

STATE OF NEW YORK

70--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. R. CARROLL, GONZALEZ-ROJAS, LEVENBERG, DAVILA -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring third-party food delivery services maintain insurance through a group policy that covers bodily injury or death arising out of or resulting from qualifying accidents involving a delivery person

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

1 Section 1. Paragraph (d) of subdivision 1 of section 391-v of the
2 general business law, as added by chapter 693 of the laws of 2021, is
3 amended and three new paragraphs (e), (f), and (g) are added to read as
4 follows:

5 (d) "Third-party food delivery platform" means the online or mobile
6 platform of the third-party food delivery service on which a consumer
7 can view products available for sale and place an order for a food
8 service establishment's products or on which a delivery driver can
9 accept and facilitate orders.

10 (e) "Delivery driver" means any individual who conveys products from a
11 food service establishment to a consumer on behalf of a third-party food
12 delivery service. For the purposes of this paragraph, multiple delivery
13 drivers who share one account with a third-party food delivery service
14 shall each qualify as a delivery driver.

15 (f) "Qualifying accident" means a vehicular accident involving a
16 delivery driver that occurs while the delivery driver is logged into a
17 third-party food delivery platform and conveying products from a food
18 service establishment to a consumer on behalf of a third-party food
19 delivery service.

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

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1 (g) "Qualifying vehicle" means any two or three-wheeled vehicle, other
2 than a motor vehicle or motorcycle that carries its own liability insur-
3 ance per the requirements of article six of the vehicle and traffic law,
4 at the time of the qualifying accident.

5 § 2. Section 391-v of the general business law is amended by adding a
6 new subdivision 3 to read as follows:

7 3. Each third-party food delivery service shall maintain insurance
8 through a group policy that covers bodily injury or death arising out of
9 or resulting from qualifying accidents involving a delivery person
10 subject to the following provisions:

11 (a) Benefits shall be limited to only those qualifying accidents
12 involving delivery persons who are operating a qualifying vehicle.

13 (b) Benefits shall be limited to payments for basic economic losses up
14 to fifty thousand dollars per person. For the purpose of determining
15 basic economic loss, qualifying expenses shall be determined in accord-
16 ance with the definitions and limitations of section five thousand one
17 hundred two of the insurance law.

18 (c) The policy of liability insurance maintained by the third-party
19 food delivery service in accordance with this section shall provide for
20 the payment of benefits for qualifying accidents to all persons, other
21 than those explicitly excluded in this subdivision, for loss arising out
22 of the use or operation of a qualifying vehicle by a delivery driver in
23 New York. Persons eligible for benefits shall include, but are not
24 limited to: (i) delivery drivers; (ii) pedestrians; and (iii) cyclists
25 who are not delivery drivers who experience basic economic loss in
26 accordance with the provisions of paragraph (b) of this subdivision.
27 Persons shall be eligible for benefits irrespective of state residency
28 or citizenship status so long as the qualifying accident occurs in New
29 York. The payment of benefits shall be awarded irrespective of who was
30 at fault, liable, or responsible for the qualifying accident. Occupants
31 of a motor vehicle and occupants of a motorcycle that carries its own
32 liability insurance per the requirements of article six of the vehicle
33 and traffic law shall not be eligible for benefits.

34 (d) An insurer may exclude from coverage required by this section the
35 following individuals:

36 (i) a delivery driver who intentionally causes their own injury or who
37 is injured as a result of exhibiting dangerous conduct while in an
38 intoxicated condition or while impaired by the use of a drug, or

39 (ii) any other person who intentionally causes their own injury or who
40 is injured as a result of exhibiting dangerous conduct while in an
41 intoxicated condition or while impaired by the use of a drug.

42 (e) Insurance maintained by any third-party food delivery service to
43 satisfy the requirements of this section shall be offered without a
44 deductible, and the expenses associated with maintaining such insurance
45 may not be passed on to consumers using the third-party delivery plat-
46 form in political subdivisions where delivery drivers are not conveying
47 products using qualifying vehicles. A third-party food delivery service
48 may maintain insurance to satisfy the requirements of this section
49 through a third-party insurer, so long as the requirements of this
50 section are met. The insurance policy must be written by an insurer
51 licensed to write insurance in this state or procured by a duly licensed
52 excess line broker pursuant to section two thousand one hundred eighteen
53 of the insurance law, provided that the obligation to determine whether
54 the insurance required by this section is unavailable from insurers
55 authorized to write insurance in this state shall be made prior to the
56 initial placement and at each renewal of a policy.

1 (f) Insurance offered by any third-party food delivery service to
2 satisfy the requirements of this section shall be primary over other
3 applicable insurance policies that would otherwise cover the basic
4 economic losses defined in this section.

5 (g) A delivery driver shall receive benefits in accordance with this
6 section irrespective of the delivery driver's immigration status or
7 status as an independent contractor. A delivery driver interfacing with
8 a third-party food delivery service at the time of a qualifying accident
9 shall receive benefits in accordance with this section irrespective of
10 whether the delivery driver's vehicle is in compliance with federal,
11 state, or local requirements, including registration requirements.

12 (h) (i) The third-party food delivery service and platform shall not
13 take any adverse action against a delivery driver, including but not
14 limited to deactivation, reduction of work hours or offers or orders, or
15 any form of discipline, against any delivery driver for exercising their
16 right to request that the company pay for an insurance policy and take
17 responsibility for accidents that can be reasonably proven to have
18 occurred while the worker was conveying products from a food service
19 establishment to a consumer on behalf of the third-party food delivery
20 service or platform.

21 (ii) If a delivery driver is deactivated following the filing of a
22 claim or receipt of benefits, the third-party food delivery service or
23 platform must provide a written explanation detailing the reasons for
24 deactivation, supported by clear and documented evidence.

25 (iii) In any case where a delivery driver is deactivated as a result
26 of filing for the company to pay for the personal insurance claim under
27 the insurance policy, the worker shall be reinstated immediately upon
28 confirmation that the deactivation was linked to the claim filing.

29 § 3. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law.