

STATE OF NEW YORK

70

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

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 Assem-
bly, 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 customer 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 working on behalf of a third-par-
18 ty food delivery service.

19 (g) "Qualifying vehicle" means any two or three-wheeled vehicle, other
20 than a motorcycle that carries its own liability insurance per the
21 requirements of article six of the vehicle and traffic law, at the time
22 of the qualifying accident.

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

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

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

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

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

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

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

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

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

36 (e) Insurance maintained by any third-party food delivery service to
37 satisfy the requirements of this section shall be offered without a
38 deductible. A third-party food delivery service may maintain insurance
39 to satisfy the requirements of this section through a third-party insur-
40 er, so long as the requirements of this section are met.

41 (f) Insurance offered by any third-party food delivery service to
42 satisfy the requirements of this section shall be primary to any health
43 insurance policies that would otherwise cover the basic economic losses
44 defined in this section.

45 (g) A delivery driver shall receive benefits in accordance with this
46 section irrespective of the delivery driver's immigration status or
47 status as an independent contractor. A delivery driver interfacing with
48 a third-party food delivery service at the time of a qualifying accident
49 shall receive benefits in accordance with this section irrespective of
50 whether the delivery driver's vehicle is in compliance with federal,
51 state, or local requirements, including registration requirements.

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