STATE OF NEW YORK

139--A

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. HOYLMAN-SIGAL -- 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 insurance law, in relation to bicycle delivery worker insurance personal injury liability insurance

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 2354 to read as follows:

§ 2354. Bicycle delivery worker insurance personal injury liability insurance. (a) As used in this section:

(1) "bicycle delivery contractor" means a person, corporation, partnership, sole proprietorship, or other entity that is operating in New York state using a digital network to connect BEA delivery recipients to bicycle with electric assist delivery workers;

(2) "digital network" means any third-party courier service offered or utilized by a bicycle delivery contractor using a mobile phone app or website that enables bicycle delivery contractor deliveries with bicycle with electric assist delivery workers;

(3) "third-party courier service" means a website, mobile application or other internet service that offers or arranges for the sale or delivery of retail goods, including food, and the same-day delivery or same-day pickup of retail goods, including food, from a retail establishment located in the state;

(4) "bicycle with electric assist delivery workers" or "BEA delivery workers" means an individual who:

(i) receives connections to potential BEA delivery recipients and related services from a bicycle delivery contractor; and

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

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(ii) uses a bicycle with electric assist as defined in section one hundred two-c of the vehicle and traffic law or an electric scooter as defined in section one hundred fourteen-e of the vehicle and traffic law to offer or provide a prearranged delivery to BEA delivery recipients through a digital network controlled by a bicycle delivery contractor in exchange for compensation or payment of a fee;

(5) "bicycle with electric assist delivery recipients" or "BEA delivery recipients" means a person or persons who use a bicycle delivery contractor's digital network to connect with a BEA delivery worker who provides delivery of food or other items to points chosen by the BEA delivery recipient; and

(6) "bicycle delivery contractor prearranged trip" or "trip" means the provision of delivery by a BEA delivery worker to a passenger provided through the use of a bicycle delivery contractor's digital network:

(i) beginning when a BEA delivery worker accepts a BEA delivery recipient's request for a delivery through a digital network controlled by a bicycle delivery contractor;

(ii) continuing while the BEA delivery worker transports the requested items on a bicycle with electric assist; and

(iii) ending when the last requested item is dropped off from the bicycle with electric assist and marked as completed by a BEA delivery worker on the digital network.

(b) (i) All bicycle delivery contractors must provide personal injury liability insurance as defined in paragraph thirteen of subsection (a) of section one thousand one hundred thirteen of this chapter to compensate persons injured by a BEA delivery worker while such worker is undergoing a trip, at no more than twenty thousand dollars per incident involving a BEA delivery worker.

(ii) Insurance purchased through this policy will be primary over other applicable insurance policies and shall not include no-fault coverage.

(iii) The insurance policy must be written by an insurer licensed to write insurance in this state or procured by a duly licensed excess line broker pursuant to section two thousand one hundred eighteen of this chapter.

(c) All bicycle delivery contractors must provide notice to BEA delivery workers that they provide personal injury liability insurance. A bicycle delivery contractor must also post this notice on its website in a prominent place and provide contact information for the department.

(d) The superintendent is authorized to promulgate such rules and regulations to implement this section, including regulations to address insurance coverage under this section when a BEA delivery worker uses multiple digital networks simultaneously.

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