

# STATE OF NEW YORK

9516

## IN SENATE

May 16, 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 vehicle and traffic law, in relation to risk retention groups and commuter vans, pre-arranged for-hire vehicles, or accessible vehicles; and to amend chapter 438 of the laws of 2023, amending the insurance law and the vehicle and traffic law relating to owner's policies of liability insurance issued by a risk retention group not chartered within this state, in relation to certain risk retention groups not chartered in this state

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

1 Section 1. Paragraphs (b) and (c) of subdivision 4 of section 311 of  
2 the vehicle and traffic law, as amended by chapter 14 of the laws of  
3 2024, are amended and a new subdivision 11 is added to read as follows:  
4 (b) In the case of a vehicle registered in this state, a policy issued  
5 by (i) an insurer duly authorized to transact business in this state  
6 [~~ex~~]; (ii) where a vehicle is registered by a not-for-profit organiza-  
7 tion that is tax-exempt under section 501(c)(3) of the federal internal  
8 revenue code, a risk retention group not chartered in this state but  
9 which is registered with the superintendent under the federal liability  
10 risk retention act of 1986, comprised entirely of organizations that are  
11 tax-exempt under section 501(c)(3) of the federal internal revenue code  
12 and where the risk retention group qualifies as a charitable risk pool  
13 under section 501(n) of the federal internal revenue code, provided that  
14 the vehicle being registered does not have a seating capacity of more  
15 than fifteen passengers, is not a limousine or luxury limousine, and  
16 where such vehicles are not solely for personal use by a director, offi-  
17 cer, authorized person, or key person, their relatives or related  
18 parties; or (iii) where a vehicle is a commuter van, pre-arranged for-  
19 hire vehicle, or accessible vehicle, a risk retention group not char-  
20 tered in this state but which is registered with the superintendent  
21 under the federal liability risk retention act of 1986, provided that  
22 the vehicle being registered is not used solely for personal use by a

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

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1 director, officer, authorized person, or key person, their relatives or  
2 related parties; or

3 (c) In the case of a vehicle lawfully registered in another state, or  
4 in both this state and another state, (i) a policy issued by an author-  
5 ized insurer[7]; or (ii) where a vehicle is registered by a not-for-pro-  
6 fit organization that is tax-exempt under section 501(c)(3) of the  
7 federal internal revenue code, a risk retention group not chartered in  
8 this state but which is registered with the superintendent under the  
9 federal liability risk retention act of 1986, comprised entirely of  
10 organizations that are tax-exempt under section 501(c)(3) of the federal  
11 internal revenue code and where the risk retention group qualifies as a  
12 charitable risk pool under section 501(n) of the federal internal reven-  
13 ue code, provided that the vehicle being registered does not have a  
14 seating capacity of more than fifteen passengers, is not a limousine or  
15 luxury limousine, and where such vehicles are not solely for personal  
16 use by a director, officer, authorized person, or key person, their  
17 relatives or related parties[7]; or (iii) a policy issued by an unau-  
18 thorized insurer authorized to transact business in another state if  
19 such unauthorized insurer files with the commissioner in form to be  
20 approved by them a statement consenting to service of process and  
21 declaring its policies shall be deemed to be varied to comply with the  
22 requirements of this article; or (iv) where a vehicle is a commuter van,  
23 pre-arranged for-hire vehicle, or accessible vehicle, a risk retention  
24 group not chartered in this state but which is registered with the  
25 superintendent under the federal liability risk retention act of 1986,  
26 provided that the vehicle being registered is not used solely for  
27 personal use by a director, officer, authorized person, or key person,  
28 their relatives or related parties; and

29 11. For the purposes of this section, the following terms shall have  
30 the following meanings:

31 (a) "commuter van" shall mean a commuter van service as such term is  
32 defined in section 19-502 of the administrative code of the city of New  
33 York.

34 (b) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is  
35 used in the business of transporting passengers for compensation on a  
36 pre-arranged basis and operated in such business under a license or  
37 permit issued by a licensing jurisdiction. Such term shall include, but  
38 not be limited to, small school buses pursuant to section one hundred  
39 forty-two or sixteen hundred forty-two-a of this chapter transporting  
40 passengers for compensation, but shall not include high-volume for-hire  
41 services or luxury limousines as defined in section 19-502 of the admin-  
42 istrative code of the city of New York or limousines.

43 (c) "accessible vehicle" shall mean a vehicle that:

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

47 (ii) is equipped with a lift, ramp or any other device, arrangement or  
48 alteration, so it is capable of transporting individuals who use wheel-  
49 chairs, electrically-driven mobility assistance devices, electric  
50 personal assistive mobility devices, scooters, or other mobility aids  
51 while they remain seated in their wheelchairs, scooters, or other mobil-  
52 ity aids;

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

1 (iv) is equipped with standardized signs printed in: (1) braille; and  
2 (2) large-print text so that such signs are visible to persons with low  
3 vision;

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

5 (vi) if powered by a hybrid-electric motor, is equipped with an appro-  
6 priate device to enable persons who are blind to hear the approach of  
7 the vehicle as readily as they can hear a conventional gasoline-powered  
8 vehicle;

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

15 § 2. The opening paragraph and the second undesignated paragraph of  
16 subdivision 1 of section 370 of the vehicle and traffic law, the opening  
17 paragraph as amended by chapter 14 of the laws of 2024 and the second  
18 undesignated paragraph as amended by section 1 of part ZZ of chapter 59  
19 of the laws of 2021, are amended to read as follows:

20 Every person, firm, association or corporation engaged in the business  
21 of carrying or transporting passengers for hire in any motor vehicle or  
22 motorcycle, except street cars, and motor vehicles or motorcycles owned  
23 and operated by a municipality, and except as otherwise provided in this  
24 section, which shall be operated over, upon or along any public street  
25 or highway of the state of New York shall file with the commissioner [~~of~~  
26 ~~motor vehicles~~] for each motor vehicle or motorcycle intended to be so  
27 operated evidence, in such form as the commissioner may prescribe, of a  
28 corporate surety bond or a policy of insurance: (a) approved as to form  
29 by the superintendent of financial services in a company authorized to  
30 do business in the state, approved by the superintendent as to solvency  
31 and responsibility; [~~or~~] (b) where a vehicle is registered by a not-for-  
32 profit organization that is tax-exempt under section 501(c)(3) of the  
33 federal internal revenue code, a risk retention group not chartered in  
34 this state but which is registered with the superintendent of financial  
35 services under the federal liability risk retention act of 1986,  
36 comprised entirely of organizations that are tax-exempt under section  
37 501(c)(3) of the federal internal revenue code and where the risk  
38 retention group qualifies as a charitable risk pool under section 501(n)  
39 of the federal internal revenue code, provided that the vehicle being  
40 registered does not have a seating capacity of more than fifteen passen-  
41 gers, is not a limousine or luxury limousine, and where such vehicles  
42 are not solely for personal use by a director, officer, authorized  
43 person, or key person, their relatives or related parties; or (c) where  
44 a vehicle is a commuter van, pre-arranged for-hire vehicle, or accessi-  
45 ble vehicle, a risk retention group not chartered in this state but  
46 which is registered with the superintendent of financial services under  
47 the federal liability risk retention act of 1986, provided that the  
48 vehicle being registered is not used solely for personal use by a direc-  
49 tor, officer, authorized person, or key person, their relatives or  
50 related parties. Such surety bond or policy of insurance shall be condi-  
51 tioned for the payment of a minimum sum, hereinafter called minimum  
52 liability, on a judgment or judgments for damages, including damages for  
53 care and loss of services, because of bodily injury to, or death of any  
54 one person in any one accident, and subject to such minimum liability a  
55 maximum sum, hereinafter called maximum liability on a judgment or judg-  
56 ments for damages, including damages for care and loss of services

1 because of bodily injury to, or death of two or more persons in any one  
2 accident and for the payment of a minimum sum, called minimum liability  
3 on all judgments for damages because of injury to or destruction of  
4 property of others in any one accident, recovered against such person,  
5 firm, association or corporation upon claims arising out of the same  
6 transaction or transactions connected with the same subject of action,  
7 to be apportioned ratably among the judgment creditors according to the  
8 amount of their respective judgments for damage or injury caused in the  
9 operation, maintenance, use or the defective construction of such motor  
10 vehicle or motorcycle as follows:

11 For damages for and incident to death or injuries to persons and inju-  
12 ry to or destruction of property: For each motorcycle and for each motor  
13 vehicle engaged in the business of carrying or transporting passengers  
14 for hire, having a seating capacity of not more than seven passengers, a  
15 bond or insurance policy with a minimum liability of twenty-five thou-  
16 sand dollars and a maximum liability of fifty thousand dollars for bodi-  
17 ly injury, and a minimum liability of fifty thousand dollars and a maxi-  
18 mum liability of one hundred thousand dollars for death and a minimum  
19 liability of ten thousand dollars for injury to or destruction of prop-  
20 erty; for each motor vehicle engaged in the business of carrying or  
21 transporting passengers for hire, having a seating capacity of not less  
22 than eight passengers, a bond or insurance policy with a combined single  
23 limit of at least one million five hundred thousand dollars for bodily  
24 injury or death to one or more persons, and because of injury to or  
25 destruction of property in any one accident; provided, further that for  
26 commuter vans that are engaged in the business of carrying or transport-  
27 ing passengers for hire, having a seating capacity of not less than  
28 eight passengers, a bond or insurance policy with a combined single  
29 limit of at least five hundred thousand dollars for bodily injury or  
30 death to one or more persons, and because of injury to or destruction of  
31 property in any one accident. For the purposes of this paragraph, the  
32 term "commuter van" shall have the same meaning as such term is defined  
33 in section 19-502 of the administrative code of the city of New York.  
34 For purposes of subparagraph (c) of the opening paragraph of this subdivi-  
35 vision, the term "pre-arranged for-hire vehicle" and "accessible vehi-  
36 cle" shall have the same meaning as such terms are defined in subdivi-  
37 sion eleven of section three hundred eleven of this chapter.

38 § 3. Section 6-a of chapter 438 of the laws of 2023, amending the  
39 insurance law and vehicle and traffic law relating to owner's policies  
40 of liability insurance issued by a risk retention group not chartered  
41 within this state, as added by chapter 14 of the laws of 2024, is  
42 amended to read as follows:

43 § 6-a. Pursuant to 15 U.S. Code 3902(a)(1)(E) any risk retention  
44 group not chartered in this state but which is registered with the  
45 superintendent of financial services under the federal liability risk  
46 retention act of 1986, [~~comprised entirely of organizations that are~~  
47 ~~tax exempt under section 501(c)(3) of the federal internal revenue code~~  
48 ~~and where the risk retention group qualifies as a charitable risk pool~~  
49 ~~under section 501(n) of the federal internal revenue code,~~] comprised  
50 entirely of organizations that have policies issued pursuant to risk  
51 retention groups established pursuant to chapter 14 of the laws of 2024  
52 or the chapter of the laws of 2024 which amended this section shall  
53 report to the department of financial services any examination, audit,  
54 or other investigation, performed by another state's insurance commis-  
55 sioner and its findings, including any enforcement actions filed or

1 settlements entered into, within 60 days to avoid unjustified dupli-  
2 cation and unjustified repetition of such act.  
3 § 4. This act shall take effect immediately.