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:

Section 1. The insurance law is amended by adding a new section 7013 to read as follows:

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

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

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

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

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

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

(2) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is 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.

LBD09645-03-4

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

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

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

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.