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Introduced by M. of A. CAHILL, MORELLE, RYAN, FAHY, McDONALD, SANTABARBARA, LUPARDO, PRETLOW, HUNTER, JEAN-PIERRE, JENNE, KEARNS, LIFTON, MAGNARELLI, SOLAGES, STIRPE, THIELE, WALLACE -- read once and referred to the Committee on Insurance

AN ACT to amend the vehicle and traffic law, the insurance law, the executive law, the tax law, the state finance law and the general municipal law, in relation to the regulation of transportation network company services; to establish the New York State TNC Accessibility Task Force; and to establish the local transit assistance fund

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

Section 1. Legislative intent. The purpose of this act is to expand access to important and enhanced transportation options for residents and visitors throughout the State, while ensuring the safety, reliability, and cost-effectiveness of those services within the State of New York.

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

ARTICLE 44-B

TRANSPORTATION NETWORK COMPANY SERVICES

Section 1691. Definitions.

1692. General provisions.

1693. Financial responsibility of transportation network companies.

1694. Disclosures.

1695. Insurance provisions.

1696. Driver and vehicle requirements.

1697. Maintenance of records.

1698. Audit procedures; confidentiality of records; data access.

1699. Criminal history background check of transportation network company drivers.

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

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1 1700. Controlling authority.

2 § 1691. Definitions. As used in this article: 1. "Transportation
3 network company vehicle" or "TNC vehicle" means a vehicle that is:

4 (a) used by a transportation network company driver to provide a TNC
5 prearranged trip originating in the state of New York; and

6 (b) owned, leased or otherwise authorized for use by the transpor-
7 tation network company driver.

8 (c) such term shall not include:

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

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

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

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

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

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

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

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

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

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

36 4. "Transportation network company driver" or "TNC driver" means an
37 individual who receives connections to potential passengers from a
38 transportation network company, and uses a TNC vehicle to offer or
39 provide a TNC prearranged trip to transportation network company passen-
40 gers upon connection through a digital network controlled by a transpor-
41 tation network company in exchange for compensation or payment of a fee.

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

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

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

53 (b) continuing while the transportation network company driver trans-
54 ports the requesting passenger in a TNC vehicle; and

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

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

3 § 1692. General provisions. 1. Neither a TNC nor a TNC driver shall
4 be deemed to be a common carrier, as defined in subdivision six of
5 section two of the transportation law, or a contract carrier of passen-
6 gers by motor vehicle, as defined in subdivision nine of section two of
7 the transportation law, or a motor carrier, as defined in subdivision
8 seventeen of section two of the transportation law. Neither a TNC nor a
9 TNC driver shall be deemed to provide taxicab or for-hire vehicle
10 service and provided, further, no TNC driver shall be required to regis-
11 ter the TNC vehicle that such TNC driver uses for TNC prearranged trips
12 as a commercial or for-hire vehicle pursuant to section four hundred one
13 of this chapter.

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

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

26 4. On behalf of a TNC driver, a TNC may charge a fare for the services
27 provided to passengers; provided that, if a fare is collected from a
28 passenger, the TNC shall disclose to such passenger the fare and fare
29 calculation method on its website and within the digital network prior
30 to charging such fare. The TNC shall also provide passengers, before
31 such passengers enter a TNC vehicle, with the applicable rates being
32 charged and an estimated fare for such TNC prearranged trip through the
33 TNC's digital network.

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

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

- 42 (a) The origin and destination of the trip;
43 (b) The total time and distance of the trip;
44 (c) An itemization of the total fare paid, if any; and
45 (d) The TNC operating license number.

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

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

51 9. A TNC shall not include a mandatory arbitration clause as defined
52 in section three hundred ninety-nine-c of the general business law in
53 any contract to which a passenger or TNC driver is a party and such
54 clause shall be proscribed pursuant to section three hundred ninety-
55 nine-c of the general business law. For the purposes of this subdivi-
56 sion, any contract to which a TNC driver or passenger is a party shall

1 be considered a written contract for the sale or purchase of consumer
2 goods.

3 10. A TNC shall use all available technology to prevent TNC drivers
4 from accepting prearranged trips from potential passengers located with-
5 in a city with a population of one million or more.

6 11. In the event that a TNC driver maintains insurance satisfying the
7 coverage requirements pursuant to section sixteen hundred ninety-three
8 of this article, a TNC shall not collect funds from such TNC driver for
9 the payment of TNC group policy premiums.

10 12. Whenever a TNC shall engage in repeated illegal acts or otherwise
11 demonstrate persistent illegality in violation of any local laws and
12 ordinances adopted pursuant to section one hundred eighty-one of the
13 general municipal law, the department may impose a civil penalty, not to
14 exceed twenty thousand dollars, against a licensed TNC. No penalty shall
15 be levied without providing the TNC notice and an opportunity to be
16 heard.

17 13. Whenever a TNC shall engage in repeated illegal acts or otherwise
18 demonstrate persistent illegality in the carrying on, conducting or
19 transaction of business, an application may be made by the attorney
20 general, in the name of the people of the state of New York, to a court
21 or justice having jurisdiction to issue an injunction, and upon notice
22 to the TNC of not less than five days, to enjoin or restrain the contin-
23 uance of such business activity or illegal acts. If it shall appear to
24 the satisfaction of the court or justice that the TNC has engaged in
25 such persistent illegality, an injunction may be issued by the court or
26 justice, enjoining and restraining any further illegal activity by the
27 TNC, without requiring proof that any person has, in fact been injured
28 or damaged thereby. In any proceeding the court may make allowances to
29 the attorney general as provided in paragraph six of subdivision (a) of
30 section eighty-three hundred three of the civil practice law and rules,
31 and direct restitution.

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

34 § 1693. Financial responsibility of transportation network companies.
35 1. A TNC driver, or TNC on the TNC driver's behalf through a group poli-
36 cy, shall maintain insurance that recognizes that the driver is a TNC
37 driver and provides financial responsibility coverage:

38 (a) while the TNC driver is logged onto the TNC's digital network and
39 is available to receive transportation requests but is not engaged in a
40 TNC prearranged trip; and

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

42 2. (a) The following automobile financial responsibility insurance
43 requirements shall apply at all times while a TNC driver is logged onto
44 the TNC's digital network and is available to receive transportation
45 requests but is not engaged in a TNC prearranged trip: insurance against
46 loss from the liability imposed by law for damages, including damages
47 for care and loss of services, because of bodily injury to or death of
48 any person, and injury to or destruction of property arising out of the
49 ownership, maintenance, use or operation of a personal vehicle or vehi-
50 cles within this state, exclusive of interest and costs, with respect to
51 each such occurrence, of at least seventy-five thousand dollars because
52 of bodily injury to or death of one person in any one accident and,
53 subject to said limit for one person, to a limit of at least one hundred
54 fifty thousand dollars because of bodily injury to or death of two or
55 more persons in any one accident, and to a limit of at least twenty-five
56 thousand dollars because of injury to or destruction of property of

1 others in any one accident provided, however, that such policy need not
2 be for a period coterminous with the registration period of the personal
3 vehicle insured, and coverage in satisfaction of the financial responsi-
4 bility requirements set forth in section three thousand four hundred
5 twenty of the insurance law, article fifty-one of the insurance law, and
6 such other requirements or regulations that may apply for the purposes
7 of satisfying the financial responsibility requirements with respect to
8 the use or operation of a motor vehicle.

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

11 (i) insurance maintained by the TNC driver; or

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

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

15 (c) A TNC shall also maintain insurance coverage that provides excess
16 coverage insuring the TNC and the TNC driver in the amount of at least
17 two hundred thousand dollars per occurrence to cover any liability aris-
18 ing from a TNC driver's use of a TNC vehicle in connection with a TNC's
19 digital network within the period specified in this subdivision, which
20 liability exceeds the required coverage limits in paragraph (a) of this
21 subdivision.

22 3. (a) The following automobile financial responsibility insurance
23 requirements shall apply at all times while a TNC driver is engaged in a
24 TNC prearranged trip: insurance against loss from the liability imposed
25 by law for damages, including damages for care and loss of services,
26 because of bodily injury to or death of any person, and injury to or
27 destruction of property arising out of the ownership, maintenance, use,
28 or operation of a personal vehicle or vehicles within this state,
29 subject to a limit, exclusive of interest and costs, with respect to
30 each such occurrence, of at least one million five hundred thousand
31 dollars because of bodily injuries, death and property damage, provided,
32 however, that such policy need not be for a period coterminous with the
33 registration period of the personal vehicle insured, and coverage in
34 satisfaction of the financial responsibility requirements set forth in
35 section three thousand four hundred twenty of the insurance law, article
36 fifty-one of the insurance law, and such other requirements or regu-
37 lations that may apply for the purposes of satisfying the financial
38 responsibility requirements with respect to the use or operation of a
39 motor vehicle.

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

42 (i) insurance maintained by the TNC driver; or

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

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

46 4. A TNC shall, upon entering into a contractual agreement with a TNC
47 driver, provide notice to the TNC driver that he or she may need addi-
48 tional insurance coverage including motor vehicle physical damage cover-
49 age as described in paragraph nineteen of subsection (a) of section one
50 thousand one hundred thirteen of the insurance law if the TNC vehicle
51 being used by the TNC driver is subject to a lease or loan. A TNC shall
52 also prominently post this notice on its website.

53 5. If insurance maintained by a TNC driver pursuant to subdivisions
54 two and three of this section has lapsed or does not provide the
55 required coverage, then the group policy maintained by a TNC shall

1 provide the coverage required by this section beginning with the first
2 dollar of a claim and have the duty to defend such claim.

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

7 7. (a) Except as provided in paragraph (b) of this subdivision, a
8 group policy maintained by a TNC pursuant to subparagraph (ii) of para-
9 graph (b) of subdivisions two or three of this section shall be placed
10 with an insurer authorized to write insurance in this state.

11 (b) If a TNC is unable to purchase a group policy pursuant to subpara-
12 graph (ii) of paragraph (b) of subdivisions two or three of this section
13 because such insurance is unavailable from authorized insurers the TNC
14 may acquire such group insurance with an excess line broker pursuant to
15 section two thousand one hundred eighteen of the insurance law.

16 (c) The obligation to determine whether the insurance required by this
17 section is unavailable from insurers authorized to write insurance in
18 this state shall be made prior to the initial placement and each renewal
19 of a policy.

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

30 9. A TNC driver shall carry proof of coverage satisfying subdivisions
31 two and three of this section with him or her at all times during his or
32 her use or operation of a TNC vehicle in connection with a TNC's digital
33 network. Such proof of coverage shall be in such form as the commission-
34 er shall prescribe, which may be in the form of an insurance identifica-
35 tion card as defined in section three hundred eleven of this chapter.
36 Any insurance identification card issued pursuant to the provisions of
37 this article shall be in addition to the insurance identification card
38 required pursuant to article six of this chapter, and nothing contained
39 in this article shall be deemed to supersede the requirements of such
40 article six. Whenever the production of an insurance identification card
41 is required by law, a TNC driver shall (a) produce the insurance iden-
42 tification card issued pursuant to article six of this chapter and, (b)
43 if such driver either (i) was logged onto the TNC's digital network and
44 available to receive transportation requests but not engaged in a TNC
45 prearranged trip or (ii) was logged on to the TNC's digital network and
46 was engaged in a TNC prearranged trip, such driver shall also produce
47 the insurance identification card required pursuant to this article.

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

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

53 12. A group policy placed by an excess line broker under paragraph
54 (b) of subdivision seven of this section shall not include a mandatory
55 arbitration clause in a policy issued pursuant to this section. Nothing
56 in this section supercedes the mandatory arbitration requirements

1 contained in section five thousand one hundred five of the insurance
2 law.

3 § 1694. Disclosures. A TNC shall disclose in writing to TNC drivers
4 the following before they are allowed to accept a request for a TNC
5 prearranged trip on the TNC's digital network:

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

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

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

16 § 1695. Insurance provisions. 1. In a claims coverage investigation,
17 a TNC and any insurer potentially providing coverage under this article
18 shall, within fifteen days after a claim has been filed, facilitate the
19 exchange of relevant information with directly involved parties and any
20 insurer of the TNC driver if applicable, including the precise times
21 that a TNC driver logged on and off of the TNC's digital network in the
22 twelve hour period immediately preceding and in the twelve hour period
23 immediately following the accident and disclose to one another a clear
24 description of the coverage, exclusions and limits provided under any
25 motor vehicle insurance maintained under this article.

26 2. The commissioner shall provide any and all relevant insurance
27 coverage information, including coverage required by this article to the
28 following persons upon request:

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

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

35 § 1696. Driver and vehicle requirements. 1. (a) At all times, an indi-
36 vidual acting as a TNC driver shall be permitted by the TNC as follows:

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

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

44 (A) Whether the applicant is listed on the publicly available New York
45 state sex offender registry pursuant to section one hundred
46 sixty-eight-q of the correction law; and

47 (B) The United States Department of Justice National Sex Offender
48 public website;

49 (iii) The TNC shall obtain and review a driving history research
50 report for such individual except as otherwise prohibited by federal
51 law.

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

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

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

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

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

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

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

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

19 (d) (i) A TNC that issues a TNC driver's permit pursuant to this
20 section shall participate in the New York License Event Notification
21 Service (LENS) established by the department. The LENS shall provide
22 timely notice to the TNC when any violations are added to a TNC driver's
23 driving record including but not limited to:

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

26 (B) reckless driving in violation of section twelve hundred twelve of
27 this chapter;

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

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

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

35 (ii) Upon such notice, a TNC may suspend or revoke any TNC driver's
36 permit only after considering the number or severity of any such
37 violations, including such factors as required by this article for
38 obtaining a TNC permit, when necessary to protect public health and
39 safety.

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

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

1 3. (a) A TNC driver shall not refuse, or deny service to passengers or
2 potential passengers on the basis of destination, race, color, national
3 origin, creed, religious belief, practice or affiliation, sex, disabili-
4 ty, age, sexual orientation, gender identity or expression, genetic
5 predisposition, marital status, familial status, military status, domes-
6 tic violence victim status, or alienage or citizenship status of any
7 person directly or indirectly.

8 (b) A TNC shall adopt a policy of non-discrimination on the basis of
9 destination, race, color, national origin, creed, religious belief,
10 practice or affiliation, sex, disability, age, sexual orientation,
11 gender identity or expression, genetic predisposition, marital status,
12 familial status, military status, domestic violence victim status, or
13 alienage or citizenship status with respect to passengers and potential
14 passengers and notify TNC drivers of such policy.

15 (c) TNC drivers shall comply with all applicable federal and state
16 laws relating to accommodation of service animals including but not
17 limited to section forty-seven of the civil rights law.

18 (d) A TNC shall implement and maintain a policy and an oversight proc-
19 ess to ensure that TNC drivers using the TNC's digital network are
20 providing accessibility to passengers or potential passengers with a
21 disability, including passengers requiring wheelchair accessible vehi-
22 cles, and accommodation of service animals as such term is defined in
23 section one hundred twenty-three-b of the agriculture and markets law
24 and shall to the extent practicable adopt findings established by the
25 New York state TNC accessibility task force adopted pursuant to section
26 fifteen of the chapter of the laws of two thousand seventeen that added
27 this section. A TNC shall not impose additional charges for providing
28 services to persons with physical disabilities because of those disabil-
29 ities.

30 (e) The New York state division of human rights shall accept, review,
31 investigate and remedy any potential or actual violations of this subdi-
32 vision in a form and manner consistent with its authority under article
33 fifteen of the executive law.

34 4. A TNC shall require that any or all motor vehicles that a TNC driv-
35 er will use as a TNC vehicle to provide TNC prearranged trips meets
36 applicable New York state vehicle safety and emissions requirements, as
37 set forth in section three hundred one of this chapter, or the vehicle
38 safety and emissions requirements of the state in which the vehicle is
39 registered.

40 5. (a) A TNC shall issue, to TNC drivers, removable decals to desig-
41 nate a vehicle as a TNC vehicle operating on such TNC's digital network
42 and decals to be firmly affixed to generally identify a vehicle as a TNC
43 vehicle. Such decals shall be in such form as is prescribed by the
44 commissioner by rule and regulation, and shall be sufficiently large and
45 color contrasted as to be readable from the front and rear of the vehi-
46 cle during daylight hours at a distance of at least fifty feet and
47 reflective, illuminated or otherwise patently visible in the darkness.
48 The removable decals shall be applied to both the front and back panels
49 of a TNC vehicle at all times while the TNC driver is logged onto a TNC
50 digital network and the firmly affixed decals shall be applied to both
51 the front and back panels of a TNC vehicle at all times. A TNC driver
52 who provides TNC services using the digital network of more than one TNC
53 shall display the respective decals for each TNC digital network the TNC
54 driver has logged onto. A TNC driver who ceases to provide services for
55 a TNC shall return the decals within fourteen days of that cessation to
56 the respective TNC.

1 **(b) A TNC shall establish procedures to ensure that upon providing a**
2 **permit to a TNC driver such driver shall receive and affix to the TNC**
3 **vehicle the firmly affixed generally identifiable TNC decal, or to**
4 **ensure that a previously issued firmly affixed generally identifiable**
5 **TNC decal has already been affixed to the TNC vehicle prior to allowing**
6 **the TNC driver to log onto the digital network as a TNC driver and**
7 **accept a prearranged trip. In the event the driver has already affixed a**
8 **firmly affixed generally identifiable TNC decal such TNC shall not issue**
9 **a subsequent firmly affixed generally identifiable TNC decal.**

10 **§ 1697. Maintenance of records. A TNC shall maintain the following**
11 **records:**

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

14 **2. individual records of TNC drivers at least until the six year anni-**
15 **versary of the date on which a TNC driver's relationship with the TNC**
16 **has ended.**

17 **§ 1698. Audit procedures; confidentiality of records; data access. 1.**
18 **For the sole purpose of verifying that a TNC is in compliance with the**
19 **requirements of this article and no more than biannually, the department**
20 **shall reserve the right to visually inspect a sample of records that the**
21 **TNC is required to maintain, upon request by the department that shall**
22 **be fulfilled in no less than thirty business days by the TNC. The sample**
23 **shall be chosen randomly by the department in a manner agreeable to both**
24 **parties. The audit shall take place at a mutually agreed location in New**
25 **York. Any record furnished to the department may exclude information**
26 **that would tend to identify specific drivers or passengers.**

27 **2. A TNC shall, upon request, furnish the department or a county,**
28 **town, city or village with records including the dates, times, and**
29 **locations of passenger pick-ups and drop-offs, the most common pick-up**
30 **and drop-off locations, and the average number of TNC vehicles on duty**
31 **at a given time.**

32 **3. (a) The TNC shall establish and prominently display a complaint**
33 **procedure, including the timeframe for the resolution of complaints, on**
34 **the main page of such TNC's website or digital network that allows**
35 **passengers to file complaints with the TNC through the TNC's website,**
36 **digital network, mobile application, email address, or phone number.**

37 **(b) The TNC's website shall also provide a passenger complaint tele-**
38 **phone number and/or website address for the department.**

39 **(c) In response to a specific complaint against any TNC driver or TNC,**
40 **the department is authorized to inspect records held by the TNC that are**
41 **necessary to investigate and resolve the complaint. The TNC and the**
42 **department shall endeavor to have the inspection take place at a mutual-**
43 **ly agreed location in New York. Any record furnished to the department**
44 **may exclude information that would tend to identify specific drivers or**
45 **passengers, unless the identity of a driver or passenger is relevant to**
46 **the complaint.**

47 **4. The department shall promulgate regulations for the filing of**
48 **complaints pursuant to this section.**

49 **5. The department shall accept complaints filed by counties, towns,**
50 **cities and villages regarding any violations of this article, any regu-**
51 **lations promulgated by the department, or any local laws or ordinances**
52 **adopted or amended pursuant to section one hundred eighty-one of the**
53 **general municipal law. The department shall promulgate regulations**
54 **providing for the filing of complaints by counties, towns, cities and**
55 **villages, the investigation of such complaints, and the reporting of the**

1 department's findings to the county, town, city or village that filed a
2 complaint.

3 § 1699. Criminal history background check of transportation network
4 company drivers. 1. The TNC shall conduct a criminal background check
5 for each applicant.

6 2. Upon the receipt of a criminal conviction record pursuant to this
7 section, the TNC shall make a determination pursuant to article twenty-
8 three-A of the correction law and subdivisions fifteen and sixteen of
9 section two hundred ninety-six of the executive law as to whether or not
10 the applicant may be issued a TNC driver's permit. Upon receipt of crim-
11 inal conviction information, the TNC shall promptly provide the appli-
12 cant with a copy of his or her criminal conviction information as well
13 as a copy of article twenty-three-A of the correction law. The TNC shall
14 inform such applicant of his or her right to seek correction of any
15 incorrect information contained in such criminal history information
16 pursuant to the regulations and procedures established by the division
17 of criminal justice services.

18 3. A TNC shall be responsible for all fees associated with the crimi-
19 nal history check pursuant to subdivision one of this section. Such fee
20 shall not be passed on to the applicant.

21 4. Any TNC found to have negligently, recklessly, or intentionally
22 violated any requirements established pursuant to this section, shall on
23 the first instance, be subject to a civil penalty of not more than ten
24 thousand dollars. For any subsequent instance within the period of two
25 years from any initial violation, such TNC shall be subject to a civil
26 penalty of not more than fifty thousand dollars, or the suspension or
27 revocation of its TNC license or both.

28 § 1700. Controlling authority. 1. Notwithstanding any other provision
29 of law, the regulation of TNCs and TNC drivers is governed exclusively
30 by the provisions of the chapter of the laws of two thousand seventeen
31 which added this section and any rules promulgated by the state through
32 its agencies consistent with such chapter and any local laws or ordi-
33 nances adopted or amended pursuant to section one hundred eighty-one of
34 the general municipal law.

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

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

46 4. Nothing in this article shall limit the ability of a municipal
47 corporation, public benefit corporation or other entity that owns or
48 operates an airport to establish and enforce the duties and responsibil-
49 ities on airport property of a TNC or TNC driver, which may include, but
50 not be limited to, the imposition and payment of reasonable fees, by (a)
51 adopting or amending rules or regulations or (b) entering into contracts
52 or other agreements with a TNC. Provided, however, that any such
53 contracts, agreements, rules or regulations shall not impose any addi-
54 tional license requirement on a TNC, TNC driver or TNC vehicle.

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

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

6 § 4. Section 600 of the vehicle and traffic law, as amended by chapter
7 49 of the laws of 2005, is amended to read as follows:

8 § 600. Leaving scene of an incident without reporting. 1. Property
9 damage. a. Any person operating a motor vehicle who, knowing or having
10 cause to know that damage has been caused to the real property or to the
11 personal property, not including animals, of another, due to an incident
12 involving the motor vehicle operated by such person shall, before leav-
13 ing the place where the damage occurred, stop, exhibit his or her
14 license and insurance identification card for such vehicle, when such
15 card is required pursuant to articles six and eight of this chapter, and
16 give his or her name, residence, including street and number, insurance
17 carrier and insurance identification information including but not
18 limited to the number and effective dates of said individual's insurance
19 policy, and license number to the party sustaining the damage, or in
20 case the person sustaining the damage is not present at the place where
21 the damage occurred then he or she shall report the same as soon as
22 physically able to the nearest police station, or judicial officer. In
23 addition to the foregoing, any such person shall also: (i) produce the
24 proof of insurance coverage required pursuant to article forty-four-B of
25 this chapter if such person is a TNC driver operating a TNC vehicle
26 while the incident occurred who was either (A) logged on to the TNC's
27 digital network and available to receive transportation requests but not
28 engaged in a TNC prearranged trip or (B) was logged on to the TNC's
29 digital network and was engaged in a TNC prearranged trip; and (ii)
30 disclose whether he or she, at the time such incident occurred, was
31 either (A) logged on to the TNC's digital network and available to
32 receive transportation requests but not engaged in a TNC prearranged
33 trip or (B) was logged on to the TNC's digital network and was engaged
34 in a TNC prearranged trip.

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

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

45 2. Personal injury. a. Any person operating a motor vehicle who,
46 knowing or having cause to know that personal injury has been caused to
47 another person, due to an incident involving the motor vehicle operated
48 by such person shall, before leaving the place where the said personal
49 injury occurred, stop, exhibit his or her license and insurance iden-
50 tification card for such vehicle, when such card is required pursuant to
51 articles six and eight of this chapter, and give his or her name, resi-
52 dence, including street and street number, insurance carrier and insur-
53 ance identification information including but not limited to the number
54 and effective dates of said individual's insurance policy and license
55 number, to the injured party, if practical, and also to a police offi-
56 cer, or in the event that no police officer is in the vicinity of the

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

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

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

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

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

§ 601. Leaving scene of injury to certain animals without reporting. Any person operating a motor vehicle which shall strike and injure any horse, dog, cat or animal classified as cattle shall stop and endeavor to locate the owner or custodian of such animal or a police, peace or judicial officer of the vicinity, and take any other reasonable and appropriate action so that the animal may have necessary attention, and shall also promptly report the matter to such owner, custodian or officer (or if no one of such has been located, then to a police officer of some other nearby community), exhibiting his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, giving his or her name and residence, including street and street number, insurance carrier and insurance identification information and license number. In addition to the foregoing, any such person shall also: (i) produce the proof of insurance coverage required pursuant to article forty-four-B of this chapter if such person is a TNC driver operating a TNC vehicle at the time of the incident who was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip and (ii) disclose whether he or she, at the time such incident occurred, was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip. Violation of this section shall be punishable by a fine of not more than one hundred dollars for a first offense and by a fine of not less than fifty nor more than one hundred fifty dollars for a second offense and each subsequent offense; provided, however where the animal that has been struck and injured is a guide dog, hearing dog or service dog, as such terms are defined in section forty-seven-b of the civil rights law which is actually engaged in aiding or guiding a person with a disability, a violation of this section shall be ~~publishable~~ punishable by a fine of not less than fifty nor more than one hundred fifty dollars for a first offense and by a fine of not less than one hundred fifty dollars nor more than three hundred dollars for a second offense and each subsequent offense.

§ 5. The insurance law is amended by adding a new section 3435-b to read as follows:

§ 3435-b. Motor vehicle insurance policies; transportation network company vehicles; prohibition against cancelling or refusing to renew policies. An insurer that issues a motor vehicle policy used to register a motor vehicle shall not cancel or refuse to renew such policy or any other motor vehicle insurance policy solely on the basis that the motor vehicle covered by such policy is being used as a transportation network company vehicle as defined in section sixteen hundred ninety-one of the vehicle and traffic law.

§ 6. The insurance law is amended by adding two new sections 3455 and 3456 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The coverage described in paragraphs one and two of this subsection may be provided in one group policy or in separate group policies.

(4) A transportation network company group policy, including certificates, shall be issued by authorized insurers or from excess line brokers pursuant to section sixteen hundred ninety-three of the vehicle and traffic law.

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

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

(1) wholly by the group policyholder;

(2) wholly by the group members; or

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

2 (e) (1) Any policy dividend, retrospective premium credit, or retro-
3 spective premium refund in respect of premiums paid by the group policy-
4 holder may:

5 (A) be applied to reduce the premium contribution of the group policy-
6 holder, but not in excess of the proportion to its contribution; or

7 (B) be retained by the group policyholder.

8 (2) Any policy dividend, retrospective premium credit, or retrospec-
9 tive premium refund not distributed under paragraph one of this
10 subsection shall be:

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

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

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

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

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

25 (3) Notwithstanding paragraphs one and two of this subsection, if a
26 dividend accrues upon termination of coverage under a transportation
27 network company group policy, the premium for which was paid out of
28 funds contributed by group members specifically for the coverage, the
29 dividend shall be paid or refunded by the group policyholder to the
30 group members insured on the date the payment or refund is made to the
31 group policyholder, net of reasonable expenses incurred by the group
32 policyholder in paying or refunding the dividend to such group members.

33 (4) For the purposes of this subsection, "dividend" means a return by
34 the insurer of a transportation network company group policy of excess
35 premiums to the group policyholder in light of favorable loss experi-
36 ence, including retrospective premium credits or retrospective premium
37 refunds. The term "dividend" does not include reimbursements or fees
38 received by a group policyholder in connection with the operation or
39 administration of a transportation network company group policy, includ-
40 ing administrative reimbursements, fees for services provided by the
41 group policyholder, or transactional service fees.

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

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

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

1 company group policy or certificate if such change materially affects
2 the coverage available to such group member.

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

7 (3) If any coverage afforded to the group member is excess of applica-
8 ble insurance coverage, the certificate shall contain a notice advising
9 the group members that, if the member has other insurance coverage,
10 specified coverages under the transportation network company group poli-
11 cy will be excess over the other insurance.

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

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

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

29 (B) Where the premium is derived wholly from funds contributed by the
30 group policyholder, an insurer may cancel an individual certificate only
31 if cancellation is based on one or more of the reasons set forth in
32 subparagraph (B), (C) or (H) of paragraph one of subsection (c) of
33 section three thousand four hundred twenty-six of this article.

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

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

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

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

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

4 (B) The group policyholder shall mail or deliver written notice to
5 each affected group member of the group policyholder's cancellation of
6 the group policy or certificate and the effective date of cancellation.
7 The group policyholder shall mail or deliver the written notice to the
8 group member's mailing address at least thirty days prior to the effec-
9 tive date of cancellation.

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

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

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

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

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

27 (6) Every notice of cancellation, nonrenewal, or conditional renewal
28 shall set forth the specific reason or reasons for cancellation, nonre-
29 newal, or conditional renewal.

30 (7) (A) An insurer shall not be required under this subsection to give
31 notice to a group member if the insurer has been advised by either the
32 group policyholder or another insurer that substantially similar cover-
33 age has been obtained from the other insurer without lapse of coverage.

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

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

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

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

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

1 (m) An insurer shall not include a mandatory arbitration clause in a
2 policy that provides financial responsibility coverage under this
3 section except as permitted in section five thousand one hundred five of
4 this chapter.

5 § 3456. Transportation network companies; duty of group policy to
6 defend and indemnify; simultaneous use of multiple digital networks. (a)
7 A group policy maintained by a TNC shall be primary with respect to a
8 TNC driver's owner's policy of liability insurance and shall have a duty
9 to defend and indemnify such owner's policy for any claim for damage or
10 injury occurring while a driver is logged on to a TNC's digital network.

11 (b) Where a TNC driver is logged on to more than one digital network
12 at the time of an accident, each policy providing coverage either while
13 the TNC driver is logged onto a TNC's digital network and is available
14 to receive transportation requests but is not engaged in a prearranged
15 trip or while the TNC driver is engaged in a TNC prearranged trip shall
16 run concurrently and cumulatively and the first insurer to which notice
17 of claim is given shall be responsible for the initial payment of the
18 claim. Any dispute between insurers shall be resolved in accordance with
19 the arbitration procedures established pursuant to section five thousand
20 one hundred five of this chapter.

21 (c) For the purposes of this section, the terms "TNC", "TNC driver",
22 "TNC prearranged trip" and "digital network" shall have the same mean-
23 ings as such terms are defined in article forty-four-B of the vehicle
24 and traffic law.

25 § 6-a. Subsection (g) of section 5102 of the insurance law is amended
26 to read as follows:

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

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

32 ~~(d) [Where]~~ (1) Except as provided in paragraph two of this
33 subsection, where there is reasonable belief more than one insurer would
34 be the source of first party benefits, the insurers may agree among
35 themselves, if there is a valid basis therefor, that one of them will
36 accept and pay the claim initially. If there is no such agreement, then
37 the first insurer to whom notice of claim is given shall be responsible
38 for payment. Any such dispute shall be resolved in accordance with the
39 arbitration procedures established pursuant to section five thousand one
40 hundred five of this article and ~~[regulation]~~ regulations as promulgated
41 by the superintendent, and any insurer paying first-party benefits shall
42 be reimbursed by other insurers for their proportionate share of the
43 costs of the claim and the allocated expenses of processing the claim,
44 in accordance with the provisions entitled "other coverage" contained in
45 regulation and the provisions entitled "other sources of first-party
46 benefits" contained in regulation. If there is no such insurer and the
47 motor vehicle accident occurs in this state, then an applicant who is a
48 qualified person as defined in article fifty-two of this chapter shall
49 institute the claim against the motor vehicle accident indemnification
50 corporation.

51 (2) (i) For the purposes of this paragraph, the term "transportation
52 network company" shall have the same meaning as such term is defined in
53 article forty-four-B of the vehicle and traffic law.

54 (ii) Where there is a reasonable belief more than one insurer would be
55 the source of first party benefits due to a dispute as to whether a
56 driver was using or operating a motor vehicle in connection with a

1 transportation network company when loss, damage, injury, or death
2 occurs, the insurers may agree among themselves, if there is a valid
3 basis therefor, that one of them will accept and pay the claim initial-
4 ly. If there is no such agreement, then the first insurer to which
5 notice of claim is given shall be responsible for the initial payment of
6 first party benefits to the claimant. Any dispute between insurers shall
7 be resolved in accordance with the arbitration procedures established
8 pursuant to section five thousand one hundred five of this article and
9 regulations as promulgated by the superintendent, and any insurer paying
10 first-party benefits shall be reimbursed by other insurers for their
11 proportionate share of the costs of the claim and the allocated expenses
12 of processing the claim, in accordance with the provisions entitled
13 "other coverage" contained in regulation and the provisions entitled
14 "other sources of first-party benefits" contained in regulation.

15 § 8. Subsection (b) of section 2305 of the insurance law, as amended
16 by chapter 11 of the laws of 2008, paragraph 13 as amended by chapter
17 136 of the laws of 2008, is amended to read as follows:

18 (b) rate filings for:
19 (1) workers' compensation insurance;
20 (2) motor vehicle insurance, or surety bonds, required by section
21 three hundred seventy of the vehicle and traffic law or article forty-
22 four-B of the vehicle and traffic law;
23 (3) joint underwriting;
24 (4) motor vehicle assigned risk insurance;
25 (5) insurance issued by the New York Property Insurance Underwriting
26 Association;
27 (6) risk sharing plans authorized by section two thousand three
28 hundred eighteen of this article;
29 (7) title insurance;
30 (8) medical malpractice liability insurance;
31 (9) insurance issued by the Medical Malpractice Insurance Association;
32 (10) mortgage guaranty insurance;
33 (11) credit property insurance, as defined in section two thousand
34 three hundred forty of this article; ~~and~~
35 (12) gap insurance; and
36 (13) ~~Private~~ private passenger automobile insurance, except as
37 provided in section two thousand three hundred fifty of this article~~[,]~~,
38 shall be filed with the superintendent and shall not become effective
39 unless either the filing has been approved or thirty days, which the
40 superintendent may with cause extend an additional thirty days and with
41 further cause extend an additional fifteen days, have elapsed and the
42 filing has not been disapproved as failing to meet the requirements of
43 this article, including the standard that rates be not otherwise unrea-
44 sonable. After a rate filing becomes effective, the filing and support-
45 ing information shall be open to public inspection. If a filing is
46 disapproved, then notice of such disapproval order shall be given, spec-
47 ifying in what respects such filing fails to meet the requirements of
48 this article. Upon his or her request, the superintendent shall be
49 provided with support and assistance from the workers' compensation
50 board and other state agencies and departments with appropriate juris-
51 diction. The loss cost multiplier for each insurer providing coverage
52 for workers' compensation, as defined by regulation promulgated by the
53 superintendent, shall be promptly displayed on the department's website
54 and updated in the event of any change.

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

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

§ 10. 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. For the purposes of administration of this article, a black car operator shall include a transportation network company driver as defined in article forty-four-B of the vehicle and traffic law.

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

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

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

tary shall be three years. The board shall have the power to remove for cause any director other than the secretary.

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

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

§ 13. Section 181 of the general municipal law, as amended by chapter 579 of the laws of 1993, subdivision 1 as separately amended by chapters 287 and 289 of the laws of 2016 and subdivision 2 as amended by chapter 498 of the laws of 2015, is amended to read as follows:

§ 181. Ordinances to regulate taxicabs, livery vehicles, transportation network company vehicles and limousines. 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 and may limit the number of taxicabs to be licensed, the registration and licensing of transportation network company vehicles and may limit the number of transportation network company vehicles to be licensed and the county of Westchester may adopt ordinances regulating the registration and licensing of taxicabs, livery vehicles, transportation network company vehicles and limousines and may limit the number to be licensed; the county of Nassau may adopt ordinances regulating the registration of taxicabs, livery vehicles, transportation network company vehicles and limousines; and the county of Suffolk may adopt local laws or ordinances regulating the registration of taxicabs, limousines, transportation network company vehicles and livery vehicles; the county of Rockland may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, transportation network company vehicles and livery vehicles and may limit the number to be licensed; and the county of Dutchess may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, transportation network company vehicles and livery vehicles; and the county of Ulster may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, transportation network company vehicles and livery vehicles.

2. Parking and passenger pick-up and discharge by taxicabs, limousines, transportation network company vehicles and livery 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.

3. Counties authorized to adopt local laws or ordinances pursuant to subdivision one of this section, cities, towns and villages may adopt local laws or ordinances to provide for the reporting, assisting and

1 collaborating with the department of motor vehicles in any investi-
2 gations or proceedings for penalties, suspension or revocation of a
3 transportation network company license to operate in the state, includ-
4 ing reports of violations of local laws or ordinances enacted pursuant
5 to this section.

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

9 (34) Transportation service. The service of transporting, carrying or
10 conveying a person or persons by livery service; whether to a single
11 destination or to multiple destinations; and whether the compensation
12 paid by or on behalf of the passenger is based on mileage, trip, time
13 consumed or any other basis. A service that begins and ends in this
14 state is deemed intra-state even if it passes outside this state during
15 a portion of the trip. However, transportation service does not include
16 transportation of persons in connection with funerals. Transportation
17 service includes transporting, carrying, or conveying property of the
18 person being transported, whether owned by or in the care of such
19 person. Transportation service shall include a TNC prearranged trip, as
20 that term is defined in article forty-four-B of the vehicle and traffic
21 law. In addition to what is included in the definition of "receipt" in
22 paragraph three of this subdivision, receipts from the sale of transpor-
23 tation service subject to tax include any handling, carrying, baggage,
24 booking service, administrative, mark-up, additional, or other charge,
25 of any nature, made in conjunction with the transportation service.
26 Livery service means service provided by limousine, black car or other
27 motor vehicle, with a driver, but excluding (i) a taxicab, (ii) a bus,
28 and (iii), in a city of one million or more in this state, an affiliated
29 livery vehicle, and excluding any scheduled public service. Limousine
30 means a vehicle with a seating capacity of up to fourteen persons,
31 excluding the driver. Black car means a for-hire vehicle dispatched from
32 a central facility. "Affiliated livery vehicle" means a for-hire motor
33 vehicle with a seating capacity of up to six persons, including the
34 driver, other than a black car or luxury limousine, that is authorized
35 and licensed by the taxi and limousine commission of a city of one
36 million or more to be dispatched by a base station located in such a
37 city and regulated by such taxi and limousine commission; and the charg-
38 es for service provided by an affiliated livery vehicle are on the basis
39 of flat rate, time, mileage, or zones and not on a garage to garage
40 basis.

41 § 14-a. Subdivision 1 of section 1131 of the tax law, as amended by
42 chapter 576 of the laws of 1994, is amended to read as follows:

43 (1) "Persons required to collect tax" or "person required to collect
44 any tax imposed by this article" shall include: every vendor of tangible
45 personal property or services; every recipient of amusement charges;
46 ~~and~~ every operator of a hotel, and transportation network company
47 licensed pursuant to article forty-four-B of the vehicle and traffic law
48 and is operating in New York state exclusively using a digital network
49 to connect transportation network company passengers to transportation
50 network company drivers who provide a prearranged trip. Said terms shall
51 also include any officer, director or employee of a corporation or of a
52 dissolved corporation, any employee of a partnership, any employee or
53 manager of a limited liability company, or any employee of an individual
54 proprietorship who as such officer, director, employee or manager is
55 under a duty to act for such corporation, partnership, limited liability
56 company or individual proprietorship in complying with any requirement

1 of this article; and any member of a partnership or limited liability
2 company. Provided, however, that any person who is a vendor solely by
3 reason of clause (D) or (E) of subparagraph (i) of paragraph (8) of
4 subdivision (b) of section eleven hundred one of this article shall not
5 be a "person required to collect any tax imposed by this article" until
6 twenty days after the date by which such person is required to file a
7 certificate of registration pursuant to section eleven hundred thirty-
8 four of this part.

9 § 14-b. Section 1132 of the tax law is amended by adding a new subdi-
10 vision (1) to read as follows:

11 (1) (1) A transportation network company, with respect to providing a
12 transportation service: (i) shall have all the obligations and rights of
13 a vendor under this article and article twenty-nine of this chapter and
14 under any regulations adopted pursuant thereto, including, but not
15 limited to, the duty to obtain a certificate of authority, to collect
16 tax, file returns, remit tax, and the right to accept a certificate or
17 other documentation from a transportation network company driver pursu-
18 ant to article forty-four-B of the vehicle and traffic law, substantiat-
19 ing an exemption or exclusion from tax, the right to receive the refund
20 authorized by subdivision (e) of this section and the credit allowed by
21 subdivision (f) of section eleven hundred thirty-seven of this part
22 subject to the provisions of such subdivision; and (ii) shall keep such
23 records and information and cooperate with the commissioner to ensure
24 the proper collection and remittance of tax imposed collected or
25 required to be collected under this article and article twenty-nine of
26 this chapter.

27 (2) A transportation network company which is a vendor is relieved
28 from the duty to collect tax in regard to a particular service of
29 providing transportation subject to tax under subdivision (a) of section
30 eleven hundred five of this article and shall not include the receipts
31 from such sale of transportation service in its taxable receipts for
32 purposes of section eleven hundred thirty-six of this part if, in regard
33 to such sale: (i) the transportation network company can show that such
34 service was provided by a transportation network company driver and such
35 driver has a properly completed certificate of collection in a form
36 prescribed by the commissioner, certifying that such driver is regis-
37 tered to collect sales tax and will collect sales tax on all taxable
38 sales of transportation service including all TNC prearranged trips by
39 the driver facilitated by the transportation network company, and with
40 such other information as the commissioner may prescribe; and (ii) any
41 failure of the transportation network company to collect the proper
42 amount of tax in regard to such sale of transportation service was not
43 the result of such driver providing such company with incorrect informa-
44 tion. This provision shall be administered in a manner consistent with
45 subparagraph (i) of paragraph one of subdivision (c) of this section as
46 if a certificate of collection were a resale or exemption certificate
47 for purposes of such subparagraph, including with regard to the
48 completeness of such certificate of collection and the timing of its
49 acceptance by the transportation network company.

50 (3) The commissioner may, in his or her discretion: (i) develop a
51 standard provision, or approve a provision developed by a transportation
52 network company, in which the transportation network company obligates
53 itself to collect the tax on behalf of all the transportation network
54 drivers for whom the transportation network company facilitates sales of
55 transportation service, with respect to all sales that it facilitates
56 for such drivers where a taxable prearranged trip occurs in an area of

1 the state authorized pursuant to article forty-four-B of the vehicle and
2 traffic law; and (ii) provide by regulation or otherwise that the inclu-
3 sion of such provision in the agreement between the transportation
4 network company and transportation network company drivers will have the
5 same effect as a transportation network company driver's acceptance of a
6 certificate of collection from such transportation network company under
7 paragraph two of this subdivision.

8 § 14-c. Section 1133 of the tax law is amended by adding a new subdi-
9 vision (f) to read as follows:

10 (f) A transportation network company is relieved of liability under
11 this section for failure to collect the correct amount of tax to the
12 extent that the transportation network company can show that the error
13 was due to incorrect information given to the transportation network
14 company by the transportation network driver pursuant to article forty-
15 four-B of the vehicle and traffic law.

16 § 14-d. Paragraph 4 of subdivision (a) of section 1136 of the tax law,
17 as amended by section 46 of part K of chapter 61 of the laws of 2011, is
18 amended to read as follows:

19 (4) The return of a vendor of tangible personal property or services
20 shall show such vendor's receipts from sales and the number of gallons
21 of any motor fuel or diesel motor fuel sold and also the aggregate value
22 of tangible personal property and services and number of gallons of such
23 fuels sold by the vendor, the use of which is subject to tax under this
24 article, and the amount of tax payable thereon pursuant to the
25 provisions of section eleven hundred thirty-seven of this part. The
26 return of a recipient of amusement charges shall show all such charges
27 and the amount of tax thereon, and the return of an operator required to
28 collect tax on rents shall show all rents received or charged and the
29 amount of tax thereon. The return of a transportation network company
30 driver shall exclude the receipts from a sale of transportation service
31 facilitated by a transportation network company if, in regard to such
32 sale: (A) the transportation network driver has timely received in good
33 faith a properly completed certificate of collection from the transpor-
34 tation network company or the transportation network company has
35 included a provision approved by the commissioner in the agreement
36 between the transportation network company and the transportation
37 network driver as described in subdivision (1) of section eleven hundred
38 thirty-two of this part, and (B) the information provided by the trans-
39 portation network company driver to the transportation network company
40 about such transportation service is accurate.

41 § 15. 1. For purposes of this section, transportation network company
42 shall mean a transportation network company as defined by article
43 forty-four-B of the vehicle and traffic law.

44 2. There is hereby established the New York State Transportation
45 Network Company Accessibility Task Force to analyze and advise on how to
46 maximize effective and integrated transportation services for persons
47 with disabilities in the transportation network company market. The New
48 York State Transportation Network Company Accessibility Task Force shall
49 consist of eleven members. Two members of the New York State Transporta-
50 tion Network Company Accessibility Task Force shall be appointed by the
51 speaker of the assembly. Two members of the New York State Transporta-
52 tion Network Company Accessibility Task Force shall be appointed by the
53 temporary president of the senate. Seven members of the New York State
54 Transportation Network Company Accessibility Task Force shall be
55 appointed by the governor and shall include, but not be limited to, two
56 representatives of groups who serve persons with disabilities and two

1 representatives from a transportation network company. The governor
2 shall designate two chairpersons to the New York State Transportation
3 Network Company Accessibility Task Force.

4 3. The New York State Transportation Network Company Accessibility
5 Task Force shall study the demand responsive transportation marketplace
6 and shall, in addition to any responsibilities assigned by the governor:
7 (a) conduct a needs assessment concerning the demand for demand respon-
8 sive accessible transportation; (b) conduct a resource assessment
9 concerning the availability of accessible demand responsive transporta-
10 tion services for persons with disabilities; (c) identify opportunities
11 for, and barriers to, increasing accessible demand responsive transpor-
12 tation service for persons with mobility disabilities; (d) propose stra-
13 tegies for increasing accessible demand responsive transportation
14 service for persons with disabilities; and (e) any other issues deter-
15 mined important to the task force in establishing a recommendation
16 pursuant to subdivision five of this section.

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

21 5. The New York State Transportation Network Company Accessibility
22 Task Force shall complete a report addressing the activities described
23 in subdivision two of this section and make a recommendation, supported
24 by such activities, recommending the amount of accessibility necessary
25 for adequate transportation for disabled passengers in order to utilize
26 such services and present such findings at a public meeting where its
27 members shall accept such report, pursuant to majority vote of the task
28 force, and present such report to the governor, the speaker of the
29 assembly and the temporary president of the senate, and make such report
30 publicly available for review within twenty-four months of the effective
31 date of this act.

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

35 § 16. Severability clause. If any provision of this act or the appli-
36 cation thereof is held invalid, such invalidity shall not affect other
37 provisions or applications of this act which can be given effect without
38 the invalid provision or application, and to this end the provisions of
39 this act are declared to be severable.

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

45 § 18. This act shall take effect on the ninetieth day after it shall
46 have become a law; provided that sections fourteen, fourteen-a, four-
47 teen-b, fourteen-c, and fourteen-d of this act shall take effect on
48 September 1, 2017.