

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:

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 [~~or~~]; (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-

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

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

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

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

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

37 (b) "pre-arranged for-hire vehicle" shall mean a motor vehicle that is
38 used in the business of transporting passengers for compensation on a
39 pre-arranged basis and operated in such business under a license or
40 permit issued by a licensing jurisdiction. Such term shall include, but
41 not be limited to, small school buses pursuant to section one hundred
42 forty-two or sixteen hundred forty-two-a of this chapter transporting
43 passengers for compensation, but shall not include high-volume for-hire
44 services or luxury limousines as defined in section 19-502 of the admin-
45 istrative code of the city of New York, nor shall it include TNC vehi-
46 cles regulated and insured pursuant to article forty-four-b of this
47 chapter or limousines.

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

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

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

1 while they remain seated in their wheelchairs, scooters, or other mobil-
2 ity aids;

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

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

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

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

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

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

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

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

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

40 For purposes of subparagraph (c) of the opening paragraph of this subdi-
41 vision, the term "pre-arranged for-hire vehicle" and "accessible vehi-
42 cle" shall have the same meaning as such terms are defined in subdivi-
43 sion eleven of section three hundred eleven of this chapter. Provided
44 additionally, that for risk retention group policies providing no fault
45 insurance related to commuter vans, pre-arranged for-hire vehicles, and
46 accessible vehicles, such risk retention group shall rely on the medical
47 treatment guidelines promulgated in existing workers' compensation law.

48 § 3. Section 6-a of chapter 438 of the laws of 2023, amending the
49 insurance law and the vehicle and traffic law relating to owner's poli-
50 cies of liability insurance issued by a risk retention group not char-
51 tered within this state, as added by chapter 14 of the laws of 2024, is
52 amended to read as follows:

53 § 6-a. Pursuant to 15 U.S. Code 3902(a)(1)(E) any risk retention
54 group not chartered in this state but which is registered with the
55 superintendent of financial services under the federal liability risk
56 retention act of 1986, [~~comprised entirely of organizations that are~~

1 ~~tax exempt under section 501(c)(3) of the federal internal revenue code~~
2 ~~and where the risk retention group qualifies as a charitable risk pool~~
3 ~~under section 501(n) of the federal internal revenue code,~~] comprised
4 entirely of organizations that have policies issued pursuant to risk
5 retention groups established pursuant to chapter 14 of the laws of 2024
6 or the chapter of the laws of 2024 which amended this section shall
7 report to the department of financial services any examination, audit,
8 or other investigation, performed by another state's insurance commis-
9 sioner and its findings, including any enforcement actions filed or
10 settlements entered into, within 60 days to avoid unjustified dupli-
11 cation and unjustified repetition of such act.
12 § 4. This act shall take effect immediately.