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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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1700. Controlling authority.

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

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

(b) owned, leased or otherwise authorized for use by the transportation network company driver.

(c) such term shall not include:

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

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

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

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

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

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

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

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

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

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

4. "Transportation network company driver" or "TNC driver" means an individual who receives connections to potential passengers from a transportation network company, and uses a TNC vehicle to offer or provide a TNC prearranged trip to transportation network company passengers upon connection through a digital network controlled by a transportation network company in exchange for compensation or payment of a fee.

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

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

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

(b) continuing while the transportation network company driver transports the requesting passenger in a TNC vehicle; and

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

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

§ 1692. General provisions. 1. Neither a TNC nor a TNC driver shall be deemed to be a common carrier, as defined in subdivision six of section two of the transportation law, or a contract carrier of passengers by motor vehicle, as defined in subdivision nine of section two of the transportation law, or a motor carrier, as defined in subdivision seventeen of section two of the transportation law. Neither a TNC nor a TNC driver shall be deemed to provide taxicab or for-hire vehicle service and provided, further, no TNC driver shall be required to register the TNC vehicle that such TNC driver uses for TNC prearranged trips as a commercial or for-hire vehicle pursuant to section four hundred one of this chapter.

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

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

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

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

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

(a) The origin and destination of the trip;

(b) The total time and distance of the trip;

(c) An itemization of the total fare paid, if any; and

(d) The TNC operating license number.

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

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

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

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

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

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

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

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

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

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

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

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

2. (a) The following automobile financial responsibility insurance requirements shall apply at all times while a TNC driver is logged onto the TNC's digital network and is available to receive transportation requests but is not engaged in a TNC prearranged trip: insurance 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 personal vehicle or vehicles within this state, exclusive of interest and costs, with respect to each such occurrence, of at least seventy-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of at least one hundred fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and to a limit of at least twenty-five thousand dollars because of injury to or destruction of property of

others in any one accident provided, however, that such policy need not be for a period coterminous with the registration period of the personal vehicle insured, and coverage in satisfaction of the financial responsibility requirements set forth in section three thousand four hundred twenty of the insurance law, article fifty-one of the insurance law, 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.

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

(i) insurance maintained by the TNC driver; or

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

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

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

3. (a) The following automobile financial responsibility insurance requirements shall apply at all times while a TNC driver is engaged in a TNC prearranged trip: insurance 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 personal vehicle or vehicles within this state, subject to a limit, exclusive of interest and costs, with respect to each such occurrence, of at least one million five hundred thousand dollars because of bodily injuries, death and property damage, provided, however, that such policy need not be for a period coterminous with the registration period of the personal vehicle insured, and coverage in satisfaction of the financial responsibility requirements set forth in section three thousand four hundred twenty of the insurance law, article fifty-one of the insurance law, 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.

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

(i) insurance maintained by the TNC driver; or

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

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

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

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

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

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

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

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

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

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

9. A TNC driver shall carry proof of coverage satisfying subdivisions two and three of this section with him or her at all times during his or her use or operation of a TNC vehicle in connection with a TNC's digital network. Such proof of coverage shall be in such form as the commissioner shall prescribe, which may be in the form of an insurance identification card as defined in section three hundred eleven of this chapter. Any insurance identification card issued pursuant to the provisions of this article shall be in addition to the insurance identification card required pursuant to article six of this chapter, and nothing contained in this article shall be deemed to supersede the requirements of such article six. Whenever the production of an insurance identification card is required by law, a TNC driver shall (a) produce the insurance identification card issued pursuant to article six of this chapter and, (b) if such driver either (i) was logged onto the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (ii) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip, such driver shall also produce the insurance identification card required pursuant to this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. individual records of TNC drivers at least until the six year anniversary of the date on which a TNC driver's relationship with the TNC has ended.

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

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

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

(b) The TNC's website shall also provide a passenger complaint telephone number and/or website address for the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 600. Leaving scene of an incident without reporting. 1. Property damage. a. Any person operating a motor vehicle who, knowing or having cause to know that damage has been caused to the real property or to the personal property, not including animals, of another, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the damage occurred, stop, exhibit 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, and give his or her name, residence, including street and number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy, and license number to the party sustaining the damage, or in case the person sustaining the damage is not present at the place where the damage occurred then he or she shall report the same 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 while the incident occurred 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.

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

2. Personal injury. a. Any person operating a motor vehicle who, knowing or having cause to know that personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit 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, and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, 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

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

(e) (1) Any policy dividend, retrospective premium credit, or retrospective premium refund in respect of premiums paid by the group policyholder may:

(A) be applied to reduce the premium contribution of the group policyholder, but not in excess of the proportion to its contribution; or

(B) be retained by the group policyholder.

(2) Any policy dividend, retrospective premium credit, or retrospective premium refund not distributed under paragraph one of this subsection shall be:

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

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

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

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

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

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

(4) For the purposes of this subsection, "dividend" means a return by the insurer of a transportation network company group policy of excess premiums to the group policyholder in light of favorable loss experience, including retrospective premium credits or retrospective premium refunds. The term "dividend" does not include reimbursements or fees received by a group policyholder in connection with the operation or administration of a transportation network company group policy, including administrative reimbursements, fees for services provided by the group policyholder, or transactional service fees.

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

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

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

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

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

(3) If any coverage afforded to the group member is excess of applicable insurance coverage, the certificate shall contain a notice advising the group members that, if the member has other insurance coverage, specified coverages under the transportation network company group policy will be excess over the other insurance.

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

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

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

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

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

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

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

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

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

(B) The group policyholder shall mail or deliver written notice to each affected group member of the group policyholder's cancellation of the group policy or certificate and the effective date of cancellation. The group policyholder shall mail or deliver the written notice to the group member's mailing address at least thirty days prior to the effective date of cancellation.

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

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

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

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

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

(6) Every notice of cancellation, nonrenewal, or conditional renewal shall set forth the specific reason or reasons for cancellation, nonrenewal, or conditional renewal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) rate filings for:

(1) workers' compensation insurance;

(2) motor vehicle insurance, or surety bonds, required by section three hundred seventy of the vehicle and traffic law or article forty-four-B of the vehicle and traffic law;

(3) joint underwriting;

(4) motor vehicle assigned risk insurance;

(5) insurance issued by the New York Property Insurance Underwriting Association;

(6) risk sharing plans authorized by section two thousand three hundred eighteen of this article;

(7) title insurance;

(8) medical malpractice liability insurance;

(9) insurance issued by the Medical Malpractice Insurance Association;

(10) mortgage guaranty insurance;

(11) credit property insurance, as defined in section two thousand three hundred forty of this article; [~~and~~]

(12) gap insurance; and

(13) [~~Private~~] private passenger automobile insurance, except as provided in section two thousand three hundred fifty of this article[~~.~~], shall be filed with the superintendent and shall not become effective unless either the filing has been approved or thirty days, which the superintendent may with cause extend an additional thirty days and with further cause extend an additional fifteen days, have elapsed and the filing has not been disapproved as failing to meet the requirements of this article, including the standard that rates be not otherwise unreasonable. After a rate filing becomes effective, the filing and supporting information shall be open to public inspection. If a filing is disapproved, then notice of such disapproval order shall be given, specifying in what respects such filing fails to meet the requirements of this article. Upon his or her request, the superintendent shall be provided with support and assistance from the workers' compensation board and other state agencies and departments with appropriate jurisdiction. The loss cost multiplier for each insurer providing coverage for workers' compensation, as defined by regulation promulgated by the superintendent, shall be promptly displayed on the department's website 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

collaborating with the department of motor vehicles in any investigations or proceedings for penalties, suspension or revocation of a transportation network company license to operate in the state, including reports of violations of local laws or ordinances enacted pursuant to this section.

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

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

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

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

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

§ 14-b. Section 1132 of the tax law is amended by adding a new subdivision (l) to read as follows:

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

(2) A transportation network company which is a vendor is relieved from the duty to collect tax in regard to a particular service of providing transportation subject to tax under subdivision (a) of section eleven hundred five of this article and shall not include the receipts from such sale of transportation service in its taxable receipts for purposes of section eleven hundred thirty-six of this part if, in regard to such sale: (i) the transportation network company can show that such service was provided by a transportation network company driver and such driver has a properly completed certificate of collection in a form prescribed by the commissioner, certifying that such driver is registered to collect sales tax and will collect sales tax on all taxable sales of transportation service including all TNC prearranged trips by the driver facilitated by the transportation network company, and with such other information as the commissioner may prescribe; and (ii) any failure of the transportation network company to collect the proper amount of tax in regard to such sale of transportation service was not the result of such driver providing such company with incorrect information. This provision shall be administered in a manner consistent with subparagraph (i) of paragraph one of subdivision (c) of this section as if a certificate of collection were a resale or exemption certificate for purposes of such subparagraph, including with regard to the completeness of such certificate of collection and the timing of its acceptance by the transportation network company.

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

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

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

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

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

(4) The return of a vendor of tangible personal property or services shall show such vendor's receipts from sales and the number of gallons of any motor fuel or diesel motor fuel sold and also the aggregate value of tangible personal property and services and number of gallons of such fuels sold by the vendor, the use of which is subject to tax under this article, and the amount of tax payable thereon pursuant to the provisions of section eleven hundred thirty-seven of this part. The return of a recipient of amusement charges shall show all such charges and the amount of tax thereon, and the return of an operator required to collect tax on rents shall show all rents received or charged and the amount of tax thereon. The return of a transportation network company driver shall exclude the receipts from a sale of transportation service facilitated by a transportation network company if, in regard to such sale: (A) the transportation network driver has timely received in good faith a properly completed certificate of collection from the transportation network company or the transportation network company has included a provision approved by the commissioner in the agreement between the transportation network company and the transportation network driver as described in subdivision (l) of section eleven hundred thirty-two of this part, and (B) the information provided by the transportation network company driver to the transportation network company about such transportation service is accurate.

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

2. There is hereby established the New York State Transportation Network Company Accessibility Task Force to analyze and advise on how to maximize effective and integrated transportation services for persons with disabilities in the transportation network company market. The New York State Transportation Network Company Accessibility Task Force shall consist of eleven members. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the speaker of the assembly. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the temporary president of the senate. Seven members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the governor and shall include, but not be limited to, two representatives of groups who serve persons with disabilities and two

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

3. The New York State Transportation Network Company Accessibility Task Force shall study the demand responsive transportation marketplace and shall, in addition to any responsibilities assigned by the governor: (a) conduct a needs assessment concerning the demand for demand responsive accessible transportation; (b) conduct a resource assessment concerning the availability of accessible demand responsive transportation services for persons with disabilities; (c) identify opportunities for, and barriers to, increasing accessible demand responsive transportation service for persons with mobility disabilities; (d) propose strategies for increasing accessible demand responsive transportation service for persons with disabilities; and (e) any other issues determined important to the task force in establishing a recommendation pursuant to subdivision five of this section.

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

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

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

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

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

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