

STATE OF NEW YORK

8432

IN SENATE

January 29, 2024

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

AN ACT to amend the insurance law, in relation to establishing a captive insurance program for commuter vans, black cars, ambulettes and para-transit vehicles, and small school buses

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 7013
2 to read as follows:

3 § 7013. Captive insurance program for commuter vans, pre-arranged
4 for-hire vehicles, and accessible vehicles. (a) The superintendent
5 shall utilize and implement a captive insurance program for commuter
6 vans, pre-arranged for-hire vehicles, and accessible vehicles that are
7 engaged in the business of carrying or transporting passengers for hire.
8 The program shall include, but shall not be limited to:

9 (1) identifying and licensing a captive insurance company or companies
10 to provide necessary insurance coverage to commuter vans, pre-arranged
11 for-hire vehicles, and accessible vehicles;

12 (2) standards for enrollment of eligible commuter vans, pre-arranged
13 for-hire vehicles, and accessible vehicles including mechanisms for
14 determining eligibility; and

15 (3) standards for monitoring the performance of such captive insurance
16 company or companies in providing affordable insurance coverage to
17 commuter vans, pre-arranged for-hire vehicles, and accessible vehicles
18 participating in the program pursuant to subsection (c) of this section.

19 (b) For the purposes of this section, the following terms shall have
20 the following meanings:

21 (1) "commuter van" shall mean a commuter van service having a seating
22 capacity of nine passengers but not more than twenty-four passengers or
23 such greater capacity as the superintendent may establish by rule and
24 carrying passengers for hire. The term "commuter van" shall include, but
25 not be limited to, shuttles and transportation vans.

26 (2) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is
27 used in the business of transporting passengers for compensation on a

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

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1 pre-arranged basis, and operated in such business under a license or
2 permit issued by a licensing jurisdiction. Such term shall include, but
3 not be limited to, small school buses pursuant to section one hundred
4 forty-two or sixteen hundred forty-two-a of the vehicle and traffic law.
5 The term "pre-arranged for-hire vehicle" shall apply to vehicles as
6 defined in this paragraph regardless of any other provision of local law
7 or rule defining or describing such vehicles by any other terms such as
8 school bus, charter bus, livery, taxi, black car, or luxury limousine.

9 (3) "accessible vehicle" shall mean a vehicle that:

10 (A) complies with the accessibility requirements of the Americans with
11 Disabilities Act of 1990, as amended, and the regulations promulgated
12 thereunder;

13 (B) is equipped with a lift, ramp or any other device, arrangement or
14 alteration, so it is capable of transporting individuals who use wheel-
15 chairs, scooters, or other mobility aids while they remain seated in
16 their wheelchairs, scooters, or other mobility aids;

17 (C) is equipped with an assistive listening system for persons with
18 hearing impairments that is connected with any intercom, video or audio
19 system, when such a system is installed or designed and approved to
20 provide service to persons with disabilities;

21 (D) is equipped with standardized signs printed in: (i) braille; and
22 (ii) large-print text so that such signs are visible to persons with low
23 vision;

24 (E) provides sufficient floor space to accommodate a service animal;

25 (F) if powered by a hybrid-electric motor, is equipped with an appro-
26 priate device to enable persons who are blind to hear the approach of
27 the vehicle as readily as they can hear a conventional gasoline-powered
28 vehicle;

29 (G) shall include, but not be limited to, "ambulette" which shall have
30 the same meaning set forth in 17 NYCRR Part 720.8 or "paratransit" vehi-
31 cle which means a special-purpose vehicle, designed and equipped to
32 provide nonemergency transport, that has wheelchair-carrying capacity,
33 stretcher-carrying capacity, or the ability to carry disabled persons as
34 defined in section fifteen-b of the transportation law.

35 (c) Insurance companies shall maintain requirements, including but not
36 limited to: \$500,000 combined single limits (CSL); \$50,000 personal
37 injury protection (PIP) (Basic); and \$25,000/\$50,000 uninsured motorist
38 coverage (UM/UIM). In addition, all no fault insurance related to
39 commuter vans, pre-arranged for-hire vehicles, and accessible vehicles
40 insured in this program will rely on the medical treatment guidelines
41 promulgated in existing workers' compensation law.

42 § 2. This act shall take effect immediately.