STATE OF NEW YORK

5113--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. ANDERSON, BURDICK, BORES, BICHOTTE HERMELYN, COLTON, CHANDLER-WATERMAN, DAVILA, DAIS, FITZPATRICK, LEE, OTIS, SEAWRIGHT, STECK, SHRESTHA, TAYLOR, WEPRIN, ZINERMAN, HYNDMAN -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the vehicle and traffic law, in relation to captive insurance for commuter vans, black cars, ambulettes and paratransit 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 for commuter vans, pre-arranged for-hire vehicles, transportation network companies, and accessible vehicles. (a) Notwithstanding any provisions to the contrary pursuant to subsection (b) of section seven thousand three of this article, commuter vans, pre-arranged for-hire vehicles, transportation network companies, and accessible vehicles that are engaged in the business of carrying or transporting passengers for hire may create a group captive insurance company or companies. The superintendent shall implement:

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

(2) 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, transportation network companies, and accessible vehicles 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

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

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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 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) "Transportation network company" shall have the same meaning as set forth in section sixteen hundred ninety-one of the vehicle and traffic law.

(4) "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) Captive insurance companies created pursuant to this section shall provide minimum limits and coverages as required by law. In addition, all no fault insurance related to commuter vans, pre-arranged for-hire vehicles, transportation network companies, and accessible vehicles insured in this program will rely on the medical treatment guidelines promulgated in existing workers' compensation law.

§ 2. Subdivision 8 of section 1229-c of the vehicle and traffic law, as added by chapter 365 of the laws of 1984, is amended to read as follows:

8. Non-compliance with the provisions of this section shall [~~not~~] be admissible as evidence in any civil action in a court of law in regard to the issue of liability [~~but~~] and may be introduced into evidence in mitigation of damages provided the party introducing said evidence has pleaded such non-compliance as an affirmative defense.

§ 3. This act shall take effect immediately.