

STATE OF NEW YORK

9653

IN SENATE

March 31, 2026

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the navigation law and the insurance law, in relation to marine transportation network companies

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

1 Section 1. The navigation law is amended by adding a new article 11-A
2 to read as follows:

ARTICLE 11-A

MARINE TRANSPORTATION NETWORK COMPANY SERVICES

Section 150. Definitions.

151. General provisions.

152. Financial responsibility of marine transportation network companies.

153. Disclosures.

154. Insurance provisions.

155. Operator and vessel requirements.

156. Maintenance of records.

157. Audit procedures; confidentiality of records.

158. Criminal history background check of marine transportation network company operators.

§ 150. Definitions. As used in this article: 1. "Marine transportation network company vessel" or "MTNC vessel" means a vessel that is:

(a) used by a marine transportation network company operator to provide a MTNC prearranged trip originating within the state of New York; and

(b) owned, leased or otherwise authorized for use by the marine transportation network company operator.

Such term shall not include:

(i) a water taxi;

(ii) a ferry; or

(iii) a charter vessel.

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

LBD15369-01-6

1 2. "Digital network" means any system or service offered or utilized
2 by a marine transportation network company that enables MTNC prearranged
3 trips with marine transportation network company operators.

4 3. "Marine transportation network company" or "MTNC" means a person,
5 corporation, partnership, sole proprietorship, or other entity that is
6 licensed pursuant to this article and is operating in New York state
7 exclusively using a digital network to connect marine transportation
8 network company passengers to marine transportation network company
9 operators who provide MTNC prearranged trips.

10 4. "Marine transportation network company operator" or "MTNC operator"
11 means an individual who:

12 (a) Receives connections to potential passengers and related services
13 from a marine transportation network company in exchange for payment of
14 a fee to the marine transportation network company; and

15 (b) Uses a MTNC vessel to offer or provide a MTNC prearranged trip to
16 marine transportation network company passengers upon connection through
17 a digital network controlled by a marine transportation network company
18 in exchange for compensation or payment of a fee.

19 5. "Marine transportation network company passenger" or "passenger"
20 means a person or persons who use a marine transportation network compa-
21 ny's digital network to connect with a marine transportation network
22 company operator who provides MTNC prearranged trips to the passenger in
23 the MTNC vessel between points chosen by the passenger.

24 6. (a) "MTNC prearranged trip" or "trip" means the provision of marine
25 transportation by a marine transportation network company operator to a
26 passenger provided through the use of a MTNC's digital network:

27 (i) beginning when a marine transportation network company operator
28 accepts a passenger's request for a trip through a digital network
29 controlled by a marine transportation network company;

30 (ii) continuing while the marine transportation network company opera-
31 tor transports the requesting passenger in a MTNC vessel; and

32 (iii) ending when the last requesting passenger departs from the MTNC
33 vessel.

34 (b) The term "MTNC prearranged trip" does not include marine transpor-
35 tation provided through any of the following:

36 (i) a water taxi;

37 (ii) a ferry; or

38 (iii) a charter vessel.

39 7. "Group policy" means an insurance policy issued pursuant to section
40 three thousand four hundred fifty-five of the insurance law.

41 § 151. General provisions. 1. An MTNC or an MTNC operator shall not be
42 deemed a common carrier, as defined in subdivision six of section two of
43 the transportation law.

44 2. (a) An MTNC may not operate in the state of New York without first
45 having obtained a license issued by the department in a form and manner
46 and with applicable fees as provided for by regulations promulgated by
47 the commissioner. As a condition of obtaining a license, an MTNC shall
48 be required to submit to the department proof of a group policy issued
49 pursuant to section three thousand four hundred fifty-five of the insur-
50 ance law. Failure of an MTNC to comply with the provisions of this arti-
51 cle may result in applicable penalties, which may include, but are not
52 limited to fines, suspension or revocation of license or a combination
53 thereof as otherwise provided by law. No license shall be suspended or
54 revoked except upon notice to the MTNC and after an opportunity to be
55 heard.

1 (b) Failure of an MTNC to obtain a license before operation, pursuant
2 to this subdivision shall constitute a misdemeanor.

3 3. An MTNC must maintain an agent for service of process in the state
4 of New York.

5 4. On behalf of an MTNC operator, an MTNC may charge a fare for the
6 services rendered to passengers; provided that, if a fare is collected
7 from a passenger, the MTNC shall disclose to such passenger the fare
8 within the MTNC's digital network. The MTNC shall also provide passen-
9 gers, before such passengers enter a MTNC vessel, the actual fare or an
10 estimated fare for such MTNC prearranged trip through the MTNC's digital
11 network. The MTNC shall also post the fair calculation method on its
12 website.

13 5. An MTNC's digital network shall display a picture of the MTNC oper-
14 ator, and provide make, model and registration number of the MTNC vessel
15 utilized for providing the MTNC prearranged trip before the passenger
16 enters the MTNC vessel.

17 6. Within a reasonable period of time following the completion of a
18 trip, a MTNC shall transmit an electronic receipt to the passenger on
19 behalf of the MTNC operator that lists:

20 (a) The origin and destination of the trip;

21 (b) The total time and distance of the trip;

22 (c) An itemization of the total fare paid, if any;

23 (d) A separate statement of the applicable assessment fee and
24 surcharge; and

25 (e) The MTNC name and operating license number.

26 7. A MTNC operator shall not solicit or accept dock or shore hails.

27 8. An MTNC shall adopt a policy prohibiting solicitation or acceptance
28 of cash payments for the fares charged to passengers for MTNC prear-
29 ranged trips and notify MTNC operators of such policy. MTNC operators
30 shall not solicit or accept cash payments from passengers.

31 9. An MTNC shall prevent an MTNC operator from accepting MTNC prear-
32 ranged trips within a city of a population of one million or more.

33 10. Nothing in this article shall apply to cities with a population of
34 one million or more.

35 § 152. Financial responsibility of marine transportation network
36 companies. 1. An MTNC operator, or MTNC on the MTNC operator's behalf
37 through a group policy, shall maintain insurance that recognizes that
38 the operator is an MTNC operator and provides financial responsibility
39 coverage:

40 (a) while the MTNC operator is logged onto the MTNC's digital network;
41 and

42 (b) while the MTNC operator is engaged in a MTNC prearranged trip.

43 2. (a) The following financial responsibility insurance requirements
44 shall apply while an MTNC operator is logged onto the MTNC's digital
45 network but is not engaged in a MTNC prearranged trip: insurance against
46 loss from the liability imposed by law for damages, including damages
47 for care and loss of services, because of bodily injury to or death of
48 any person, and injury to or destruction of property arising out of the
49 ownership, maintenance, use or operation of a personal vessel or vessels
50 within this state, or elsewhere in the United States in North America or
51 Canada, subject to a limit, exclusive of interest and costs, with
52 respect to each such occurrence, of at least seventy-five thousand
53 dollars because of bodily injury to or death of one person in any one
54 accident and, subject to said limit for one person, to a limit of at
55 least one hundred fifty thousand dollars because of bodily injury to or
56 death of two or more persons in any one accident, and to a limit of at

1 least twenty-five thousand dollars because of injury to or destruction
2 of property of others in any one accident, provided however, that such
3 policy need not be for a period coterminous with the registration period
4 of the personal vessel insured, and coverage in satisfaction of the
5 financial responsibility requirements set forth in section three thou-
6 sand four hundred twenty of the insurance law, article fifty-one of the
7 insurance law, and such other requirements or regulations that may apply
8 for the purposes of satisfying the financial responsibility requirements
9 with respect to the use or operation of a vessel.

10 (b) The coverage requirements of paragraph (a) of this subdivision may
11 be satisfied by any of the following:

12 (i) insurance maintained by the MTNC operator; or

13 (ii) insurance provided through a group policy maintained by the MTNC;
14 or

15 (iii) a combination of subparagraphs (i) and (ii) of this paragraph.

16 3. (a) The following automobile financial responsibility insurance
17 requirements shall apply while a MTNC operator is engaged in a MTNC
18 prearranged trip: insurance against loss from the liability imposed by
19 law for damages, including damages for care and loss of services,
20 because of bodily injury to or death of any person, and injury to or
21 destruction of property arising out of the ownership, maintenance, use,
22 or operation of a specific personal vessel or vessels within this state,
23 or elsewhere in the United States in North America or Canada, subject to
24 a limit, exclusive of interest and costs, with respect to each such
25 occurrence, of at least one million two hundred fifty thousand dollars
26 because of bodily injury to or death of any person, and injury to or
27 destruction of property provided however, that such policy need not be
28 for a period coterminous with the registration period of the personal
29 vessel insured, and coverage in satisfaction of the financial responsi-
30 bility requirements set forth in section three thousand four hundred
31 twenty of the insurance law, article fifty-one of the insurance law;
32 coverage provided in accordance with subsection (f) of section three
33 thousand four hundred twenty of the insurance law, providing supplemen-
34 tary uninsured/underinsured motorist insurance for bodily injury, in the
35 amount of one million two hundred fifty thousand dollars because of
36 bodily injury to or death of any person in any one accident; and such
37 other requirements or regulations that may apply for the purposes of
38 satisfying the financial responsibility requirements with respect to the
39 use or operation of a vessel.

40 (b) The coverage requirements of paragraph (a) of this subdivision may
41 be satisfied by any of the following:

42 (i) insurance maintained by the MTNC operator; or

43 (ii) insurance provided through a group policy maintained by the MTNC;
44 or

45 (iii) a combination of subparagraphs (i) and (ii) of this paragraph.

46 4. An MTNC shall, upon entering into a contractual agreement with an
47 MTNC operator, provide notice to the MTNC operator that they may need
48 additional insurance coverage including vessel physical damage coverage
49 as described in paragraph nineteen of subsection (a) of section one
50 thousand one hundred thirteen of the insurance law if the MTNC vessel
51 being used by the MTNC operator is subject to a lease or loan. An MTNC
52 shall also post this notice on its website in a prominent place, and
53 provide contact information for the department of financial services.

54 5. If insurance maintained by an MTNC operator pursuant to subdivi-
55 sions two and three of this section has lapsed or does not provide the
56 required coverage, then the group policy maintained by an MTNC shall

1 provide the coverage required by this section beginning with the first
2 dollar of a claim and have the duty to defend such claim.

3 6. Coverage under a group policy maintained by the MTNC shall not be
4 dependent on the denial of a claim by the insurer that issued the insur-
5 ance policy used to register the MTNC vessel, nor shall that insurer be
6 required to first deny a claim.

7 7. (a) Except as provided in paragraph (b) of this subdivision, a
8 group policy maintained by an MTNC pursuant to subparagraph (ii) of
9 paragraph (b) of subdivisions two or three of this section shall be
10 placed with an insurer authorized to write insurance in this state.

11 (b) If a MTNC is unable to purchase a group policy pursuant to subpar-
12 agraph (ii) of paragraph (b) of subdivisions two or three of this
13 section because such insurance is unavailable from authorized insurers
14 the MTNC may acquire such group insurance with an excess line broker
15 pursuant to section two thousand one hundred eighteen of the insurance
16 law.

17 (c) The obligation to determine whether the insurance required by this
18 section is unavailable from insurers authorized to write insurance in
19 this state shall be made prior to the initial placement and at each
20 renewal of a policy.

21 8. An MTNC operator who, while operating a MTNC vessel was logged on
22 to the MTNC's digital network but not engaged in a MTNC prearranged trip
23 or was engaged in a MTNC prearranged trip, and has in effect the insur-
24 ance required pursuant to this article, shall not be deemed to be in
25 violation of this article during such time that they were logged on to
26 the MTNC's digital network but not engaged in a MTNC prearranged trip or
27 was engaged in a MTNC prearranged trip.

28 9. An MTNC operator shall carry proof of coverage satisfying subdivi-
29 sions two and three of this section at all times during their use or
30 operation of an MTNC vessel in connection with an MTNC's digital
31 network. Such proof of coverage shall be in such form as the commission-
32 er shall prescribe, which may be in the form of an insurance identifica-
33 tion card. Whenever the production of an insurance identification card
34 is required by law, an MTNC operator shall produce the insurance iden-
35 tification card issued pursuant to this article if such operator was
36 engaged in an MTNC prearranged trip.

37 10. The superintendent of financial services is authorized to issue
38 such rules and regulations necessary to implement this section.

39 11. The superintendent of financial services may promulgate regu-
40 lations to address insurance coverage under this section and section one
41 hundred fifty-four of this article when an MTNC operator uses multiple
42 digital networks simultaneously.

43 12. An insurer shall not include a mandatory arbitration clause in a
44 policy issued pursuant to this section. Nothing in this section super-
45 cedes the mandatory arbitration requirements contained in section five
46 thousand one hundred five of the insurance law.

47 § 153. Disclosures. A MTNC shall disclose in writing to MTNC operators
48 the following before they are allowed to accept a request for a MTNC
49 prearranged trip on the MTNC's digital network:

50 1. The insurance coverage, including the types of coverage and the
51 limits for each coverage, that the MTNC provides while the MTNC operator
52 uses an MTNC vessel in connection with an MTNC's digital network;

53 2. That the MTNC operator's own liability insurance policy might not
54 provide any coverage while the MTNC operator is logged on to the MTNC's
55 digital network or is engaged in an MTNC prearranged trip, depending on
56 its terms; and

1 3. That, if an MTNC vessel has a lien against it, then the continued
2 use of such MTNC vessel by its MTNC operator without physical damage
3 coverage may violate the terms of the contract with the lienholder.

4 § 154. Insurance provisions. 1. Insurers that write marine insurance
5 in this state may, in the insurance policy, exclude any and all coverage
6 afforded under the policy issued to an owner or operator of an MTNC
7 vessel for any loss or injury that occurs while an MTNC operator is
8 logged on to an MTNC's digital network or while an operator provides a
9 MTNC prearranged trip, including:

10 (a) liability coverage for bodily injury and property damage;

11 (b) coverage provided pursuant to article fifty-one of the insurance
12 law; and

13 (c) vessel physical damage coverage as described in paragraph nineteen
14 of subsection (a) of section one thousand one hundred thirteen of the
15 insurance law.

16 2. Such exclusions shall apply notwithstanding any requirement under
17 the law to the contrary. Nothing in this section implies or requires
18 that an owner's policy of liability insurance or other marine insurance
19 policy provide coverage while the MTNC operator is logged on to the
20 MTNC's digital network, while the MTNC operator is engaged in a MTNC
21 prearranged trip or while the MTNC operator otherwise uses or operates
22 an MTNC vessel to transport passengers for compensation.

23 3. Nothing shall be deemed to preclude an insurer from providing
24 primary, excess, or umbrella coverage for the MTNC operator's MTNC
25 vessel, if it chooses to do so by contract or endorsement.

26 4. Marine insurers that exclude the coverage described in this article
27 shall have no duty to defend or indemnify any claim expressly excluded
28 thereunder. Nothing in this article shall be deemed to invalidate or
29 limit an exclusion contained in a policy including any policy in use or
30 approved for use in this state prior to the effective date of this
31 section.

32 5. A marine insurer that defends or indemnifies a claim against an
33 MTNC operator that is excluded under the terms of its policy shall have
34 a right of contribution against other insurers that provide marine
35 insurance to the same operator in satisfaction of the coverage require-
36 ments of the provisions of this article.

37 6. In a claims coverage investigation, an MTNC and any insurer provid-
38 ing coverage under this article shall, within fifteen days after a claim
39 has been filed, facilitate the exchange of relevant information with
40 directly involved parties and any insurer of the MTNC operator if appli-
41 cable, including the precise times that an MTNC operator logged on and
42 off of the MTNC's digital network in the twelve hour period immediately
43 preceding and in the twelve hour period immediately following the acci-
44 dent and disclose to one another a clear description of the coverage,
45 exclusions and limits provided under any marine insurance maintained
46 under this article.

47 7. The superintendent of financial services may promulgate such rules
48 and regulations that the superintendent deems necessary to facilitate
49 the sharing of information between insurers, when a vessel accident
50 occurs and at least one of the insurers is providing financial responsi-
51 bility coverage to an MTNC vessel pursuant to this article.

52 8. The commissioner shall provide relevant insurance coverage informa-
53 tion required by this article to the following persons upon request:

54 (a) a person to whom an accident report pertains or who is named in
55 such report, or their authorized representative; and

1 (b) any other person or their authorized representative who has demon-
2 strated to the satisfaction of the commissioner that such person is or
3 may be a party to a civil action arising out of the conduct described in
4 such accident report.

5 § 155. Operator and vessel requirements. 1. (a) At all times, an indi-
6 vidual acting as an MTNC operator shall be permitted by the MTNC as
7 follows:

8 (i) The individual shall submit an application to the MTNC, which
9 shall include information regarding their address, age, operator's
10 license, vessel registration, liability insurance, and other information
11 required by the MTNC;

12 (ii) The MTNC shall conduct, or have a third party conduct, a criminal
13 background check for each applicant in accordance with section one
14 hundred fifty-eight of this article and that shall review whether the
15 applicant:

16 (A) is listed on the New York state sex offender registry pursuant to
17 article six-C of the correction law; and

18 (B) is a match in the United States Department of Justice National Sex
19 Offender Public Website;

20 (b) The MTNC shall not permit an applicant where such applicant:

21 (i) fails to meet all qualifications pursuant to section one hundred
22 fifty-eight of this article;

23 (ii) is a match in the United States Department of Justice National
24 Sex Offender Public Website;

25 (iii) is listed on the sex offender registry pursuant to article six-C
26 of the correction law;

27 (iv) does not possess a valid New York boater's license;

28 (v) does not possess proof of registration for the vessels used to
29 provide MTNC prearranged trips;

30 (vi) does not possess proof of liability insurance for the vessels
31 used to provide MTNC prearranged trips as a MTNC vessel; or

32 (vii) is not at least nineteen years of age.

33 (c) Upon review of all information received and retained by the MTNC
34 and upon verifying that the individual is not disqualified pursuant to
35 this section from receiving an MTNC operator permit, an MTNC may issue
36 an MTNC operator permit to the applicant. The MTNC shall review all
37 information received relating to such applicant and hold such informa-
38 tion for six years along with a certification that such applicant quali-
39 fies to receive an MTNC operator permit.

40 (d) No person shall operate an MTNC vessel or operate as an MTNC oper-
41 ator unless such person holds a valid MTNC operator permit issued pursu-
42 ant to this section. A violation of this paragraph shall be a violation
43 punishable by a fine of not less than seventy-five nor more than three
44 hundred dollars, or by imprisonment for not more than fifteen days, or
45 by both such fine and imprisonment.

46 2. An MTNC shall implement a zero-tolerance policy regarding an MTNC
47 operator's activities while accessing the MTNC's digital network. Such
48 policy shall address the issue of operating a vessel under the influence
49 of alcohol or drugs while an MTNC operator is providing MTNC prearranged
50 trips or is logged onto the MTNC's digital network but is not providing
51 MTNC prearranged trips, and the MTNC shall provide notice of this policy
52 on its digital network, as well as procedures to report a complaint
53 about an MTNC operator with whom an MTNC prearranged trip was commenced
54 and whom the passenger reasonably suspects was operating a vessel under
55 the influence of alcohol or drugs during the course of the MTNC prear-
56 ranged trip.

1 3. (a) An MTNC shall adopt a policy of non-discrimination on the basis
2 of destination, race, color, national origin, religious belief, practice
3 or affiliation, sex, disability, age, sexual orientation, or genetic
4 predisposition with respect to passengers and potential passengers and
5 notify MTNC operators of such policy.

6 (b) MTNC operators shall comply with all applicable laws regarding
7 non-discrimination against passengers or potential passengers on the
8 basis of destination, race, color, national origin, religious belief,
9 practice or affiliation, sex, disability, age, sexual orientation, or
10 genetic predisposition with respect to passengers and potential passen-
11 gers and notify MTNC operators of such policy.

12 (c) MTNC operators shall comply with all applicable laws relating to
13 accommodation of service animals.

14 (d) An MTNC shall implement and maintain a policy and an oversight
15 process of providing accessibility to passengers or potential passengers
16 with a disability and accommodation of service animals as such term is
17 defined in section one hundred twenty-three-b of the agriculture and
18 markets law and shall to the extent practicable adopt findings estab-
19 lished by the New York state MTNC accessibility task force adopted
20 pursuant to section twenty-one of the chapter of the laws of two thou-
21 sand seventeen that added this section. An MTNC shall not impose addi-
22 tional charges for providing services to persons with physical disabili-
23 ties because of those disabilities.

24 (e) The New York state division of human rights shall be authorized to
25 accept, review and investigate any potential or actual violations of
26 this subdivision in a form and manner consistent with authority under
27 article fifteen of the executive law and shall notify the department,
28 upon a finding of a violation, for purposes of permit suspension.

29 4. An MTNC shall require that any or all vessels that an MTNC operator
30 will use as an MTNC vessel to provide MTNC prearranged trips meets
31 applicable New York state vessel safety and equipment requirements.

32 5. The department shall promulgate regulations to ensure that each
33 MTNC vessel is easily identified as such and that the MTNC for which the
34 operator is providing the MTNC service or MTNC prearranged trip is
35 distinguishable. Such marking shall be in such form as is approved by
36 the commissioner, and shall be attached, affixed or displayed in such a
37 manner as the commissioner may prescribe by regulation.

38 § 156. Maintenance of records. An MTNC shall maintain the following
39 records:

40 1. individual trip records for at least six years from the date each
41 trip was provided; and

42 2. individual records of MTNC operators at least until the six year
43 anniversary of the date on which an MTNC operator's relationship with
44 the MTNC has ended.

45 § 157. Audit procedures; confidentiality of records. 1. For the
46 purpose of verifying that an MTNC is in compliance with the licensing
47 requirements of the department, the department shall reserve the right
48 to audit a sample of records that the MTNC is required to maintain, upon
49 request by the department that shall be fulfilled in no fewer than ten
50 business days by the MTNC. The sample shall be chosen randomly by the
51 department in a manner agreeable to both parties. The audit shall take
52 place at a mutually agreed location in New York state. Any record
53 furnished to the department may exclude information that would tend to
54 identify specific operators or passengers.

55 2. The names and identifying information of MTNC operators that are
56 received pursuant to this section shall be considered information which,

1 if disclosed, would constitute an unwarranted invasion of personal
2 privacy under the provisions of article six of the public officers law.

3 3. The department shall establish regulations for the filing of
4 complaints against any MTNC operator or MTNC pursuant to this section.

5 § 158. Criminal history background check of marine transportation
6 network company operators. 1. An MTNC shall conduct, or have a third
7 party conduct, a criminal history background check using a lawful method
8 approved by the department pursuant to paragraph (a) of subdivision two
9 of this section for persons applying to drive for such company.

10 2. (a) The method used to conduct a criminal history background check
11 pursuant to subdivision one of this section shall be established in
12 regulations adopted by the department within thirty days of the effec-
13 tive date of this subdivision. To ensure safety of the passengers and
14 the public such regulations shall establish the method used to conduct
15 such background checks and any processes and operations necessary to
16 complete such checks. The review of criminal history information and
17 determinations about whether or not an applicant is issued an MTNC oper-
18 ator permit shall be controlled by paragraphs (b), (c) and (d) of this
19 subdivision.

20 (b) An applicant shall be disqualified to receive an MTNC operator
21 permit where such applicant:

22 (i) stands convicted in the last three years of: a violation of any
23 provisions of article four of this chapter. In calculating the three
24 year period under this subparagraph, any period of time during which the
25 person was incarcerated after the commission of such offense shall be
26 excluded and such three year period shall be extended by a period or
27 periods equal to the time spent incarcerated;

28 (ii) stands convicted in the last seven years of: a felony offense
29 defined in article one hundred twenty-five of the penal law, a violent
30 felony offense defined in section 70.02 of the penal law, a class A
31 felony offense defined in the penal law, a felony offense defined in
32 section forty-nine-a, or any conviction of an offense in any other
33 jurisdiction that has all the essential elements of an offense listed in
34 this subparagraph. In calculating the seven year period under this
35 subparagraph, any period of time during which the person was incarcerat-
36 ed after the commission of such offense shall be excluded and such seven
37 year period shall be extended by a period or periods equal to the time
38 spent incarcerated; or

39 (iii) is required to register as a sex offender pursuant to article
40 six-C of the correction law.

41 (c) A criminal history record that contains criminal conviction infor-
42 mation that does not disqualify an applicant pursuant to subparagraphs
43 (i) or (ii) of paragraph (b) of this subdivision, shall be reviewed and
44 considered according to the provisions of article twenty-three-A of the
45 correction law and subdivisions fifteen and sixteen of section two
46 hundred ninety-six of the executive law in determining whether or not
47 the applicant should be issued an MTNC operator's permit.

48 (d) Upon receipt of criminal conviction information pursuant to this
49 section for any applicant, such applicant shall promptly be provided
50 with a copy of such information as well as a copy of article
51 twenty-three-A of the correction law. Such applicant shall also be
52 informed of their right to seek correction of any incorrect information
53 contained in such criminal history information pursuant to the regu-
54 lations and procedures established by the division of criminal justice
55 services.

1 (e) The department shall promulgate regulations for the purpose of
2 implementing the provisions of this subdivision.

3 3. An MTNC shall update the criminal history background check yearly
4 during the period in which the person is authorized to drive for the
5 company, however, the commissioner may require, pursuant to regulation,
6 more frequent criminal history background checks.

7 4. To ensure safety of the passengers and the public an MTNC shall be
8 responsible for all fees associated with the criminal history background
9 check pursuant to subdivision one of this section.

10 5. Any MTNC found to have violated any requirements established pursu-
11 ant to this section, shall on the first instance, be subject to a civil
12 penalty of not more than ten thousand dollars. For any subsequent
13 instance within the period of two years from any initial violation, such
14 MTNC shall be subject to a civil penalty of not more than fifty thousand
15 dollars, or the suspension or revocation of its MTNC license or both.

16 § 2. Sections 3455 and 3456 of the insurance law, as added by section
17 6 of part AAA of chapter 59 of the laws of 2017, are amended to read as
18 follows:

19 § 3455. Transportation network company group insurance policies. (a)
20 For purposes of this section, the following definitions shall apply:

21 (1) "Transportation network company" shall have the same meaning as
22 set forth in article forty-four-B of the vehicle and traffic law.

23 (1-a) "Marine transportation network company" shall have the same
24 meaning as set forth in article eleven-A of the navigation law.

25 (2) "Certificate" or "certificate of insurance" means any policy,
26 contract or other evidence of insurance, or endorsement thereto, issued
27 to a group member under a transportation network company group policy or
28 a marine transportation network company group policy.

29 (3) "Transportation network company group policy", "marine transporta-
30 tion network company group policy" or "group policy" means a group poli-
31 cy, including certificates issued to the group members, where the group
32 policyholder is a transportation network company or a marine transporta-
33 tion network company and the policy provides insurance to the transpor-
34 tation network company or a marine transportation network company and to
35 group members:

36 (A) in accordance with the requirements of article forty-four-B of the
37 vehicle and traffic law or article eleven-A of the navigation law;

38 (B) of the type described in paragraph thirteen, fourteen, or nineteen
39 of subsection (a) of section one thousand one hundred thirteen of this
40 chapter; and

41 (C) in satisfaction of the applicable financial responsibility
42 requirements set forth in section three thousand four hundred twenty of
43 this article, subdivision four of section three hundred eleven of the
44 vehicle and traffic law, article fifty-one of this chapter, and such
45 other requirements or regulations that may apply for the purposes of
46 satisfying the financial responsibility requirements with respect to the
47 use or operation of a motor vehicle or a vessel.

48 (4) "Group member" means a transportation network company driver or a
49 marine transportation network company operator as defined in article
50 forty-four-B of the vehicle and traffic law or article eleven-A of the
51 navigation law, respectively.

52 (5) "Group policyholder" means a transportation network company or a
53 marine transportation network company.

54 (6) "TNC vehicle" shall have the meaning set forth in article forty-
55 four-B of the vehicle and traffic law.

1 (7) "MTNC vessel" shall have the meaning set forth in article eleven-A
2 of the navigation law.

3 (b) An insurer may issue or issue for delivery in this state a trans-
4 portation network company group policy or a marine transportation
5 network company group policy to a transportation network company or a
6 marine transportation network company as a group policyholder only in
7 accordance with the provisions of this section.

8 (c)(1) A transportation network company group policy shall provide
9 coverage for a TNC vehicle in accordance with the requirements of arti-
10 cle forty-four-B of the vehicle and traffic law.

11 (1-a) A marine transportation network company group policy shall
12 provide coverage for an MTNC vessel in accordance with the requirements
13 of article eleven-A of the navigation law.

14 (2) A transportation network company group policy or a marine trans-
15 portation network company group policy may provide:

16 (A) coverage for limits higher than the minimum limits required pursu-
17 ant to article forty-four-B of the vehicle and traffic law or article
18 eleven-A of the navigation law.

19 (B) supplementary uninsured/underinsured motorists insurance for bodi-
20 ly injury pursuant to paragraph two of subsection (f) of section three
21 thousand four hundred twenty of this article;

22 (C) supplemental spousal liability insurance pursuant to subsection
23 (g) of section three thousand four hundred twenty of this chapter; and

24 (D) motor vehicle physical damage coverage as described in paragraph
25 nineteen of subsection (a) of section one thousand one hundred thirteen
26 of this chapter, if applicable.

27 (3) The coverage described in paragraphs one and two of this
28 subsection may be provided in one group policy or in separate group
29 policies.

30 (4) A transportation network company group policy, including certif-
31 icates, shall be issued by authorized insurers or from excess line
32 brokers pursuant to section sixteen [~~six~~] hundred ninety-three of the
33 vehicle and traffic law.

34 (4-a) A marine transportation network company group policy, including
35 certificates, shall be issued by authorized insurers or from excess line
36 brokers pursuant to section one hundred fifty-four of the navigation
37 law.

38 (5) A policyholder also may be an insured under a group policy.

39 (d) The premium for the transportation network company group policy or
40 marine transportation network company group policy, including certif-
41 icates may be paid by the group policyholder from the funds contributed:

42 (1) wholly by the group policyholder;

43 (2) wholly by the group members; or

44 (3) jointly by the group policyholder and the group members.

45 (e) (1) Any policy dividend, retrospective premium credit, or retro-
46 spective premium refund in respect of premiums paid by the group policy-
47 holder may:

48 (A) be applied to reduce the premium contribution of the group policy-
49 holder, but not in excess of the proportion to its contribution; or

50 (B) be retained by the group policyholder.

51 (2) Any policy dividend, retrospective premium credit, or retrospec-
52 tive premium refund not distributed under paragraph one of this
53 subsection shall be:

54 (A) applied to reduce future premiums and, accordingly, future
55 contributions, of existing or future group members, or both; or

1 (B) paid or refunded to those group members insured on the date the
2 payment or refund is made to the group policyholder, if distributed by
3 the group policyholder, or on the date of mailing, if distributed
4 directly by the insurer, subject to the following requirements:

5 (i) The insurer shall be responsible for determining the allocation of
6 the payment of refund to the group members;

7 (ii) If the group policyholder distributes the payment or refund, the
8 insurer shall be responsible for audit to ascertain that the payment or
9 refund is actually made in accordance with the allocation procedure; and

10 (iii) If the group policyholder fails to make the payment or refund,
11 the insurer shall make the payment or refund directly or use the method
12 provided in subparagraph (A) of this paragraph.

13 (3) Notwithstanding paragraphs one and two of this subsection, if a
14 dividend accrues upon termination of coverage under a transportation
15 network company group policy or a marine transportation network company
16 group policy, the premium for which was paid out of funds contributed by
17 group members specifically for the coverage, the dividend shall be paid
18 or refunded by the group policyholder to the group members insured on
19 the date the payment or refund is made to the group policyholder, net of
20 reasonable expenses incurred by the group policyholder in paying or
21 refunding the dividend to such group members.

22 (4) For the purposes of this subsection, "dividend" means a return by
23 the insurer of a transportation network company group policy or a marine
24 transportation network company group policy of excess premiums to the
25 group policyholder in light of favorable loss experience, including
26 retrospective premium credits or retrospective premium refunds. The term
27 "dividend" does not include reimbursements or fees received by a group
28 policyholder in connection with the operation or administration of a
29 transportation network company group policy or a marine transportation
30 network company group policy, including administrative reimbursements,
31 fees for services provided by the group policyholder, or transactional
32 service fees.

33 (f) The insurer shall treat in like manner all eligible group members
34 of the same class and status.

35 (g) Each policy written pursuant to this section shall provide per
36 occurrence limits of coverage for each group member in an amount not
37 less than that required by this article, and may provide coverage for
38 limits higher than the minimum limits required under the law.

39 (h) (1) The insurer shall be responsible for mailing or delivery of a
40 certificate of insurance to each group member insured under the trans-
41 portation network company group policy, provided, however, that the
42 insurer may delegate the mailing or delivery to the transportation
43 network company or the marine transportation network company. The insur-
44 er shall also be responsible for the mailing or delivery to each group
45 member of an amended certificate of insurance or endorsement to the
46 certificate, whenever there is a change in limits; change in type of
47 coverage; addition, reduction, or elimination of coverage; or addition
48 of exclusion, under the transportation network company or marine trans-
49 portation network company group policy or certificate.

50 (2) The certificate shall contain in substance all material terms and
51 conditions of coverage afforded to group members, unless the transporta-
52 tion network company group policy or marine transportation network
53 company group policy is incorporated by reference and a copy of the
54 group policy accompanies the certificate.

55 (3) If any coverage afforded to the group member is excess of applica-
56 ble insurance coverage, the certificate shall contain a notice advising

1 the group members that, if the member has other insurance coverage,
2 specified coverages under the transportation network company group poli-
3 cy or marine transportation network company group policy will be excess
4 over the other insurance.

5 (i) A group policyholder shall comply with the provisions of section
6 two thousand one hundred twenty-two of this chapter, in the same manner
7 as an agent or broker, in any advertisement, sign, pamphlet, circular,
8 card, or other public announcement referring to coverage under a trans-
9 portation network company group policy or certificate or marine trans-
10 portation network company group policy or certificate.

11 (j) A transportation network company group policy or marine transpor-
12 tation network company group policy shall not be subject to section
13 three thousand four hundred twenty-five or section three thousand four
14 hundred twenty-six of this article; provided that the following require-
15 ments shall apply with regard to termination of coverage:

16 (1)(A) An insurer may terminate a group policy or certificate only if
17 cancellation is based on one or more of the reasons set forth in subpar-
18 agraph (A) through (D) or (F) through (H) of paragraph one of subsection
19 (c) of section three thousand four hundred twenty-six of this article;
20 provided, however, that an act or omission by a group member that would
21 constitute the basis for cancellation of an individual certificate shall
22 not constitute the basis for cancellation of the group policy.

23 (B) Where the premium is derived wholly from funds contributed by the
24 group policyholder, an insurer may cancel an individual certificate only
25 if cancellation is based on one or more of the reasons set forth in
26 subparagraph (B), (C) or (H) of paragraph one of subsection (c) of
27 section three thousand four hundred twenty-six of this article.

28 (2) (A) An insurer's cancellation of a group policy, including all
29 certificates, shall not become effective until thirty days after the
30 insurer mails or delivers written notice of cancellation to the group
31 policyholder at the mailing address shown in the policy.

32 (i) Where all or part of the premium is derived from funds contributed
33 by the group member specifically for the coverage, the insurer shall
34 also mail or deliver written notice of cancellation of the group policy
35 to the group member at the group member's mailing address. Such cancel-
36 lation shall not become effective until thirty days after the insurer
37 mails or delivers the written notice to the group member.

38 (ii) Where none of the premium is derived from funds contributed by a
39 group member specifically for the coverage, the group policy holder
40 shall mail or deliver written notice to the group member advising the
41 group member of the cancellation of the group policy and the effective
42 date of cancellation. The group policy holder shall mail or deliver the
43 written notice within ninety days after receiving notice of cancellation
44 from the insurer.

45 (B) An insurer's cancellation of an individual certificate shall not
46 become effective until thirty days after the insurer mails or delivers
47 written notice of cancellation to the group member at the group member's
48 mailing address and to the group policyholder at the mailing address
49 shown in the group policy.

50 (3) (A) A group policyholder may cancel a group policy, including all
51 certificates, or any individual certificate, for any reason upon thirty
52 days written notice to the insurer and each group member; and

53 (B) The group policyholder shall mail or deliver written notice to
54 each affected group member of the group policyholder's cancellation of
55 the group policy or certificate and the effective date of cancellation.
56 The group policyholder shall mail or deliver the written notice to the

1 group member's mailing address at least thirty days prior to the effec-
2 tive date of cancellation.

3 (4) (A) Unless a group policy provides for a longer policy period, the
4 policy and all certificates shall be issued or renewed for a one-year
5 policy period.

6 (B) The group policyholder shall be entitled to renew the group policy
7 and all certificates upon timely payment of the premium billed to the
8 group policyholder for the renewal, unless:

9 (i) the insurer mails or delivers to the group policyholder and all
10 group members written notice of nonrenewal, or conditional renewal; and

11 (ii) the insurer mails or delivers the written notice at least thirty,
12 but not more than one hundred twenty days prior to the expiration date
13 specified in the policy or, if no date is specified, the next anniver-
14 sary date of the policy.

15 (5) Where the group policyholder nonrenews the group policy, the group
16 policyholder shall mail or deliver written notice to each group member
17 advising the group member of nonrenewal of the group policy and the
18 effective date of nonrenewal. The group policyholder shall mail or
19 deliver written notice at least thirty days prior to the nonrenewal.

20 (6) Every notice of cancellation, nonrenewal, or conditional renewal
21 shall set forth the specific reason or reasons for cancellation, nonre-
22 newal, or conditional renewal.

23 (7) (A) An insurer shall not be required under this subsection to give
24 notice to a group member if the insurer has been advised by either the
25 group policyholder or another insurer that substantially similar cover-
26 age has been obtained from the other insurer without lapse of coverage.

27 (B) A group policyholder shall not be required under this subsection
28 to give notice to a group member if substantially similar coverage has
29 been obtained from another insurer without lapse of coverage.

30 (8) (A) If, prior to the effective date of cancellation, nonrenewal,
31 or conditional renewal of the group policy, or a certificate, whether
32 initiated by the insurer, group policyholder or by the group member in
33 regard to the group member's certificate, coverage attaches pursuant to
34 the terms of a group policy, then the coverage shall be effective until
35 expiration of the applicable period of coverage provided in the group
36 policy notwithstanding the cancellation, nonrenewal or conditional
37 nonrenewal of the group policy.

38 (B) Notwithstanding subparagraph (A) of this paragraph, an insurer may
39 terminate coverage under an individual certificate on the effective date
40 of cancellation, if the certificate is cancelled in accordance with the
41 provisions of subparagraph (B) of paragraph one of this subsection.

42 (k) Any mailing or delivery to a group member required or permitted
43 under this section may be made by electronic mail if consent to such
44 method of delivery has been previously received from such group member.

45 (l) An insurer may issue a transportation network company group policy
46 or marine transportation network company group policy to a transporta-
47 tion network company or a marine transportation network company,
48 notwithstanding that it may be a condition of operating a vehicle or a
49 vessel on the transportation network company's or marine transportation
50 network company's digital network for the TNC driver or MTNC operator to
51 participate in such group policy.

52 (m) An insurer shall not include a mandatory arbitration clause in a
53 policy that provides financial responsibility coverage under this
54 section except as permitted in section five thousand one hundred five of
55 the insurance law.

1 § 3456. Prohibition against cancellation of policy when motor vehicle
2 or vessel is used or operated through a transportation network company
3 program. (a) An insurer shall not cancel an existing motor vehicle
4 insurance policy or marine insurance policy solely on the basis that the
5 motor vehicle or vessel covered by the insurance has been made available
6 pursuant to a transportation network company program in compliance with
7 article forty-four-B of the vehicle and traffic law or a marine trans-
8 portation network company in compliance with article eleven-A of the
9 navigation law.

10 (b) The definitions set forth in section three thousand four hundred
11 fifty-five of this article shall apply to this section.

12 § 3. Subsection (b) of section 2305 of the insurance law is amended by
13 adding a new paragraph 2-a to read as follows:

14 (2-a) marine insurance required by article eleven-A of the navigation
15 law;

16 § 4. Paragraph 1 of subsection (a) of section 3425 of the insurance
17 law, as amended by chapter 129 of the laws of 2022, is amended to read
18 as follows:

19 (1) "Covered policy" means a contract of insurance, referred to in
20 this section as "automobile insurance", issued or issued for delivery in
21 this state, on a risk located or resident in this state, insuring
22 against losses or liabilities arising out of the ownership, operation,
23 or use of a motor vehicle, predominantly used for non-business purposes,
24 when a natural person is the named insured under the policy of automo-
25 bile insurance; provided, however, that the use or operation of the
26 motor vehicle by a transportation network company driver as a TNC vehi-
27 cle in accordance with article forty-four-B of the vehicle and traffic
28 law or the use or operation of the motor vehicle through a peer-to-peer
29 car sharing program in accordance with article forty of the general
30 business law, or the use or operation of the vessel by a marine trans-
31 portation network company operator as an MTNC vessel in accordance with
32 article eleven-A of the navigation law shall not be included in deter-
33 mining whether the motor vehicle or vessel is being used predominantly
34 for non-business purposes.

35 § 5. Section 14 of the navigation law is amended to read as follows:

36 § 14. Inspector; licenses. The inspector is authorized and empowered
37 to grant licenses as provided in [~~article~~] articles four and eleven-A of
38 this chapter.

39 § 6. Section 59 of the navigation law is amended by adding a new
40 subdivision 3 to read as follows:

41 3. This section shall not apply to a marine transportation network
42 company vessel operated in accordance with article eleven-A of this
43 chapter.

44 § 7. Paragraphs (a) and (c) of subdivision 6 of section 2 of the navi-
45 gation law, paragraph (a) as amended by chapter 224 of the laws of 1962
46 and paragraph (c) as amended by chapter 484 of the laws of 2005, are
47 amended and a new paragraph (e) is added to read as follows:

48 (a) "Public Vessel" shall mean and include every vessel which is
49 propelled in whole or in part by mechanical power and is used or oper-
50 ated for commercial purposes on the navigable waters of the state; that
51 is either carrying passengers, carrying freight, towing, or for any
52 other use; for which a compensation is received, either directly or
53 where provided as an accommodation, advantage, facility or privilege at
54 any place of public accommodation, resort or amusement. "Public vessel"
55 shall include a marine transportation network company vessel operated in
56 accordance with article eleven-A of this chapter.

1 (c) "Pleasure vessel" shall mean and include every vessel not within
2 the classification of public vessel, marine transportation network
3 company vessel or residential vessel. However, the provisions of this
4 chapter shall not apply to rowboats, canoes and kayaks except as other-
5 wise expressly provided.

6 (e) "Marine transportation network company vessel" or "MTNC vessel"
7 shall mean a vessel that is:

8 (i) used by a marine transportation network company operator to
9 provide a MTNC prearranged trip originating within the state of New York
10 pursuant to the provisions of article eleven-A of this chapter; and

11 (ii) owned, leased or otherwise authorized for use by the marine
12 transportation network company operator.

13 Such term shall not include a water taxi, a ferry, or a charter
14 vessel.

15 § 8. This act shall take effect on the one hundred eightieth day after
16 it shall have become a law.