STATE OF NEW YORK

9516--A

Cal. No. 1263

IN SENATE

May 16, 2024

Introduced by Sens. COMRIE, BAILEY, CLEARE, FERNANDEZ, MYRIE, PALUMBO, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Paragraphs (b) and (c) of subdivision 4 of section 311 of the vehicle and traffic law, as amended by chapter 14 of the laws of 2024, are amended and a new subdivision 11 is added to read as follows:

(b) In the case of a vehicle registered in this state, a policy issued by (i) an insurer duly authorized to transact business in this state [~~or~~]; (ii) where a vehicle is registered by a not-for-profit organization that is tax-exempt under section 501(c)(3) of the federal internal revenue code, a risk retention group not chartered in this state but which is registered with the superintendent under the federal liability risk retention act of 1986, comprised entirely of organizations that are tax-exempt under section 501(c)(3) of the federal internal revenue code and where the risk retention group qualifies as a charitable risk pool under section 501(n) of the federal internal revenue code, provided that the vehicle being registered does not have a seating capacity of more than fifteen passengers, is not a limousine or luxury limousine, and where such vehicles are not solely for personal use by a director, officer, authorized person, or key person, their relatives or related parties; **or (iii) where a vehicle is a commuter van, pre-arranged for-hire vehicle, or accessible vehicle, a risk retention group not char-**

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

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tered in this state but which is registered with the superintendent under the federal liability risk retention act of 1986, provided that the vehicle being registered is not used solely for personal use by a director, officer, authorized person, or key person, their relatives or related parties; or

(c) In the case of a vehicle lawfully registered in another state, or in both this state and another state, (i) a policy issued by an authorized insurer[~~,~~]; or (ii) where a vehicle is registered by a not-for-profit organization that is tax-exempt under section 501(c)(3) of the federal internal revenue code, a risk retention group not chartered in this state but which is registered with the superintendent under the federal liability risk retention act of 1986, comprised entirely of organizations that are tax-exempt under section 501(c)(3) of the federal internal revenue code and where the risk retention group qualifies as a charitable risk pool under section 501(n) of the federal internal revenue code, provided that the vehicle being registered does not have a seating capacity of more than fifteen passengers, is not a limousine or luxury limousine, and where such vehicles are not solely for personal use by a director, officer, authorized person, or key person, their relatives or related parties[~~,~~]; or (iii) a policy issued by an unauthorized insurer authorized to transact business in another state if such unauthorized insurer files with the commissioner in form to be approved by them a statement consenting to service of process and declaring its policies shall be deemed to be varied to comply with the requirements of this article; or (iv) where a vehicle is a commuter van, pre-arranged for-hire vehicle, or accessible vehicle, a risk retention group not chartered in this state but which is registered with the superintendent under the federal liability risk retention act of 1986, provided that the vehicle being registered is not used solely for personal use by a director, officer, authorized person, or key person, their relatives or related parties; and

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

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

(b) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is used in the business of transporting passengers for compensation on a 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 this chapter transporting passengers for compensation, but shall not include high-volume for-hire services or luxury limousines as defined in section 19-502 of the administrative code of the city of New York, nor shall it include TNC vehicles regulated and insured pursuant to article forty-four-b of this chapter or limousines.

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

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

(ii) is equipped with a lift, ramp or any other device, arrangement or alteration, so it is capable of transporting individuals who use wheelchairs, electrically-driven mobility assistance devices, electric personal assistive mobility devices, scooters, or other mobility aids

while they remain seated in their wheelchairs, scooters, or other mobility aids;

(iii) 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;

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

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

(vi) 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;

(vii) 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.

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

Every person, firm, association or corporation engaged in the business of carrying or transporting passengers for hire in any motor vehicle or motorcycle, except street cars, and motor vehicles or motorcycles owned and operated by a municipality, and except as otherwise provided in this section, which shall be operated over, upon or along any public street or highway of the state of New York shall file with the commissioner [~~of motor vehicles~~] for each motor vehicle or motorcycle intended to be so operated evidence, in such form as the commissioner may prescribe, of a corporate surety bond or a policy of insurance: (a) approved as to form by the superintendent of financial services in a company authorized to do business in the state, approved by the superintendent as to solvency and responsibility; [~~or~~] (b) where a vehicle is registered by a not-for-profit organization that is tax-exempt under section 501(c)(3) of the federal internal revenue code, a risk retention group not chartered in this state but which is registered with the superintendent of financial services under the federal liability risk retention act of 1986, comprised entirely of organizations that are tax-exempt under section 501(c)(3) of the federal internal revenue code and where the risk retention group qualifies as a charitable risk pool under section 501(n) of the federal internal revenue code, provided that the vehicle being registered does not have a seating capacity of more than fifteen passengers, is not a limousine or luxury limousine, and where such vehicles are not solely for personal use by a director, officer, authorized person, or key person, their relatives or related parties**; or (c) where a vehicle is a commuter van, pre-arranged for-hire vehicle, or accessible vehicle, a risk retention group not chartered in this state but which is registered with the superintendent of financial services under the federal liability risk retention act of 1986, provided that the vehicle being registered is not used solely for personal use by a director, officer, authorized person, or key person, their relatives or related parties**. Such surety bond or policy of insurance shall be condi-

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

For damages for and incident to death or injuries to persons and injury to or destruction of property: For each motorcycle and for each motor vehicle engaged in the 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 and a minimum liability of ten thousand dollars for injury to or destruction of property; for each motor vehicle engaged in the business of carrying or transporting passengers for hire, having a seating capacity of not less than eight passengers, a bond or insurance policy with a combined single limit of at least one million five hundred thousand dollars for bodily injury or death to one or more persons, and because of injury to or destruction of property in any one accident; provided, further that for commuter vans that are engaged in the business of carrying or transporting passengers for hire, having a seating capacity of not less than eight passengers, a bond or insurance policy with a combined single limit of at least five hundred thousand dollars for bodily injury or death to one or more persons, and because of injury to or destruction of property in any one accident. For the purposes of this paragraph, the term "commuter van" shall have the same meaning as such term is defined in section 19-502 of the administrative code of the city of New York. **For purposes of subparagraph (c) of the opening paragraph of this subdivision, the term "pre-arranged for-hire vehicle" and "accessible vehicle" shall have the same meaning as such terms are defined in subdivision eleven of section three hundred eleven of this chapter. Provided additionally, that for risk retention group policies providing no fault insurance related to commuter vans, pre-arranged for-hire vehicles, and accessible vehicles, such risk retention group shall rely on the medical treatment guidelines promulgated in existing workers' compensation law.**

§ 3. Section 6-a of 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, as added by chapter 14 of the laws of 2024, is amended to read as follows:

§ 6-a. Pursuant to 15 U.S. Code 3902(a)(1)(E) any risk retention group not chartered in this state but which is registered with the superintendent of financial services under the federal liability risk retention act of 1986, [~~comprised entirely of organizations that are~~

~~tax-exempt under section 501(c)(3) of the federal internal revenue code and where the risk retention group qualifies as a charitable risk pool under section 501(n) of the federal internal revenue code,~~] **comprised entirely of organizations that have policies issued pursuant to risk retention groups established pursuant to chapter 14 of the laws of 2024 or the chapter of the laws of 2024 which amended this section** shall report to the department of financial services any examination, audit, or other investigation, performed by another state's insurance commissioner and its findings, including any enforcement actions filed or settlements entered into, within 60 days to avoid unjustified duplication and unjustified repetition of such act.

§ 4. This act shall take effect immediately.