STATE OF NEW YORK

4941

2019-2020 Regular Sessions

IN SENATE

April 2, 2019

Introduced by Sens. MARTINEZ, 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:

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:

(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

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

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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, subject to said limit for one person, to a limit of fifty thousand dollars because of bodily injury to and one hundred thousand dollars because of death of two or more persons in any one accident, and to a limit of ten 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 vehicle insured. The limit, exclusive of interest and costs, with respect to a tow truck shall be a combined single limit of at least three hundred thousand dollars because of bodily injury or death to one or more persons or because of injury or destruction of property of others in any one accident, and to a limit of twenty-five thousand dollars because of damage to a vehicle in the care, custody and control of the insured. **The limit, exclusive of interests and costs, with regard to a limousine shall be a combined single limit of at least one million five hundred thousand dollars because of bodily injury or death to one or more persons or because of injury or destruction of property in any one accident, or the limit required by local law or regulation, whichever is greater.** Any insurer authorized to issue an owner's policy of liability insurance as provided for in this article may, pending the issue of such a policy, make an agreement, to be known as a binder, or may, in lieu of such a policy, issue a renewal endorsement or evidence of renewal of an existing policy; each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. The provisions of this article shall apply to such binders, renewal endorsements or evidences of renewal. Every such policy issued insuring private passenger vehicles and every renewal policy, renewal endorsement, or other evidence of renewal issued shall have attached thereto a rating information form which clearly specifies and defines the rating classification assigned thereto, including any applicable merit rating plan; and

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

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

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

6. (a) No limousine shall operate as such in this state unless, upon the registration of the limousine with the department, the application for such registration is accompanied by proof of financial security required by section three hundred eleven of this article which shall be

evidence by proof of insurance or evidence of a financial security bond, a financial security deposit or qualification as a self-insurer under section three hundred sixteen of this article; provided, that if directed by regulation of the commissioner, upon renewal of registration an application accompanied by a certificate of registration or renewal stub in force immediately preceding the date of application for renewal, together with a statement in a form prescribed by the commissioner certifying that there is in effect proof of financial security, shall meet the requirements of this section.

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

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

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

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

(3) Shall insure the insured, the vehicle operator, or such other person 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 such 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 cost, with respect to each such motor vehicle, except a tow truck or a limousine as defined in subdivision eleven of section three hundred eleven of this title, of twenty-five thousand dollars because of bodily injury to or fifty thousand dollars because of death of one person in any one accident and, subject to said limit for one person, to a limit of fifty thousand dollars because of bodily injury to or one hundred thousand dollars because of death of two or more persons in any one accident, and to a limit of ten thousand dollars because of injury to or destruction of property of others in any one accident. The limit, exclusive of interest and costs, with respect to a tow truck shall be a combined single limit of three hundred thou-

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

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

(a) For damages for and incident to death or injuries to persons: For each motorcycle and for each motor vehicle which is intended pursuant to this subdivision to be operated in a business of carrying or transporting passengers for hire having a seating capacity of not more than seven passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of fifty thousand dollars for bodily injury, and a minimum liability of fifty thousand dollars and a maximum liability of one hundred thousand dollars for death; for each motor vehicle which is intended pursuant to this subdivision to be operated in a business of carrying or transporting passengers for hire having a seating capacity of not less than eight nor more than [~~twelve~~] fourteen passengers, a bond or insurance policy with a [~~minimum liability~~] combined single limit of [~~twenty-five~~] at least one million five hundred thousand dollars [~~and a maximum liability of eighty thousand dollars~~] for bodily injury[~~, and a minimum liability of fifty thousand dollars and a maximum liability of one hundred fifty thousand dollars for~~] or death to one or more persons because of injury or destruction of property in any one accident, or the limit required by local law or regulation, whichever is greater; [~~for each motor vehicle having a seating capacity of not less than thirteen nor more than twenty passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of one hundred twenty thousand dollars for bodily injury and a minimum liability of fifty thousand dollars and a maximum liability of one hundred fifty thousand dollars for death; for each motor vehicle having a seating capacity of not less than twenty-one nor more than thirty passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of one hundred sixty thousand dollars for bodily injury and a minimum liability of fifty thousand dollars and a maximum liability of two hundred thousand dollars for death; for each motor vehicle having a seating capacity of more than thirty passengers, a bond or insurance policy with a minimum liability of twenty-five thousand dollars and a maximum liability of two hundred thousand dollars for bodily injury and a minimum liability of fifty thousand dollars and a maximum liability of two hundred fifty thousand dollars for death;~~]

(b) For damages for and incident to injury to or destruction of property; for each motor vehicle and each motorcycle having a seating capacity of fewer than eight passengers, a bond or insurance policy with a minimum liability of ten thousand dollars.

Such bond or policy of insurance shall contain a provision for a continuing liability thereunder, notwithstanding any recovery thereon.

Any such bond or policy of insurance shall also contain a provision that such bond or policy of insurance shall inure to the benefit of any person legally operating the motor vehicle or motorcycle in the business of the owner and with his permission, in the same manner and under the same conditions and to the same extent as to the owner. If at any time, in the judgment of the commissioner, such bond or policy is not sufficient for any cause the commissioner may require the owner of such motor vehicle or motorcycle to replace such bond or policy with another approved by the commissioner. A corporate surety or an insurance company evidence of whose bond or policy has been so filed, must file a notice in the office of the commissioner that upon the expiration of twenty days from such filing such surety will cease to be liable upon such bond, or in the case of such insurance company, that upon the expiration of such time such policy will be cancelled; provided, however, that where the owner of such motor vehicle or motorcycle has replaced coverage with another insurer, the expiration date shall be the date the new coverage has commenced; further provided that where such owner has had a total loss, the expiration date shall be the earlier of twenty days or when the plates have been turned in to the commissioner. The commissioner shall thereupon notify the owner of such motor vehicle or motorcycle of the filing of such notice, and unless such owner shall file a new bond or evidence of new bond or policy, as provided by this section, on or before such date as shall be specified by the commissioner, or shall place the number plates belonging to the motor vehicle or motorcycle in the custody of the commissioner or his agent within such time, to remain in such custody until a new bond or evidence of a new bond or policy is filed, the registration of such motor vehicle or motorcycle shall be revoked as of the date specified in said notice of the commissioner and no new registration shall be issued for a period of thirty days. Forthwith after his registration has been so revoked such owner shall return the number plates issued for such vehicle to the commissioner. The provisions of subdivision seven of section five hundred ten of this chapter shall apply to such revocations.

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

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

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

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

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

(1) bus shall mean every motor vehicle, owned, leased, rented or otherwise controlled by a motor carrier, which (a) is a school bus as defined in section one hundred forty-two of this chapter or has a seating capacity of more than ten adult passengers in addition to the driver and which is used for the transportation of persons under the age of

twenty-one or persons of any age who are mentally or physically disabled to a place of vocational, academic or religious instruction or religious service including nursery schools, day care centers and camps, (b) is required to obtain approval to operate in the state as a common or contract carrier of passengers by motor vehicle from the commissioner of transportation, or the interstate commerce commission, (c) is regulated as a bus line by a city that has adopted an ordinance, local law or charter to regulate or franchise bus line operations pursuant to subdivision four of section eighty of the transportation law, (d) is regulated as a van service or other common carrier of passengers by motor vehicle covered under article seven of the transportation law by a city with a population of over one million pursuant to an ordinance or local law adopted pursuant to subdivision five of section eighty of the transportation law or (e) is operated by a transit authority or municipality and is used to transport persons for hire. **For the purposes of this article, a bus shall be defined to include a limousine with a seating capacity of nine or more, including the driver.** Provided, however, that bus shall not mean an authorized emergency vehicle operated in the course of an emergency, or a motor vehicle used in the transportation of agricultural workers to and from their place of employment;

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

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

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