

The 2017-2018 State Budget modifies the Executive proposal to authorize Transportation Network Companies (TNCs). The agreement addresses the licensing of TNCs, the permitting and requirements for TNC drivers, consumer protections, local regulation of TNCs and TNC vehicles, insurance requirements for TNC vehicles, and taxation of TNC trips. It establishes a first in the nation state framework for providing workers compensation coverage for TNC drivers along with setting up a statewide task force to address issues related to accessibility for persons with disabilities.

PART AAA

51 Section 1. Legislative intent. The purpose of this act is to ensure
52 the safety, reliability, and cost-effectiveness of transportation
53 network company (TNC) services within the state of New York and to
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1 preserve and enhance access to these important transportation options
2 for residents and visitors to the state.

3 § 2. The vehicle and traffic law is amended by adding a new article
4 44-B to read as follows:

5 ARTICLE 44-B

6 TRANSPORTATION NETWORK COMPANY SERVICES

7 Section 1691. Definitions.

8 1692. General provisions.

9 1693. Financial responsibility of transportation network compa-
10 nies.

11 1694. Disclosures.

12 1695. Insurance provisions.

13 1696. Driver and vehicle requirements.

14 1697. Maintenance of records.

15 1698. Audit procedures; confidentiality of records.

16 1699. Criminal history background check of transportation
17 network company drivers.

18 1700. Controlling authority.

19 § 1691. Definitions. As used in this article: 1. "Transportation
20 network company vehicle" or "TNC vehicle" means a vehicle that is:

21 (a) used by a transportation network company driver to provide a TNC
22 prearranged trip originating within the state of New York; and

23 (b) owned, leased or otherwise authorized for use by the transporta-
24 tion network company driver;

25 (c) such term shall not include:

26 (i) a taxicab, as defined in section one hundred forty-eight-a of this
27 chapter and section 19-502 of the administrative code of the city of New
28 York, or as otherwise defined in local law;

- 29 (ii) a livery vehicle, as defined in section one hundred twenty-one-e
30 of this chapter, or as otherwise defined in local law;
31 (iii) a black car, limousine, or luxury limousine, as defined in
32 section 19-502 of the administrative code of the city of New York, or as
33 otherwise defined in local law;
34 (iv) a for-hire vehicle, as defined in section 19-502 of the adminis-
35 trative code of the city of New York, or as otherwise defined in local
36 law;
37 (v) a bus, as defined in section one hundred four of this chapter;
38 (vi) any motor vehicle weighing more than six thousand five hundred
39 pounds unloaded;
40 (vii) any motor vehicle having a seating capacity of more than seven
41 passengers; and
42 (viii) any motor vehicle subject to section three hundred seventy of
43 this chapter.

44 2. "Digital network" means any system or service offered or utilized
45 by a transportation network company that enables TNC prearranged trips
46 with transportation network company drivers.

47 3. "Transportation network company" or "TNC" means a person, corpo-
48 ration, partnership, sole proprietorship, or other entity that is
49 licensed pursuant to this article and is operating in New York state
50 exclusively using a digital network to connect transportation network
51 company passengers to transportation network company drivers who provide
52 TNC prearranged trips.

53 4. "Transportation network company driver" or "TNC driver" means an
54 individual who:

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1 (a) Receives connections to potential passengers and related services
2 from a transportation network company in exchange for payment of a fee
3 to the transportation network company; and

4 (b) Uses a TNC vehicle to offer or provide a TNC prearranged trip to
5 transportation network company passengers upon connection through a
6 digital network controlled by a transportation network company in
7 exchange for compensation or payment of a fee.

8 5. "Transportation network company passenger" or "passenger" means a
9 person or persons who use a transportation network company's digital
10 network to connect with a transportation network company driver who
11 provides TNC prearranged trips to the passenger in the TNC vehicle
12 between points chosen by the passenger.

13 6. (a) "TNC prearranged trip" or "trip" means the provision of trans-
14 portation by a transportation network company driver to a passenger
15 provided through the use of a TNC's digital network:

16 (i) beginning when a transportation network company driver accepts a
17 passenger's request for a trip through a digital network controlled by a

18 transportation network company;
19 (ii) continuing while the transportation network company driver trans-
20 ports the requesting passenger in a TNC vehicle; and
21 (iii) ending when the last requesting passenger departs from the TNC
22 vehicle.

23 (b) The term "TNC prearranged trip" does not include transportation
24 provided through any of the following:

25 (i) shared expense carpool or vanpool arrangements, including those as
26 defined in section one hundred fifty-eight-b of this chapter; and

27 (ii) use of a taxicab, livery, luxury limousine, or other for-hire
28 vehicle, as defined in this chapter, section 19-502 of the administra-
29 tive code of the city of New York, or as otherwise defined in local law.

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

32 § 1692. General provisions. 1. A TNC or a TNC driver shall not be
33 deemed a common carrier, as defined in subdivision six of section two of
34 the transportation law; a contract carrier of passengers by motor vehi-
35 cle, as defined in subdivision nine of section two of the transportation
36 law; or a motor carrier, as defined in subdivision seventeen of section
37 two of the transportation law. Neither a TNC nor a TNC driver shall be
38 deemed to provide taxicab or for-hire vehicle service while operating as
39 a TNC or TNC driver pursuant to this article. Moreover, a TNC driver
40 shall not be required to register the TNC vehicle such TNC driver uses
41 for TNC prearranged trips as a commercial or for-hire vehicle, as set
42 forth in article fourteen of this chapter.

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

55 (b) Failure of a TNC to obtain a license before operation, pursuant to
56 this subdivision shall constitute a misdemeanor.

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

3 4. On behalf of a TNC driver, a TNC may charge a fare for the services
4 rendered to passengers; provided that, if a fare is collected from a

5 passenger, the TNC shall disclose to such passenger the fare within the
6 TNC's digital network. The TNC shall also provide passengers, before
7 such passengers enter a TNC vehicle, the actual fare or an estimated
8 fare for such TNC prearranged trip through the TNC's digital network.
9 The TNC shall also post the fair calculation method on its website.

10 5. A TNC's digital network shall display a picture of the TNC driver,
11 and provide the make, model, color and license plate number of the TNC
12 vehicle utilized for providing the TNC prearranged trip before the
13 passenger enters the TNC vehicle.

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

- 17 (a) The origin and destination of the trip;
- 18 (b) The total time and distance of the trip;
- 19 (c) An itemization of the total fare paid, if any;
- 20 (d) A separate statement of the applicable assessment fee and
21 surcharge; and
- 22 (e) The TNC name and operating license number.

23 7. A TNC driver shall not solicit or accept street hails.

24 8. A TNC shall adopt a policy prohibiting solicitation or acceptance
25 of cash payments for the fares charged to passengers for TNC prearranged
26 trips and notify TNC drivers of such policy. TNC drivers shall not
27 solicit or accept cash payments from passengers.

28 9. A TNC shall prevent a TNC driver from accepting TNC prearranged
29 trips within a city of a population of one million or more and any coun-
30 ty or city that has enacted a local law or ordinance pursuant to section
31 one hundred eighty-two of the general municipal law and has not repealed
32 such local law or ordinance, except where the acceptance of a prear-
33 ranged trip is authorized pursuant to an existing reciprocity agreement.

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

36 § 1693. Financial responsibility of transportation network companies.

37 1. A TNC driver, or TNC on the TNC driver's behalf through a group poli-
38 cy, shall maintain insurance that recognizes that the driver is a TNC
39 driver and provides financial responsibility coverage:

- 40 (a) while the TNC driver is logged onto the TNC's digital network; and
- 41 (b) while the TNC driver is engaged in a TNC prearranged trip.

42 2. (a) The following automobile financial responsibility insurance
43 requirements shall apply while a TNC driver is logged onto the TNC's
44 digital network but is not engaged in a TNC prearranged trip: insurance
45 against loss from the liability imposed by law for damages, including
46 damages for care and loss of services, because of bodily injury to or
47 death of any person, and injury to or destruction of property arising
48 out of the ownership, maintenance, use or operation of a personal vehi-
49 cle or vehicles within this state, or elsewhere in the United States in

50 North America or Canada, subject to a limit, exclusive of interest and
51 costs, with respect to each such occurrence, of at least seventy-five
52 thousand dollars because of bodily injury to or death of one person in
53 any one accident and, subject to said limit for one person, to a limit
54 of at least one hundred fifty thousand dollars because of bodily injury
55 to or death of two or more persons in any one accident, and to a limit
56 of at least twenty-five thousand dollars because of injury to or

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1 destruction of property of others in any one accident, provided however,
2 that such policy need not be for a period coterminous with the registra-
3 tion period of the personal vehicle insured, and coverage in satisfac-
4 tion of the financial responsibility requirements set forth in section
5 three thousand four hundred twenty of the insurance law, article fifty-
6 one of the insurance law, and such other requirements or regulations
7 that may apply for the purposes of satisfying the financial responsibil-
8 ity requirements with respect to the use or operation of a motor vehi-
9 cle.

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 TNC driver; or

13 (ii) insurance provided through a group policy maintained by the TNC;
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 TNC driver is engaged in a TNC prear-
18 ranged trip: insurance against loss from the liability imposed by law
19 for damages, including damages for care and loss of services, because of
20 bodily injury to or death of any person, and injury to or destruction of
21 property arising out of the ownership, maintenance, use, or operation of
22 a specific personal vehicle or vehicles within this state, or elsewhere
23 in the United States in North America or Canada, subject to a limit,
24 exclusive of interest and costs, with respect to each such occurrence,
25 of at least one million two hundred fifty thousand dollars because of
26 bodily injury to or death of any person, and injury to or destruction of
27 property provided however, that such policy need not be for a period
28 coterminous with the registration period of the personal vehicle
29 insured, and coverage in satisfaction of the financial responsibility
30 requirements set forth in section three thousand four hundred twenty of
31 the insurance law, article fifty-one of the insurance law; coverage
32 provided in accordance with subsection (f) of section three thousand
33 four hundred twenty of the insurance law, providing supplementary
34 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 motor vehicle.

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 TNC driver; or

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

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

46 4. A TNC shall, upon entering into a contractual agreement with a TNC
47 driver, provide notice to the TNC driver that he or she may need addi-
48 tional insurance coverage including motor vehicle physical damage cover-
49 age as described in paragraph nineteen of subsection (a) of section one
50 thousand one hundred thirteen of the insurance law if the TNC vehicle
51 being used by the TNC driver is subject to a lease or loan. A TNC shall
52 also post this notice on its website in a prominent place, and provide
53 contact information for the department of financial services.

54 5. If insurance maintained by a TNC driver pursuant to subdivisions
55 two and three of this section has lapsed or does not provide the
56 required coverage, then the group policy maintained by a TNC shall

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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 TNC 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 TNC vehicle, 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 a TNC pursuant to subparagraph (ii) of para-
9 graph (b) of subdivisions two or three of this section shall be placed
10 with an insurer authorized to write insurance in this state.

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

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

20 8. A TNC driver who, while operating a TNC vehicle was logged on to
21 the TNC's digital network but not engaged in a TNC prearranged trip or
22 was engaged in a TNC prearranged trip, and has in effect the insurance
23 required pursuant to this article, shall not be deemed to be in

24 violation of article six of this chapter during such time that he or she
25 was logged on to the TNC's digital network but not engaged in a TNC
26 prearranged trip or was engaged in a TNC prearranged trip.

27 9. A TNC driver shall carry proof of coverage satisfying subdivisions
28 two and three of this section with him or her at all times during his or
29 her use or operation of a TNC vehicle in connection with a TNC's digital
30 network. Such proof of coverage shall be in such form as the commission-
31 er shall prescribe, which may be in the form of an insurance identifica-
32 tion card as defined in section three hundred eleven of this chapter.
33 Any insurance identification card issued pursuant to the provisions of
34 this article shall be in addition to the insurance identification card
35 required pursuant to article six of this chapter, and nothing contained
36 in this article shall be deemed to supersede the requirements of such
37 article six. Whenever the production of an insurance identification card
38 is required by law, a TNC driver shall (a) produce the insurance iden-
39 tification card issued pursuant to article six of this chapter and, (b)
40 if such driver (i) was logged onto the TNC's digital network but not
41 engaged in a TNC prearranged trip or (ii) was engaged in a TNC prear-
42 ranged trip, such driver shall also produce the insurance identification
43 card required pursuant to this article.

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

46 11. The superintendent of financial services may promulgate regu-
47 lations to address insurance coverage under this section and section
48 sixteen hundred ninety-five of this article when a TNC driver uses
49 multiple digital networks simultaneously.

50 12. Nothing in this section shall impose financial responsibility
51 requirements upon any entities operating as vehicles for hire in a city
52 with a population of one million or more.

53 13. An insurer shall not include a mandatory arbitration clause in a
54 policy issued pursuant to this section. Nothing in this section super-
55 cedes the mandatory arbitration requirements contained in section five
56 thousand one hundred five of the insurance law.

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1 § 1694. Disclosures. A TNC shall disclose in writing to TNC drivers
2 the following before they are allowed to accept a request for a TNC
3 prearranged trip on the TNC's digital network:

4 1. The insurance coverage, including the types of coverage and the
5 limits for each coverage, that the TNC provides while the TNC driver
6 uses a TNC vehicle in connection with a TNC's digital network;

7 2. That the TNC driver's own automobile insurance policy might not
8 provide any coverage while the TNC driver is logged on to the TNC's
9 digital network or is engaged in a TNC prearranged trip, depending on
10 its terms; and

11 3. That, if a TNC vehicle has a lien against it, then the continued
12 use of such TNC vehicle by its TNC driver without physical damage cover-
13 age may violate the terms of the contract with the lienholder.

14 § 1695. Insurance provisions. 1. Insurers that write motor vehicle
15 insurance in this state may, in the insurance policy, exclude any and
16 all coverage afforded under the policy issued to an owner or operator of
17 a TNC vehicle for any loss or injury that occurs while a TNC driver is
18 logged on to a TNC's digital network or while a driver provides a TNC
19 prearranged trip, including:

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

21 (b) coverage provided pursuant to article fifty-one of the insurance
22 law;

23 (c) uninsured motorist coverage;

24 (d) supplementary uninsured/underinsured motorist coverage; and

25 (e) motor vehicle physical damage coverage as described in paragraph
26 nineteen of subsection (a) of section one thousand one hundred thirteen
27 of the insurance law.

28 2. Such exclusions shall apply notwithstanding any requirement under
29 the law to the contrary. Nothing in this section implies or requires
30 that an owner's policy of liability insurance or other motor vehicle
31 insurance policy provide coverage while the TNC driver is logged on to
32 the TNC's digital network, while the TNC driver is engaged in a TNC
33 prearranged trip or while the TNC driver otherwise uses or operates a
34 TNC vehicle to transport passengers for compensation.

35 3. Nothing shall be deemed to preclude an insurer from providing
36 primary, excess, or umbrella coverage for the TNC driver's TNC vehicle,
37 if it chose to do so by contract or endorsement.

38 4. Motor vehicle insurers that exclude the coverage described in this
39 article shall have no duty to defend or indemnify any claim expressly
40 excluded thereunder. Nothing in this article shall be deemed to invali-
41 date or limit an exclusion contained in a policy including any policy in
42 use or approved for use in this state prior to the effective date of
43 this section.

44 5. A motor vehicle insurer that defends or indemnifies a claim against
45 a TNC driver that is excluded under the terms of its policy shall have a
46 right of contribution against other insurers that provide motor vehicle
47 insurance to the same driver in satisfaction of the coverage require-
48 ments of the provisions of this article.

49 6. In a claims coverage investigation, a TNC and any insurer providing
50 coverage under this article shall, within fifteen days after a claim has
51 been filed, facilitate the exchange of relevant information with direct-
52 ly involved parties and any insurer of the TNC driver if applicable,
53 including the precise times that a TNC driver logged on and off of the
54 TNC's digital network in the twelve hour period immediately preceding
55 and in the twelve hour period immediately following the accident and

1 and limits provided under any motor vehicle insurance maintained under
2 this article.

3 7. The superintendent of financial services may promulgate such rules
4 and regulations that the superintendent deems necessary to facilitate
5 the sharing of information between insurers, when a motor vehicle acci-
6 dent occurs and at least one of the insurers is providing financial
7 responsibility coverage to a TNC vehicle pursuant to this article.

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

10 (a) a person to whom an accident report pertains or who is named in
11 such report, or his or her authorized representative; and

12 (b) any other person or his or her authorized representative who has
13 demonstrated to the satisfaction of the commissioner that such person is
14 or may be a party to a civil action arising out of the conduct described
15 in such accident report.

16 § 1696. Driver and vehicle requirements. 1. (a) At all times, an indi-
17 vidual acting as a TNC driver shall be permitted by the TNC as follows:

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

22 (ii) The TNC shall conduct, or have a third party conduct, a criminal
23 background check for each applicant in accordance with section sixteen
24 hundred ninety-nine of this article and that shall review whether the
25 applicant:

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

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

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

32 (b) The TNC shall not permit an applicant where such applicant:

33 (i) fails to meet all qualifications pursuant to section sixteen
34 hundred ninety-nine of this article;

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

37 (iii) does not possess a valid New York driver's license;

38 (iv) does not possess proof of registration for the motor vehicles
39 used to provide TNC prearranged trips;

40 (v) does not possess proof of automobile liability insurance for the
41 motor vehicles used to provide TNC prearranged trips as a TNC vehicle;

42 or

43 (vi) is not at least nineteen years of age.

44 (c) Upon review of all information received and retained by the TNC
45 and upon verifying that the individual is not disqualified pursuant to
46 this section from receiving a TNC driver permit, a TNC may issue a TNC
47 driver permit to the applicant. The TNC shall review all information
48 received relating to such applicant and hold such information for six
49 years along with a certification that such applicant qualifies to
50 receive a TNC driver permit.

51 (d) (i) A TNC that issues a TNC driver's permit pursuant to this
52 section shall participate in the New York License Event Notification
53 Service (LENS) established by the department to obtain timely notice
54 when any of the following violations are added to a TNC driver's driving
55 record:

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1 (A) unlawfully fleeing a police officer in a motor vehicle in
2 violation of sections 270.25, 270.30 or 270.35 of the penal law;

3 (B) reckless driving in violation of section one thousand two hundred
4 twelve of this chapter;

5 (C) operating while license or privilege is suspended or revoked in
6 violation of section five hundred eleven of this chapter, excluding
7 subdivision seven of such section;

8 (D) operating a motor vehicle under the influence of alcohol or drugs
9 in violation of section one thousand one hundred ninety-two of this
10 chapter; and

11 (E) leaving the scene of an incident without reporting in violation of
12 subdivision two of section six hundred of this chapter.

13 (ii) The department may promulgate regulations authorizing additional
14 LENS notifications as the commissioner deems necessary to protect public
15 health and safety.

16 (iii) Upon such notice, a TNC may suspend or revoke any TNC driver's
17 permit and revoke access to the TNC digital network, only after consid-
18 ering the number or severity of any such violations, including such
19 factors as required by this article for obtaining a TNC permit, when
20 necessary to protect public health and safety. If, however, such a
21 notice provides that an applicant has been convicted of a disqualifying
22 crime pursuant to section sixteen hundred ninety-nine of this article
23 such TNC driver's access to the TNC digital network and such TNC driv-
24 er's permit shall both immediately be suspended or revoked. Upon such
25 revocation or suspension pursuant to this section, the TNC shall provide
26 the driver with a copy of the LENS record used to make such determi-
27 nation.

28 (e) No person shall operate a TNC vehicle or operate as a TNC driver
29 unless such person holds a valid TNC driver permit issued pursuant to
30 this section. A violation of this paragraph shall be a traffic infrac-

31 tion punishable by a fine of not less than seventy-five nor more than
32 three hundred dollars, or by imprisonment for not more than fifteen
33 days, or by both such fine and imprisonment.

34 (f) The names and identifying information of TNC drivers provided
35 pursuant to paragraph (d) of this subdivision shall be considered infor-
36 mation, which if disclosed, would constitute an unwarranted invasion of
37 personal privacy under the provisions of article six of the public offi-
38 cers law.

39 2. A TNC shall implement a zero-tolerance policy regarding a TNC driv-
40 er's activities while accessing the TNC's digital network. Such policy
41 shall address the issue of operating a vehicle under the influence of
42 alcohol or drugs while a TNC driver is providing TNC prearranged trips
43 or is logged onto the TNC's digital network but is not providing TNC
44 prearranged trips, and the TNC shall provide notice of this policy on
45 its digital network, as well as procedures to report a complaint about a
46 TNC driver with whom a TNC prearranged trip was commenced and whom the
47 passenger reasonably suspects was operating a vehicle under the influ-
48 ence of alcohol or drugs during the course of the TNC prearranged trip.

49 3. (a) A TNC shall adopt a policy of non-discrimination on the basis
50 of destination, race, color, national origin, religious belief, practice
51 or affiliation, sex, disability, age, sexual orientation, or genetic
52 predisposition with respect to passengers and potential passengers and
53 notify TNC drivers of such policy.

54 (b) TNC drivers shall comply with all applicable laws regarding non-
55 discrimination against passengers or potential passengers on the basis
56 of destination, race, color, national origin, religious belief, practice

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1 or affiliation, sex, disability, age, sexual orientation, or genetic
2 predisposition with respect to passengers and potential passengers and
3 notify TNC drivers of such policy.

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

6 (d) A TNC shall implement and maintain a policy and an oversight proc-
7 ess of providing accessibility to passengers or potential passengers
8 with a disability and accommodation of service animals as such term is
9 defined in section one hundred twenty-three-b of the agriculture and
10 markets law and shall to the extent practicable adopt findings estab-
11 lished by the New York state TNC accessibility task force adopted pursu-
12 ant to section twenty-one of the chapter of the laws of two thousand
13 seventeen that added this section. A TNC shall not impose additional
14 charges for providing services to persons with physical disabilities
15 because of those disabilities.

16 (e) The New York state division of human rights shall be authorized to
17 accept, review and investigate any potential or actual violations of

18 this subdivision in a form and manner consistent with authority under
19 article fifteen of the executive law and shall notify the department,
20 upon a finding of a violation, for purposes of permit suspension.

21 4. A TNC shall require that any or all motor vehicles that a TNC driv-
22 er will use as a TNC vehicle to provide TNC prearranged trips meets
23 applicable New York state vehicle safety and emissions requirements, as
24 set forth in section three hundred one of this chapter, or the vehicle
25 safety and emissions requirements of the state in which the vehicle is
26 registered.

27 5. The department shall promulgate regulations to ensure that each TNC
28 vehicle is easily identified as such and that the TNC for which the TNC
29 driver is providing the TNC service or TNC prearranged trip is distin-
30 guishable. Such marking shall be in such form as is approved by the
31 commissioner, and shall be attached, affixed or displayed in such manner
32 as he or she may prescribe by regulation.

33 § 1697. Maintenance of records. A TNC shall maintain the following
34 records:

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

37 2. individual records of TNC drivers at least until the six year anni-
38 versary of the date on which a TNC driver's relationship with the TNC
39 has ended.

40 § 1698. Audit procedures; confidentiality of records. 1. For the
41 purpose of verifying that a TNC is in compliance with the licensing
42 requirements of the department, the department shall reserve the right
43 to audit a sample of records that the TNC is required to maintain, upon
44 request by the department that shall be fulfilled in no fewer than ten
45 business days by the TNC. The sample shall be chosen randomly by the
46 department in a manner agreeable to both parties. The audit shall take
47 place at a mutually agreed location in New York state. Any record
48 furnished to the department may exclude information that would tend to
49 identify specific drivers or passengers.

50 2. The names and identifying information of TNC drivers that are
51 received pursuant to this section shall be considered information which,
52 if disclosed, would constitute an unwarranted invasion of personal
53 privacy under the provisions of article six of the public officers law.

54 3. The department shall establish regulations for the filing of
55 complaints against any TNC driver or TNC pursuant to this section.

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1 § 1699. Criminal history background check of transportation network
2 company drivers. 1. A TNC shall conduct, or have a third party conduct,
3 a criminal history background check using a lawful method approved by
4 the department pursuant to paragraph (a) of subdivision two of this
5 section for persons applying to drive for such company.

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

16 (b) An applicant shall be disqualified to receive a TNC driver permit
17 where he or she:

18 (i) stands convicted in the last three years of: unlawful fleeing a
19 police officer in a motor vehicle in violation of sections 270.35,
20 270.30 or 270.25 of the penal law, reckless driving in violation of
21 section twelve hundred twelve of this chapter, operating while license
22 or privilege is suspended or revoked in violation of section five
23 hundred eleven of this chapter, excluding subdivision seven of such
24 section, a misdemeanor offense of operating a motor vehicle while under
25 the influence of alcohol or drugs in violation of section eleven hundred
26 ninety-two of this chapter, or leaving the scene of an accident in
27 violation of subdivision two of section six hundred of this chapter. In
28 calculating the three year period under this subparagraph, any period of
29 time during which the person was incarcerated after the commission of
30 such offense shall be excluded and such three year period shall be
31 extended by a period or periods equal to the time spent incarcerated; or

32 (ii) stands convicted in the last seven years of: a sex offense
33 defined in subdivision two of section one hundred sixty-eight-a of the
34 correction law, a felony offense defined in article one hundred twenty-
35 five of the penal law, a violent felony offense defined in section 70.02
36 of the penal law, a class A felony offense defined in the penal law, a
37 felony offense defined in section eleven hundred ninety-two of this
38 chapter, an offense for which registration as a sex offender is required
39 pursuant to article six-C of the correction law, or any conviction of an
40 offense in any other jurisdiction that has all the essential elements of
41 an offense listed in this subparagraph. In calculating the seven year
42 period under this subparagraph, any period of time during which the
43 person was incarcerated after the commission of such offense shall be
44 excluded and such seven year period shall be extended by a period or
45 periods equal to the time spent incarcerated.

46 (c) A criminal history record that contains criminal conviction infor-
47 mation that does not disqualify an applicant pursuant to subparagraphs
48 (i) or (ii) of paragraph (b) of this subdivision, shall be reviewed and
49 considered according to the provisions of article twenty-three-A of the
50 correction law and subdivisions fifteen and sixteen of section two

51 hundred ninety-six of the executive law in determining whether or not
52 the applicant should be issued a TNC driver's permit.

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

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

7 3. A TNC shall update the criminal history background check yearly
8 during the period in which the person is authorized to drive for the
9 company, however, the commissioner may require, pursuant to regulation,
10 more frequent criminal history background checks.

11 4. To ensure safety of the passengers and the public a TNC shall be
12 responsible for all fees associated with the criminal history check
13 pursuant to subdivision one of this section.

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

20 § 1700. Controlling authority. 1. Notwithstanding any other provision
21 of law, the regulation of TNCs and TNC drivers is governed exclusively
22 by the provisions of the chapter of the laws of two thousand seventeen
23 which added this section and any rules promulgated by the state through
24 its agencies consistent with such chapter. No county, town, city or
25 village may enact a tax or any fee or other surcharge on a TNC, a TNC
26 driver, or a TNC vehicle used by a TNC driver or require a license,
27 permit, or additional insurance coverage or any other limitations or
28 restrictions, except for a prohibition on pick-up pursuant to section
29 one hundred eighty-two of the general municipal law, for a TNC, a TNC
30 driver, or a TNC vehicle used by a TNC driver, where such fee,
31 surcharge, unauthorized tax, license, permit, insurance coverage, limi-
32 tation or restriction, relates to facilitating or providing TNC prear-
33 ranged trips, or subjects a TNC, a TNC driver, or a TNC vehicle used by
34 a TNC driver to operational, or other requirements.

35 2. Nothing in this article shall authorize any TNC driver to pick-up a
36 passenger for purposes of a TNC prearranged trip in a city with a popu-
37 lation of one million or more or where a county or city has opted to

38 prohibit the same pursuant to authority consistent with section one
39 hundred eighty-two of the general municipal law, except where the
40 acceptance of a prearranged trip is authorized pursuant to an existing
41 reciprocity agreement.

42 3. Nothing in this article shall: (a) limit the ability of a county,
43 town, city or village to adopt or amend generally applicable limitations
44 or restrictions relating to local traffic or parking control as author-
45 ized by state law; or (b) preempt any reciprocity agreements, including
46 agreements entered into pursuant to section four hundred ninety-eight of
47 this chapter, between a county, town, city or village that relates to
48 services regulated by section one hundred eighty-one of the general
49 municipal law.

50 4. Nothing in this article shall be construed to limit the ability of
51 a municipality or other governing authority that owns or operates an
52 airport located outside of a city with a population of one million or
53 more from adopting regulations and entering into contracts or other
54 agreements relating to the duties and responsibilities on airport prop-
55 erty of a transportation network company, which may include the imposi-
56 tion and payment of reasonable fees, provided that any such contracts,

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1 agreements, or regulations shall not impose any license or other opera-
2 tional requirement on a transportation network company driver or trans-
3 portation network company vehicle that is inconsistent with or addi-
4 tional to the requirements of this article.

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

7 8. Notwithstanding any other provision of this article, an individual
8 shall not be deemed to be engaged in the business of carrying or trans-
9 porting passengers for hire if the individual does so solely as a trans-
10 portation network company driver in accordance with article forty-four-B
11 of this chapter.

12 § 4. Section 600 of the vehicle and traffic law, as amended by chapter
13 49 of the laws of 2005, is amended to read as follows:

14 § 600. Leaving scene of an incident without reporting. 1. Property
15 damage. a. Any person operating a motor vehicle who, knowing or having
16 cause to know that damage has been caused to the real property or to the
17 personal property, not including animals, of another, due to an incident
18 involving the motor vehicle operated by such person shall, before leav-
19 ing the place where the damage occurred, stop, exhibit his or her
20 license and insurance identification card for such vehicle, when such
21 card is required pursuant to articles six and eight of this chapter, and
22 give his or her name, residence, including street and number, insurance
23 carrier and insurance identification information including but not
24 limited to the number and effective dates of said individual's insurance

25 policy, and license number to the party sustaining the damage, or in
26 case the person sustaining the damage is not present at the place where
27 the damage occurred then he or she shall report the same as soon as
28 physically able to the nearest police station, or judicial officer. In
29 addition to the foregoing, any such person shall also: (i) produce the
30 proof of insurance coverage required pursuant to article forty-four-B of
31 this chapter if such person is a TNC driver operating a TNC vehicle
32 while the incident occurred who was (A) logged on to the TNC's digital
33 network but not engaged in a TNC prearranged trip or (B) was engaged in
34 a TNC prearranged trip; and (ii) disclose whether he or she, at the time
35 such incident occurred, was (A) logged on to the TNC's digital network
36 but not engaged in a TNC prearranged trip or (B) was engaged in a TNC
37 prearranged trip.

38 b. It shall be the duty of any member of a law enforcement agency who
39 is at the scene of the accident to request the said operator or opera-
40 tors of the motor vehicles, when physically capable of doing so, to
41 exchange the information required hereinabove and such member of a law
42 enforcement agency shall assist such operator or operators in making
43 such exchange of information in a reasonable and harmonious manner.

44 A violation of the provisions of paragraph a of this subdivision shall
45 constitute a traffic infraction punishable by a fine of up to two
46 hundred fifty dollars or a sentence of imprisonment for up to fifteen
47 days or both such fine and imprisonment.

48 2. Personal injury. a. Any person operating a motor vehicle who,
49 knowing or having cause to know that personal injury has been caused to
50 another person, due to an incident involving the motor vehicle operated
51 by such person shall, before leaving the place where the said personal
52 injury occurred, stop, exhibit his or her license and insurance iden-
53 tification card for such vehicle, when such card is required pursuant to
54 articles six and eight of this chapter, and give his or her name, resi-
55 dence, including street and street number, insurance carrier and insur-
56 ance identification information including but not limited to the number

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1 and effective dates of said individual's insurance policy and license
2 number, to the injured party, if practical, and also to a police offi-
3 cer, or in the event that no police officer is in the vicinity of the
4 place of said injury, then, he or she shall report said incident as soon
5 as physically able to the nearest police station or judicial officer.
6 In addition to the foregoing, any such person shall also: (i) produce
7 the proof of insurance coverage required pursuant to article
8 forty-four-B of this chapter if such person is a TNC driver operating a
9 TNC vehicle at the time of the incident who was (A) logged on to the
10 TNC's digital network but not engaged in a TNC prearranged trip or (B)
11 was engaged in a TNC prearranged trip; and (ii) disclose whether he or

12 she, at the time such incident occurred, was (A) logged on to the TNC's
13 digital network but not engaged in a TNC prearranged trip or (B) was
14 engaged in a TNC prearranged trip.

15 b. It shall be the duty of any member of a law enforcement agency who
16 is at the scene of the accident to request the said operator or opera-
17 tors of the motor vehicles, when physically capable of doing so, to
18 exchange the information required hereinabove and such member of a law
19 enforcement agency shall assist such operator or operators in making
20 such exchange of information in a reasonable and harmonious manner.

21 c. A violation of the provisions of paragraph a of this subdivision
22 resulting solely from the failure of an operator to exhibit his or her
23 license and insurance identification card for the vehicle or exchange
24 the information required in such paragraph shall constitute a class B
25 misdemeanor punishable by a fine of not less than two hundred fifty nor
26 more than five hundred dollars in addition to any other penalties
27 provided by law. Any subsequent such violation shall constitute a class
28 A misdemeanor punishable by a fine of not less than five hundred nor
29 more than one thousand dollars in addition to any other penalties
30 provided by law. Any violation of the provisions of paragraph a of this
31 subdivision, other than for the mere failure of an operator to exhibit
32 his or her license and insurance identification card for such vehicle or
33 exchange the information required in such paragraph, shall constitute a
34 class A misdemeanor, punishable by a fine of not less than five hundred
35 dollars nor more than one thousand dollars in addition to any other
36 penalties provided by law. Any such violation committed by a person
37 after such person has previously been convicted of such a violation
38 shall constitute a class E felony, punishable by a fine of not less than
39 one thousand nor more than two thousand five hundred dollars in addition
40 to any other penalties provided by law. Any violation of the provisions
41 of paragraph a of this subdivision, other than for the mere failure of
42 an operator to exhibit his or her license and insurance identification
43 card for such vehicle or exchange the information required in such para-
44 graph, where the personal injury involved (i) results in serious phys-
45 ical injury, as defined in section 10.00 of the penal law, shall consti-
46 tute a class E felony, punishable by a fine of not less than one
47 thousand nor more than five thousand dollars in addition to any other
48 penalties provided by law, or (ii) results in death shall constitute a
49 class D felony punishable by a fine of not less than two thousand nor
50 more than five thousand dollars in addition to any other penalties
51 provided by law.

52 3. For the purposes of this article, the terms "TNC", "TNC driver",
53 "TNC vehicle", "TNC prearranged trip" and "digital network" shall have
54 the same meanings as such terms are defined in article forty-four-B of
55 this chapter.

1 § 5. Section 601 of the vehicle and traffic law, as amended by chapter
2 672 of the laws of 2004, is amended to read as follows:

3 § 601. Leaving scene of injury to certain animals without reporting.

4 Any person operating a motor vehicle which shall strike and injure any
5 horse, dog, cat or animal classified as cattle shall stop and endeavor
6 to locate the owner or custodian of such animal or a police, peace or
7 judicial officer of the vicinity, and take any other reasonable and
8 appropriate action so that the animal may have necessary attention, and
9 shall also promptly report the matter to such owner, custodian or offi-
10 cer (or if no one of such has been located, then to a police officer of
11 some other nearby community), exhibiting his or her license and insur-
12 ance identification card for such vehicle, when such card is required
13 pursuant to articles six and eight of this chapter, giving his or her
14 name and residence, including street and street number, insurance carri-
15 er and insurance identification information and license number. In addi-
16 tion to the foregoing, any such person shall also: (i) produce the proof
17 of insurance coverage required pursuant to article forty-four-B of this
18 chapter if such person is a TNC driver operating a TNC vehicle at the
19 time of the incident who was (A) logged on to the TNC's digital network
20 but not engaged in a TNC prearranged trip or (B) was engaged in a TNC
21 prearranged trip; and (ii) disclose whether he or she, at the time such
22 incident occurred, was (A) logged on to the TNC's digital network but
23 not engaged in a TNC prearranged trip or (B) was engaged in a TNC prear-
24 ranged trip. Violation of this section shall be punishable by a fine of
25 not more than one hundred dollars for a first offense and by a fine of
26 not less than fifty nor more than one hundred fifty dollars for a second
27 offense and each subsequent offense; provided, however where the animal
28 that has been struck and injured is a guide dog, hearing dog or service
29 dog, as such terms are defined in section forty-seven-b of the civil
30 rights law which is actually engaged in aiding or guiding a person with
31 a disability, a violation of this section shall be [publishable] punish-
32 able by a fine of not less than fifty nor more than one hundred fifty
33 dollars for a first offense and by a fine of not less than one hundred
34 fifty dollars nor more than three hundred dollars for a second offense
35 and each subsequent offense.

36 § 6. The insurance law is amended by adding two new sections 3455 and
37 3456 to read as follows:

38 § 3455. Transportation network company group insurance policies. (a)
39 For purposes of this section, the following definitions shall apply:

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

42 (2) "Certificate" or "certificate of insurance" means any policy,
43 contract or other evidence of insurance, or endorsement thereto, issued
44 to a group member under a transportation network company group policy.

45 (3) "Transportation network company group policy" or "group policy"
46 means a group policy, including certificates issued to the group
47 members, where the group policyholder is a transportation network compa-
48 ny and the policy provides insurance to the transportation network
49 company and to group members:

50 (A) in accordance with the requirements of article forty-four-B of the
51 vehicle and traffic law;

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

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

6 (4) "Group member" means a transportation network company driver as
7 defined in article forty-four-B of the vehicle and traffic law.

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

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

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

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

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

19 (A) coverage for limits higher than the minimum limits required pursu-
20 ant to article forty-four-B of the vehicle and traffic law.

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

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

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

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

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

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

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

40 (1) wholly by the group policyholder;

41 (2) wholly by the group members; or

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

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

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

48 (B) be retained by the group policyholder.

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

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

54 (B) paid or refunded to those group members insured on the date the
55 payment or refund is made to the group policyholder, if distributed by

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1 the group policyholder, or on the date of mailing, if distributed
2 directly by the insurer, subject to the following requirements:

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

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

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

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

19 (4) For the purposes of this subsection, "dividend" means a return by

20 the insurer of a transportation network company group policy of excess
21 premiums to the group policyholder in light of favorable loss experi-
22 ence, including retrospective premium credits or retrospective premium
23 refunds. The term "dividend" does not include reimbursements or fees
24 received by a group policyholder in connection with the operation or
25 administration of a transportation network company group policy, includ-
26 ing administrative reimbursements, fees for services provided by the
27 group policyholder, or transactional service fees.

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

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

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

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

48 (3) If any coverage afforded to the group member is excess of applica-
49 ble insurance coverage, the certificate shall contain a notice advising
50 the group members that, if the member has other insurance coverage,
51 specified coverages under the transportation network company group poli-
52 cy will be excess over the other insurance.

53 (i) A group policyholder shall comply with the provisions of section
54 two thousand one hundred twenty-two of this chapter, in the same manner
55 as an agent or broker, in any advertisement, sign, pamphlet, circular,

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1 card, or other public announcement referring to coverage under a trans-
2 portation network company group policy or certificate.

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

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

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

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

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

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

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

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

45 (B) The group policyholder shall mail or deliver written notice to
46 each affected group member of the group policyholder's cancellation of
47 the group policy or certificate and the effective date of cancellation.
48 The group policyholder shall mail or deliver the written notice to the
49 group member's mailing address at least thirty days prior to the effec-
50 tive date of cancellation.

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

53 policy period.

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

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1 (i) the insurer mails or delivers to the group policyholder and all
2 group members written notice of nonrenewal, or conditional renewal; and
3 (ii) the insurer mails or delivers the written notice at least thirty,
4 but not more than one hundred twenty days prior to the expiration date
5 specified in the policy or, if no date is specified, the next anniver-
6 sary date of the policy.

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

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

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

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

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

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

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

37 (l) An insurer may issue a transportation network company group policy
38 to a transportation network company, notwithstanding that it may be a
39 condition of operating a vehicle on the transportation network company's

40 digital network for the TNC driver to participate in such group policy.

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

45 § 3456. Prohibition against cancellation of policy when motor vehicle
46 is used or operated through a transportation network company program.

47 (a) An insurer shall not cancel an existing motor vehicle insurance
48 policy solely on the basis that the motor vehicle covered by the insur-
49 ance has been made available pursuant to a transportation network compa-
50 ny program in compliance with article forty-four-B of the vehicle and
51 traffic law.

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

54 § 6-a. Subsection (g) of section 5102 of the insurance law is amended
55 to read as follows:

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1 (g) "Insurer" means the insurance company or self-insurer, as the case
2 may be, which provides the financial security required by article six
3 [or], eight, or forty-four-B of the vehicle and traffic law.

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

6 (4) Is injured while a motor vehicle is being used or operated by a
7 TNC driver pursuant to article forty-four-B of the vehicle and traffic
8 law, provided, however, that only the insurer issuing the owner's policy
9 of liability insurance providing coverage for the motor vehicle being
10 operated by a TNC driver may exclude such coverage and an insurer may
11 not include this exclusion in a policy used to satisfy the requirements
12 under article forty-four-B of the vehicle and traffic law.

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

15 (d) [Where] (1) Except as provided in paragraph two of this
16 subsection, where there is reasonable belief more than one insurer would
17 be the source of first party benefits, the insurers may agree among
18 themselves, if there is a valid basis therefor, that one of them will
19 accept and pay the claim initially. If there is no such agreement, then
20 the first insurer to whom notice of claim is given shall be responsible
21 for payment. Any such dispute shall be resolved in accordance with the
22 arbitration procedures established pursuant to section five thousand one
23 hundred five of this article and [regulation] regulations as promulgated
24 by the superintendent, and any insurer paying first-party benefits shall
25 be reimbursed by other insurers for their proportionate share of the
26 costs of the claim and the allocated expenses of processing the claim,
27 in accordance with the provisions entitled "other coverage" contained in

28 regulation and the provisions entitled "other sources of first-party
29 benefits" contained in regulation. If there is no such insurer and the
30 motor vehicle accident occurs in this state, then an applicant who is a
31 qualified person as defined in article fifty-two of this chapter shall
32 institute the claim against the motor vehicle accident indemnification
33 corporation.

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

46 § 9. Subsection (b) of section 2305 of the insurance law, as amended
47 by chapter 11 of the laws of 2008, paragraph 13 as amended by chapter
48 136 of the laws of 2008, is amended to read as follows:

49 (b) rate filings for:

50 (1) workers' compensation insurance;

51 (2) motor vehicle insurance, or surety bonds, required by section
52 three hundred seventy of the vehicle and traffic law or article forty-
53 four-B of the vehicle and traffic law;

54 (3) joint underwriting;

55 (4) motor vehicle assigned risk insurance;

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1 (5) insurance issued by the New York Property Insurance Underwriting
2 Association;

3 (6) risk sharing plans authorized by section two thousand three
4 hundred eighteen of this article;

5 (7) title insurance;

6 (8) medical malpractice liability insurance;

7 (9) insurance issued by the Medical Malpractice Insurance Association;

8 (10) mortgage guaranty insurance;

9 (11) credit property insurance, as defined in section two thousand
10 three hundred forty of this article; [and]

11 (12) gap insurance; and

12 (13) [Private] private passenger automobile insurance, except as
13 provided in section two thousand three hundred fifty of this article[.],
14 shall be filed with the superintendent and shall not become effective
15 unless either the filing has been approved or thirty days, which the

16 superintendent may with cause extend an additional thirty days and with
17 further cause extend an additional fifteen days, have elapsed and the
18 filing has not been disapproved as failing to meet the requirements of
19 this article, including the standard that rates be not otherwise unrea-
20 sonable. After a rate filing becomes effective, the filing and support-
21 ing information shall be open to public inspection. If a filing is
22 disapproved, then notice of such disapproval order shall be given, spec-
23 ifying in what respects such filing fails to meet the requirements of
24 this article. Upon his or her request, the superintendent shall be
25 provided with support and assistance from the workers' compensation
26 board and other state agencies and departments with appropriate juris-
27 diction. The loss cost multiplier for each insurer providing coverage
28 for workers' compensation, as defined by regulation promulgated by the
29 superintendent, shall be promptly displayed on the department's website
30 and updated in the event of any change.

31 § 10. Paragraph 1 of subsection (a) of section 3425 of the insurance
32 law, as amended by chapter 235 of the laws of 1989, is amended to read
33 as follows:

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

45 § 11. Subdivisions 1 and 3 of section 160-cc of the executive law, as
46 added by chapter 49 of the laws of 1999, are amended and a new subdivi-
47 sion 10 is added to read as follows:

48 1. "Black car operator" means the registered owner of a for-hire vehi-
49 cle, or a driver designated by such registered owner to operate the
50 registered owner's for-hire vehicle as the registered owner's authorized
51 designee, whose injury arose out of and in the course of providing
52 covered services to a central dispatch facility that is a registered
53 member of the New York black car operators' injury compensation fund,
54 inc.

55 (a) For the purposes of the administration of this article, a black
56 car operator shall include a TNC driver that is engaged in a TNC prear-

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1 ranged trip. For the purposes of this article, the terms "TNC driver",
2 "TNC prearranged trip" and "digital network" shall have the same mean-

3 ings as such terms are defined in article forty-four-B of the vehicle
4 and traffic law.

5 (b) For the purposes of the administration of this article, a black
6 car operator shall include a TNC driver that is logged onto a TNC
7 digital network and is not engaged in a TNC prearranged trip but is
8 engaged in an activity reasonably related to driving as a TNC driver
9 taking into consideration the time, place and manner of such activity,
10 however, that this paragraph shall only apply to a TNC driver permitted
11 pursuant to article forty-four-B of the vehicle and traffic law within
12 twelve months of the effective date of this paragraph.

13 3. "Central dispatch facility" means a central facility, wherever
14 located, including a transportation network company, that (a) dispatches
15 the registered owners of for-hire vehicles, or drivers acting as the
16 designated agent of such registered owners, to both pick-up and
17 discharge passengers in the state, and (b) has certified to the satis-
18 faction of the department of state that more than ninety percent of its
19 for-hire business is on a payment basis other than direct cash payment
20 by a passenger; provided, however, that a central dispatch facility
21 shall not include any such central facility that owns fifty percent or
22 more of the cars it dispatches. For the purposes of administration of
23 this article, central dispatch facility shall include TNC prearranged
24 trip as defined in article forty-four-B of the vehicle and traffic law.

25 10. "Transportation network company" or "TNC" shall have the same
26 meaning as the term is defined in article forty-four-B of the vehicle
27 and traffic law.

28 § 12. Subdivision 1 of section 160-ff of the executive law, as added
29 by chapter 49 of the laws of 1999, is amended to read as follows:

30 1. [Within thirty days of the effective date of this article, there]
31 There shall be appointed a board of directors of the fund, consisting of
32 [nine] eleven directors, [five] six of whom shall be selected by the
33 black car assistance corporation; [three] four of whom shall be chosen
34 by the governor, including one chosen upon the recommendation of the
35 temporary president of the senate and one chosen upon the recommendation
36 of the speaker of the assembly; one chosen to represent a transportation
37 network company as defined by article forty-four-B of the vehicle and
38 traffic law; and one of whom shall be the secretary, who shall serve ex
39 officio. [The initial terms of directors other than the secretary shall
40 be staggered, the three directors appointed by the governor serving for
41 initial terms of three years from the effective date of this article,
42 three of the remaining five directors serving for initial terms of two
43 years from the effective date of this article and two directors serving
44 for initial terms of one year from the effective date of this article]
45 The governor shall appoint the director chosen to represent a transpor-
46 tation network company no later than December thirty-first, two thousand
47 seventeen. The [subsequent] terms of all directors other than the secre-

48 tary shall be three years. The board shall have the power to remove for
49 cause any director other than the secretary.

50 § 13. Subdivision 3 of section 160-jj of the executive law, as added
51 by chapter 49 of the laws of 1999, is amended to read as follows:

52 3. No local licensing authority or the department or the New York
53 state department of motor vehicles shall issue, continue or renew any
54 license or registration certificate, or permit for the operation of any
55 central dispatch facility unless such central dispatch facility, as a
56 condition of maintaining its license and/or registration certificate,

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1 adds the surcharge required by this section to every invoice and billing
2 for covered services sent to, and every credit payment for covered
3 services received from, its customers and pays to the fund no later than
4 the fifteenth day of each month the total surcharges due pursuant to
5 this article.

6 § 14. The general municipal law is amended by adding a new section 182
7 to read as follows:

8 § 182. Local regulation of transportation network companies. 1. Every
9 county, and any city with a population of one hundred thousand or more
10 as of the last decennial census, may prohibit the pick-up of any person
11 by a transportation network company as defined by article forty-four-B
12 of the vehicle and traffic law within their geographic boundaries pursu-
13 ant to the enactment of a local law or ordinance, except that any county
14 that contains a city with a population of one hundred thousand or more
15 as of the last decennial census shall only be authorized to prohibit the
16 pick-up of any person by a transportation network company as defined by
17 article forty-four-B of the vehicle and traffic law outside of the
18 geographic boundaries of such city.

19 2. Any county or city that enacts a local law or ordinance pursuant to
20 this section or repeals such local law or ordinance shall notify the
21 department of motor vehicles. Such department shall maintain on its
22 public website a list of all counties and cities that have enacted a
23 local law or ordinance pursuant to this section and shall remove from
24 such list any county or city that repeals such local law or ordinance.

25 3. This section shall not apply to a city with a population of one
26 million or more.

27 § 15. Subdivision 1 of section 171-a of the tax law, as amended by
28 chapter 90 of the laws of 2014, is amended to read as follows:

29 1. All taxes, interest, penalties and fees collected or received by
30 the commissioner or the commissioner's duly authorized agent under arti-
31 cles nine (except section one hundred eighty-two-a thereof and except as
32 otherwise provided in section two hundred five thereof), nine-A,
33 twelve-A (except as otherwise provided in section two hundred eighty-
34 four-d thereof), thirteen, thirteen-A (except as otherwise provided in

35 section three hundred twelve thereof), eighteen, nineteen, twenty
36 (except as otherwise provided in section four hundred eighty-two there-
37 of), twenty-B, twenty-one, twenty-two, twenty-six, [twenty-six-B,] twen-
38 ty-eight (except as otherwise provided in section eleven hundred two or
39 eleven hundred three thereof), twenty-eight-A, twenty-nine-B, thirty-one
40 (except as otherwise provided in section fourteen hundred twenty-one
41 thereof), thirty-three and thirty-three-A of this chapter shall be
42 deposited daily in one account with such responsible banks, banking
43 houses or trust companies as may be designated by the comptroller, to
44 the credit of the comptroller. Such an account may be established in one
45 or more of such depositories. Such deposits shall be kept separate and
46 apart from all other money in the possession of the comptroller. The
47 comptroller shall require adequate security from all such depositories.
48 Of the total revenue collected or received under such articles of this
49 chapter, the comptroller shall retain in the comptroller's hands such
50 amount as the commissioner may determine to be necessary for refunds or
51 reimbursements under such articles of this chapter out of which amount
52 the comptroller shall pay any refunds or reimbursements to which taxpay-
53 ers shall be entitled under the provisions of such articles of this
54 chapter. The commissioner and the comptroller shall maintain a system of
55 accounts showing the amount of revenue collected or received from each
56 of the taxes imposed by such articles. The comptroller, after reserving

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1 the amount to pay such refunds or reimbursements, shall, on or before
2 the tenth day of each month, pay into the state treasury to the credit
3 of the general fund all revenue deposited under this section during the
4 preceding calendar month and remaining to the comptroller's credit on
5 the last day of such preceding month, (i) except that the comptroller
6 shall pay to the state department of social services that amount of
7 overpayments of tax imposed by article twenty-two of this chapter and
8 the interest on such amount which is certified to the comptroller by the
9 commissioner as the amount to be credited against past-due support
10 pursuant to subdivision six of section one hundred seventy-one-c of this
11 article, (ii) and except that the comptroller shall pay to the New York
12 state higher education services corporation and the state university of
13 New York or the city university of New York respectively that amount of
14 overpayments of tax imposed by article twenty-two of this chapter and
15 the interest on such amount which is certified to the comptroller by the
16 commissioner as the amount to be credited against the amount of defaults
17 in repayment of guaranteed student loans and state university loans or
18 city university loans pursuant to subdivision five of section one
19 hundred seventy-one-d and subdivision six of section one hundred seven-
20 ty-one-e of this article, (iii) and except further that, notwithstanding
21 any law, the comptroller shall credit to the revenue arrearage account,

22 pursuant to section ninety-one-a of the state finance law, that amount
23 of overpayment of tax imposed by article nine, nine-A, twenty-two, thir-
24 ty, thirty-A, thirty-B or thirty-three of this chapter, and any interest
25 thereon, which is certified to the comptroller by the commissioner as
26 the amount to be credited against a past-due legally enforceable debt
27 owed to a state agency pursuant to paragraph (a) of subdivision six of
28 section one hundred seventy-one-f of this article, provided, however, he
29 shall credit to the special offset fiduciary account, pursuant to
30 section ninety-one-c of the state finance law, any such amount credita-
31 ble as a liability as set forth in paragraph (b) of subdivision six of
32 section one hundred seventy-one-f of this article, (iv) and except
33 further that the comptroller shall pay to the city of New York that
34 amount of overpayment of tax imposed by article nine, nine-A, twenty-
35 two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any
36 interest thereon that is certified to the comptroller by the commission-
37 er as the amount to be credited against city of New York tax warrant
38 judgment debt pursuant to section one hundred seventy-one-l of this
39 article, (v) and except further that the comptroller shall pay to a
40 non-obligated spouse that amount of overpayment of tax imposed by arti-
41 cle twenty-two of this chapter and the interest on such amount which has
42 been credited pursuant to section one hundred seventy-one-c, one hundred
43 seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or
44 one hundred seventy-one-l of this article and which is certified to the
45 comptroller by the commissioner as the amount due such non-obligated
46 spouse pursuant to paragraph six of subsection (b) of section six
47 hundred fifty-one of this chapter; and (vi) the comptroller shall deduct
48 a like amount which the comptroller shall pay into the treasury to the
49 credit of the general fund from amounts subsequently payable to the
50 department of social services, the state university of New York, the
51 city university of New York, or the higher education services corpo-
52 ration, or the revenue arrearage account or special offset fiduciary
53 account pursuant to section ninety-one-a or ninety-one-c of the state
54 finance law, as the case may be, whichever had been credited the amount
55 originally withheld from such overpayment, and (vii) with respect to
56 amounts originally withheld from such overpayment pursuant to section

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1 one hundred seventy-one-l of this article and paid to the city of New
2 York, the comptroller shall collect a like amount from the city of New
3 York.

4 § 16. Subdivision 1 of section 171-a of the tax law, as amended by
5 section 54 of part A of chapter 59 of the laws of 2014, is amended to
6 read as follows:

7 1. All taxes, interest, penalties and fees collected or received by
8 the commissioner or the commissioner's duly authorized agent under arti-

9 cles nine (except section one hundred eighty-two-a thereof and except as
10 otherwise provided in section two hundred five thereof), nine-A,
11 twelve-A (except as otherwise provided in section two hundred eighty-
12 four-d thereof), thirteen, thirteen-A (except as otherwise provided in
13 section three hundred twelve thereof), eighteen, nineteen, twenty
14 (except as otherwise provided in section four hundred eighty-two there-
15 of), twenty-one, twenty-two, twenty-six, [twenty-six-B,] twenty-eight
16 (except as otherwise provided in section eleven hundred two or eleven
17 hundred three thereof), twenty-eight-A, twenty-nine-B, thirty-one
18 (except as otherwise provided in section fourteen hundred twenty-one
19 thereof), thirty-three and thirty-three-A of this chapter shall be
20 deposited daily in one account with such responsible banks, banking
21 houses or trust companies as may be designated by the comptroller, to
22 the credit of the comptroller. Such an account may be established in one
23 or more of such depositories. Such deposits shall be kept separate and
24 apart from all other money in the possession of the comptroller. The
25 comptroller shall require adequate security from all such depositories.
26 Of the total revenue collected or received under such articles of this
27 chapter, the comptroller shall retain in the comptroller's hands such
28 amount as the commissioner may determine to be necessary for refunds or
29 reimbursements under such articles of this chapter out of which amount
30 the comptroller shall pay any refunds or reimbursements to which taxpay-
31 ers shall be entitled under the provisions of such articles of this
32 chapter. The commissioner and the comptroller shall maintain a system of
33 accounts showing the amount of revenue collected or received from each
34 of the taxes imposed by such articles. The comptroller, after reserving
35 the amount to pay such refunds or reimbursements, shall, on or before
36 the tenth day of each month, pay into the state treasury to the credit
37 of the general fund all revenue deposited under this section during the
38 preceding calendar month and remaining to the comptroller's credit on
39 the last day of such preceding month, (i) except that the comptroller
40 shall pay to the state department of social services that amount of
41 overpayments of tax imposed by article twenty-two of this chapter and
42 the interest on such amount which is certified to the comptroller by the
43 commissioner as the amount to be credited against past-due support
44 pursuant to subdivision six of section one hundred seventy-one-c of this
45 article, (ii) and except that the comptroller shall pay to the New York
46 state higher education services corporation and the state university of
47 New York or the city university of New York respectively that amount of
48 overpayments of tax imposed by article twenty-two of this chapter and
49 the interest on such amount which is certified to the comptroller by the
50 commissioner as the amount to be credited against the amount of defaults
51 in repayment of guaranteed student loans and state university loans or
52 city university loans pursuant to subdivision five of section one
53 hundred seventy-one-d and subdivision six of section one hundred seven-

54 ty-one-e of this article, (iii) and except further that, notwithstanding
55 any law, the comptroller shall credit to the revenue arrearage account,
56 pursuant to section ninety-one-a of the state finance law, that amount

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1 of overpayment of tax imposed by article nine, nine-A, twenty-two, thir-
2 ty, thirty-A, thirty-B or thirty-three of this chapter, and any interest
3 thereon, which is certified to the comptroller by the commissioner as
4 the amount to be credited against a past-due legally enforceable debt
5 owed to a state agency pursuant to paragraph (a) of subdivision six of
6 section one hundred seventy-one-f of this article, provided, however, he
7 shall credit to the special offset fiduciary account, pursuant to
8 section ninety-one-c of the state finance law, any such amount credita-
9 ble as a liability as set forth in paragraph (b) of subdivision six of
10 section one hundred seventy-one-f of this article, (iv) and except
11 further that the comptroller shall pay to the city of New York that
12 amount of overpayment of tax imposed by article nine, nine-A, twenty-
13 two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any
14 interest thereon that is certified to the comptroller by the commission-
15 er as the amount to be credited against city of New York tax warrant
16 judgment debt pursuant to section one hundred seventy-one-l of this
17 article, (v) and except further that the comptroller shall pay to a
18 non-obligated spouse that amount of overpayment of tax imposed by arti-
19 cle twenty-two of this chapter and the interest on such amount which has
20 been credited pursuant to section one hundred seventy-one-c, one hundred
21 seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or
22 one hundred seventy-one-l of this article and which is certified to the
23 comptroller by the commissioner as the amount due such non-obligated
24 spouse pursuant to paragraph six of subsection (b) of section six
25 hundred fifty-one of this chapter; and (vi) the comptroller shall deduct
26 a like amount which the comptroller shall pay into the treasury to the
27 credit of the general fund from amounts subsequently payable to the
28 department of social services, the state university of New York, the
29 city university of New York, or the higher education services corpo-
30 ration, or the revenue arrearage account or special offset fiduciary
31 account pursuant to section ninety-one-a or ninety-one-c of the state
32 finance law, as the case may be, whichever had been credited the amount
33 originally withheld from such overpayment, and (vii) with respect to
34 amounts originally withheld from such overpayment pursuant to section
35 one hundred seventy-one-l of this article and paid to the city of New
36 York, the comptroller shall collect a like amount from the city of New
37 York.

38 § 17. Paragraph 34 of subdivision (b) of section 1101 of the tax law,
39 as amended by section 1 of part WW of chapter 57 of the laws of 2010, is
40 amended to read as follows:

41 (34) Transportation service. The service of transporting, carrying or
42 conveying a person or persons by livery service; whether to a single
43 destination or to multiple destinations; and whether the compensation
44 paid by or on behalf of the passenger is based on mileage, trip, time
45 consumed or any other basis. A service that begins and ends in this
46 state is deemed intra-state even if it passes outside this state during
47 a portion of the trip. However, transportation service does not include
48 transportation of persons in connection with funerals. Transportation
49 service includes transporting, carrying, or conveying property of the
50 person being transported, whether owned by or in the care of such
51 person. Notwithstanding the foregoing, transportation service shall not
52 include a TNC prearranged trip, as that term is defined in article
53 forty-four-B of the vehicle and traffic law, that is subject to tax
54 under article twenty-nine-B of this chapter. In addition to what is
55 included in the definition of "receipt" in paragraph three of this
56 subdivision, receipts from the sale of transportation service subject to
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1 tax include any handling, carrying, baggage, booking service, adminis-
2 trative, mark-up, additional, or other charge, of any nature, made in
3 conjunction with the transportation service. Livery service means
4 service provided by limousine, black car or other motor vehicle, with a
5 driver, but excluding (i) a taxicab, (ii) a bus, and (iii), in a city of
6 one million or more in this state, an affiliated livery vehicle, and
7 excluding any scheduled public service. Limousine means a vehicle with a
8 seating capacity of up to fourteen persons, excluding the driver. Black
9 car means a for-hire vehicle dispatched from a central facility. "Affil-
10 iated livery vehicle" means a for-hire motor vehicle with a seating
11 capacity of up to six persons, including the driver, other than a black
12 car or luxury limousine, that is authorized and licensed by the taxi and
13 limousine commission of a city of one million or more to be dispatched
14 by a base station located in such a city and regulated by such taxi and
15 limousine commission; and the charges for service provided by an affil-
16 iated livery vehicle are on the basis of flat rate, time, mileage, or
17 zones and not on a garage to garage basis.

18 § 18. The tax law is amended by adding a new article 29-B to read as
19 follows:

20 ARTICLE 29-B
21 STATE ASSESSMENT FEE ON TRANSPORTATION NETWORK COMPANY
22 PREARRANGED TRIPS
23 Section 1291. Definitions.
24 1292. Imposition.
25 1293. Presumption.
26 1294. Returns and payment of state assessment fee.
27 1295. Records to be kept.

28 1296. Secrecy of returns and reports.
29 1297. Practice and procedure.
30 1298. Deposit and disposition of revenue.
31 § 1291. Definitions. (a) "Person" means an individual, partnership,
32 limited liability company, society, association, joint stock company,
33 corporation, estate, receiver, trustee, assignee, referee or any other
34 person acting in a fiduciary or representative capacity, whether
35 appointed by a court or otherwise, any combination of individuals and
36 any other form of unincorporated enterprise owned or conducted by two or
37 more persons.
38 (b) "City" means a city of a million or more located in the metropol-
39 itan commuter transportation district established by section twelve
40 hundred sixty-two of the public authorities law.
41 (c) "Transportation network company" or "TNC" shall have the same
42 meaning as the term is defined in article forty-four-B of the vehicle
43 and traffic law.
44 (d) "TNC prearranged trip" shall have the same meaning as the term is
45 defined in article forty-four-B of the vehicle and traffic law.
46 (e) "TNC driver" shall have the same meaning as the term is defined in
47 article forty-four-B of the vehicle and traffic law.
48 (f) "TNC vehicle" shall have the same meaning as the term is defined
49 in article forty-four-B of the vehicle and traffic law.
50 (g) "Gross trip fare" means the sum of the base fare charge, distance
51 charge and time charge for a complete TNC prearranged trip at the appli-
52 cable rate charged by the TNC at the time such trip is arranged.
53 § 1292. Imposition. There is hereby imposed on every TNC a state
54 assessment fee of 4% of the gross trip fare of every TNC prearranged
55 trip provided by such TNC that originates anywhere in the state outside
56 the city and terminates anywhere in this state.

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1 § 1293. Presumption. For the purpose of the proper administration of
2 this article and to prevent evasion of the state assessment fee imposed
3 by this article, it shall be presumed that every TNC prearranged trip
4 that originates anywhere in the state outside the city is subject to the
5 state assessment fee. This presumption shall prevail until the contrary
6 is proven by the person liable for the fee.

7 § 1294. Returns and payment of state assessment fee. (a) Every person
8 liable for the state assessment fee imposed by this article shall file a
9 return on a calendar-quarterly basis with the commissioner. Each return
10 shall show the number of TNC prearranged trips, the total gross trip
11 fares and the amount of fees due thereon in the quarter for which the
12 return is filed, together with such other information as the commission-
13 er may require. The returns required by this section shall be filed
14 within thirty days after the end of the quarterly period covered there-

15 by. If the commissioner deems it necessary in order to ensure the
16 payment of the state assessment fee imposed by this article, the commis-
17 sioner may require returns to be made for shorter periods than
18 prescribed by the foregoing provisions of this section, and upon such
19 dates as the commissioner may specify. The form of returns shall be
20 prescribed by the commissioner and shall contain such information as the
21 commissioner may deem necessary for the proper administration of this
22 article. The commissioner may require amended returns to be filed within
23 thirty days after notice and to contain the information specified in the
24 notice. The commissioner may require that the returns be filed electron-
25 ically.

26 (b) Every person required to file a return under this article shall,
27 at the time of filing such return, pay to the commissioner the total of
28 all state assessment fees on the correct number of trips subject to such
29 fee under this article. The amount so payable to the commissioner for
30 the period for which a return is required to be filed shall be due and
31 payable to the commissioner on the date specified for the filing of the
32 return for such period, without regard to whether a return is filed or
33 whether the return that is filed correctly shows the correct number of
34 trips, gross trip fares or amount of fees due thereon. The commissioner
35 may require that the fee be paid electronically.

36 § 1295. Records to be kept. Every person liable for the state assess-
37 ment fee imposed by this article shall keep:

38 (a) records of every TNC prearranged trip subject to the state assess-
39 ment fee under this article, and of all amounts paid, charged or due
40 thereon, in such form as the commissioner may require;

41 (b) true and complete copies, including electronic copies, of any
42 records required to be kept by a state agency that is authorized to
43 permit or regulate a TNC; and

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

46 § 1296. Secrecy of returns and reports. (a) Except in accordance with
47 proper judicial order or as otherwise provided by law, it shall be
48 unlawful for the commissioner, any officer or employee of the depart-
49 ment, any person engaged or retained by the department on an independent
50 contract basis, or any person who in any manner may acquire knowledge of
51 the contents of a return or report filed with the commissioner pursuant
52 to this article, to divulge or make known in any manner any particulars
53 set forth or disclosed in any such return or report. The officers
54 charged with the custody of such returns and reports shall not be
55 required to produce any of them or evidence of anything contained in
56 them in any action or proceeding in any court, except on behalf of the

1 commissioner in an action or proceeding under the provisions of this

2 chapter or in any other action or proceeding involving the collection of
3 a state assessment fee due under this article to which the state or the
4 commissioner is a party or a claimant, or on behalf of any party to any
5 action, proceeding or hearing under the provisions of this article when
6 the returns, reports or facts shown thereby are directly involved in
7 such action, proceeding or hearing, in any of which events the court, or
8 in the case of a hearing, the division of tax appeals may require the
9 production of, and may admit into evidence, so much of said returns,
10 reports or of the facts shown thereby, as are pertinent to the action,
11 proceeding or hearing and no more. The commissioner or the division of
12 tax appeals may, nevertheless, publish a copy or a summary of any deci-
13 sion rendered after a hearing required by this article. Nothing in this
14 section shall be construed to prohibit the delivery to a person who has
15 filed a return or report or to such person's duly authorized represen-
16 tative of a certified copy of any return or report filed in connection
17 with such person's state assessment fee. Nor shall anything in this
18 section be construed to prohibit the publication of statistics so clas-
19 sified as to prevent the identification of particular returns or reports
20 and the items thereof, or the inspection by the attorney general or
21 other legal representatives of the state of the return or report of any
22 person required to pay the state assessment fee who shall bring action
23 to review the state assessment fee based thereon, or against whom an
24 action or proceeding under this chapter has been recommended by the
25 commissioner or the attorney general or has been instituted, or the
26 inspection of the returns or reports required under this article by the
27 comptroller or duly designated officer or employee of the state depart-
28 ment of audit and control, for purposes of the audit of a refund of any
29 state assessment fee paid by a person required to pay the state assess-
30 ment fee under this article. Provided, further, nothing in this section
31 shall be construed to prohibit the disclosure, in such manner as the
32 commissioner deems appropriate, of the names and other appropriate iden-
33 tifying information of those persons required to pay state assessment
34 fee under this article.

35 (b) Notwithstanding the provisions of subdivision (a) of this section,
36 the commissioner, in his or her discretion, may require or permit any or
37 all persons liable for any state assessment fee imposed by this article,
38 to make payment to banks, banking houses or trust companies designated
39 by the commissioner and to file returns with such banks, banking houses
40 or trust companies as agents of the commissioner, in lieu of paying any
41 such state assessment fee directly to the commissioner. However, the
42 commissioner shall designate only such banks, banking houses or trust
43 companies as are already designated by the comptroller as depositories
44 pursuant to section twelve hundred eighty-eight of this chapter.

45 (c) Notwithstanding the provisions of subdivision (a) of this section,
46 the commissioner may permit the secretary of the treasury of the United

47 States or such secretary's delegate, or the authorized representative of
48 either such officer, to inspect any return filed under this article, or
49 may furnish to such officer or such officer's authorized representative
50 an abstract of any such return or supply such person with information
51 concerning an item contained in any such return, or disclosed by any
52 investigation of liability under this article, but such permission shall
53 be granted or such information furnished only if the laws of the United
54 States grant substantially similar privileges to the commissioner or
55 officer of this state charged with the administration of the state
56 assessment fee imposed by this article, and only if such information is

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1 to be used for purposes of tax administration only; and provided further
2 the commissioner may furnish to the commissioner of internal revenue or
3 such commissioner's authorized representative such returns filed under
4 this article and other tax information, as such commissioner may consid-
5 er proper, for use in court actions or proceedings under the internal
6 revenue code, whether civil or criminal, where a written request there-
7 for has been made to the commissioner by the secretary of the treasury
8 of the United States or such secretary's delegate, provided the laws of
9 the United States grant substantially similar powers to the secretary of
10 the treasury of the United States or his or her delegate. Where the
11 commissioner has so authorized use of returns and other information in
12 such actions or proceedings, officers and employees of the department
13 may testify in such actions or proceedings in respect to such returns or
14 other information.

15 (d) Returns and reports filed under this article shall be preserved
16 for three years and thereafter until the commissioner orders them to be
17 destroyed.

18 (e) (1) Any officer or employee of the state who willfully violates
19 the provisions of subdivision (a) of this section shall be dismissed
20 from office and be incapable of holding any public office for a period
21 of five years thereafter.

22 (2) Cross-reference: For criminal penalties, see article thirty-seven
23 of this chapter.

24 § 1297. Practice and procedure. The provisions of article twenty-seven
25 of this chapter shall apply with respect to the administration of and
26 procedure with respect to the state assessment fee imposed by this arti-
27 cle in the same manner and with the same force and effect as if the
28 language of such article twenty-seven had been incorporated in full into
29 this article and had expressly referred to the state assessment fee
30 under this article, except to the extent that any such provision is
31 either inconsistent with a provision of this article or is not relevant
32 to this article.

33 § 1298. Deposit and disposition of revenue. All taxes, fees, interest

34 and penalties collected or received by the commissioner under this arti-
35 cle shall be deposited and disposed of pursuant to the provisions of
36 section one hundred seventy-one-a of this chapter.

37 § 19. The tax law is amended by adding a new section 1822 to read as
38 follows:

39 § 1822. Violation of the state assessment fee on transportation
40 network company prearranged trips. Any willful act or omission by any
41 person that constitutes a violation of any provision of article twenty-
42 nine-B of this chapter shall constitute a misdemeanor.

43 § 20. Section 1825 of the tax law, as amended by section 89 of part A
44 of chapter 59 of the laws of 2014, is amended to read as follows:

45 § 1825. Violation of secrecy provisions of the tax law.--Any person
46 who violates the provisions of subdivision (b) of section twenty-one,
47 subdivision one of section two hundred two, subdivision eight of section
48 two hundred eleven, subdivision (a) of section three hundred fourteen,
49 subdivision one or two of section four hundred thirty-seven, section
50 four hundred eighty-seven, subdivision one or two of section five
51 hundred fourteen, subsection (e) of section six hundred ninety-seven,
52 subsection (a) of section nine hundred ninety-four, subdivision (a) of
53 section eleven hundred forty-six, section twelve hundred eighty-seven,
54 section twelve hundred ninety-six, subdivision (a) of section fourteen
55 hundred eighteen, subdivision (a) of section fifteen hundred eighteen,
56 subdivision (a) of section fifteen hundred fifty-five of this chapter,

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1 and subdivision (e) of section 11-1797 of the administrative code of the
2 city of New York shall be guilty of a misdemeanor.

3 § 21. 1. For purposes of this section, transportation network company
4 shall mean a transportation network company as defined by article
5 forty-four-B of the vehicle and traffic law.

6 2. There is hereby established the New York State Transportation
7 Network Company Accessibility Task Force to analyze and advise on how to
8 maximize effective and integrated transportation services for persons
9 with disabilities in the transportation network company market. The New
10 York State Transportation Network Company Accessibility Task Force shall
11 consist of eleven members. Two members of the New York State Transporta-
12 tion Network Company Accessibility Task Force shall be appointed by the
13 speaker of the assembly. Two members of the New York State Transporta-
14 tion Network Company Accessibility Task Force shall be appointed by the
15 temporary president of the senate. Seven members of the New York State
16 Transportation Network Company Accessibility Task Force shall be
17 appointed by the governor and shall include, but not be limited to, two
18 representatives of groups who serve persons with disabilities and two
19 representatives from a transportation network company. The governor
20 shall designate two chairpersons to the New York State Transportation

21 Network Company Accessibility Task Force.

22 3. The New York State Transportation Network Company Accessibility
23 Task Force shall study the demand responsive transportation marketplace
24 and shall, in addition to any responsibilities assigned by the governor:

25 (a) conduct a needs assessment concerning the demand for demand respon-
26 sive accessible transportation; (b) conduct a resource assessment
27 concerning the availability of accessible demand responsive transporta-
28 tion services for persons with disabilities; (c) identify opportunities
29 for, and barriers to, increasing accessible demand responsive transpor-
30 tation service for persons with mobility disabilities; (d) propose stra-
31 tegies for increasing accessible demand responsive transportation
32 service for persons with disabilities; and (e) any other issues deter-
33 mined important to the task force in establishing a recommendation
34 pursuant to subdivision five of this section.

35 4. The New York State Transportation Network Company Accessibility
36 Task Force shall hold public hearings and provide an opportunity for
37 public comment on the activities described in subdivision two of this
38 section.

39 5. The New York State Transportation Network Company Accessibility
40 Task Force shall complete a report addressing the activities described
41 in subdivision two of this section and make a recommendation, supported
42 by such activities, recommending the amount of accessibility necessary
43 for adequate transportation for disabled passengers in order to utilize
44 such services and present such findings at a public meeting where its
45 members shall accept such report, pursuant to majority vote of the task
46 force, and present such report to the governor, the speaker of the
47 assembly and the temporary president of the senate, and make such report
48 publicly available for review on or before January first, two thousand
49 nineteen.

50 6. Upon making the report described in subdivision five of this
51 section, the New York State Transportation Network Company Accessibility
52 Task Force shall be deemed dissolved.

53 § 22. 1. For purposes of this section, transportation network company
54 ("TNC") and TNC driver shall have the same meaning as such terms are
55 defined by article 44-B of the vehicle and traffic law. Region shall

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1 mean one or more of the following named areas comprised of the counties
2 indicated:

3 (a) Western New York: Allegany, Cattaraugus, Chautauqua, Erie, and
4 Niagara counties;

5 (b) Finger Lakes: Genesee, Livingston, Monroe, Ontario, Orleans, Sene-
6 ca, Wayne, Wyoming, and Yates counties;

7 (c) Southern Tier: Broome, Chemung, Chenango, Delaware, Schuyler,
8 Steuben, Tioga, and Tompkins counties;

9 (d) Central New York: Cayuga, Cortland, Madison, Onondaga, and Oswego
10 counties;

11 (e) Mohawk Valley: Fulton, Herkimer, Montgomery, Oneida, Otsego, and
12 Schoharie counties;

13 (f) North Country: Clinton, Essex, Franklin, Hamilton, Jefferson,
14 Lewis, and St. Lawrence counties;

15 (g) Capital Region: Albany, Columbia, Greene, Rensselaer, Saratoga,
16 Schenectady, Warren, and Washington counties;

17 (h) Mid-Hudson: Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster,
18 and Westchester counties; and

19 (i) Long Island: Nassau, and Suffolk counties.

20 2. (a) There is hereby established the New York State Transportation
21 Network Company Review Board. The board shall consist of 16 members who
22 shall be selected as follows:

23 (i) one shall be the commissioner of the department of motor vehicles
24 or his or her designee who shall serve as the chairperson;

25 (ii) one shall be the superintendent of the department of financial
26 services or his or her designee;

27 (iii) one shall be the commissioner of the department of labor or his
28 or her designee;

29 (iv) one shall be the superintendent of the New York state police or
30 his or her designee;

31 (v) one shall be the commissioner of the New York state department of
32 economic development or his or her designee;

33 (vi) eleven shall be appointed by the governor; provided, however,
34 that one shall be a representative of the New York black car operators'
35 injury compensation fund inc., one shall be a representative of a trans-
36 portation network company, and all regions as provided for in subdivi-
37 sion 1 of this section shall be represented;

38 (vii) three of such representatives of regions shall be appointed upon
39 recommendation of the temporary president of the senate; and

40 (viii) three of such representatives of regions shall be appointed
41 upon recommendation of the speaker of the assembly.

42 (b) The regional members appointed shall represent cities with a popu-
43 lation over one hundred thousand and a county contained within a region
44 as provided for in subdivision 1 of this section; provided, however,
45 that no two members shall represent the same region. Such cities shall
46 not include a city with a population of one million or more.

47 3. The New York state transportation network company review board
48 shall review issues related to the general operation of TNCs within the
49 state. Such issues shall include, but not be limited to: (a) TNC licens-
50 ing; (b) TNC Driver permitting; (c) geographic operation; (d) consumer
51 protection; (e) economic impact; (f) anti-discrimination; (g) workers'
52 compensation; (h) local government related impact; (i) public safety;
53 (j) surge pricing; and (k) any other issue deemed appropriate and proper

54 by the board.

55 4. The New York state transportation network company review board
56 shall hold no more than four public hearings and provide an opportunity

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1 for the public, local government officials, and other interested parties
2 to comment on areas pertinent to the activities of the board. The New
3 York state transportation network company review board shall complete
4 and submit a comprehensive report addressing the activities described in
5 subdivision three of this section on or before January 1, 2019. Upon
6 formal adoption by the review board, such report shall be presented to
7 the governor, the speaker of the assembly and the temporary president of
8 the senate. Upon the presentation of such report, the New York state
9 transportation network review board shall be deemed dissolved.

10 § 23. Severability clause. If any provision of this act or the appli-
11 cation thereof is held invalid, such invalidity shall not affect other
12 provisions or applications of this act which can be given effect without
13 the invalid provision or application, and to this end the provisions of
14 this act are declared to be severable.

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

20 § 25. The New York black car operators injury compensation fund, inc.
21 shall complete a study on the impact of the inclusion of TNC drivers on
22 such fund no later than ten months from the effective date of this act.

23 § 26. This act shall take effect on the ninetieth day after it shall
24 have become a law; provided that the amendments to subdivision 1 of
25 section 171-a of the tax law made by section fifteen of this act shall
26 not affect the expiration of such subdivision and shall expire there-
27 with, when upon such date the provisions of section sixteen of this act
28 shall take effect; provided however that coverage provided pursuant to
29 paragraph (b) of subdivision 1 of section 160-cc of the executive law as
30 added by section eleven of this act shall be deemed repealed one year
31 from the effective date of this act; provided, further, that any TNC
32 driver permitted to operate prior to the repeal of such paragraph shall
33 not see a reduction in coverage.

