

Consolidated summary for the 15th amendment to 11 NYCRR 27 (Insurance Regulation 41); 10th amendment to 11 NYCRR 60-1 (Insurance Regulation 35-A); 7th amendment to 11 NYCRR 60-2 (Insurance Regulation 35-D); new 11 NYCRR 60-3 (Insurance Regulation 35-e); 2nd amendment to 11 NYCRR 65-1 (Insurance Regulation 68-A); 7th amendment to 11 NYCRR 65-3 (Insurance Regulation 68-C); 6th amendment to 11 NYCRR 65-4 (Insurance Regulation 68-D); 6th amendment to 11 NYCRR 169 (Insurance Regulation 100); and 17th amendment to 11 NYCRR 216 (Insurance Regulation 64).

The following sections are amended or added:

Section 27.5(d) is amended to address the excess line affidavit requirement in the context of a transportation network company (TNC) group insurance policy.

Section 27.10(a) is amended to prohibit legal expense coverage within limits or claims-made policies with respect to a TNC group insurance policy placed in the excess line market.

A new subdivision (i) is added to § 60-1.2 to permit a new exclusion in an owner's policy of liability insurance issued in satisfaction of the financial responsibility requirements of Vehicle & Traffic Law Article 6, when the vehicle is used as a TNC vehicle.

A new § 60-1.5(e)(6) to clarify that, for purposes of the rental vehicle coverage required under Insurance Law (IL) § 3440, the use of the vehicle as a TNC vehicle will not be deemed to be the business of carrying or transporting passengers.

The definitions in the rental vehicle endorsement specified in § 60-1.5(h) are amended to clarify that use of the vehicle as a TNC vehicle is not using the vehicle as a public or livery conveyance

A new § 60-1.5(j) adds a new exclusion to the rental vehicle endorsement to make clear that coverage for the endorsement follows the liability coverage under the policy.

A new § 60-1.7 is added to permit higher limits in an owner's policy of liability insurance issued in satisfaction of the financial responsibility requirements of VTL Article 6 when the vehicle is used to satisfy the financial responsibility requirements of VTL Article 44-B.

A new § 60-1.8 is added to make clear that, when an owner's policy of liability insurance issued in satisfaction of the financial responsibility requirements of VTL Article 6 also provides coverage for use or operation of the vehicle as a TNC vehicle, no-fault and other required coverages will be provided for such use.

Section 60-2.0(a) is amended and a new subdivision (e) is added to add definitions and to include a reference to TNC coverage.

A new section 60-2.1(f) is added to address the mandatory inclusion of supplementary uninsured/underinsured motorists (SUM) coverage in a policy that provides liability coverage while the TNC driver is engaged in a TNC prearranged trip and the mandatory offer of SUM coverage in a policy that provides liability coverage while the driver is logged onto the TNC's digital network but is not engaged in a TNC prearranged trip

Section 60-2.2(a) is amended to provide for the appropriate notices regarding SUM coverage.

Section 60-2.3(f), which contains the required SUM endorsement, is amended to address the use of the vehicle as a TNC vehicle.

A new Subpart 60-3 is added addressing policies covering the use or operation of a TNC vehicle. The new sections are:

Section 60-3 (purpose);

Section 60-3.1 (definitions);

Section 60-3.2 (general requirements for TNC policies);

Section 60-3.3 (mandatory provisions for TNC policies);

Section 60-3.4 (permissible exclusions for TNC policies);

Section 60-3.5 (discretionary provisions for TNC policies);

Section 60-3.6 (rules for payment to the insured when involved in an accident with an uninsured motor vehicle);

Section 60-3.7 (requirements that apply to a TNC group policy issued pursuant to IL § 3455);

Section 60-3.8 (the requirements when a TNC group policy is placed in the excess line market; and

Section 60-3.9, (minimum notice that must be provided by an insurer writing motor vehicle liability insurance in satisfaction of the financial requirements of Vehicle and Traffic Law article 6 or motor vehicle physical damage insurance).

Section 65-1.1(a) makes the no-fault regulations applicable to TNC policies issued in satisfaction of the VTL article 44-B requirements.

Section 65-1.1(d) amends the mandatory personal injury protection endorsement with respect to TNC policies issued in satisfaction of the VTL article 44-B requirements.

Section 65-1.3(c) amends the additional personal injury protection endorsement with respect to TNC policies issued in satisfaction of the VTL article 44-B requirements.

A new section 65-3.12(f) is added to make clear which insurer is the “insurer of such motor vehicle” as used therein.

New section 65-3.13(a)(6) and (c) are added to address disputes among insurers as to which insurer is liable for the payment of additional personal injury protection benefits when both have the same priority of payment.

Section 65-4.5(b)(1) and (2) are amended to address special expedited no-fault arbitrations.

Section 65-4.11(a)(1) and (2) are amended to address certain mandatory arbitrations of controversies between insurers with respect to no-fault.

Section 169.1(d)(1) is amended to prevent an insurer from surcharging the insured for an accident that occurs while the vehicle is being used or operated as a TNC vehicle and the insured is not convicted of a moving traffic violation, unless the policy provides coverage for such operation of the vehicle.

A new section 216.2(e) is added to make an unauthorized insurer that issues a group policy pursuant to IL § 3455 subject to unfair claims regulations.