

Section 1: Legislative Intent: The purpose of this Chapter is to ensure the safety, reliability, and cost-effectiveness of Transportation Network Company (TNC) Services within the State of New York and to preserve and enhance access to these important transportation options for residents and visitors to the State.

§2. The Vehicle and Traffic Law is amended to add a new Article 44B to read as follows:

Article 44B
REGULATION OF TRANSPORTATION NETWORK COMPANY SERVICES

Section 1691. Definitions

Section 1692. General Provisions

Section 1693. Financial Responsibility of Transportation Network Companies

Section 1694. Disclosures

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Section 1696. Driver and Vehicle Requirements

Section 1697. Maintenance of Records.

Section 1698. Audit Procedures; Confidentiality of Records.

Section 1699. Controlling Authority

SECTION 1691. Definitions. As used in this Article:

1. "Transportation Network Company Vehicle" or "TNC Vehicle" means a vehicle that is:

(a) Used by a Transportation Network Company Driver to provide a Prearranged Trip within the state of new York, but outside of a city with a population of one million or more;

(b) Owned, leased or otherwise authorized for use by the Transportation Network Company Driver;

(c) Not a taxicab, as defined in New York State Vehicle and Traffic Law (VTL) 148-a and New York City Administrative Code (N.Y.C. Admin. Code) § 19-502, or as otherwise defined in local law;

(d) Not a livery vehicle, as defined in VTL 121-e, or as otherwise defined in local law;

(e) Not a black car, limousine, or luxury limousine, as defined in N.Y.C. Admin. Code § 19-502, or as otherwise defined in local law; and

(f) Not a for-hire vehicle, as defined in N.Y.C. Admin. Code § 19-502; or as otherwise defined in local law.

(g) not a bus, as defined in section one hundred four of this chapter;

(h) not any motor vehicle weighing more than six thousand five hundred pounds unloaded;

(i) not any motor vehicle having a seating capacity of more than seven passengers; and

(j) not any motor vehicle subject to section three hundred seventy of this chapter.

Provided, however, such vehicle shall be deemed to be providing a livery service for purposes of the tax law.

2. "Digital Network" means any system or service offered or utilized by a Transportation Network Company that enables the prearrangement of trips with Transportation Network Company Drivers.

3. "Transportation Network Company" or "TNC" means a person, corporation, partnership, sole proprietorship, or other entity that is permitted pursuant to this article and is operating in New York State exclusively using a Digital Network to connect Transportation Network Company Passengers to Transportation Network Company Drivers who provide Prearranged TNC Trips.

4. "Transportation Network Company Driver" or "TNC Driver" means an individual who:

(a) Exclusively receives connections to potential passengers and related services from a Transportation Network Company in exchange for payment of a fee to the Transportation Network Company; and

(b) Uses a TNC Vehicle to offer or provide a TNC Prearranged Trip to Transportation Network Company Passengers upon connection through a Digital Network controlled by a Transportation Network Company in exchange for compensation or payment of a fee.

5. "Transportation Network Company Passenger" or "passenger" means an individual or persons who use a Transportation Network Company's Digital Network to connect with a Transportation Network Company Driver who provides TNC Prearranged Trips to the passenger in the TNC Vehicle between points chosen by the passenger.

6. "TNC Prearranged Trip" means the provision of transportation by a Transportation Network Company Driver to a passenger provided through the use of an internet application, telephone or other means:

(1) Beginning when a Transportation Network Company Driver accepts a passenger's request for a trip through a Digital Network controlled by a Transportation Network Company;

(2) Continuing while the Transportation Network Company Driver transports the requesting passenger in a TNC Vehicle; and

(3) Ending when the last requesting passenger departs from the TNC Vehicle.

7. "Group policy" means an insurance policy issued pursuant to section 3455 of the Insurance Law

SECTION 1692. General Provisions.

1. A TNC or a TNC Driver is not a common carrier, as defined in N.Y. Trans. Law § 2(6); a contract carrier of passengers by motor vehicle, as defined in N.Y. Trans. Law § 2(9); or a motor carrier, as defined in N.Y. Trans. Law § 2(17), nor do they provide taxicab or for-hire vehicle service. Moreover, a TNC Driver shall not be required to register the TNC Vehicle such TNC Driver uses for TNC Prearranged Trips as a commercial or for-hire vehicle, as set forth in VTL 501-a *et seq.*

2. A TNC may not operate in the State of New York without first having obtained a permit issued by the New York State Department of Motor Vehicles ("DMV") in a form and manner and with applicable fees as provided for by DMV regulations.

3. A TNC must maintain an agent for service of process in the State of New York.

4. On behalf of a TNC Driver, a TNC may charge a fare for the services provided to passengers; provided that, if a fare is collected from a passenger, the TNC shall disclose to the passengers the fare or fare calculation method on its website or within the application service. The TNC shall also provide the passengers with the applicable rates being charged and an estimated fare before the passenger enters the TNC Vehicle.

5. A TNC's Digital Network shall display a picture of the TNC Driver, and the make, model, and license plate number of the TNC Vehicle utilized for providing the TNC Prearranged Trip before the passenger enters the TNC Vehicle.

6. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger on behalf of the TNC Driver that lists:

- (a) The origin and destination of the trip;
- (b) The total time and distance of the trip; and
- (c) An itemization of the total fare paid, if any; and
- (d) a separate statement of the applicable taxes.

7. A TNC Driver shall not solicit or accept street hails.

8. A TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments for the fares charged to passengers for TNC Prearranged Trips and notify TNC Drivers of such policy. TNC Drivers shall not solicit or accept cash payments from passengers.

SECTION 1693. Financial Responsibility of Transportation Network Companies. (a) A TNC Driver, or TNC on the TNC Driver's behalf through a group policy, shall maintain insurance that provides financial responsibility coverage:

- (1) while the TNC Driver is logged onto the TNC's Digital Network; and
- (2) while the TNC Driver is engaged in a TNC Prearranged Trip.

(b)(1) The following insurance requirements shall apply while a TNC Driver is logged on to the TNC's Digital Network and is available to receive transportation requests but is not engaged in a TNC Prearranged Trip: insurance against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a personal vehicle or vehicles within this state, or elsewhere in the United States in North America or Canada, subject to a limit, exclusive of interest and costs, with respect to each such personal vehicle, of at least fifty thousand dollars because of bodily injuries to or death of one person in any one accident and, subject to said limit for one person, to a limit of at least one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and to a limit of at least twenty-five thousand dollars because of injury to or destruction of property of others in any one accident provided, however, that such policy need not be for a period coterminous with the registration period of the personal vehicle insured, and coverage in satisfaction of the financial responsibility requirements set forth in section three

thousand four hundred twenty of the Insurance Law, article fifty-one of the Insurance Law, and such other requirements or regulations that may apply for the purposes of satisfying the financial responsibility requirements with respect to the use or operation of a motor vehicle.

(2) The coverage requirements of paragraph one of this subsection may be satisfied by any of the following:

(A) insurance maintained by the TNC Driver; or

(B) insurance provided through a group policy maintained by the TNC.

(c)(1) The following automobile insurance requirements shall apply while a TNC Driver is engaged in a TNC Prearranged Trip: insurance against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a specific personal vehicle or vehicles within this state, or elsewhere in the United States in North America or the Dominion of Canada, subject to a limit, exclusive of interest and costs, with respect to each such personal vehicle, of at least one million dollars because of bodily injuries to and one million dollars because of death of one person in any one accident and, subject to said limit for one person, to a limit of at least one million dollars because of bodily injury to and one million dollars because of death of two or more persons in any one accident, and to a limit of at one million dollars because of injury to or destruction of property of others in any one accident provided, however, that such policy need not be for a period coterminous with the registration period of the personal vehicle insured, and coverage in satisfaction of the financial responsibility requirements set forth in section three thousand four hundred twenty of the Insurance Law, article fifty-one of the Insurance Law, and such other requirements or regulations that may apply for the purposes of satisfying the financial responsibility requirements with respect to the use or operation of a motor vehicle.

(2) The coverage requirements of paragraph one of this subsection may be satisfied by any of the following:

(A) insurance maintained by the TNC Driver; or

(B) insurance provided through a group policy maintained by the TNC.

(d) A TNC shall, upon entering into a contractual agreement with a TNC Driver, provide notice to the TNC Driver that he or she may need additional insurance coverage including motor vehicle physical damage coverage as described in paragraph nineteen of subsection (a) of section one thousand one hundred thirteen of this chapter if the TNC Vehicle being used by this TNC Driver is subject to a lease or loan. A TNC shall also post this notice on its website in a prominent place.

(e) If insurance maintained by a TNC Driver pursuant to subsections(b) and (c) of this section has lapsed or does not provide the required coverage, then the group policy maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

(f) Except for a policy providing coverage under subsections (b) and (c) of this section, coverage under a group policy maintained by the TNC shall not be dependent on the denial of a claim by the insurer that issued the insurance policy used to register the TNC Vehicle, nor shall that insurer be required to first deny a claim.

(g) Insurance required by this section shall be purchased from an insurer authorized to write insurance in this state.

(h) Insurance satisfying the requirements of this section may be used, when the TNC vehicle is being used or operated during the period specified in subsection (a) of this section, to satisfy the

financial responsibility requirements set forth in subdivision four of section three hundred eleven of the vehicle and traffic law, and any other requirements or regulations that may apply for the purposes of satisfying the financial responsibility requirements with respect to the use or operation of a motor vehicle.

(i) A TNC Driver shall carry proof of coverage, in accordance with regulations promulgated by the commissioner of motor vehicles, satisfying subsections (b) and (c) of this section with him or her at all times during his or her use or operation of a TNC Vehicle in connection with a TNC's Digital Network. In the event of an accident, a TNC Driver shall provide this insurance coverage information to the directly interested parties, motor vehicle insurers and investigating police officers, upon request. Proof of coverage shall be deemed to be an insurance identification card under section three hundred nineteen of the vehicle and traffic law, and failure to produce proof of coverage in accordance with section three hundred nineteen shall be deemed to be a violation of such section. Upon such request, a TNC Driver shall also disclose to directly interested parties, insurers, and investigating police officers, whether he or she was logged on to the TNC's Digital Network or on a TNC Prearranged Trip at the time of an accident.

(j) The Superintendent of Financial Services is authorized to issue such rules and regulations necessary to implement this section.

SECTION 1694. DISCLOSURES. (a) A TNC shall disclose in writing to TNC Drivers the following before they are allowed to accept a request for a TNC Prearranged Trip on the TNC's Digital Network:

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC Driver uses a TNC Vehicle in connection with a TNC's Digital Network;

(2) That the TNC Driver's own automobile insurance policy might not provide any coverage while the TNC Driver is logged on to the TNC's Digital Network and is available to receive transportation requests or is engaged in a TNC Prearranged Trip, depending on its terms; and

(3) That, if a TNC Vehicle has a lien against it, then the continued use of such TNC Vehicle by its TNC Driver without physical damage coverage may violate the terms of the contract with the lienholder.

SECTION 1695. Insurance Provisions.

1. Exclusion of coverage; records retention. (a) Insurers that write motor vehicle insurance in this state may, in the insurance policy, exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle for any loss or injury that occurs while a TNC Driver is logged on to a TNC's Digital Network or while a driver provides a Prearranged Trip, including:

(1) liability coverage for bodily injury and property damage;

(2) coverage provided pursuant to article fifty-one of the Insurance Law;

(3) uninsured and underinsured motorist coverage; and

(4) motor vehicle physical damage coverage as described in paragraph nineteen of subsection (a) of section one thousand one hundred thirteen of the Insurance Law.

(b) Such exclusions shall apply notwithstanding any requirement under the law to the contrary. Nothing in this section implies or requires that an owner's policy of liability insurance or other motor vehicle insurance policy provide coverage while the TNC Driver is logged on to the TNC's Digital Network, while the TNC Driver is engaged in a TNC Prearranged Trip or while

the TNC Driver otherwise uses or operates a TNC Vehicle to transport passengers for compensation.

(c) Nothing shall be deemed to preclude an insurer from providing coverage for the TNC Driver's TNC vehicle, if it so chose to do so by contract or endorsement.

(d) Motor vehicle insurers that exclude the coverage described in section sixteen hundred and ninety eight of this article shall have no duty to defend or indemnify any claim expressly excluded thereunder.

(e) A motor vehicle insurer that defends or indemnifies a claim against a TNC Driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide motor vehicle insurance to the same driver in satisfaction of the coverage requirements of section eight thousand one hundred three of this article at the time of loss.

(f) In a claims coverage investigation, a TNC and any insurer potentially providing coverage under section sixteen hundred and ninety eight of this article shall, within fifteen days after a claim has been filed, facilitate the exchange of relevant information with directly involved parties and any insurer of the TNC Driver if applicable, including the precise times that a TNC Driver logged on and off of the TNC's Digital Network in the twelve hour period immediately preceding and in the twelve hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any motor vehicle insurance maintained under section sixteen hundred and ninety eight of this article.

SECTION 1696. Driver and Vehicle Requirements.

1. (a) At all times, an individual acting as a TNC Driver shall be permitted by the department as follows:

(1) The individual shall submit an application to the TNC, which shall include information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) The TNC shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include review of:

(A) Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);

(B) The New York State Sex Offender Registry; and

(C) U.S. Department of Justice National Sex Offender Public Website.

(3) The TNC shall obtain and review, or have a third party obtain and review, a driving history research report for such individual.

(4) A transportation network company shall request the department or the New York State Division of Criminal Justice services to initiate a fingerprint based criminal history background check for persons applying for a license to drive for such company. The department shall request and shall be authorized to receive from the division of criminal justice services and the federal bureau of investigation criminal history information, as such phrase is defined in paragraph (c) of subdivision one of section eight hundred forty-five-b of the executive law concerning each prospective driver. The department shall be authorized to receive a notification from the division of criminal justice services whenever a person who has submitted fingerprints pursuant to this subdivision is subsequently arrested. Every applicant shall submit fingerprints and a transportation network company shall pay a fee in accordance with the regulations of the commissioner of the division of criminal justice services. No cause of action against the

department, the division of criminal justice services, or a transportation network company for damages related to the dissemination of criminal history records pursuant to this section shall exist when such department, division, or company has reasonably and in good faith relied upon the accuracy and completeness of criminal history information furnished to the division of criminal justice services by qualified agencies. If the department, or the division of criminal justice services communicates to the TNC that an applicant has a disqualifying factor after reviewing the applicants fingerprint based criminal history information, notwithstanding the results of the TNC or third party review as set forth in paragraph one of the is section, the TNC shall not certify to the department that an individual qualifies to receive a TNC Driver Permit.

(b) The TNC shall not certify to the department that an individual qualifies to receive a TNC Driver Permit where such applicant:

(1) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

- (A) Attempting to evade the police,
- (B) Reckless driving, or
- (C) Driving on a suspended or revoked license;

(2) Has been convicted, within the past seven years, of:

- (A) Any felony, or
- (B) Misdemeanor driving under the influence, reckless driving, hit and run, or any other driving-related offense or any misdemeanor violent offense or sexual offense;

(3) Is a match in the U.S. Department of Justice National Sex Offender Public Website;

(4) Does not possess a valid New York driver's license;

(5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC Prearranged Trips;

(6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC Prearranged Trips as a TNC Vehicle; or

(7) Is not at least 19 years of age.

(c) Upon review of all information received and retained by the TNC pursuant to paragraph (a) of this subsection and upon verifying that the individual is not disqualified pursuant to paragraph (b) of this subdivision from receiving a TNC Driver permit, the TNC shall submit all information received relating to such applicant and a certification that such applicant qualifies to receive TNC Driver permit to the department.

(d) Upon receipt of all materials required under paragraph (c) of this subsection provided in a satisfactory manner along with all applicable fees, with the process, standards, disqualifying convictions or arrests, other requirements, and amount of such fees established in a form and manner promulgated in regulations by the department in a manner consistent with the standards and protections established in this section, the department shall provide a TNC Driver permit in a reasonable period. Any information submitted to the department pursuant to this section shall not be subject to disclosure pursuant to public officer's law section 87 and shall be kept confidential.

(e) A TNC shall be authorized to receive a notification from the division of criminal justice services whenever a TNC Driver who has submitted fingerprints pursuant to this section is subsequently arrested. Upon receipt of such notification, and a finding that the TNC Driver no longer qualifies to hold a permit pursuant to this section, the TNC shall take all reasonable

actions deemed necessary for the health, safety and welfare of its users, and shall be obligated to notify, within twenty-four hours, the department of any arrest that may disqualify a TNC Driver from holding a TNC Driver Permit pursuant to this section. Upon a finding that a TNC Driver no longer qualifies to hold a TNC Driver Permit, such TNC Driver Permit shall be suspended until such time as the department finds that all disqualifying factors no longer exist.

2. (a) A TNC shall implement a zero-tolerance policy regarding a TNC Driver's activities while accessing the TNC's Digital Network. The zero tolerance policy shall address the use of drugs or alcohol while a TNC Driver is providing TNC Prearranged Trips or is logged into the TNC's Digital Network but is not providing TNC Prearranged Trips, and the TNC shall provide notice of this policy on its Digital Network, as well as procedures to report a complaint about a TNC Driver with whom a TNC Prearranged Trip was commenced and whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(b) Upon receipt of such passenger complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC Driver's ability to accept trip requests through the TNC's Digital Network as soon as possible, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(c) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a passenger complaint is received by the TNC.

3. (a) A TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and notify TNC Drivers of such policy.

(b) TNC Drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(c) TNC Drivers shall comply with all applicable laws relating to accommodation of service animals.

(d) A TNC shall implement and maintain a policy of providing accessibility to passengers or potential passengers with a disability and accommodation of service animals as such term is defined in section 123-b of the agriculture and markets law and shall to the extent practicable adopt findings established by the New York State TNC Accessibility Task Force adopted pursuant to section twenty five of this act. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

4. A TNC shall require that any motor vehicle(s) that a TNC Driver will use as a TNC Vehicle to provide TNC Prearranged Trips meets applicable New York State vehicle safety and emissions requirements, as set forth by VTL § 301, or the vehicle safety and emissions requirements of the state in which the vehicle is registered.

SECTION 1697. Maintenance of Records. A TNC shall maintain the following records:

(a) Individual trip records for at least six years (6) year from the date each trip was provided; and

(b) Individual records of TNC Drivers at least until the six years (6) year anniversary of the date on which a TNC Driver's relationship with the TNC has ended.

SECTION 1698. Audit Procedures; Confidentiality of Records. (a) For the sole purpose of verifying that a TNC is in compliance with the requirements of this Chapter and no more than biannually, the department shall reserve the right to visually inspect a sample of records that the TNC is required to maintain, upon request by department that shall be fulfilled in no less than 10 business days by the TNC. The sample shall be chosen randomly by the department in a manner agreeable to both parties. The audit shall take place at a mutually agreed location in New York. Any record furnished to the department may exclude information that would tend to identify specific drivers or passengers.

(b) In response to a specific complaint against any TNC Driver or TNC, the department is authorized to inspect records held by the TNC that are necessary to investigate and resolve the complaint. The TNC and the department shall endeavor to have the inspection take place at a mutually agreed location in New York. Any record furnished to the DMV may exclude information that would tend to identify specific drivers or passengers, unless the identity of a driver or passenger is relevant to the complaint.

(c) Any records inspected by the department under this Chapter are designated confidential, are not subject to disclosure to a third party by the department without prior consent of the TNC, and are exempt from disclosure under the Freedom of Information Law, N.Y. Pub. Off. Law, § 84-90. Nothing in this section shall be construed as limiting the applicability of any other exemptions under the Freedom of Information Law, N.Y. Pub. Off. Law, § 84-90.

SECTION 1699. Controlling Authority (a) Notwithstanding any other provision of law, TNCs and TNC Drivers are governed exclusively by this act and any rules promulgated by the state through its agencies consistent with this act. No county, town, city or village may enact a tax except for a tax authorized under article twenty-nine of the Tax Law or any fee or other surcharge on a TNC, a TNC Driver, or a TNC Vehicle used by a TNC Driver or require a license or permit for a TNC, a TNC Driver, or a TNC Vehicle used by a TNC Driver, where such tax or licenses relates to facilitating or providing TNC Prearranged Trips, or subjects a TNC, a TNC Driver, or a TNC vehicle used by a TNC driver to operational, or other requirements.

(b) Nothing in this article shall authorize any TNC Driver to initiate TNC Prearranged Trips in a city with a population of one million or more except as may be authorized by such city or where a county, town, city or village has opted to prohibit the same pursuant to authority consistent with section 182 of the general municipal law.

§3. Section 370 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding any other provision of this article, an individual shall not be deemed to be engaged in the business of carrying or transporting passengers for hire if the individual does so solely as a transportation network company driver in accordance with article forty four b of this chapter.

§4. Subdivision 3 of section 311 of the vehicle and traffic law is amended to read as follows:

3. The term "proof of financial security" shall mean proof of ability to respond in damages for liability arising out of the ownership, maintenance or use of a motor vehicle as evidenced by an owner's policy of liability insurance, a financial security bond, a financial security deposit, or qualifications as a self-insurer under section three hundred sixteen of this chapter or, in the case of a non-resident, under self-insurance provisions of the laws of the jurisdiction of such non-

resident, or, in the case of a personal vehicle used by a transportation network driver as a TNC vehicle pursuant to article forty four b of this chapter, a group policy issued to the transportation network company. Notwithstanding any other provision of any law or regulation, any proof of financial security shall for any self-propelled motor vehicle also provide coverage required by this article to any non-commercial trailer hauled by any such motor vehicle, other than a mobile home. For the purposes of this article, a mobile home or "manufactured home" means a mobile home or manufactured home as defined in section one hundred twenty-two-c of this chapter.

§5. Subdivision 1 of section 312-a of the vehicle and traffic law is amended to read as follows:
1. Upon issuance of an owner's policy of liability insurance or other financial security required by this chapter or article forty four b of this chapter, an insurer shall issue proof of insurance in accordance with the regulations promulgated by the commissioner pursuant to paragraph (b) of subdivision two of section three hundred thirteen of this article.

§6. Article 34 of the Insurance Law is amended to add a new section 3455 to read as follows:

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

(1) "Transportation network company" shall have the same meaning as set forth in article forty four b of the Vehicle and Transportation Law.

(2) "Certificate" or "certificate of insurance" means any policy, contract or other evidence of insurance, or passenger or endorsement there-to, issued to a group member under a transportation network company group policy.

(3) "Transportation network company group policy" or "group policy" means a group policy, including certificates issued to the group members, where the group policyholder is a transportation network company and the policy provides insurance to the transportation network company and to group members:

(A) in accordance with the requirements of article forty four b of the vehicle and traffic law;

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

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

(4) "Group Member" means a transportation network company driver as defined in article forty four b of the vehicle and traffic law.

(5) "Group policyholder" means a transportation network company.

(6) "TNC vehicle" shall have the meaning set forth in article forty four b of the Vehicle and Traffic Law.

(b) An insurer may issue or issue for delivery in this state a transportation network company group policy to a transportation network company as a group policyholder only in accordance with the provisions of this section.

(c)(1) A transportation network company group policy shall provide coverage for a TNC vehicle in accordance with the requirements of article forty four b of the vehicle and traffic law.

(2) A transportation network company group policy may provide:

(A) coverage for limits higher than the minimum limits required pursuant to article forty four b of the vehicle and traffic law.

(B) supplementary uninsured/underinsured motorists insurance for bodily injury pursuant to paragraph two of subsection (f) of section three thousand four hundred twenty of this article;

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

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

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

(4) A transportation network company group policy, including certificates, shall be issued by an insurer authorized to write insurance in this state.

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

(d) The premium for the transportation network company group policy, including certificates may be paid by the group policyholder from the funds contributed:

(1) wholly by the group policyholder;

(2) wholly by the group members; or

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

(e) (1) Any policy dividend, retrospective premium credit, or retrospective premium refund in respect of premiums paid by the group policyholder may:

(A) be applied to reduce the premium contribution of the group policyholder, but not in excess of the proportion to its contribution; or

(B) be retained by the group policyholder.

(2) Any policy dividend, retrospective premium credit, or retrospective premium refund not distributed under paragraph one of this subsection shall be:

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

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

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

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

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

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

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

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

(g) Each policy written pursuant to this section shall provide per occurrence limits of coverage for each group member in an amount not less than that required by of section sixteen hundred and ninety eight of the vehicle and traffic law, and may provide coverage for limits higher than the minimum limits required under the law.

(h) (1) The insurer shall be responsible for mailing or delivery of a certificate of insurance to each group member insured under the transportation network company group policy, provided, however, that the insurer may delegate the mailing or delivery to the transportation network company. The insurer shall also be responsible for the mailing or delivery to each group member of an amended certificate of insurance or endorsement to the certificate, whenever there is a change in limits; change in type of coverage; addition, reduction, or elimination of coverage; or addition of exclusion, under the transportation network company group policy or certificate.

(2) The certificate shall contain in substance all material terms and conditions of coverage afforded to group members, unless the transportation network company group policy is incorporated by reference and a copy of the group policy accompanies the certificate.

(3) If any coverage afforded to the group member is excess of applicable insurance coverage, the certificate shall contain a notice advising the group members that, if the member has other insurance coverage, specified coverages under the transportation network company group policy will be excess over the other insurance.

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

(j) A transportation network company group policy shall not be subject to section three thousand four hundred twenty-five or section three thousand four hundred twenty-six of this article; provided that the following requirements shall apply with regard to termination of coverage:

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

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

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

(i) Where all or part of the premium is derived from funds contributed by the group member specifically for the coverage, the insurer shall also mail or deliver written notice of cancellation of the group policy to the group member at the group member's mailing address.

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

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

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

(B) The group policyholder shall mail or deliver written notice to each affected group member of the group policyholder's cancellation of the group policy or certificate and the effective date of cancellation. The group policyholder shall mail or deliver the written notice to the group member's mailing address at least thirty days prior to the effective date of cancellation.

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

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

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

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

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

(6) Every notice of cancellation, nonrenewal, or conditional renewal shall set forth the specific reason or reasons for cancellation, nonrenewal, or conditional renewal.

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

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

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

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

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

§7. Subsection (b) of section 5103 of the insurance law is amended by adding a new paragraph 4 to read as follows:

(4) Is injured while a motor vehicle is being used or operated by a driver in connection with a transportation network company pursuant to article forty four b of the vehicle and traffic law, provided, however, that an insurer may not include this exclusion in a policy used to satisfy the requirements under article forty four b of the vehicle and traffic law.

§8. Subsection (d) of section 5106 of the insurance law, as added by chapter 452 of the laws of 2005, is amended to read as follows:

(d) [Where] (1) Except as provided in paragraph two of this subsection, where there is reasonable belief more than one insurer would be the source of first party benefits, the insurers may agree among themselves, if there is a valid basis therefor, that one of them will accept and pay the claim initially. If there is no such agreement, then the first insurer to whom notice of claim is given shall be responsible for payment. Any such dispute shall be resolved in accordance with the arbitration procedures established pursuant to section five thousand one hundred five of this article and [regulation] regulations as promulgated by the superintendent, and any insurer paying first-party benefits shall be reimbursed by other insurers for their proportionate share of the costs of the claim and the allocated expenses of processing the claim, in accordance with the provisions entitled "other coverage" contained in a regulation and the provisions entitled "other sources of first-party benefits" contained in a regulation. If there is no such insurer and the motor vehicle accident occurs in this state, then an applicant who is a qualified person as defined in article fifty-two of this chapter shall institute the claim against the motor vehicle accident indemnification corporation.

(2) A group policy issued pursuant to section three thousand four hundred fifty-five of this chapter shall provide first party benefits when a dispute exists as to whether a driver was using or operating a motor vehicle in connection with a transportation network company when loss, damage, injury, or death occurs. A transportation network company shall notify the insurer that issued the owner's policy of liability insurance of the dispute within ten business days of becoming aware that that the dispute exists. When there is a dispute, the group insurer liable for the payment of first party benefits under a group policy shall have the right to recover the amount paid from the driver's insurer to the extent that the driver would have been liable to pay damages in an action at law.

§9. Subsection (a) of section 308 of the insurance law is amended to read as follows:

(a)(1) The superintendent may also address to any health maintenance organization, life settlement provider, life settlement intermediary or its officers, [or] any authorized insurer or rate service organization, or officers thereof, or any transportation network company, or officers thereof, any inquiry in relation to its transactions or condition or any matter connected therewith. Every corporation or person so addressed shall reply in writing to such inquiry promptly and truthfully, and such reply shall be, if required by the superintendent, subscribed by such individual, or by such officer or officers of a corporation, as the superintendent shall designate, and affirmed by them as true under the penalties of perjury.

(2) In the event any corporation or person does not provide a good faith response to an inquiry from the superintendent pursuant to this section relating to accident insurance, health insurance, accident and health insurance or health maintenance organization coverage, [or] with respect to life settlements, or with respect to a group policy or the use or operation of a motor vehicle in connection with a transportation network company, within a time period specified by the superintendent of not less than fifteen business days, the superintendent is authorized to levy a civil penalty, after notice and hearing, against such corporation or person not to exceed five hundred dollars per day for each day beyond the date specified by the superintendent for response, but in no event shall such penalty exceed seven thousand five hundred dollars.

§10. Subsection (b) of section 2305 of the insurance law, as amended by chapter 136 of the laws of 2008, is amended to read as follows:

(b) rate filings for:

- (1) workers' compensation insurance;
- (2) motor vehicle insurance, or surety bonds, required by section three hundred seventy of the vehicle and traffic law or article forty four b of the vehicle and traffic law;
- (3) joint underwriting;
- (4) motor vehicle assigned risk insurance;
- (5) insurance issued by the New York Property Insurance Underwriting Association;
- (6) risk sharing plans authorized by section two thousand three hundred eighteen of this article;
- (7) title insurance;
- (8) medical malpractice liability insurance;
- (9) insurance issued by the Medical Malpractice Insurance Association;
- (10) mortgage guaranty insurance;
- (11) credit property insurance, as defined in section two thousand three hundred forty of this article; [and]
- (12) gap insurance; and
- (13) [Private] private passenger automobile insurance, except as provided in section two thousand three hundred fifty of this article[.], shall be filed with the superintendent and shall not become effective unless either the filing has been approved or thirty days, which the superintendent may with cause extend an additional thirty days and with further cause extend an additional fifteen days, have elapsed and the filing has not been disapproved as failing to meet the requirements of this article, including the standard that rates be not otherwise unreasonable. After a rate filing becomes effective, the filing and supporting information shall be open to public inspection. If a filing is disapproved, then notice of such disapproval order shall be given,

specifying in what respects such filing fails to meet the requirements of this article. Upon his or her request, the superintendent shall be provided with support and assistance from the workers' compensation board and other state agencies and departments with appropriate jurisdiction. The loss cost multiplier for each insurer providing coverage for workers' compensation, as defined by a regulation promulgated by the superintendent, shall be promptly displayed on the department's website and updated in the event of any change.

§11. Paragraph 1 of subsection (a) of section 3425 of the insurance law is amended to read as follows:

(1) "Covered policy" means a contract of insurance, referred to in this section as "automobile insurance", issued or issued for delivery in this state, on a risk located or resident in this state, insuring against losses or liabilities arising out of the ownership, operation, or use of a motor vehicle, predominantly used for non-business purposes, when a natural person is the named insured under the policy of automobile insurance; provided, however, that the use or operation of the motor vehicle by a transportation network driver as a TNC vehicle in accordance with article forty four b of the vehicle and traffic law shall not be included in determining whether the motor vehicle is being used predominantly for non-business purposes.

§12. Subdivisions 1, 3, and 8 of Section 160-cc of the Executive Law amended, a new subdivision 10 is added to section 160-cc of the Executive Law to read as follows:

§ 160-cc. Definitions

As used in this article:

1. "Black car operator" means the registered owner of a for-hire vehicle, or a driver designated by such registered owner to operate the registered owner's for-hire vehicle as the registered owner's authorized designee, whose injury arose out of and in the course of providing covered services to a central dispatch facility that is a registered member of the New York black car operators' injury compensation fund, inc. For the purposes of administration of this article, a black car operator shall include a Transportation Network Company driver as defined in article 44b of the vehicle and traffic law.

3. "Central dispatch facility" means a central facility, wherever located, including a Transportation Network Company, that (a) dispatches the registered owners of for-hire vehicles, or drivers acting as the designated agent of such registered owners, to both pick-up and discharge passengers in the state, and (b) has certified to the satisfaction of the department of state that more than ninety percent of its for-hire business is on a payment basis other than direct cash payment by a passenger; provided, however, that a central dispatch facility shall not include any such central facility that owns fifty percent or more of the cars it dispatches. . For the purposes of administration of this article, central dispatch facility shall include TNC prearranged as defined in article 44b of the vehicle and traffic law.

8. "Local licensing authority" means the governmental agency in the state, if any that is

authorized to license a central dispatch facility, including licensing jurisdictions as defined in article 44b of the vehicle and traffic law.

9. "Secretary" means the secretary of state.

10. "Transportation Network Company" or "TNC" shall have the same meaning as the term is defined in article 44b of the vehicle and traffic law.

§13: Article 9 of the General Municipal Law is amended to add a new section 182 to read as follows

182: Local Regulation of Transportation Network Companies

1. (a) For purposes of this section, Transportation Network Company shall mean, a corporation, partnership, sole proprietorship, or other entity that is permitted pursuant to article forty four b of the vehicle and traffic law and is operating in New York State that uses a Digital Network to connect Transportation Network Company Passengers to Transportation Network Company Drivers who provide TNC Prearranged Trips..

(b) Transpiration Network Driver means an individual who: (i) Receives connections to potential passengers and related services from a Transportation Network Company in exchange for payment of a fee to the Transportation Network Company; and (ii) Uses a TNC Vehicle to offer or provide a TNC Prearranged Trip to Transportation Network Company Passengers upon connection through a Digital Network controlled by a Transportation Network Company in exchange for compensation or payment of a fee.

2. A County, Town, City or Village authorized to adopt ordinances pursuant to section 181 of this article may prohibit Transportation Network Companies from providing services within their geographic boundaries pursuant to the passage of a local law.

3. For the purposes of this section, a County, Town, City, or Village authorized to establish ordinances pursuant to section 181 of this article shall not include a city with a population of one million or more.

§14: Subdivision (o) of section 1111 of the tax law is amended by adding a new paragraph (4) to read as follows:

(4) A Transportation Network Company or "TNC," as the term is defined in article 44b of the Vehicle and Traffic Law shall be deemed a vendor of a transportation service subject to tax pursuant to paragraph ten of subdivision (c) of section eleven hundred five of this article with respect to any transportation that is provided by or through such TNC, and it shall have all the obligations and rights of a vendor, including the collection, reporting and remittance of the tax imposed under this article, the right to an exclusion or a credit or refund of tax as provided in subdivision (e) of section eleven hundred thirty-two of this article and subdivision (f) of section eleven hundred thirty-seven of this part, subject to the provisions of such subdivisions.

§15. Section 1111 of the tax law is amended by adding a new subdivision (s) to read as follows:

(s) Receipts subject to tax under paragraph (10) of subdivision (c) of section eleven hundred five of this article on TNC prearranged trips, as defined by section twelve hundred eighty of article 29-A of this chapter, shall exclude the tax imposed by such article 29-A on such prearranged trips.

§16. The article heading of article 29-A of the tax law, as amended by section 1 of part V of chapter 57 of the laws of 2010, is amended to read as follows:

TAX ON MEDALLION TAXICAB TRIPS IN THE METROPOLITAN
COMMUTER TRANSPORTATION DISTRICT AND ON CERTAIN TNC TRIPS

§17. Subdivisions (g) and (m) of section 1280 of the tax law, as amended by section 13 of chapter 9 of the laws of 2012, are amended to read as follows:

(g) "Passenger" means an individual seated in a taxicab [or], HAIL vehicle, or TNC vehicle for travel for hire to a given destination.

(m) "Trip record," also known as a trip sheet or trip log means (i) with respect to a transportation service provided by taxicab or HAIL vehicle, the written, computerized, automated or electronic accounting of a taxicab trip, HAIL vehicle trip, or dispatch trip[. The trip data to be transmitted or recorded], which shall include the taxicab license number (medallion number) or HAIL vehicle license number, any licensed operator's TLC license number, and HAIL base permit number; the location of trip initiation; the time of trip initiation; the number of passengers; the location of trip termination; the time of trip termination; the itemized metered fare for the trip (tolls, surcharge, and tip if paid by credit or debit card); the distance of the trip, the trip number, the method of payment, the total number of passengers, as well as such other information as may be required by the TLC or the commissioner, and (ii) with respect to a transportation service provided by or through a TNC, any and all information regarding a TNC prearranged trip that is kept by a TNC, the new York state department of motor vehicles, or that is required to be kept by the commissioner.

§18. Section 1280 of the tax law is amended by adding new subdivisions (v), (w), (x), (y) and (z) to read as follows:

(v) "TNC prearranged trip" shall have the same meaning as the term is defined in article 44b of the vehicle and traffic law.

(w) "Transportation network company" or "TNC" shall have the same meaning as the term is defined in article 44b of the vehicle and traffic law.

(x) "TNC Driver" shall have the same meaning as the term is defined in article 44b of the vehicle and traffic law.

(y) "TNC vehicle" shall have the same meaning as the term is defined in article 44b of the vehicle and traffic law.

§19. Section 1281 of the tax law, as amended by chapter 9 of the laws of 2012, is amended to read as follows:

§ 1281. Imposition of tax. In addition to any other tax imposed by this chapter or other law,

(a) there is hereby imposed on every taxicab owner a tax of fifty cents per taxicab trip and on every HAIL base a tax of fifty cents per HAIL vehicle trip provided by every HAIL vehicle affiliated with the base that originates in the city and terminates anywhere within the territorial boundaries of the MCTD; and

(b) there is hereby imposed on every TNC a tax of fifty cents on every TNC prearranged trip provided by or through it that originates outside of the city and terminates anywhere in this state.

§20. Section 1282 of the tax law and subdivisions (a), (c), and (d) of section 1283 of the tax law, as amended by chapter 9 of the laws of 2012, are amended to read as follows:

§ 1282. Presumption of taxability. For the purpose of the proper administration of this article and to prevent evasion of the tax imposed by this article, it shall be presumed that every taxicab trip and every HAIL vehicle trip that originates in the city, and every TNC prearranged trip that originates outside of the city, is subject to the [tax] taxes imposed by this article. This presumption shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for tax.

§21. Subdivisions (a), (c), and (d) of section 1283 of the tax law, as amended by chapter 9 of the laws of 2012, are amended to read as follows:

(a) The taxicab owner, [or] HAIL base, or TNC, as the case may be, shall be liable for the [tax] taxes imposed by this article.

(c) (1) Although the tax on taxicab trips and HAIL trips is imposed on the taxicab owner or the HAIL base, the city or the TLC shall adopt or amend ordinances or regulations to ensure that the economic incidence of the tax is passed through to passengers, such as by increasing taxicab or HAIL vehicle trip fares. The passing along of such economic incidence may not be construed by any court or administrative body as imposing the tax on any person other than the taxicab owner or the HAIL base. The city or the TLC must adjust trip fares to include therein the pass-through of the economic incidence of the tax imposed by this article, as the rate of such tax may from time to time change, and must timely require that any taximeter in a taxicab or HAIL vehicle used to provide trips that originate in the city be adjusted to include the pass-through.

(2) A taxicab owner or a HAIL base or HAIL vehicle owner in such city must timely adjust the taximeter in any of such person's taxicabs or HAIL vehicles so that it reflects such pass-through as such pass-through amount may from time to time change.

(3) Neither the failure of such city or the TLC to adjust fares nor the failure of a taxicab owner, HAIL base, HAIL vehicle owner, or other person to adjust a taximeter will relieve any person liable for the tax imposed by this article from the obligation to pay such tax timely, at the correct rate.

(d) Nothing in this article shall be construed as limiting the imposition of any tax imposed by article twenty-eight of this chapter on transportation service provided by or through a TNC, HAIL base, HAIL vehicle, or owner or operator of a HAIL vehicle. Nor shall anything in article twenty-eight of this chapter be construed as limiting the imposition of any tax imposed by this article on a TNC prearranged trip or a HAIL vehicle trip, or as limiting the obligation on a TNC or HAIL base to pay such tax.

§22. Subdivision (a) of section 1286 of the tax law, as amended by chapter 9 of the laws of 2012, is amended to read as follows:

(a) Every person liable for any tax imposed by this article shall keep:

(1) records of every taxicab or HAIL vehicle trip originating in the city, and of every TNC prearranged trip subject to tax under this article, and of all amounts paid, charged or due thereon and of the tax payable thereon, in such form as the commissioner may require;

(2) a true and complete copy of every contract, agreement, or arrangement concerning the lease, rental, or license to use a taxicab for which the person is required to remit the tax on trips imposed by this article on such person;

(3) with respect to HAIL vehicle owners and taxicab owners, a true and complete copy of every contract, agreement, or arrangement concerning the appointment of an agent;

(4) a true and complete copy of every contract, agreement, or arrangement concerning the affiliation of a HAIL vehicle or of a HAIL vehicle owner or driver with a HAIL base;

(5) true and complete copies of any records required to be kept by the TLC, an agency of a State that is authorized to permit or regulate a TNC; and

(6) such other records and information as the commissioner may require to perform his or her duties under this article.

§23. Subdivisions (b) and (c) of section 1288 of the tax law, as added by part E of chapter 25 of the laws of 2009, are amended to read as follows:

(b) On or before the twelfth day following the end of each month, after reserving such amount for such refunds and such costs, the commissioner shall certify to the comptroller the [amount of] following amounts from all revenues [so] received pursuant to this article during the prior month [as a result of the taxes, interest and penalties so imposed]: (i) all taxes, interest and penalties from TNC prearranged trips subject to tax pursuant to this article that originate in the MCTD; (ii) all taxes, interest and penalties from TNC prearranged trips that originate in an area of the state outside of the MCTD; and (iii) all taxes, interest and penalties from taxicab trips and HAIL vehicle trips subject to the tax imposed by this article.

(c) The comptroller shall pay over the amount of revenues [so] certified by the commissioner pursuant to subdivision (b) of this section as follows: (i) amounts certified pursuant to clause (i) of subdivision (b) of this section [to the] shall be paid to the metropolitan mass transportation operating assistance account of the mass transportation operating assistance fund established by section eighty-eight-A of the state finance law for deposit, subject to appropriation; (ii) amounts certified pursuant to clause (ii) of subdivision (b) of this section shall be paid to the public transportation systems operating assistance account of the mass transportation operating assistance fund established by section eighty-eight-A of the state finance law for deposit, subject to appropriation; and (iii) amounts certified pursuant to clause (iii) of subdivision (b) of this section shall be paid to the metropolitan transportation authority aid trust account of the metropolitan transportation authority financial assistance fund established by section ninety-two-ff of the state finance law for deposit, subject to appropriation, in the corporate transportation account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law to be applied as provided in paragraph (e) of subdivision four of such section twelve hundred seventy-a. Any money collected pursuant to this article that is deposited by the comptroller in [the metropolitan transportation authority aid trust account of the metropolitan transportation authority financial assistance fund] such funds shall be held in such [fund] funds free and clear of any claim by any person or entity paying the tax pursuant to this article, including, without limiting the generality of the foregoing, any right or claim against the metropolitan transportation authority, any of its bondholders, or any subsidiary or affiliate of the metropolitan transportation authority.

§24. Section 1289 of the tax law, as amended by chapter 9 of the laws of 2012, is amended to read as follows:

§ 1289. Cooperation [by city]. (a) The city and the TLC shall cooperate with and assist the commissioner to effect the purposes of this article and the commissioner's responsibilities under this article. Such cooperation shall include the city or TLC obtaining, furnishing, and timely updating current, complete and accurate names, addresses and all other information concerning every (1) taxicab owner, operator, and driver of taxicabs in the city, (2) agent and vehicle owner, and (3) HAIL base, HAIL vehicle owner, HAIL vehicle, and driver of a HAIL vehicle, and the trip records and other records of any of them, in the city's possession or in the possession of any of its agencies, instrumentalities, agents, contractors, or any other person the TLC has authorized or required to obtain or possess such records or information, together with any other information the commissioner requests, all in a format prescribed by, and without cost to, the commissioner. The TLC shall also furnish, or cause to be furnished, in a format prescribed by the commissioner, any records or information in the possession of the TLC, any agent or contractor of the city or the TLC, or any other person the TLC has authorized or required to obtain or possess such records or information, concerning the persons liable for the tax imposed by this article, including, among other things, detailed trip record information. Such cooperation shall also include the TLC assigning identifying numbers and other identifying indicia to HAIL bases, HAIL vehicle owners, HAIL vehicles, and drivers of HAIL vehicles in a format prescribed by the commissioner, so as to facilitate filing returns, paying tax, and performing other tasks required to administer the tax imposed by this article.

(b) any agency within the state that has permitted a TNC Drivers to operate shall make available to the commissioner any information in their possession regarding TNCs, TNC Drivers, and TNC prearranged trips and any other information in their possession deemed necessary by the commissioner to ensure the proper administration of the tax imposed by this article.

§25. 1. There is hereby established the New York State Transportation Network Company Accessibility Task Force to analyze and advise on how to maximize effective and integrated transportation services for persons with disabilities in the Transportation Network Company market and any market within the city of new york that uses similar technology to provide transportation services. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the speaker of the assembly. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the temporary president of the senate. Five members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the governor and shall include, but not be limited to, three representatives of groups who serve persons with disabilities. The governor shall designate two chairpersons to the New York State Transportation Network Company Accessibility Task Force.

2. The New York State Transportation Network Company Accessibility Task Force shall study the demand responsive transportation market place and shall, in addition to any responsibilities assigned by the governor: (a) conduct a needs assessment concerning the demand for demand responsive accessible transportation; (b) conduct a resource assessment concerning the availability of accessible demand responsive transportation services for persons with disabilities;

(c) identify opportunities for, and barriers to, increasing accessible demand responsive transportation service for persons with mobility disabilities; (d) propose strategies for increasing accessible demand responsive transportation service for persons with disabilities; (e) any other issues determined important to the task force in establishing a recommendation pursuant to subdivision 4 of this section.

3. The New York State TNC Accessibility Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in subdivision two of this section.

4. The New York State Transportation Network Company Accessibility Task Force shall complete a report addressing the activities described in subdivision two of this section and make a recommendation, supported by such activities, recommending the amount of accessibility necessary for adequate transportation for disabled passengers in order to utilize TNCs and present such findings at a public meeting where its members shall accept such report, pursuant to majority vote of the task force, and present such report to the governor, the speaker of the assembly and the temporary president of the senate, and make such report publicly available for review.

5. Upon making the report described in subsection 4 of this article, the New York State TNC Accessibility Task Force shall be deemed dissolved.

§26. Severability Clause: If any provision of this section or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

§27. Each agency that is designated to perform any function or duty pursuant to this act shall be authorized to establish rules and regulations for the administration and execution of such authority in a manner consistent with the provisions of this act and for the protection of the public, health, safety and welfare of persons within this state.

§28. Effective Date. This act shall take effect on the 90th day after it shall become law.