

# STATE OF NEW YORK

1162--A

2025-2026 Regular Sessions

## IN SENATE

January 8, 2025

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

20 (g) "Qualifying vehicle" means any two or three-wheeled vehicle, other  
21 than a motor vehicle or motorcycle that carries its own liability insur-

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

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1 ance per the requirements of article six of the vehicle and traffic law,  
2 at the time of the qualifying accident.

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

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

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

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

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

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

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

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

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

55 (f) Insurance offered by any third-party food delivery service to  
56 satisfy the requirements of this section shall be primary over other

1 applicable insurance policies that would otherwise cover the basic  
2 economic losses defined in this section.

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

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

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

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

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