

4280--A

2015-2016 Regular Sessions

I N S E N A T E

March 11, 2015

Introduced by Sens. SEWARD, AMEDORE, AVELLA, BRESLIN, DeFRANCISCO, FUNKE, PANEPINTO, RANZENHOFER, VALESKY -- 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, the vehicle and traffic law, the general municipal law and the transportation 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:  
10 (A) OWNED, LEASED OR OTHERWISE AUTHORIZED FOR USE BY THE TRANSPORTA-  
11 TION NETWORK COMPANY DRIVER; AND  
12 (B) NOT A TAXICAB, LIVERY OR FOR-HIRE VEHICLE.  
13 (2) "DIGITAL NETWORK" MEANS ANY ONLINE-ENABLED APPLICATION, SOFTWARE,  
14 WEBSITE OR SYSTEM OFFERED OR UTILIZED BY A TRANSPORTATION NETWORK COMPA-  
15 NY THAT ENABLES THE PREARRANGEMENT OF RIDES WITH TRANSPORTATION NETWORK  
16 COMPANY DRIVERS.  
17 (3) "TRANSPORTATION NETWORK COMPANY" MEANS A CORPORATION, PARTNERSHIP,  
18 SOLE PROPRIETORSHIP, OR OTHER ENTITY THAT IS OPERATING IN THIS STATE  
19 THAT USES A DIGITAL NETWORK TO CONNECT TRANSPORTATION NETWORK COMPANY  
20 RIDERS TO TRANSPORTATION NETWORK COMPANY DRIVERS WHO PROVIDE PREARRANGED  
21 RIDES. A TRANSPORTATION NETWORK COMPANY SHALL NOT BE DEEMED TO CONTROL,

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

LBD09726-04-5

1 DIRECT OR MANAGE THE PERSONAL VEHICLES OR TRANSPORTATION NETWORK COMPANY  
2 DRIVERS THAT CONNECT TO ITS DIGITAL NETWORK, EXCEPT WHERE AGREED TO BY  
3 WRITTEN CONTRACT.

4 (4) "TRANSPORTATION NETWORK COMPANY DRIVER" OR "DRIVER" MEANS AN INDI-  
5 VIDUAL WHO:

6 (A) RECEIVES CONNECTIONS TO POTENTIAL RIDERS AND RELATED SERVICES FROM  
7 A TRANSPORTATION NETWORK COMPANY IN EXCHANGE FOR PAYMENT OF A FEE TO THE  
8 TRANSPORTATION NETWORK COMPANY; AND

9 (B) USES A PERSONAL VEHICLE TO OFFER OR PROVIDE A PREARRANGED RIDE TO  
10 RIDERS UPON CONNECTION THROUGH A DIGITAL NETWORK CONTROLLED BY A TRANS-  
11 PORTATION NETWORK COMPANY IN RETURN FOR COMPENSATION OR PAYMENT OF A  
12 FEE.

13 (5) "TRANSPORTATION NETWORK COMPANY RIDER" OR "RIDER" MEANS AN INDI-  
14 VIDUAL OR PERSONS WHO USE A TRANSPORTATION NETWORK COMPANY'S DIGITAL  
15 NETWORK TO CONNECT WITH A TRANSPORTATION NETWORK DRIVER WHO PROVIDES  
16 PREARRANGED RIDES TO THE RIDER IN THE DRIVER'S PERSONAL VEHICLE BETWEEN  
17 POINTS CHOSEN BY THE RIDER.

18 (6) "PREARRANGED RIDE" MEANS THE PROVISION OF TRANSPORTATION BY A  
19 DRIVER TO A RIDER, BEGINNING WHEN A DRIVER ACCEPTS A RIDE REQUESTED BY A  
20 RIDER THROUGH A DIGITAL NETWORK CONTROLLED BY A TRANSPORTATION NETWORK  
21 COMPANY, CONTINUING WHILE THE DRIVER TRANSPORTS A REQUESTING RIDER, AND  
22 ENDING WHEN THE LAST REQUESTING RIDER DEPARTS FROM THE PERSONAL VEHICLE.  
23 A PREARRANGED RIDE DOES NOT INCLUDE TRANSPORTATION PROVIDED USING A  
24 TAXICAB, LIVERY, LIMOUSINE, OR OTHER FOR-HIRE VEHICLE.

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

27 (C) A TRANSPORTATION NETWORK COMPANY DRIVER OR TRANSPORTATION NETWORK  
28 COMPANY ON THE DRIVER'S BEHALF THROUGH A GROUP POLICY, SHALL MAINTAIN  
29 PRIMARY AUTOMOBILE INSURANCE THAT:

30 (1) RECOGNIZES THAT THE DRIVER IS A TRANSPORTATION NETWORK COMPANY  
31 DRIVER OR OTHERWISE USES A VEHICLE TO TRANSPORT PASSENGERS FOR COMPEN-  
32 SATION AND COVERS THE DRIVER:

33 (A) WHILE THE DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK COMPA-  
34 NY'S DIGITAL NETWORK; OR

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

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

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

48 (B) THE COVERAGE REQUIREMENTS OF THIS PARAGRAPH MAY BE SATISFIED BY  
49 ANY OF THE FOLLOWING:

50 (I) AUTOMOBILE INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK  
51 COMPANY DRIVER; OR

52 (II) AUTOMOBILE INSURANCE PROVIDED THROUGH A GROUP POLICY MAINTAINED  
53 BY THE TRANSPORTATION NETWORK COMPANY; OR

54 (III) ANY COMBINATION OF CLAUSE (I) OR (II) OF THIS SUBPARAGRAPH.

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

4 (A) PRIMARY AUTOMOBILE LIABILITY INSURANCE THAT PROVIDES AT LEAST ONE  
5 MILLION DOLLARS FOR DEATH, BODILY INJURY AND PROPERTY DAMAGE AND COVER-  
6 AGE IN SATISFACTION OF THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET  
7 FORTH IN SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE AND  
8 ARTICLE FIFTY-ONE OF THIS CHAPTER, AND REGULATIONS PROMULGATED THERE-  
9 UNDER.

10 (B) THE COVERAGE REQUIREMENTS OF THIS PARAGRAPH MAY BE SATISFIED BY  
11 ANY OF THE FOLLOWING:

12 (I) AUTOMOBILE INSURANCE MAINTAINED BY THE TRANSPORTATION NETWORK  
13 COMPANY DRIVER; OR

14 (II) AUTOMOBILE INSURANCE PROVIDED THROUGH A GROUP POLICY MAINTAINED  
15 BY THE TRANSPORTATION NETWORK COMPANY; OR

16 (III) ANY COMBINATION OF CLAUSES (I) AND (II) OF THIS SUBPARAGRAPH.

17 (4) IF INSURANCE MAINTAINED BY A DRIVER IN PARAGRAPH TWO OR THREE OF  
18 THIS SUBSECTION HAS LAPSED OR DOES NOT PROVIDE THE REQUIRED COVERAGE,  
19 INSURANCE MAINTAINED BY A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE  
20 THE COVERAGE REQUIRED BY THIS SUBSECTION BEGINNING WITH THE FIRST DOLLAR  
21 OF A CLAIM AND HAVE THE DUTY TO DEFEND SUCH CLAIM.

22 (5) COVERAGE UNDER AN AUTOMOBILE INSURANCE POLICY MAINTAINED BY THE  
23 TRANSPORTATION NETWORK COMPANY SHALL NOT BE DEPENDENT ON A PERSONAL  
24 AUTOMOBILE INSURER FIRST DENYING A CLAIM NOR SHALL A PERSONAL AUTOMOBILE  
25 INSURANCE POLICY BE REQUIRED TO FIRST DENY A CLAIM.

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

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

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

50 (D) THE TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE IN WRITING TO  
51 TRANSPORTATION NETWORK COMPANY DRIVERS THE FOLLOWING BEFORE THEY ARE  
52 ALLOWED TO ACCEPT A REQUEST FOR A PREARRANGED RIDE ON THE TRANSPORTATION  
53 NETWORK COMPANY'S DIGITAL NETWORK:

54 (1) THE INSURANCE COVERAGE, INCLUDING THE TYPES OF COVERAGE AND THE  
55 LIMITS FOR EACH COVERAGE, THAT THE TRANSPORTATION NETWORK COMPANY  
56 PROVIDES WHILE THE TRANSPORTATION NETWORK COMPANY DRIVER USES A PERSONAL

1 VEHICLE IN CONNECTION WITH A TRANSPORTATION NETWORK COMPANY'S DIGITAL  
2 NETWORK; AND

3 (2) THAT THE TRANSPORTATION NETWORK COMPANY DRIVER'S OWN AUTOMOBILE  
4 INSURANCE POLICY MIGHT NOT PROVIDE ANY COVERAGE WHILE THE DRIVER IS  
5 LOGGED ON TO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK AND IS  
6 AVAILABLE TO RECEIVE TRANSPORTATION REQUESTS OR IS ENGAGED IN A PREAR-  
7 RANGED RIDE, DEPENDING ON ITS TERMS.

8 (E) (1) INSURERS THAT WRITE AUTOMOBILE INSURANCE IN THIS STATE MAY  
9 EXCLUDE ANY AND ALL COVERAGE AFFORDED UNDER THE POLICY ISSUED TO AN  
10 OWNER OR OPERATOR OF A PERSONAL VEHICLE FOR ANY LOSS OR INJURY THAT  
11 OCCURS WHILE A DRIVER IS LOGGED ON TO A TRANSPORTATION NETWORK COMPANY'S  
12 DIGITAL NETWORK OR WHILE A DRIVER PROVIDES A PREARRANGED RIDE. THIS  
13 RIGHT TO EXCLUDE ALL COVERAGE MAY APPLY TO ANY COVERAGE INCLUDED IN AN  
14 AUTOMOBILE INSURANCE POLICY INCLUDING, BUT NOT LIMITED TO:

15 (A) LIABILITY COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE;

16 (B) COVERAGE PROVIDED PURSUANT TO ARTICLE FIFTY-ONE OF THIS CHAPTER;

17 (C) UNINSURED AND UNDERINSURED MOTORIST COVERAGE; AND

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

21 (2) SUCH EXCLUSIONS SHALL APPLY NOTWITHSTANDING ANY REQUIREMENT UNDER  
22 THE LAW TO THE CONTRARY. NOTHING IN THIS SECTION IMPLIES OR REQUIRES  
23 THAT A PERSONAL AUTOMOBILE INSURANCE POLICY PROVIDE COVERAGE WHILE THE  
24 DRIVER IS LOGGED ON TO THE TRANSPORTATION NETWORK COMPANY'S DIGITAL  
25 NETWORK, WHILE THE DRIVER IS ENGAGED IN A PREARRANGED RIDE OR WHILE THE  
26 DRIVER OTHERWISE USES A VEHICLE TO TRANSPORT PASSENGERS FOR COMPEN-  
27 SATION.

28 (3) NOTHING SHALL BE DEEMED TO PRECLUDE AN INSURER FROM PROVIDING  
29 COVERAGE FOR THE TRANSPORTATION NETWORK COMPANY DRIVER'S VEHICLE, IF IT  
30 SO CHOSE TO DO SO BY CONTRACT OR ENDORSEMENT.

31 (4) AUTOMOBILE INSURERS THAT EXCLUDE THE COVERAGE DESCRIBED IN  
32 SUBSECTION (C) OF THIS SECTION SHALL HAVE NO DUTY TO DEFEND OR INDEMNIFY  
33 ANY CLAIM EXPRESSLY EXCLUDED THEREUNDER. NOTHING IN THIS ARTICLE SHALL  
34 BE DEEMED TO INVALIDATE OR LIMIT AN EXCLUSION CONTAINED IN A POLICY  
35 INCLUDING ANY POLICY IN USE OR APPROVED FOR USE IN THIS STATE PRIOR TO  
36 THE ENACTMENT OF THIS SECTION THAT EXCLUDES COVERAGE FOR VEHICLES USED  
37 TO CARRY PERSONS OR PROPERTY FOR A CHARGE OR AVAILABLE FOR HIRE BY THE  
38 PUBLIC.

39 (5) AN AUTOMOBILE INSURER THAT DEFENDS OR INDEMNIFIES A CLAIM AGAINST  
40 A DRIVER THAT IS EXCLUDED UNDER THE TERMS OF ITS POLICY, SHALL HAVE A  
41 RIGHT OF CONTRIBUTION AGAINST OTHER INSURERS THAT PROVIDE AUTOMOBILE  
42 INSURANCE TO THE SAME DRIVER IN SATISFACTION OF THE COVERAGE REQUIRE-  
43 MENTS OF SUBSECTION (C) OF THIS SECTION AT THE TIME OF LOSS.

44 (6) IN A CLAIMS COVERAGE INVESTIGATION, TRANSPORTATION NETWORK COMPA-  
45 NIES AND ANY INSURER POTENTIALLY PROVIDING COVERAGE UNDER SUBSECTION (C)  
46 OF THIS SECTION SHALL, WITHIN FIFTEEN DAYS AFTER A CLAIM HAS BEEN FILED,  
47 FACILITATE THE EXCHANGE OF RELEVANT INFORMATION WITH DIRECTLY INVOLVED  
48 PARTIES AND ANY INSURER OF THE TRANSPORTATION NETWORK COMPANY DRIVER IF  
49 APPLICABLE, INCLUDING THE PRECISE TIMES THAT A TRANSPORTATION NETWORK  
50 COMPANY DRIVER LOGGED ON AND OFF OF THE TRANSPORTATION NETWORK COMPANY'S  
51 DIGITAL NETWORK IN THE TWELVE HOUR PERIOD IMMEDIATELY PRECEDING AND IN  
52 THE TWELVE HOUR PERIOD IMMEDIATELY FOLLOWING THE ACCIDENT AND DISCLOSE  
53 TO ONE ANOTHER A CLEAR DESCRIPTION OF THE COVERAGE, EXCLUSIONS AND  
54 LIMITS PROVIDED UNDER ANY AUTOMOBILE INSURANCE MAINTAINED UNDER  
55 SUBSECTION (C) OF THIS SECTION.

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

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

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

8 (2) "CERTIFICATE" OR "CERTIFICATE OF INSURANCE" MEANS ANY POLICY,  
9 CONTRACT OR OTHER EVIDENCE OF INSURANCE, OR RIDER OR ENDORSEMENT THERE-  
10 TO, ISSUED TO A GROUP MEMBER UNDER A TRANSPORTATION NETWORK COMPANY  
11 GROUP POLICY.

12 (3) "TRANSPORTATION NETWORK COMPANY GROUP POLICY" OR "GROUP POLICY"  
13 MEANS GROUP POLICY, INCLUDING CERTIFICATE ISSUED TO THE GROUP MEMBERS,  
14 WHERE THE GROUP POLICYHOLDER IS A TRANSPORTATION NETWORK COMPANY AND THE  
15 POLICY PROVIDES INSURANCE TO THE TRANSPORTATION NETWORK COMPANY AND TO  
16 GROUP MEMBERS:

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

19 (B) OF THE TYPE DESCRIBED IN PARAGRAPHS THIRTEEN, FOURTEEN AND/OR  
20 NINETEEN OF SUBSECTION (A) OF SECTION ONE THOUSAND ONE HUNDRED THIRTEEN  
21 OF THIS CHAPTER; AND

22 (C) IN SATISFACTION OF THE FINANCIAL RESPONSIBILITY REQUIREMENTS SET  
23 FORTH IN SECTION THREE THOUSAND FOUR HUNDRED TWENTY OF THIS ARTICLE,  
24 SUBDIVISION FOUR OF SECTION THREE HUNDRED ELEVEN OF THE VEHICLE AND  
25 TRAFFIC LAW, AND ARTICLE FIFTY-ONE OF THIS CHAPTER, AND REGULATIONS  
26 PROMULGATED THEREUNDER.

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

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

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

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

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

41 (2) A TRANSPORTATION NETWORK COMPANY GROUP POLICY MAY PROVIDE:

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

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

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

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

53 (3) THE COVERAGE DESCRIBED IN PARAGRAPHS ONE AND TWO OF THIS  
54 SUBSECTION MAY BE PROVIDED IN ONE GROUP POLICY OR IN SEPARATE GROUP  
55 POLICIES.

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

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

6 (D) THE PREMIUM FOR THE TRANSPORTATION NETWORK COMPANY GROUP POLICY,  
7 INCLUDING CERTIFICATES MAY BE PAID BY THE GROUP POLICYHOLDER FROM THE  
8 FUNDS CONTRIBUTED:

9 (1) WHOLLY BY THE GROUP POLICYHOLDER;

10 (2) WHOLLY BY THE GROUP MEMBERS; OR

11 (3) JOINTLY BY THE GROUP POLICYHOLDER AND THE GROUP MEMBERS.

12 (E) (1) ANY POLICY DIVIDEND, RETROSPECTIVE PREMIUM CREDIT, OR RETRO-  
13 SPECTIVE PREMIUM REFUND IN RESPECT OF PREMIUMS PAID BY THE GROUP POLICY-  
14 HOLDER MAY:

15 (A) BE APPLIED TO REDUCE THE PREMIUM CONTRIBUTION OF THE GROUP POLICY-  
16 HOLDER, BUT NOT IN EXCESS OF THE PROPORTION TO ITS CONTRIBUTION; OR

17 (B) BE RETAINED BY THE GROUP POLICYHOLDER.

18 (2) ANY POLICY DIVIDEND, RETROSPECTIVE PREMIUM CREDIT, OR RETROSPEC-  
19 TIVE PREMIUM REFUND NOT DISTRIBUTED UNDER PARAGRAPH ONE OF THIS  
20 SUBSECTION SHALL BE:

21 (A) APPLIED TO REDUCE FUTURE PREMIUMS AND, ACCORDINGLY, FUTURE  
22 CONTRIBUTIONS, OF EXISTING OR FUTURE GROUP MEMBERS, OR BOTH; OR

23 (B) PAID OR REFUNDED TO THOSE GROUP MEMBERS INSURED ON THE DATE THE  
24 PAYMENT OR REFUND IS MADE TO THE GROUP POLICYHOLDER, IF DISTRIBUTED BY  
25 THE GROUP POLICYHOLDER, OR ON THE DATE OF MAILING, IF DISTRIBUTED  
26 DIRECTLY BY THE INSURER, SUBJECT TO THE FOLLOWING REQUIREMENTS:

27 (I) THE INSURER SHALL BE RESPONSIBLE FOR DETERMINING THE ALLOCATION OF  
28 THE PAYMENT OF REFUND TO THE GROUP MEMBERS;

29 (II) IF THE GROUP POLICYHOLDER DISTRIBUTES THE PAYMENT OR REFUND, THE  
30 INSURER SHALL BE RESPONSIBLE FOR AUDIT TO ASCERTAIN THAT THE PAYMENT OR  
31 REFUND IS ACTUALLY MADE IN ACCORDANCE WITH THE ALLOCATION PROCEDURE; AND

32 (III) IF THE GROUP POLICYHOLDER FAILS TO MAKE THE PAYMENT OR REFUND,  
33 THE INSURER SHALL MAKE THE PAYMENT OR REFUND DIRECTLY OR USE THE METHOD  
34 PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH.

35 (3) NOTWITHSTANDING PARAGRAPHS ONE AND TWO OF THIS SUBSECTION, IF A  
36 DIVIDEND ACCRUES UPON TERMINATION OF COVERAGE UNDER A TRANSPORTATION  
37 NETWORK COMPANY GROUP POLICY, THE PREMIUM FOR WHICH WAS PAID OUT OF  
38 FUNDS CONTRIBUTED BY GROUP MEMBERS SPECIFICALLY FOR THE COVERAGE, THE  
39 DIVIDEND SHALL BE PAID OR REFUNDED BY THE GROUP POLICYHOLDER TO THE  
40 GROUP MEMBERS INSURED ON THE DATE THE PAYMENT OR REFUND IS MADE TO THE  
41 GROUP POLICYHOLDER, NET OF REASONABLE EXPENSES INCURRED BY THE GROUP  
42 POLICYHOLDER IN PAYING OR REFUNDING THE DIVIDEND TO SUCH GROUP MEMBERS.

43 (4) FOR THE PURPOSES OF THIS SUBSECTION, "DIVIDEND" MEANS A RETURN BY  
44 THE INSURER OF A TRANSPORTATION NETWORK COMPANY GROUP POLICY OF EXCESS  
45 PREMIUMS TO THE GROUP POLICYHOLDER IN LIGHT OF FAVORABLE LOSS EXPERI-  
46 ENCE, INCLUDING RETROSPECTIVE PREMIUM CREDITS OR RETROSPECTIVE PREMIUM  
47 REFUNDS. THE TERM "DIVIDEND" DOES NOT INCLUDE REIMBURSEMENTS OR FEES  
48 RECEIVED BY A GROUP POLICYHOLDER IN CONNECTION WITH THE OPERATION OR  
49 ADMINISTRATION OF A TRANSPORTATION NETWORK COMPANY GROUP POLICY, INCLUD-  
50 ING ADMINISTRATIVE REIMBURSEMENTS, FEES FOR SERVICES PROVIDED BY THE  
51 GROUP POLICYHOLDER, OR TRANSACTIONAL SERVICE FEES.

52 (F) THE INSURER MUST TREAT IN LIKE MANNER ALL ELIGIBLE GROUP MEMBERS  
53 OF THE SAME CLASS AND STATUS.

54 (G) EACH POLICY WRITTEN PURSUANT TO THIS SECTION SHALL PROVIDE PER  
55 OCCURRENCE LIMITS OF COVERAGE FOR EACH GROUP MEMBER IN AN AMOUNT NOT  
56 LESS THAN THAT REQUIRED BY OF SUBDIVISION TWO OF SECTION TWO THOUSAND

1 TWO HUNDRED THREE OF THE VEHICLE AND TRAFFIC LAW, AND MAY PROVIDE COVER-  
2 AGE FOR LIMITS HIGHER THAN THE MINIMUM LIMITS REQUIRED UNDER THE LAW.

3 (H) (1) THE INSURER OR THE GROUP POLICYHOLDER SHALL BE RESPONSIBLE FOR  
4 MAILING OR DELIVERY OF A CERTIFICATE OF INSURANCE TO EACH GROUP MEMBER  
5 INSURED UNDER THE TRANSPORTATION NETWORK COMPANY GROUP POLICY. THE  
6 INSURER OR THE GROUP POLICYHOLDER SHALL ALSO BE RESPONSIBLE FOR THE  
7 MAILING OR DELIVERY TO EACH GROUP MEMBER OF AN AMENDED CERTIFICATE OF  
8 INSURANCE OR ENDORSEMENT TO THE CERTIFICATE, WHENEVER THERE IS A CHANGE  
9 IN LIMITS; CHANGE IN TYPE OF COVERAGE; ADDITION, REDUCTION, OR ELIMI-  
10 NATION OF COVERAGE; OR ADDITION OF EXCLUSION, UNDER THE TRANSPORTATION  
11 NETWORK COMPANY GROUP POLICY OR CERTIFICATE.

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

16 (3) IF ANY COVERAGE AFFORDED TO THE GROUP MEMBER IS EXCESS OF APPLICA-  
17 BLE INSURANCE COVERAGE, THE CERTIFICATE SHALL CONTAIN A NOTICE ADVISING  
18 THE GROUP MEMBERS THAT, IF THE MEMBER HAS OTHER INSURANCE COVERAGE,  
19 SPECIFIED COVERAGES UNDER THE TRANSPORTATION NETWORK COMPANY GROUP POLI-  
20 CY WILL BE EXCESS OVER THE OTHER INSURANCE.

21 (I) A GROUP POLICYHOLDER SHALL COMPLY WITH THE PROVISIONS OF SECTION  
22 TWO THOUSAND ONE HUNDRED TWENTY-TWO OF THIS CHAPTER, IN THE SAME MANNER  
23 AS AN AGENT OR BROKER, IN ANY ADVERTISEMENT, SIGN, PAMPHLET, CIRCULAR,  
24 CARD, OR OTHER PUBLIC ANNOUNCEMENT REFERRING TO COVERAGE UNDER A TRANS-  
25 PORTATION NETWORK COMPANY GROUP POLICY OR CERTIFICATE.

26 (J) A TRANSPORTATION NETWORK COMPANY GROUP POLICY SHALL NOT BE SUBJECT  
27 TO SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OR SECTION THREE  
28 THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTICLE; PROVIDED THAT THE  
29 FOLLOWING REQUIREMENTS SHALL APPLY WITH REGARD TO TERMINATION OF COVER-  
30 AGE:

31 (1)(A) AN INSURER MAY TERMINATE A GROUP POLICY OR CERTIFICATE ONLY IF  
32 CANCELLATION IS BASED ON ONE OR MORE OF THE REASONS SET FORTH IN SUBPAR-  
33 AGRAPH (A) THROUGH (D) OR (F) THROUGH (H) OF PARAGRAPH ONE OF SUBSECTION  
34 (C) OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTICLE;  
35 PROVIDED, HOWEVER, THAT AN ACT OR OMISSION BY A GROUP MEMBER THAT WOULD  
36 CONSTITUTE THE BASIS FOR CANCELLATION OF AN INDIVIDUAL CERTIFICATE SHALL  
37 NOT CONSTITUTE THE BASIS FOR CANCELLATION OF THE GROUP POLICY.

38 (B) WHERE THE PREMIUM IS DERIVED WHOLLY FROM FUNDS CONTRIBUTED BY THE  
39 GROUP POLICYHOLDER, AN INSURER MAY CANCEL AN INDIVIDUAL CERTIFICATE ONLY  
40 IF CANCELLATION IS BASED ON ONE OR MORE OF THE REASONS SET FORTH IN  
41 SUBPARAGRAPH (B), (C) OR (H) OF PARAGRAPH ONE OF SUBSECTION (C) OF  
42 SECTION THREE THOUSAND FOUR HUNDRED TWENTY-SIX OF THIS ARTICLE.

43 (2) (A) AN INSURER'S CANCELLATION OF A GROUP POLICY, INCLUDING ALL  
44 CERTIFICATES, SHALL NOT BECOME AFFECTIVE UNTIL THIRTY DAYS AFTER THE  
45 INSURER MAILS OR DELIVERS WRITTEN NOTICE OF CANCELLATION TO THE GROUP  
46 POLICYHOLDER AT THE MAILING ADDRESS SHOWN IN THE POLICY.

47 (I) WHERE ALL OR PART OF THE PREMIUM IS DERIVED FROM FUNDS CONTRIBUTED  
48 BY THE GROUP MEMBER SPECIFICALLY FOR THE COVERAGE, THE INSURER SHALL  
49 ALSO MAIL OR DELIVER WRITTEN NOTICE OF CANCELLATION OF THE GROUP POLICY  
50 TO THE GROUP MEMBER AT THE GROUP MEMBER'S MAILING ADDRESS.

51 (II) WHERE NONE OF THE PREMIUM IS DERIVED FROM FUNDS CONTRIBUTED BY A  
52 GROUP MEMBER SPECIFICALLY FOR THE COVERAGE, THE GROUP POLICY HOLDER  
53 SHALL MAIL OR DELIVER WRITTEN NOTICE TO THE GROUP MEMBER ADVISING THE  
54 GROUP MEMBER OF THE CANCELLATION OF THE GROUP POLICY AND THE EFFECTIVE  
55 DATE OF CANCELLATION. THE GROUP POLICY HOLDER SHALL MAIL OR DELIVER THE

1 WRITTEN NOTICE WITHIN NINETY DAYS AFTER RECEIVING NOTICE OF CANCELLATION  
2 FROM THE INSURER.

3 (B) AN INSURER'S CANCELLATION OF AN INDIVIDUAL CERTIFICATE SHALL NOT  
4 BECOME EFFECTIVE UNTIL THIRTY DAYS AFTER THE INSURER MAILS OR DELIVERS  
5 WRITTEN NOTICE OF CANCELLATION TO THE GROUP MEMBER AT THE GROUP MEMBER'S  
6 MAILING ADDRESS AND TO THE GROUP POLICYHOLDER AT THE MAILING ADDRESS  
7 SHOWN IN THE GROUP POLICY.

8 (3) (A) A GROUP POLICYHOLDER MAY CANCEL A GROUP POLICY, INCLUDING ALL  
9 CERTIFICATES, OR ANY INDIVIDUAL CERTIFICATE, FOR A REASON UPON THIRTY  
10 DAYS WRITTEN NOTICE TO THE INSURER AND EACH GROUP MEMBER; AND

11 (B) THE GROUP POLICYHOLDER SHALL MAIL OR DELIVER WRITTEN NOTICE TO  
12 EACH AFFECTED GROUP MEMBER OF THE GROUP POLICYHOLDER'S CANCELLATION OF  
13 THE GROUP POLICY OR CERTIFICATE AND THE EFFECTIVE DATE OF CANCELLATION.  
14 THE GROUP POLICYHOLDER SHALL MAIL OR DELIVER THE WRITTEN NOTICE TO THE  
15 GROUP MEMBER'S MAILING ADDRESS AT LEAST THIRTY DAYS PRIOR TO THE EFFEC-  
16 TIVE DATE OF CANCELLATION.

17 (4) A GROUP MEMBER MAY CANCEL OPTIONAL COVERAGE UPON PROVIDING NOTICE  
18 TO THE INSURER AND THE GROUP POLICYHOLDER. FOR THE PURPOSES OF THIS  
19 PARAGRAPH, "OPTIONAL COVERAGE" MEANS COVERAGE OTHER THAN FINANCIAL  
20 RESPONSIBILITY REQUIREMENTS DESCRIBED IN SUBPARAGRAPH (C) OF PARAGRAPH  
21 THREE OF SUBSECTION (A) OF THIS SECTION THAT AN INDIVIDUAL GROUP MEMBER  
22 PURCHASES ON AN OPTIONAL BASIS.

23 (5) (A) UNLESS A GROUP POLICY PROVIDES FOR A LONGER POLICY PERIOD, THE  
24 POLICY AND ALL CERTIFICATES SHALL BE ISSUED OR RENEWED FOR A ONE-YEAR  
25 POLICY PERIOD.

26 (B) THE GROUP POLICYHOLDER SHALL BE ENTITLED TO RENEW THE GROUP POLICY  
27 AND ALL CERTIFICATES UPON TIMELY PAYMENT OF THE PREMIUM BILLED TO THE  
28 GROUP POLICYHOLDER FOR THE RENEWAL, UNLESS:

29 (I) THE INSURER MAILS OR DELIVERS TO THE GROUP POLICYHOLDER AND ALL  
30 GROUP MEMBERS WRITTEN NOTICE OF NONRENEWAL, OR CONDITIONAL RENEWAL; AND

31 (II) THE INSURER MAILS OR DELIVERS THE WRITTEN NOTICE AT LEAST THIRTY,  
32 BUT NOT MORE THAN ONE HUNDRED TWENTY DAYS PRIOR TO THE EXPIRATION DATE  
33 SPECIFIED IN THE POLICY OR, IF NO DATE IS SPECIFIED, THE NEXT ANNIVER-  
34 SARY DATE OF THE POLICY.

35 (6) WHERE THE GROUP POLICYHOLDER NONRENEWS THE GROUP POLICY, THE GROUP  
36 POLICYHOLDER SHALL MAIL OR DELIVER WRITTEN NOTICE TO EACH GROUP MEMBER  
37 ADVISING THE GROUP MEMBER OF NONRENEWAL OF THE GROUP POLICY AND THE  
38 EFFECTIVE DATE OF NONRENEWAL. THE GROUP POLICYHOLDER SHALL MAIL OR  
39 DELIVER WRITTEN NOTICE AT LEAST THIRTY DAYS PRIOR TO THE NONRENEWAL.

40 (7) EVERY NOTICE OF CANCELLATION, NONRENEWAL, OR CONDITIONAL RENEWAL  
41 SHALL SET FORTH THE SPECIFIC REASON OR REASONS FOR CANCELLATION, NONRE-  
42 NEWAL, OR CONDITIONAL RENEWAL.

43 (8) (A) AN INSURER SHALL NOT BE REQUIRED UNDER THIS SUBSECTION TO GIVE  
44 NOTICE TO A GROUP MEMBER IF THE INSURER HAS BEEN ADVISED BY EITHER THE  
45 GROUP POLICYHOLDER OR ANOTHER INSURER THAT SUBSTANTIALLY SIMILAR COVER-  
46 AGE HAS BEEN OBTAINED FROM THE OTHER INSURER WITHOUT LAPSE OF COVERAGE.

47 (B) A GROUP POLICYHOLDER SHALL NOT BE REQUIRED UNDER THIS SUBSECTION  
48 TO GIVE NOTICE TO A GROUP MEMBER IF SUBSTANTIALLY SIMILAR COVERAGE HAS  
49 BEEN OBTAINED FROM ANOTHER INSURER WITHOUT LAPSE OF COVERAGE.

50 (9) (A) IF, PRIOR TO THE EFFECTIVE DATE OF CANCELLATION, NONRENEWAL,  
51 OR CONDITIONAL RENEWAL OF THE GROUP POLICY, OR A CERTIFICATE, WHETHER  
52 INITIATED BY THE INSURER, GROUP POLICYHOLDER OR BY THE GROUP MEMBER IN  
53 REGARD TO THE GROUP MEMBER'S CERTIFICATE, COVERAGE ATTACHES PURSUANT TO  
54 THE TERMS OF A GROUP POLICY, THEN THE COVERAGE SHALL BE EFFECTIVE UNTIL  
55 EXPIRATION OF THE APPLICABLE PERIOD OF COVERAGE PROVIDED IN THE GROUP



1 POLICY NOTWITHSTANDING THE CANCELLATION, NONRENEWAL OR CONDITIONAL  
2 NONRENEWAL OF THE GROUP POLICY.

3 (B) NOTWITHSTANDING SUBPARAGRAPH (A) OF THIS PARAGRAPH, AN INSURER MAY  
4 TERMINATE COVERAGE UNDER AN INDIVIDUAL CERTIFICATE ON THE EFFECTIVE DATE  
5 OF CANCELLATION, IF THE CERTIFICATE IS CANCELLED IN ACCORDANCE WITH THE  
6 PROVISIONS OF SUBPARAGRAPH (B) OF PARAGRAPH ONE OF THIS SUBSECTION.

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

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

13 S 3. Section 121-e of the vehicle and traffic law, as added by chapter  
14 15 of the laws of 1983, is amended to read as follows:

15 S 121-e. Livery. Every motor vehicle, other than a taxicab or a bus,  
16 used in the business of transporting passengers for compensation. Howev-  
17 er, it shall not include vehicles which are rented or leased without a  
18 driver AND IT SHALL NOT INCLUDE TRANSPORTATION NETWORK VEHICLES AS  
19 DEFINED IN SUBDIVISION EIGHT OF SECTION TWO THOUSAND TWO HUNDRED ONE OF  
20 THIS CHAPTER.

21 S 4. Section 148-a of the vehicle and traffic law, as amended by chap-  
22 ter 15 of the laws of 1983, is amended to read as follows:

23 S 148-a. Taxicab. Every motor vehicle, other than a bus, used in the  
24 business of transporting passengers for compensation, and operated in  
25 such business under a license or permit issued by a local authority.  
26 However, it shall not include vehicles which are rented or leased with-  
27 out a driver AND IT SHALL NOT INCLUDE TRANSPORTATION NETWORK VEHICLES AS  
28 DEFINED IN SUBDIVISION EIGHT OF SECTION TWO THOUSAND TWO HUNDRED ONE OF  
29 THIS CHAPTER.

30 S 5. The opening paragraph of subdivision 7 of section 401 of the  
31 vehicle and traffic law, as amended by chapter 55 of the laws of 1992,  
32 is amended to read as follows:

33 FOR PURPOSES OF THIS SUBDIVISION A MOTOR VEHICLE THAT MEETS THE DEFI-  
34 NITION OF A TRANSPORTATION NETWORK VEHICLE AS DEFINED IN SUBDIVISION  
35 EIGHT OF SECTION TWO THOUSAND TWO HUNDRED ONE OF THIS CHAPTER SHALL NOT  
36 BE REQUIRED TO OBTAIN A FOR HIRE OR COMMERCIAL VEHICLE REGISTRATION. The  
37 registration fees to be paid upon the registration or reregistration, in  
38 accordance with the provisions of this article, of buses, of motor vehi-  
39 cles constructed or specially equipped for the transportation of goods,  
40 wares and merchandise, commonly known as auto trucks or light delivery  
41 cars, of taxicabs, livery and of certain other motor vehicles specified  
42 herein are hereby established as follows:

43 S 6. Paragraph c of subdivision 1 of section 498 of the vehicle and  
44 traffic law, as added by chapter 549 of the laws of 2006, is amended to  
45 read as follows:

46 c. "Pre-arranged for-hire vehicle" shall mean a motor vehicle, other  
47 than a bus, that is used in the business of transporting passengers for  
48 compensation on a pre-arranged basis, and operated in such business  
49 under a license or permit issued by a licensing jurisdiction, EXCEPT  
50 THAT IT SHALL NOT MEAN A MOTOR VEHICLE THAT MEETS THE DEFINITION OF A  
51 TRANSPORTATION NETWORK VEHICLE AS DEFINED IN SUBDIVISION EIGHT OF  
52 SECTION TWO THOUSAND TWO HUNDRED ONE OF THIS CHAPTER. The term "pre-ar-  
53 ranged for-hire vehicle" shall apply to vehicles as defined herein  
54 regardless of any other provision of local law or rule defining or  
55 describing such vehicles by any other terms such as livery, black car,  
56 or luxury limousine.

1 S 7. Section 181 of the general municipal law is amended by adding a  
2 new closing paragraph to read as follows:

3 FOR THE PURPOSES OF THIS ARTICLE, THE TERMS TAXICABS, LIMOUSINES OR  
4 LIVERY VEHICLES SHALL NOT INCLUDE MOTOR VEHICLES THAT MEET THE DEFINI-  
5 TION OF A TRANSPORTATION NETWORK VEHICLE AS DEFINED IN SUBDIVISION  
6 EIGHT OF SECTION TWO THOUSAND TWO HUNDRED ONE OF THE VEHICLE AND TRAFFIC  
7 LAW.

8 S 8. Section 151 of the transportation law is amended by adding a new  
9 subdivision 13 to read as follows:

10 13. IN A VEHICLE THAT MEETS THE DEFINITION OF A TRANSPORTATION NETWORK  
11 VEHICLE AS DEFINED IN SUBDIVISION EIGHT OF SECTION TWO THOUSAND TWO  
12 HUNDRED ONE OF THE VEHICLE AND TRAFFIC LAW.

13 S 9. Subsection (b) of section 5103 of the insurance law is amended by  
14 adding a new paragraph 4 to read as follows:

15 (4) IS INJURED WHILE OPERATING A PERSONAL VEHICLE AS A TRANSPORTATION  
16 NETWORK COMPANY DRIVER OR TRANSPORTATION NETWORK COMPANY RIDER AS SUCH  
17 TERMS ARE DEFINED IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR  
18 HUNDRED FORTY-ONE OF THIS CHAPTER.

19 S 10. The vehicle and traffic law is amended by adding a new title  
20 10-a to read as follows:

21 TITLE X-A

22 TRANSPORTATION NETWORK COMPANIES

23 ARTICLE 46-A. TRANSPORTATION NETWORK COMPANIES.

24 ARTICLE 46-A

25 TRANSPORTATION NETWORK COMPANIES

26 SECTION 2200. SHORT TITLE.

27 2201. DEFINITIONS.

28 2202. REGULATION OF TRANSPORTATION NETWORK COMPANIES.

29 2203. REGISTRATION AND INSURANCE.

30 2204. OPERATIONAL REQUIREMENTS OF TRANSPORTATION NETWORK COMPA-  
31 NIES.

32 2205. TRANSPORTATION NETWORK SERVICE LIMITATIONS.

33 2206. VEHICLE REQUIREMENTS FOR TRANSPORTATION NETWORK VEHICLES.

34 2207. PERMIT REQUIRED FOR TRANSPORTATION NETWORK COMPANIES,  
35 PENALTY FOR VIOLATION, AND RULES.

36 2208. DRIVER LICENSING REQUIREMENT.

37 2209. DISTRIBUTION OF FEES AND PENALTIES.

38 2210. RULES AND INSPECTIONS.

39 2211. RULE OF CONSTRUCTION.

40 S 2200. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
41 THE "TRANSPORTATION NETWORK COMPANY ACT".

42 S 2201. DEFINITIONS. WHEN USED IN THIS ARTICLE, THE FOLLOWING TERMS  
43 SHALL HAVE THE FOLLOWING MEANINGS:

44 1. "DIGITAL NETWORK" SHALL HAVE THE MEANING SET FORTH IN SUBSECTION  
45 (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THE INSURANCE  
46 LAW.

47 2. "PREARRANGED RIDE" SHALL HAVE THE MEANING SET FORTH IN SUBSECTION  
48 (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THE INSURANCE  
49 LAW.

50 3. "TRANSPORTATION NETWORK COMPANY" SHALL HAVE THE MEANING SET FORTH  
51 IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF  
52 THE INSURANCE LAW.

53 4. "TRANSPORTATION NETWORK COMPANY DRIVER" OR "DRIVER" SHALL HAVE THE  
54 MEANING SET FORTH IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR  
55 HUNDRED FORTY-ONE OF THE INSURANCE LAW.

1 5. "TRANSPORTATION NETWORK COMPANY RIDER" OR "RIDER" SHALL HAVE THE  
2 MEANING SET FORTH IN SUBSECTION (B) OF SECTION THREE THOUSAND FOUR  
3 HUNDRED FORTY-ONE OF THE INSURANCE LAW.

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

7 7. "TRANSPORTATION NETWORK SERVICES" MEANS THE PROVISION OF TRANSPOR-  
8 TATION BY A TRANSPORTATION NETWORK DRIVER TO A TRANSPORTATION NETWORK  
9 RIDER WITH WHOM THE TRANSPORTATION NETWORK DRIVER IS MATCHED THROUGH A  
10 TRANSPORTATION NETWORK COMPANY. THE TERM DOES NOT INCLUDE SERVICES  
11 PROVIDED EITHER DIRECTLY BY OR UNDER CONTRACT WITH A POLITICAL SUBDIVI-  
12 SION OR OTHER ENTITY EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 115 OF  
13 THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

14 8. "TRANSPORTATION NETWORK VEHICLE" MEANS A MOTOR VEHICLE USED BY A  
15 TRANSPORTATION NETWORK DRIVER THAT IS HIS OR HER OWN PERSONAL MOTOR  
16 VEHICLE AND ALSO USED TO PROVIDE A PREARRANGED RIDE FOR TRANSPORTATION  
17 NETWORK RIDERS MATCHED THROUGH A TRANSPORTATION NETWORK COMPANY'S  
18 DIGITAL NETWORK. A TRANSPORTATION NETWORK VEHICLE IS NOT A TAXICAB, AS  
19 DEFINED IN SECTION ONE HUNDRED FORTY-EIGHT-A OF THIS CHAPTER, OR A  
20 LIVERY AS DEFINED IN SECTION ONE HUNDRED TWENTY-ONE-E OF THIS CHAPTER.

21 9. "UNMATCHED PERIOD" MEANS A PERIOD OF TIME THAT BEGINS WHEN A TRANS-  
22 PORTATION NETWORK COMPANY DRIVER IS AVAILABLE TO ACCEPT A REQUESTED RIDE  
23 THROUGH A DIGITAL NETWORK AND TO PROVIDE TRANSPORTATION NETWORK  
24 SERVICES, BUT HAS NOT YET ACCEPTED A REQUESTED RIDE AND IS NOT PROVIDING  
25 TRANSPORTATION NETWORK SERVICES, AND ENDS WHEN A TRANSPORTATION NETWORK  
26 COMPANY DRIVER HAS ACCEPTED SUCH A REQUESTED RIDE.

27 10. "SERIOUS CRIMINAL OFFENSE" SHALL MEAN A CONVICTION OF (I) A FELONY  
28 INVOLVING THE USE OF A MOTOR VEHICLE; (II) A FELONY INVOLVING MANUFAC-  
29 TURING, DISTRIBUTING OR DISPENSING A DRUG AS DEFINED IN SECTION ONE  
30 HUNDRED FOURTEEN-A OF THIS CHAPTER OR POSSESSION OF ANY SUCH DRUG WITH  
31 INTENT TO MANUFACTURE, DISTRIBUTE OR DISPENSE SUCH DRUG IN WHICH A MOTOR  
32 VEHICLE WAS USED; (III) A VIOLATION OF SUBDIVISION ONE OR TWO OF SECTION  
33 SIX HUNDRED OF THIS CHAPTER; (IV) OPERATING A MOTOR VEHICLE WHEN, AS A  
34 RESULT OF PRIOR VIOLATIONS COMMITTED WHILE OPERATING A MOTOR VEHICLE,  
35 THE INDIVIDUAL'S DRIVER'S LICENSE IS REVOKED, SUSPENDED, OR CANCELED;  
36 (V) CAUSING A FATALITY THROUGH THE NEGLIGENT OPERATION OF A MOTOR VEHI-  
37 CLE, INCLUDING BUT NOT LIMITED TO THE CRIMES OF VEHICULAR MANSLAUGHTER  
38 OR CRIMINALLY NEGLIGENT HOMICIDE; (VI) HOMICIDE; AND (VII) A FELONY OR  
39 ASSAULT, SEXUAL OFFENSES, KIDNAPPING, OR BURGLARY.

40 S 2202. REGULATION OF TRANSPORTATION NETWORK COMPANIES.

41 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TRANSPORTATION NETWORK  
42 COMPANIES ARE GOVERNED EXCLUSIVELY BY THIS ARTICLE.

43 2. THE PROVISIONS OF SECTIONS NINETY-SIX, NINETY-EIGHT, NINETY-NINE,  
44 ONE HUNDRED THREE, ONE HUNDRED SIXTEEN, ONE HUNDRED FORTY, ONE HUNDRED  
45 FORTY-TWO, ONE HUNDRED FORTY-THREE, ONE HUNDRED FIFTY-TWO, ONE HUNDRED  
46 FIFTY-SIX, ONE HUNDRED FIFTY-SEVEN, AND ONE HUNDRED FIFTY-EIGHT OF THE  
47 TRANSPORTATION LAW, AND 17 NYCRR PT. 720, 17 NYCRR PT. 721, 17 NYCRR PT.  
48 730, AND 17 NYCRR PT. 741, SHALL NOT APPLY TO TRANSPORTATION NETWORK  
49 VEHICLES.

50 3. THE PROVISIONS OF SUBPARAGRAPH (V) OF PARAGRAPH (A) OF SUBDIVISION  
51 TWO OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER SHALL NOT APPLY TO  
52 TRANSPORTATION NETWORK COMPANIES OR TRANSPORTATION NETWORK DRIVERS.

53 S 2203. REGISTRATION AND INSURANCE.

54 1. A TRANSPORTATION NETWORK COMPANY SHALL OBTAIN AUTHORIZATION TO DO  
55 BUSINESS IN NEW YORK AS REQUIRED BY SECTION ONE THOUSAND THREE HUNDRED  
56 ONE OF THE BUSINESS CORPORATION LAW.

1 2. A TRANSPORTATION NETWORK COMPANY SHALL CAUSE TO BE FILED WITH THE  
2 COMMISSIONER OF MOTOR VEHICLES DOCUMENTATION EVIDENCING THAT A TRANSPOR-  
3 TATION NETWORK COMPANY DRIVER OR THE TRANSPORTATION NETWORK COMPANY ON  
4 THE DRIVER'S BEHALF MAINTAINS AUTOMOBILE INSURANCE THAT SATISFIES THE  
5 REQUIREMENTS OF SECTION THREE THOUSAND FOUR HUNDRED FORTY-ONE OF THE  
6 INSURANCE LAW.

7 S 2204. OPERATIONAL REQUIREMENTS OF TRANSPORTATION NETWORK COMPANIES.

8 1. THE FOLLOWING REQUIREMENTS APPLY TO THE PROVISION OF TRANSPORTATION  
9 NETWORK SERVICES:

10 (A) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE TRANSPORTATION  
11 NETWORK SERVICES TO THE PUBLIC IN A NONDISCRIMINATORY MANNER, REGARDLESS  
12 OF GEOGRAPHIC LOCATION OF THE DEPARTURE POINT OR DESTINATION, ONCE THE  
13 DRIVER AND RIDER HAVE BEEN MATCHED THROUGH THE DIGITAL NETWORK, AS  
14 REQUIRED BY SECTION ONE HUNDRED SIX OF THE TRANSPORTATION LAW.

15 (B) A TRANSPORTATION NETWORK COMPANY SHALL NOT IMPOSE ADDITIONAL  
16 CHARGES FOR PROVIDING TRANSPORTATION NETWORK SERVICES TO PERSONS WITH  
17 PHYSICAL OR MENTAL DISABILITIES BECAUSE OF THOSE DISABILITIES AND SHALL  
18 REQUIRE TRANSPORTATION NETWORK COMPANY DRIVERS TO PERMIT A SERVICE  
19 ANIMAL TO ACCOMPANY A TRANSPORTATION NETWORK COMPANY RIDER ON A PREAR-  
20 RANGED RIDE UNLESS THE PRESENCE OF A SERVICE ANIMAL WOULD SIGNIFICANTLY  
21 COMPROMISE THE HEALTH OF THE TRANSPORTATION NETWORK COMPANY DRIVER DUE  
22 TO A MEDICALLY DIAGNOSED ALLERGY. IF A TRANSPORTATION NETWORK COMPANY  
23 RIDER WITH PHYSICAL OR MENTAL DISABILITIES REQUIRES THE USE OF THE  
24 TRANSPORTATION NETWORK COMPANY RIDER'S MOBILITY EQUIPMENT, A TRANSPORTA-  
25 TION NETWORK COMPANY SHALL REQUIRE TRANSPORTATION NETWORK COMPANY DRIV-  
26 ERS TO STORE THE MOBILITY EQUIPMENT IN THE TRANSPORTATION NETWORK VEHI-  
27 CLE DURING A PREARRANGED RIDE IF THE TRANSPORTATION NETWORK VEHICLE IS  
28 REASONABLY CAPABLE OF STORING THE MOBILITY EQUIPMENT. IF THE TRANSPORTA-  
29 TION NETWORK COMPANY DRIVER IS UNABLE TO STORE A TRANSPORTATION NETWORK  
30 COMPANY RIDER'S MOBILITY EQUIPMENT IN THE TRANSPORTATION NETWORK VEHI-  
31 CLE, THE TRANSPORTATION NETWORK COMPANY DRIVER SHALL REFER THE TRANSPOR-  
32 TATION NETWORK COMPANY RIDER TO ANOTHER TRANSPORTATION NETWORK COMPANY  
33 DRIVER OR TRANSPORTATION SERVICE PROVIDER WITH A VEHICLE THAT IS  
34 EQUIPPED TO ACCOMMODATE THE RIDER'S MOBILITY EQUIPMENT.

35 (C) A TRANSPORTATION NETWORK COMPANY IS NOT LIABLE FOR A TRANSPORTA-  
36 TION NETWORK COMPANY DRIVER'S VIOLATION OF PARAGRAPH (B) OF THIS SUBDI-  
37 VISION UNLESS THE TRANSPORTATION NETWORK COMPANY DRIVER'S VIOLATION HAS  
38 BEEN PREVIOUSLY REPORTED TO THE TRANSPORTATION NETWORK COMPANY IN WRIT-  
39 ING, AND THE TRANSPORTATION NETWORK COMPANY HAS FAILED TO REASONABLY  
40 ADDRESS THE ALLEGED VIOLATION. THE COMMISSIONER SHALL AFFORD A TRANSPOR-  
41 TATION NETWORK COMPANY THE SAME DUE PROCESS RIGHTS AFFORDED TRANSPORTA-  
42 TION PROVIDERS IN DEFENDING AGAINST CIVIL PENALTIES ASSESSED BY THE  
43 COMMISSIONER OF MOTOR VEHICLES.

44 (D) ALTHOUGH TRANSPORTATION NETWORK COMPANIES MAY PROVIDE PLATFORMS  
45 ALLOWING DRIVERS AND PASSENGERS TO "RATE" EACH OTHER, A TRANSPORTATION  
46 NETWORK COMPANY SHALL USE REASONABLE EFFORTS TO ENSURE THAT SUCH RATINGS  
47 ARE NOT BASED ON UNLAWFUL DISCRIMINATION.

48 (E) A TRANSPORTATION NETWORK COMPANY SHALL MAKE AVAILABLE TO PROSPEC-  
49 TIVE TRANSPORTATION NETWORK RIDERS AN EXPLANATION OF THE METHOD BY WHICH  
50 THE TRANSPORTATION NETWORK COMPANY CALCULATES FARES AND THE OPTION TO  
51 DETERMINE AN ESTIMATED FARE ON ITS DIGITAL NETWORK OR WEBSITE.

52 (F) UPON COMPLETION OF A PREARRANGED RIDE, A TRANSPORTATION NETWORK  
53 COMPANY SHALL TRANSMIT TO THE TRANSPORTATION NETWORK COMPANY RIDER AN  
54 ELECTRONIC RECEIPT DOCUMENTING: (I) THE POINT OF ORIGIN AND DESTINATION  
55 OF THE PREARRANGED RIDE; (II) THE TOTAL DURATION AND DISTANCE OF THE  
56 PREARRANGED RIDE; (III) THE TOTAL FARE PAID, INCLUDING THE BASE FARE AND

1 ANY ADDITIONAL CHARGES INCURRED FOR DISTANCE TRAVELED OR DURATION OF THE  
2 PREARRANGED RIDE; AND (IV) THE DRIVER'S FIRST NAME.

3 (G) A TRANSPORTATION NETWORK COMPANY SHALL MAKE AVAILABLE TO ALL  
4 TRANSPORTATION NETWORK RIDERS A CUSTOMER SUPPORT CONTACT ON ITS DIGITAL  
5 NETWORK OR WEBSITE FOR TRANSPORTATION NETWORK COMPANY RIDER INQUIRIES.

6 (H) BEFORE PERMITTING A PERSON TO ACT AS A TRANSPORTATION NETWORK  
7 COMPANY DRIVER, A TRANSPORTATION NETWORK COMPANY SHALL CONFIRM THAT THE  
8 PERSON IS AT LEAST TWENTY-ONE YEARS OF AGE AND POSSESSES: (I) A VALID  
9 DRIVER'S LICENSE; (II) PROOF OF AUTOMOBILE INSURANCE; AND (III) PROOF OF  
10 A NEW YORK VEHICLE REGISTRATION;

11 (I) BEFORE PERMITTING A PERSON TO ACT AS A TRANSPORTATION NETWORK  
12 COMPANY DRIVER, A TRANSPORTATION NETWORK COMPANY SHALL REQUIRE EACH  
13 TRANSPORTATION NETWORK COMPANY DRIVER TO WEAR A SAFETY BELT WHILE  
14 PERFORMING TRANSPORTATION NETWORK SERVICES. THE TRANSPORTATION NETWORK  
15 COMPANY SHALL ESTABLISH A DRIVER TRAINING PROGRAM FOR ALL TRANSPORTATION  
16 NETWORK COMPANY DRIVERS CONCERNING SAFETY AND PROPER OPERATION OF A  
17 TRANSPORTATION NETWORK VEHICLE PRIOR TO THE DRIVER BEING ABLE TO OFFER  
18 SERVICE.

19 (J) THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES SHALL, UPON REQUEST,  
20 PROVIDE TO A TRANSPORTATION NETWORK COMPANY A PROSPECTIVE TRANSPORTATION  
21 NETWORK COMPANY DRIVER'S CRIMINAL HISTORY OR A TRANSPORTATION NETWORK  
22 COMPANY SHALL OBTAIN AN EQUIVALENT CRIMINAL HISTORY FROM A THIRD PARTY  
23 PROVIDER BEFORE PERMITTING A PERSON TO ACT AS A TRANSPORTATION NETWORK  
24 COMPANY DRIVER. A TRANSPORTATION COMPANY SHALL NOT PERMIT AN INDIVIDUAL  
25 TO PROVIDE TRANSPORTATION NETWORK SERVICES AS A TRANSPORTATION NETWORK  
26 COMPANY DRIVER IF THE INDIVIDUAL HAS BEEN CONVICTED OF A SERIOUS CRIMI-  
27 NAL OFFENSE.

28 (K) A TRANSPORTATION NETWORK COMPANY SHALL REQUIRE ALL TRANSPORTATION  
29 NETWORK COMPANY DRIVERS TO REPORT ANY CRIMINAL CONVICTIONS IMMEDIATELY  
30 AND SHALL NO LONGER PERMIT A TRANSPORTATION NETWORK COMPANY DRIVER TO  
31 PROVIDE TRANSPORTATION NETWORK SERVICES IF THE TRANSPORTATION NETWORK  
32 COMPANY BECOMES AWARE THAT THE SUBJECT TRANSPORTATION NETWORK COMPANY  
33 DRIVER HAS BEEN CONVICTED OF A SERIOUS CRIMINAL OFFENSE.

34 (L) BEFORE PERMITTING A PERSON TO ACT AS A TRANSPORTATION NETWORK  
35 COMPANY DRIVER, A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT A REVIEW  
36 OF THE DRIVING RECORD OF EVERY PROSPECTIVE TRANSPORTATION NETWORK COMPA-  
37 NY DRIVER AND SHALL NOT PERMIT AN INDIVIDUAL TO BECOME A TRANSPORTATION  
38 NETWORK COMPANY DRIVER IF SUCH INDIVIDUAL HAS MORE THAN THREE MOVING  
39 VIOLATIONS WITHIN THE TWELVE MONTH PERIOD PRIOR TO PROVIDING TRANSPORTA-  
40 TION NETWORK SERVICES AS A TRANSPORTATION NETWORK COMPANY DRIVER.

41 (M) A TRANSPORTATION NETWORK COMPANY SHALL INSTITUTE A ZERO TOLERANCE  
42 INTOXICATING SUBSTANCE POLICY WITH RESPECT TO TRANSPORTATION NETWORK  
43 COMPANY DRIVERS AS FOLLOWS:

44 (I) THE TRANSPORTATION NETWORK COMPANY SHALL INCLUDE ON ITS WEBSITE,  
45 DIGITAL NETWORK AND TRANSPORTATION NETWORK COMPANY RIDERS' RECEIPTS A  
46 NOTICE CONCERNING THE TRANSPORTATION NETWORK COMPANY'S ZERO-TOLERANCE  
47 POLICY AND THE METHODS TO REPORT A DRIVER WHOM THE RIDER REASONABLY  
48 SUSPECTS WAS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL DURING THE COURSE  
49 OF THE TRANSPORTATION NETWORK RIDE; AND

50 (II) PROMPTLY AFTER A ZERO-TOLERANCE COMPLAINT IS FILED, THE TRANSPOR-  
51 TATION NETWORK COMPANY SHALL SUSPEND THE TRANSPORTATION NETWORK COMPANY  
52 DRIVER FOR FURTHER INVESTIGATION.

53 (N) A TRANSPORTATION NETWORK COMPANY SHALL REQUIRE THAT EACH TRANSPOR-  
54 TATION NETWORK VEHICLE DISPLAYS A MARKING THAT IDENTIFIES THE VEHICLE AS  
55 A TRANSPORTATION NETWORK VEHICLE THAT IS VISIBLE FROM THE EXTERIOR OF  
56 THE VEHICLE AT ALL TIMES DURING WHICH THE VEHICLE IS BEING USED AS A

1 TRANSPORTATION NETWORK VEHICLE. THE DIGITAL NETWORK USED BY A TRANSPOR-  
2 TATION NETWORK COMPANY TO CONNECT DRIVERS AND RIDERS MUST DISPLAY FOR  
3 THE TRANSPORTATION NETWORK COMPANY RIDER: A PICTURE OF THE TRANSPORTA-  
4 TION NETWORK COMPANY DRIVER AND A PICTURE OF THE TRANSPORTATION NETWORK  
5 VEHICLE THE TRANSPORTATION NETWORK COMPANY DRIVER IS APPROVED TO USE,  
6 INCLUDING THE LICENSE PLATE NUMBER TO IDENTIFY THE TRANSPORTATION  
7 NETWORK VEHICLE.

8 (O) A TRANSPORTATION NETWORK COMPANY SHALL NOT PERMIT A TRANSPORTATION  
9 NETWORK COMPANY DRIVER TO OFFER OR PROVIDE TRANSPORTATION NETWORK  
10 SERVICES FOR MORE THAN TWELVE CONSECUTIVE HOURS.

11 (P) A TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE, IN WRITING, TO  
12 EACH PROSPECTIVE TRANSPORTATION NETWORK COMPANY DRIVER THE FOLLOWING:

13 (I) THE TERMS OF ANY INSURANCE, INCLUDING THE TYPES OF COVERAGE AND  
14 THE LIMITS FOR EACH COVERAGE, UNDER ANY POLICY THAT THE TRANSPORTATION  
15 NETWORK COMPANY MAINTAINS ON THE DRIVER'S BEHALF PROVIDING COVERAGE  
16 WHILE THE TRANSPORTATION NETWORK COMPANY DRIVER USES A PERSONAL VEHICLE  
17 IN CONNECTION WITH A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK;  
18 AND

19 (II) THAT THE TRANSPORTATION NETWORK COMPANY DRIVER'S OWN PRIVATE  
20 PASSENGER AUTOMOBILE INSURANCE POLICY MAY NOT PROVIDE ANY COVERAGE  
21 DURING AN UNMATCHED PERIOD OR WHILE A TRANSPORTATION NETWORK COMPANY  
22 DRIVER IS ENGAGED IN A PREARRANGED RIDE, UNLESS A CONTRACT OR ENDORSE-  
23 MENT PROVIDING SUCH COVERAGE HAS BEEN OBTAINED FROM THE DRIVER'S PRIVATE  
24 PASSENGER AUTOMOBILE INSURER.

25 (Q) OTHER THAN THE DISCLOSURE OF AGGREGATED USER DATA AND OTHER INFOR-  
26 MATION ABOUT TRANSPORTATION NETWORK USERS THAT IS NOT PERSONALLY IDEN-  
27 TIFIABLE, A TRANSPORTATION NETWORK COMPANY SHALL NOT DISCLOSE TO A THIRD  
28 PARTY ANY PERSONALLY IDENTIFIABLE INFORMATION CONCERNING A USER OF THE  
29 TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK UNLESS: (I) THE TRANS-  
30 PORTATION NETWORK COMPANY OBTAINS THE USER'S CONSENT TO DISCLOSE  
31 PERSONALLY IDENTIFIABLE INFORMATION; (II) DISCLOSURE IS NECESSARY TO  
32 COMPLY WITH A LEGAL OBLIGATION; OR (III) DISCLOSURE IS NECESSARY TO  
33 PROTECT OR DEFEND THE TERMS AND CONDITIONS FOR USE OF THE SERVICE OR TO  
34 INVESTIGATE VIOLATIONS OF THE TERMS AND CONDITIONS.

35 2. IF ANY PERSON FILES A COMPLAINT WITH THE COMMISSIONER OF MOTOR  
36 VEHICLES AGAINST A TRANSPORTATION NETWORK COMPANY OR TRANSPORTATION  
37 NETWORK COMPANY DRIVER, THE COMMISSIONER MAY INSPECT THE TRANSPORTATION  
38 NETWORK COMPANY'S RECORDS AS REASONABLY NECESSARY TO INVESTIGATE AND  
39 RESOLVE THE COMPLAINT.

40 S 2205. TRANSPORTATION NETWORK SERVICE LIMITATIONS. A TRANSPORTATION  
41 NETWORK COMPANY DRIVER SHALL NOT PROVIDE TRANSPORTATION NETWORK SERVICES  
42 UNLESS A TRANSPORTATION NETWORK COMPANY HAS MATCHED THE TRANSPORTATION  
43 NETWORK COMPANY DRIVER TO A TRANSPORTATION NETWORK RIDER THROUGH A  
44 DIGITAL NETWORK. A TRANSPORTATION NETWORK COMPANY DRIVER SHALL NOT  
45 SOLICIT OR ACCEPT THE ON-DEMAND SUMMONING OF A RIDE, OTHERWISE KNOWN AS  
46 A "STREET HAIL".

47 S 2206. VEHICLE REQUIREMENTS FOR TRANSPORTATION NETWORK VEHICLES.

48 1. THE FOLLOWING REQUIREMENTS APPLY TO THE TRANSPORTATION NETWORK  
49 VEHICLES:

50 (A) A TRANSPORTATION NETWORK VEHICLE MUST HAVE AT LEAST FOUR DOORS AND  
51 BE DESIGNED TO CARRY NO MORE THAN EIGHT PASSENGERS, INCLUDING THE TRANS-  
52 PORTATION NETWORK COMPANY DRIVER.

53 (B) A TRANSPORTATION NETWORK VEHICLE SHALL DISPLAY THE NAME OR LOGO OF  
54 THE TRANSPORTATION NETWORK COMPANY AFFIXED TO THE WINDSHIELD IN A FORM  
55 AND MANNER THAT IS VISIBLE FROM THE EXTERIOR OF THE VEHICLE.

1 (C) EACH TRANSPORTATION NETWORK VEHICLE MUST BE INSPECTED NO LESS  
2 FREQUENTLY THAN EVERY TWELVE MONTHS BY AN OFFICIAL INSPECTION STATION  
3 LICENSED PURSUANT TO SECTION THREE HUNDRED THREE OF THIS CHAPTER, OR, IF  
4 THE TRANSPORTATION NETWORK VEHICLE IS REGISTERED IN ANOTHER STATE, BY  
5 THE AGENCY RESPONSIBLE FOR VEHICLE REGISTRATION AND INSPECTION IN THAT  
6 STATE, AND EACH TRANSPORTATION NETWORK VEHICLE MUST DISPLAY A VALID  
7 INSPECTION STICKER INDICATING THE DATE OF THE LAST INSPECTION AND/OR THE  
8 EXPIRATION DATE, IF SUCH STICKERS ARE ISSUED BY THE STATE OF REGISTRA-  
9 TION.

10 S 2207. PERMIT REQUIRED FOR TRANSPORTATION NETWORK COMPANIES, PENALTY  
11 FOR VIOLATION, AND RULES.

12 1. A PERSON SHALL NOT OPERATE A TRANSPORTATION NETWORK COMPANY IN NEW  
13 YORK WITHOUT FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSIONER OF  
14 MOTOR VEHICLES.

15 2. THE COMMISSIONER OF MOTOR VEHICLES SHALL ISSUE A PERMIT TO EACH  
16 TRANSPORTATION NETWORK COMPANY THAT MEETS THE REQUIREMENTS OF THIS ARTI-  
17 CLE AND PAYS AN ANNUAL PERMIT FEE.

18 3. THE ANNUAL PERMIT FEE SHALL BE ESTABLISHED AND LEVIED BY THE  
19 COMMISSIONER OF MOTOR VEHICLES SUBJECT TO THE APPROVAL OF THE DIRECTOR  
20 OF THE DIVISION OF THE BUDGET IN AN AMOUNT THAT IS REASONABLY SUFFICIENT  
21 TO RAISE FUNDS TO DEFRAY THE EXPENSES OF THE DEPARTMENT IN ADMINISTERING  
22 AND ENFORCING THIS ARTICLE. THE COMMISSIONER MAY PROMULGATE THE RULES  
23 AND REGULATIONS NECESSARY TO ADMINISTER THE ANNUAL PERMIT FEE.

24 4. THE COMMISSIONER OF MOTOR VEHICLES SHALL DETERMINE A REASONABLE  
25 FORM AND MANNER OF APPLICATION FOR A TRANSPORTATION NETWORK COMPANY  
26 PERMIT.

27 5. A PERMIT MAY BE SUSPENDED BY THE COMMISSIONER OF MOTOR VEHICLES FOR  
28 FAILURE TO COMPLY WITH THE INSURANCE, REPORTING, OR SAFETY REQUIREMENTS  
29 OF THIS ARTICLE. ANY SUCH PERMIT MAY THEREAFTER BE REVOKED IN NO LESS  
30 THAN THIRTY DAYS AFTER THE DATE OF SUSPENSION ORDERED BY THE COMMISSION-  
31 ER OF MOTOR VEHICLES IF THE CARRIER DOES NOT COMPLY WITH THE RATE,  
32 INSURANCE, ANNUAL REPORTING, OR SAFETY REQUIREMENTS OF THIS ARTICLE.

33 6. FOR A VIOLATION OF THIS ARTICLE OR A FAILURE TO COMPLY WITH A  
34 COMMISSIONER OF MOTOR VEHICLES ORDER, DECISION, OR RULE ISSUED UNDER  
35 THIS ARTICLE, A TRANSPORTATION NETWORK COMPANY IS SUBJECT TO THE COMMIS-  
36 SIONER'S AUTHORITY UNDER THIS CHAPTER.

37 7. THE COMMISSIONER OF MOTOR VEHICLES MAY DENY AN APPLICATION UNDER  
38 THIS ARTICLE OR REFUSE TO RENEW THE PERMIT OF A TRANSPORTATION NETWORK  
39 COMPANY BASED ON A DETERMINATION THAT THE TRANSPORTATION NETWORK COMPANY  
40 HAS NOT SATISFIED A CIVIL PENALTY ARISING OUT OF AN ADMINISTRATIVE OR  
41 ENFORCEMENT ACTION BROUGHT BY THE COMMISSIONER.

42 S 2208. DRIVER LICENSING REQUIREMENT. NOTWITHSTANDING ANY OTHER  
43 PROVISION OF LAW, A CLASS D DRIVER'S LICENSE SHALL BE VALID FOR THE  
44 PERFORMANCE OF TRANSPORTATION NETWORK SERVICES BY A TRANSPORTATION  
45 NETWORK DRIVER.

46 S 2209. DISTRIBUTION OF FEES AND PENALTIES. ALL PERMIT FEES CHARGED  
47 AND COLLECTED BY THE COMMISSIONER UNDER THIS ARTICLE SHALL BE DEPOSITED  
48 BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT  
49 ACCOUNT OF THE HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO  
50 SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW. ALL MONEYS RECOVERED IN  
51 AN ACTION TO RECOVER A PENALTY OR FORFEITURE SHALL BE PAID INTO THE  
52 STATE TREASURY TO THE CREDIT OF THE GENERAL FUND.

53 S 2210. RULES AND INSPECTIONS.

54 1. THE COMMISSIONER MAY PROMULGATE RULES CONSISTENT WITH THIS ARTICLE,  
55 INCLUDING RULES CONCERNING ADMINISTRATION, FEES, AND SAFETY REQUIREMENTS

1 SO LONG AS THOSE RULES DO NOT EXPAND THE SUBSTANTIVE REQUIREMENTS OF  
2 THIS ARTICLE.

3 2. THE COMMISSIONER MAY PROMULGATE RULES REQUIRING A TRANSPORTATION  
4 NETWORK COMPANY TO MAINTAIN AND FILE WITH THE COMMISSIONER EVIDENCE OF  
5 FINANCIAL RESPONSIBILITY AND PROOF OF THE CONTINUED VALIDITY OF THE  
6 INSURANCE POLICY.

7 S 2211. RULE OF CONSTRUCTION. NOTHING IN THIS ARTICLE AUTHORIZES OR  
8 SHALL BE CONSTRUED TO AUTHORIZE THE PROVISION OF TRANSPORTATION NETWORK  
9 SERVICES IN ANY CITY WITH A POPULATION OF ONE MILLION OR MORE.

10 S 11. This act shall take effect immediately.