

# STATE OF NEW YORK

4535--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 4, 2021

Introduced by M. of A. COOK, HYNDMAN, VANEL, WALKER, JACKSON, DICKENS, ANDERSON -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to commuter van and ambulette or paratransit vehicles classification review

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

1 Section 1. The insurance law is amended by adding a new section 346 to  
2 read as follows:

3 § 346. Commuter van and ambulette or paratransit vehicles classifica-  
4 tion review. (a) For the purposes of this section:

5 (1) "Commuter van" shall have the same meaning as such term is defined  
6 in section 19-502 of the administrative code of the city of New York.

7 (2) "Ambulette or paratransit vehicle" shall mean a special-purpose  
8 vehicle, designed and equipped to provide non-emergency transport, that  
9 has wheelchair-carrying capacity, stretcher-carrying capacity, or the  
10 ability to carry disabled individuals.

11 (3) "Assigned risk plan" or "plan" shall mean the plan established  
12 pursuant to article fifty-three of this chapter.

13 (b) The superintendent shall conduct a review of the classification  
14 used by authorized insurers in this state issuing auto insurance cover-  
15 age for commuter vans and ambulette or paratransit vehicles, including  
16 coverage in the assigned risk plan. This review shall include determi-  
17 nations of whether commuter vans and ambulette or paratransit vehicles  
18 are properly classified, including a review of:

19 (1) whether the assumed risks used in the calculation of premiums for  
20 commuter vans and ambulette or paratransit vehicles by authorized insur-  
21 ers are appropriate;

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

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1 (2) whether the current classification and risk assessment of commuter  
2 vans and ambulette or paratransit vehicles by authorized insurers is the  
3 most cost effective classification based on the assumed risks, if another  
4 classification could be more cost effective, and a detailed analysis  
5 of the reason or reasons for such differences in costs and the average  
6 amount of difference in costs; and

7 (3) the cost differential between the premium for being classified as  
8 "other buses" by authorized insurers, and the premium for being classi-  
9 fied as a commuter van or ambulette or paratransit vehicle where such  
10 premium is based solely on the risks specific to commuter vans or ambu-  
11 lette or paratransit vehicles in such plan.

12 (c) If, after review, the premium for being classified as "other  
13 buses" is greater than the premium for being classified as a commuter  
14 van or ambulette or paratransit vehicle, the superintendent shall make a  
15 determination of whether a new classification for commuter vans or ambu-  
16 lette or paratransit vehicles should be created and, if so, shall  
17 require authorized insurers issuing auto insurance policies in this  
18 state, including policies issued through the assigned risk plan, to use  
19 such classification for commuter vans and ambulette or paratransit vehi-  
20 cles at the inception of all new policies and, with respect to all other  
21 policies, upon renewal.

22 (d) The superintendent shall conduct and complete this review and make  
23 all required determinations within ninety days after the effective date  
24 of this section. The superintendent shall also provide a report to the  
25 governor, the temporary president of the senate, the speaker of the  
26 assembly, the chair of the assembly insurance committee and the chair of  
27 the senate insurance committee, of the department's findings and deter-  
28 minations within sixty days after completing such review.

29 § 2. This act shall take effect immediately.