

STATE OF NEW YORK

8506

IN SENATE

May 9, 2018

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring limousines operating in this state to adopt certain safety measures and be properly insured

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

1 Section 1. Paragraph (a) of subdivision 4 of section 311 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

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3
4 (a) Affording coverage as defined in the minimum provisions prescribed in a regulation which shall be promulgated by the superintendent at least ninety days prior to effective date of this act. The superintendent before promulgating such regulations or any amendment thereof, shall consult with all insurers licensed to write automobile liability insurance in this state and shall not prescribe minimum provisions which fail to reflect the provisions of automobile liability insurance policies, other than motor vehicle liability policies as defined in section three hundred forty-five of this chapter, issued within this state at the date of such regulation or amendment thereof. Nothing contained in such regulation or in this article shall prohibit any insurer from affording coverage under an owner's policy of liability insurance more liberal than that required by said minimum provisions. Every such owner's policy of liability insurance shall provide insurance subject to said regulation against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a specific motor vehicle or motor vehicles within the state of New York, or elsewhere in the United States in North America or the Dominion of Canada, subject to a limit, exclusive of interest and costs, with respect to each such motor vehicle except a tow truck or limousine, of twenty-five thousand dollars because of bodily injuries to and fifty thousand dollars because of death of one person in any one accident and,

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

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1 subject to said limit for one person, to a limit of fifty thousand
2 dollars because of bodily injury to and one hundred thousand dollars
3 because of death of two or more persons in any one accident, and to a
4 limit of ten thousand dollars because of injury to or destruction of
5 property of others in any one accident provided, however, that such
6 policy need not be for a period coterminous with the registration period
7 of the vehicle insured. The limit, exclusive of interest and costs, with
8 respect to a tow truck shall be a combined single limit of at least
9 three hundred thousand dollars because of bodily injury or death to one
10 or more persons or because of injury or destruction of property of
11 others in any one accident, and to a limit of twenty-five thousand
12 dollars because of damage to a vehicle in the care, custody and control
13 of the insured. The limit, exclusive of interests and costs, with regard
14 to a limousine shall be a combined single limit of at least one million
15 five hundred thousand dollars because of bodily injury or death to one
16 or more persons or because of injury or destruction of property in any
17 one accident, or the limit required by local law or regulation, whichev-
18 er is greater. Any insurer authorized to issue an owner's policy of
19 liability insurance as provided for in this article may, pending the
20 issue of such a policy, make an agreement, to be known as a binder, or
21 may, in lieu of such a policy, issue a renewal endorsement or evidence
22 of renewal of an existing policy; each of which shall be construed to
23 provide indemnity or protection in like manner and to the same extent as
24 such a policy. The provisions of this article shall apply to such bind-
25 ers, renewal endorsements or evidences of renewal. Every such policy
26 issued insuring private passenger vehicles and every renewal policy,
27 renewal endorsement, or other evidence of renewal issued shall have
28 attached thereto a rating information form which clearly specifies and
29 defines the rating classification assigned thereto, including any appli-
30 cable merit rating plan; and

31 § 2. Section 311 of the vehicle and traffic law is amended by adding a
32 new subdivision 11 to read as follows:

33 11. "Limousine" means a livery vehicle that has a seating capacity of
34 eight or more passengers and which provides prearranged passenger trans-
35 portation on a dedicated, nonscheduled, charter basis, where the charge
36 is based on a flat rate or per unit of time or mileage, or a vehicle
37 classified as a luxury limousine as defined by the taxi and limousine
38 commission of New York city or Westchester county or licensed by a muni-
39 cipality of the Nassau county and registered with the Nassau county.
40 Service by a limousine that begins and ends in this state is deemed
41 intra-state even if it passes outside this state during a portion of the
42 trip. This does not include a taxicab that is not operated on a regular
43 route or between specified points, a vehicle carrying less than sixteen
44 individuals in a single daily round trip to commute to and from work, or
45 a motor vehicle transporting only school children and teachers to or
46 from a school or an extracurricular activity organized and funded by a
47 school district.

48 § 3. Section 312 of the vehicle and traffic law is amended by adding a
49 new subdivision 6 to read as follows:

50 6. (a) No limousine shall operate as such in this state unless, upon
51 the registration of the limousine with the department, the application
52 for such registration is accompanied by proof of financial security
53 required by section three hundred eleven of this article which shall be
54 evidence by proof of insurance or evidence of a financial security bond,
55 a financial security deposit or qualification as a self-insurer under
56 section three hundred sixteen of this article; provided, that if

1 directed by regulation of the commissioner, upon renewal of registration
2 an application accompanied by a certificate of registration or renewal
3 stub in force immediately preceding the date of application for renewal,
4 together with a statement in a form prescribed by the commissioner
5 certifying that there is in effect proof of financial security, shall
6 meet the requirements of this section.

7 (b) The owner, and registrant if the registrant is different from the
8 owner, of such limousine shall maintain proof of financial security
9 continuously throughout the registration period, and failure to produce
10 proof of financial security when requested to do so upon demand of a
11 magistrate, motor vehicle inspector, peace officer acting pursuant to
12 his or her special duties, or police officer, while such vehicle is
13 being operated upon the public highways of this state, shall be presump-
14 tive evidence of operating a motor vehicle without proof of financial
15 security. Upon the production of proof of financial security such
16 presumption is removed. Production of proof of financial security may be
17 made by mailing such proof to the court having jurisdiction in the
18 matter, and any necessary response by such court or acknowledgment of
19 the production of such proof may also be made by mail.

20 (c) When insurance with respect to any limousine is terminated or
21 canceled, the owner shall surrender forthwith the registration certif-
22 icate and number plates of the vehicle to the commissioner unless proof
23 of financial security otherwise is maintained in compliance with this
24 article and section three hundred seventy of this title.

25 (d) Where the owner of a limousine fails to maintain the proof of
26 financial security required by this section, if the owner of any limou-
27 sine is a corporation, limited liability corporation, or other business
28 entity, the officers of such corporation or entity may be held
29 personally liable for any judgment entered against any driver and/or
30 registrant of the limousine for damages sustained as a result of
31 personal injury, wrongful death and/or property damage suffered as a
32 result of the use and operation of the limousine.

33 § 4. Paragraph 3 of subdivision (b) of section 345 of the vehicle and
34 traffic law, as amended by chapter 305 of the laws of 1995, is amended
35 to read as follows:

36 (3) Shall insure the insured, the vehicle operator, or such other
37 person against loss from the liability imposed by law for damages,
38 including damages for care and loss of services because of bodily injury
39 to or death of any person and injury to or destruction of property aris-
40 ing out of the ownership, maintenance, use, or operation of such motor
41 vehicle or motor vehicles within the state of New York, or elsewhere in
42 the United States in North America or the Dominion of Canada, subject to
43 a limit, exclusive of interest and cost, with respect to each such motor
44 vehicle, except a tow truck or a limousine as defined in subdivision
45 eleven of section three hundred eleven of this title, of twenty-five
46 thousand dollars because of bodily injury to or fifty thousand dollars
47 because of death of one person in any one accident and, subject to said
48 limit for one person, to a limit of fifty thousand dollars because of
49 bodily injury to or one hundred thousand dollars because of death of two
50 or more persons in any one accident, and to a limit of ten thousand
51 dollars because of injury to or destruction of property of others in any
52 one accident. The limit, exclusive of interest and costs, with respect
53 to a tow truck shall be a combined single limit of three hundred thou-
54 sand dollars because of bodily injury [~~of~~] or death to one or more
55 persons or because of injury or destruction of property of others in any
56 one accident, and to a limit of twenty-five thousand dollars because of

1 damage to a vehicle in the care, custody and control of the insured. The
2 limit, exclusive of interest and costs, with respect to a limousine as
3 defined in subdivision eleven of section three hundred eleven of this
4 title shall be a combined single limit of at least one million five
5 hundred thousand dollars because of bodily injury or death to one or
6 more persons or because of injury or destruction of property of others
7 in any one accident, or the limit required by local law or regulation,
8 whichever is greater.

9 § 5. Paragraphs (a) and (b) of subdivision 1 of section 370 of the
10 vehicle and traffic law, paragraph (a) as amended by chapter 305 of the
11 laws of 1995 and paragraph (b) as amended by chapter 613 of the laws of
12 2002, are amended to read as follows:

13 (a) For damages for and incident to death or injuries to persons: For
14 each motorcycle and for each motor vehicle which is intended pursuant to
15 this subdivision to be operated in a business of carrying or transport-
16 ing passengers for hire having a seating capacity of not more than seven
17 passengers, a bond or insurance policy with a minimum liability of twen-
18 ty-five thousand dollars and a maximum liability of fifty thousand
19 dollars for bodily injury, and a minimum liability of fifty thousand
20 dollars and a maximum liability of one hundred thousand dollars for
21 death; for each motor vehicle which is intended pursuant to this subdi-
22 vision to be operated in a business of carrying or transporting passen-
23 gers for hire having a seating capacity of not less than eight nor more
24 than [~~twelve~~] fourteen passengers, a bond or insurance policy with a
25 [~~minimum liability~~] combined single limit of [~~twenty-five~~] of at least
26 one million five hundred thousand dollars [~~and a maximum liability of~~
27 ~~eighty thousand dollars~~] for bodily injury[, ~~and a minimum liability of~~
28 ~~fifty thousand dollars and a maximum liability of one hundred fifty~~
29 ~~thousand dollars for~~] or death to one or more persons because of injury
30 or destruction of property in any one accident, or the limit required by
31 local law or regulation, whichever is greater; [~~for each motor vehicle~~
32 ~~having a seating capacity of not less than thirteen nor more than twenty~~
33 ~~passengers, a bond or insurance policy with a minimum liability of twenty~~
34 ~~five thousand dollars and a maximum liability of one hundred twenty~~
35 ~~thousand dollars for bodily injury and a minimum liability of fifty~~
36 ~~thousand dollars and a maximum liability of one hundred fifty thousand~~
37 ~~dollars for death; for each motor vehicle having a seating capacity of~~
38 ~~not less than twenty-one nor more than thirty passengers, a bond or~~
39 ~~insurance policy with a minimum liability of twenty-five thousand~~
40 ~~dollars and a maximum liability of one hundred sixty thousand dollars~~
41 ~~for bodily injury and a minimum liability of fifty thousand dollars and~~
42 ~~a maximum liability of two hundred thousand dollars for death; for each~~
43 ~~motor vehicle having a seating capacity of more than thirty passengers,~~
44 ~~a bond or insurance policy with a minimum liability of twenty-five thou-~~
45 ~~sand dollars and a maximum liability of two hundred thousand dollars for~~
46 ~~bodily injury and a minimum liability of fifty thousand dollars and a~~
47 ~~maximum liability of two hundred fifty thousand dollars for death;]~~

48 (b) For damages for and incident to injury to or destruction of prop-
49 erty; for each motor vehicle and each motorcycle having a seating capac-
50 ity of fewer than eight passengers, a bond or insurance policy with a
51 minimum liability of ten thousand dollars.

52 Such bond or policy of insurance shall contain a provision for a
53 continuing liability thereunder, notwithstanding any recovery thereon.
54 Any such bond or policy of insurance shall also contain a provision that
55 such bond or policy of insurance shall inure to the benefit of any
56 person legally operating the motor vehicle or motorcycle in the business

1 of the owner and with his permission, in the same manner and under the
2 same conditions and to the same extent as to the owner. If at any time,
3 in the judgment of the commissioner, such bond or policy is not suffi-
4 cient for any cause the commissioner may require the owner of such motor
5 vehicle or motorcycle to replace such bond or policy with another
6 approved by the commissioner. A corporate surety or an insurance company
7 evidence of whose bond or policy has been so filed, must file a notice
8 in the office of the commissioner that upon the expiration of twenty
9 days from such filing such surety will cease to be liable upon such
10 bond, or in the case of such insurance company, that upon the expiration
11 of such time such policy will be cancelled; provided, however, that
12 where the owner of such motor vehicle or motorcycle has replaced cover-
13 age with another insurer, the expiration date shall be the date the new
14 coverage has commenced; further provided that where such owner has had a
15 total loss, the expiration date shall be the earlier of twenty days or
16 when the plates have been turned in to the commissioner. The commission-
17 er shall thereupon notify the owner of such motor vehicle or motorcycle
18 of the filing of such notice, and unless such owner shall file a new
19 bond or evidence of new bond or policy, as provided by this section, on
20 or before such date as shall be specified by the commissioner, or shall
21 place the number plates belonging to the motor vehicle or motorcycle in
22 the custody of the commissioner or his agent within such time, to remain
23 in such custody until a new bond or evidence of a new bond or policy is
24 filed, the registration of such motor vehicle or motorcycle shall be
25 revoked as of the date specified in said notice of the commissioner and
26 no new registration shall be issued for a period of thirty days. Forth-
27 with after his registration has been so revoked such owner shall return
28 the number plates issued for such vehicle to the commissioner. The
29 provisions of subdivision seven of section five hundred ten of this
30 chapter shall apply to such revocations.

31 Notwithstanding any contrary provision of this chapter, any such bond,
32 or policy of insurance shall also provide for uninsured motorists cover-
33 age in the minimal amount and in the form provided for in subsection (f)
34 of section three thousand four hundred twenty of the insurance law.

35 Nothing in this subdivision shall be construed to prevent compliance
36 therewith by filing a combination of bonds or policies or of a bond and
37 policy or evidence thereof if the commissioner approves and the require-
38 ments of this subdivision are otherwise met.

39 § 6. Paragraph (b) of subdivision 2 of section 502 of the vehicle and
40 traffic law, as amended by chapter 520 of the laws of 1991, is amended
41 to read as follows:

42 (b) Except as provided in paragraph (a) of this subdivision an appli-
43 cant for a class B[~~7~~] or C [~~or E~~] license shall be at least eighteen
44 years of age and an applicant for a class E license shall be at least
45 twenty-three years of age.

46 § 7. Subdivision (1) of section 509-a of the vehicle and traffic law,
47 as amended by chapter 853 of the laws of 1992, is amended to read as
48 follows:

49 (1) bus shall mean every motor vehicle, owned, leased, rented or
50 otherwise controlled by a motor carrier, which (a) is a school bus as
51 defined in section one hundred forty-two of this chapter or has a seat-
52 ing capacity of more than ten adult passengers in addition to the driver
53 and which is used for the transportation of persons under the age of
54 twenty-one or persons of any age who are mentally or physically disabled
55 to a place of vocational, academic or religious instruction or religious
56 service including nursery schools, day care centers and camps, (b) is

1 required to obtain approval to operate in the state as a common or
2 contract carrier of passengers by motor vehicle from the commissioner of
3 transportation, or the interstate commerce commission, (c) is regulated
4 as a bus line by a city that has adopted an ordinance, local law or
5 charter to regulate or franchise bus line operations pursuant to subdivi-
6 sion four of section eighty of the transportation law, (d) is regu-
7 lated as a van service or other common carrier of passengers by motor
8 vehicle covered under article seven of the transportation law by a city
9 with a population of over one million pursuant to an ordinance or local
10 law adopted pursuant to subdivision five of section eighty of the trans-
11 portation law or (e) is operated by a transit authority or municipality
12 and is used to transport persons for hire. For the purposes of this
13 article, a bus shall be defined to include a limousine with a seating
14 capacity of nine or more, including the driver. Provided, however, that
15 bus shall not mean an authorized emergency vehicle operated in the
16 course of an emergency, or a motor vehicle used in the transportation of
17 agricultural workers to and from their place of employment;

18 § 8. Subdivision (e) of section 1160 of the vehicle and traffic law,
19 as added by chapter 294 of the laws of 1989, is amended to read as
20 follows:

21 (e) U-turns. U-turns shall be made from and to that portion of the
22 highway nearest the marked center line. Where more than one lane of a
23 highway has been designated for left turns, U-turns shall be made only
24 from the lane so designated that is adjacent to the marked center line.
25 Modified or stretch limousines with total seating capacities of nine or
26 more, including the driver, are prohibited from making U-turns on any
27 roadway.

28 § 9. This act shall take effect immediately; provided, however, that
29 within sixty days after such effective date all limousines subject to
30 the provisions of this act shall have in full force and effect an insur-
31 ance policy or other permissible bond, deposit, or qualification as
32 required by this act, and shall provide satisfactory proof of such
33 coverage to the commissioner of motor vehicles.