

**NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES
NINTH AMENDMENT TO 11 NYCRR 60-2
(INSURANCE REGULATION 35-D)**

SUPPLEMENTARY UNINSURED/UNDERINSURED MOTORIST COVERAGE

I, Linda A. Lacewell, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law, Sections 301 and 3420(f) of the Insurance Law, and Part III of Chapter 59 of the Laws of 2019, do hereby promulgate the Ninth Amendment to Subpart 60-2 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 35-D), to take effect upon filing with the Secretary of State, to read as follows:

(Matter in brackets is deleted; new matter is underlined)

A new paragraph (3) is added to section 60-2.0(a) as follows:

(3) This Subpart further implements section 19 of Part III of Chapter 59 of the Laws of 2019, which amended Insurance Law section 3420(f) to require that any policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance and use of an altered motor vehicle, commonly referred to as a “stretch limousine”, having a seating capacity of eight or more passengers used in the business of carrying or transporting passengers for hire, provide SUM coverage for bodily injury in an amount of a combined single limit of \$1,500,000 because of bodily injury or death of one or more persons in any one accident for any policy issued, renewed, altered, or modified on or after January 1, 2020.

Subdivision (g) of section 60-2.1 is amended as follows:

(g) Notwithstanding subdivisions (e) and (f) of this section~~[-]~~:

(1) an insurer providing coverage in satisfaction of the financial responsibility requirements of Vehicle and Traffic Law article 44-B:

[(1)] (i) shall provide SUM coverage, in the amount of \$1,250,000 because of bodily injury to or death of one or more persons in any one accident, while the TNC driver is engaged in a TNC prearranged trip if the policy provides liability coverage as required by Vehicle and Traffic Law section 1693(3); and

[(2)] (ii) if the policy provides liability coverage as required by Vehicle and Traffic Law section 1693(2), shall:

[(i)] (a) offer SUM coverage as provided in subdivision (e) of this section, under an insurance policy other than an insurance policy described in subparagraph (ii) of this paragraph, while the driver is logged onto the TNC’s digital network but is not engaged in a TNC prearranged trip; or

[(ii)] (b) provide SUM coverage as provided in subdivision (f) of this section, under an insurance policy originally entered into on or after June 16, 2018, other than a commercial risk insurance policy,

while the driver is logged onto the TNC's digital network but is not engaged in a TNC prearranged trip[-];
and

(2) an insurer providing coverage insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance and use of an altered motor vehicle, commonly referred to as a "stretch limousine", having a seating capacity of eight or more passengers used in the business of carrying or transporting passengers for hire, shall provide SUM coverage in the amount of \$1,500,000 because of bodily injury to or death of one or more persons in any one accident for any policy issued, renewed, altered, or modified on or after January 1, 2020. For the purposes of this paragraph, an "altered motor vehicle" or "stretch limousine" shall mean a vehicle altered so as to have an extended chassis, lengthened wheel base, or elongated seating area and in the case of a truck, has been modified to transport passengers in addition to having been altered.



Department of Financial Services

ANDREW M. CUOMO
Governor

LINDA A. LACEWELL
Superintendent

I, Linda A. Lacewell, Superintendent of Financial Services, do hereby certify that the foregoing is the Ninth Amendment to Subpart 60-2 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 35-D), entitled "Supplementary Uninsured/Underinsured Motorists Insurance," signed by me on March 16, 2020, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law, Sections 301 and 3420(f) of the Insurance Law, and Part III of Chapter 59 of the Laws of 2019, to take effect upon filing with the Secretary of State of New York.

Pursuant to Section 202(6) of the State Administrative Procedure Act, the Ninth Amendment to 11 NYCRR 60-2 (Insurance Regulation 35-D) is being promulgated as an emergency measure. A statement of the specific reasons for the finding of the need for emergency action is attached.

Linda A. Lacewell
Superintendent of Financial Services

Date: March 16, 2020

Statement of the Reasons for the Emergency Measure
Ninth Amendment to 11 NYCRR 60-2
(Insurance Regulation 35-D)

Chapter 59, Part III, Section 19 of the Laws of 2019, which takes effect on January 1, 2020 and applies to a policy issued, renewed, altered, or modified on or after that date, amended Insurance Law section 3420(f) to require that any policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance, and use of an altered motor vehicle or stretch limousine, having a seating capacity of eight or more passengers and used in the business of carrying or transporting passengers for hire, provide supplementary uninsured/underinsured motorist ("SUM") insurance for bodily injury in an amount of a combined single limit of \$1,500,000 because of bodily injury or death of one or more persons in any one accident. Since insurers have already begun renewing insurance policies that will take effect January 1 or later, and need to know to which vehicle owners they must provide this SUM coverage, it is imperative that this rule be promulgated on an emergency basis for the public's general welfare.



Linda A. Lacewell
Superintendent of Financial Services

Dated: March 16, 2020