANSPORTATION NETWORK COMPANY DRIVER AS DEFINED IN SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THE INSURANCE LAW WHOSE INJURY OCCURRED AT ANY TIME WHILE THEY WERE DRIVING AND WERE LOGGED ON TO A TRANSPORTATION NETWORK COMPANY NETWORK.

3. "Central dispatch facility" means a central facility, wherever located, 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 THIS ARTICLE "CENTRAL DISPATCH FACILITY" SHALL INCLUDE A TRANSPORTATION NETWORK COMPANY AS DEFINED IN SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THE INSURANCE LAW.

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

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

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

8. TRANSPORTATION NETWORK COMPANIES, AS DEFINED IN SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THE INSURANCE LAW, SHALL PROVIDE TO THE FUND ALL NECESSARY RECORDS, INFORMATION AND DATA ASSOCIATED WITH A DRIVER'S DUTIES TO ENSURE THE FUND CAN CARRY OUT ITS POWERS UNDER THIS ARTICLE.

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

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

1. The registration and licensing of taxicabs, LIMOUSINES, LIVERY AND TRANSPORTATION NETWORK COMPANY VEHICLES, and may limit the number of taxicabs to be licensed, and the county of Westchester may adopt ordinances regulating the registration and licensing of taxicabs and limousines and may limit the number to be licensed; the county of Nassau may adopt ordinances regulating the registration of taxicabs and limousines; and the county of Suffolk may adopt local laws or ordinances regulating the registration of taxicabs, limousines, and livery vehicles; and the county of Rockland may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, and livery vehicles and may limit the number to be licensed.

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

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