

S. 6357--A

A. 8557--A

S E N A T E - A S S E M B L Y

January 21, 2014

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the highway law and to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the consolidated local street and highway improvement program (CHIPS), suburban highway improvement program (SHIPS), multi-modal and Marchiselli programs; and to repeal certain provisions of chapter 329 of the laws of 1991 relating thereto (Part A); to amend part F of chapter 56 of the laws of 2011 permitting authorized state entities to utilize the design-build method for infrastructure projects, in relation to allowing authorized local entities to utilize the design-build method for infrastructure projects, and in relation to the effectiveness thereof (Part B); to amend part U1 of chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to permanently authorizing payment of department of motor vehicle costs from the dedicated highway and bridge trust fund; to amend the transportation law, in relation to disposition of revenues; to amend the highway law, in relation to disposition of fees charged in connection with outdoor advertising on highways; and to amend the state finance law, in relation to the dedication of revenues and the costs of rail and truck regulation (Part C); to amend chapter 58 of the laws of 2013, relating to the hours of operation of the department of motor vehicles and providing for the repeal of such provisions upon expiration thereof, in relation to the effectiveness thereof (Part D); to amend the vehi-

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

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cle and traffic law and the state finance law, in relation to the authorization of the department of motor vehicles to provide the accident prevention course internet program; to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law, relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof; and to repeal certain provisions of the vehicle and traffic law relating thereto (Part E); to amend the vehicle and traffic law, in relation to complying with federal requirements relating to medical certifications of commercial driver's license holders (Part F); to amend the public authorities law, in relation to toll collection regulations; to amend the public officers law, in relation to electronic toll collection data; to amend the vehicle and traffic law, in relation to liability of vehicle owners for toll collection violations; to amend the penal law, in relation to theft of services; and to amend chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, in relation to tolls and other charges (Part G); to amend chapter 67 of the laws of 1992, amending the environmental conservation law relating to pesticide product registration timetables and fees, in relation to the effective date thereof; and to amend the environmental conservation law, in relation to pesticide registration fees and reporting (Part H); to amend the environmental conservation law, the penal law, the vehicle and traffic law and the general obligations law, in relation to authorizing crossbow hunting, landowner liability, printing contracts for hunting and fishing guides, issuance of distinctive "I love New York" plates, fees and general powers and duties of the department of environmental conservation; and to repeal subdivisions 11 and 16 of section 11-0901 of the environmental conservation law relating thereto (Part I); to amend the agriculture and markets law, in relation to granting, suspending or revoking licenses for food processing establishments (Part J); to authorize the New York state energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs from assessments on gas and electric corporations (Part K); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part L); to amend the agriculture and markets law and the public authorities law, in relation to requiring power transfer switches on gas stations located within one half mile from a strategic upstate highway (Part M); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part N); to amend the business corporation law and the not-for-profit corporation law, in relation to the transmission of incorporation certificates to county clerks (Part O); to amend the executive law, in relation to the national registry fee (Part P); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part Q); to amend the public service law, in relation to authorizing the department of public service to increase program efficiencies; and to repeal certain provisions of the public service law relating thereto (Part R); to amend the public service law, in relation to the tempo-

rary state energy and utility service conservation assessment (Part S); to amend the insurance law, in relation to unauthorized providers of health services and the examination of providers of health services (Part T); to amend the insurance law, the public health law and the financial services law, in relation to establishing protections to prevent surprise medical bills including network adequacy requirements, claim submission requirements, access to out-of-network care and prohibition of excessive emergency charges (Part U); to amend the insurance law, in relation to licensing title insurance agents, closers and solicitors; grants the superintendent of financial services the authority to require title insurance agents, closers, and solicitor applicants to submit to fingerprinting; and to repeal certain provisions of such law relating thereto (Part V); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending certain authority of the dormitory authority of the state of New York (Part W); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part X); to amend the public health law, in relation to fees in connection with certain health care facility financings; and to repeal section 2976-a of the public authorities law relating thereto (Part Y); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part Z); and to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part AA)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation  
2 which are necessary to implement the state fiscal plan for the 2014-2015  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through AA. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section three of this act sets forth the  
11 general effective date of this act.

12 PART A

13 Section 1. Subdivision (d) of section 11 of chapter 329 of the laws of  
14 1991 amending the state finance law and other laws relating to the  
15 establishment of the dedicated highway and bridge trust fund, as amended  
16 by section 4 of part A of chapter 58 of the laws of 2012, is amended to  
17 read as follows:

1 (d) Any such service contract (i) shall provide that the obligation of  
2 the director of the budget or the state to fund or to pay the amounts  
3 therein provided for shall not constitute a debt of the state within the  
4 meaning of any constitutional or statutory provisions in the event the  
5 thruway authority assigns or pledges service contract payments as secu-  
6 rity for its bonds or notes, (ii) shall be deemed executory only to the  
7 extent moneys are available and SHALL PROVIDE that no liability shall be  
8 incurred by the state beyond the moneys available for the purpose, and  
9 that such obligation is subject to annual appropriation by the legisla-  
10 ture, and (iii) shall provide that no funds shall be made available from  
11 the proceeds of bonds or notes issued pursuant to this chapter unless  
12 the commissioner of transportation has certified to the [chairman of the  
13 thruway authority] DIRECTOR OF THE BUDGET that such funds shall be used  
14 exclusively for the purposes authorized by subdivision (a) of this  
15 section, and/or construction, reconstruction or improvement of local  
16 highways, bridges and/or highway-railroad crossings, including right of  
17 way acquisition, preliminary engineering, and construction supervision  
18 and inspection, where the service life of the project is at least ten  
19 years or where the project is: (1) microsurfacing, (2) paver placed  
20 surface treatment, (3) single course surface treatment involving chip  
21 seals and oil and stone and (4) double course surface treatment involv-  
22 ing chip seals and oil and stone, and unless [the director of the budget  
23 has certified to the chairman of the thruway authority that] a spending  
24 plan has been submitted by the commissioner of transportation and has  
25 been approved by the director of the budget.

26 S 2. Subdivision (g) of section 15 of chapter 329 of the laws of 1991,  
27 as added by section 9 of chapter 330 of the laws of 1991, is REPEALED,  
28 and subdivision (f) of section 15 of chapter 329 of the laws of 1991,  
29 amending the state finance law and other laws relating to the establish-  
30 ment of the dedicated highway and bridge trust fund, as added by section  
31 9 of chapter 330 of the laws of 1991, is amended to read as follows:

32 (f) The commissioner of transportation shall certify to the [New York  
33 state thruway authority] DIRECTOR OF THE BUDGET AND THE COMPTROLLER  
34 amounts eligible for repayments as specified herein. Such certification  
35 shall include any such information as may be necessary to maintain the  
36 federal tax exempt status of bonds, notes or other obligations issued by  
37 the New York state thruway authority pursuant to section 380 of the  
38 public authorities law.

39 S 3. Subdivision 1 of section 80-b of the highway law, as amended by  
40 chapter 161 of the laws of 2008, is amended to read as follows:

41 1. In connection with the undertaking of any project for which the  
42 commissioner is authorized to use moneys of the federal government  
43 pursuant to the provisions of subdivision thirty-four-a of section ten  
44 and section eighty of this chapter to assure the effective discharge of  
45 state responsibilities with respect to regional transportation needs, on  
46 highways, roads, streets, bicycle paths or pedestrian paths that are not  
47 on the state highway system, the commissioner shall submit such project  
48 to the governing body or bodies of the affected municipality or munici-  
49 palities together with estimates of costs thereof. If such project  
50 includes a municipal project, as that term is defined in accordance with  
51 article thirteen of the transportation law, the state share of such  
52 municipal project shall also be included. If such project includes a  
53 project affecting a highway, road, street, bicycle path or pedestrian  
54 path not on the state highway system, the state share shall be equal to  
55 eighty percent of the difference between the total project cost and the  
56 federal assistance, provided, however, the commissioner may increase the

1 state share to an amount equal to one hundred percent of the difference  
2 between the total project cost and the federal assistance where he  
3 determines that the need for the project results substantially from  
4 actions undertaken pursuant to section ten of this chapter. [Except for  
5 individual projects where the non-federal share of a federally aided  
6 municipal project is less than five thousand dollars, no state or local  
7 shares of municipal streets and highways projects shall be payable from  
8 the non-fiduciary funds of the capital projects budget of the depart-  
9 ment.] No such project shall proceed without the approval of the govern-  
10 ing body of a municipality. Such governing body may request the commis-  
11 sioner to undertake the provision of such project. If the commissioner  
12 agrees to such undertaking he shall notify the local governing body  
13 which shall appropriate sufficient moneys to pay the estimated amount of  
14 the municipal share. Such moneys shall be deposited with the state comp-  
15 troller who is authorized to receive and accept the same for the  
16 purposes of such project, subject to the draft or requisition of the  
17 commissioner. When the work of such project has been completed, the  
18 commissioner shall render to the governing body of such municipality an  
19 itemized statement showing in full (a) the amount of money that has been  
20 deposited by such municipality with the state comptroller as hereinbe-  
21 fore provided, and (b) all disbursements made pursuant to this section  
22 for such project. Any surplus moneys shall be paid to such municipality  
23 on the warrant of the comptroller on vouchers therefor approved by the  
24 commissioner. When the work of such project has been completed and it is  
25 determined by the commissioner that the amount of the cost to be borne  
26 by the municipality is in excess of the amount deposited by such munici-  
27 pality with the state comptroller, the commissioner shall then notify  
28 the municipality of the deficiency of funds. The municipality shall then  
29 within ninety days of the receipt of such notice, pay such amount to the  
30 state comptroller. For purposes of this section, the term "municipality"  
31 shall include a city, county, town, village or two or more of the fore-  
32 going acting jointly.

33 S 4. Subdivision (e) of section 16 of chapter 329 of the laws of 1991,  
34 amending the state finance law and other laws relating to the establish-  
35 ment of a dedicated highway and bridge trust fund, as added by section 9  
36 of chapter 330 of the laws of 1991, is REPEALED.

37 S 5. Subdivision (e) of section 16-a of chapter 329 of the laws of  
38 1991, amending the state finance law and other laws relating to the  
39 establishment of a dedicated highway and bridge trust fund, as added by  
40 section 9 of chapter 330 of the laws of 1991, is REPEALED.

41 S 6. Paragraph (a) of subdivision 5 of section 10-f of the highway  
42 law, as added by chapter 725 of the laws of 1993, is amended to read as  
43 follows:

44 (a) Funding of municipal projects will be made upon the application  
45 for funding of prior expenditures in a format prescribed by the commis-  
46 sioner. [Funding of qualifying municipal project expenditures shall be  
47 made from the proceeds of bonds, notes or other obligations issued  
48 pursuant to section three hundred eighty of the public authorities law.]  
49 Such funding of state projects may be pursuant to agreements between the  
50 commissioner and the New York state thruway authority and may be from  
51 the proceeds of bonds, notes or other obligations issued pursuant to  
52 section three hundred eighty-five of the public authorities law.

53 S 7. Paragraph (a) of subdivision 5 of section 10-g of the highway  
54 law, as added by chapter 725 of the laws of 1993, is amended to read as  
55 follows:

(a) Funding of municipal projects will be made upon the application for funding of prior expenditures in a format prescribed by the commissioner. [Funding of qualifying municipal project expenditures shall be made from the proceeds of bonds, notes or other obligations issued pursuant to section three hundred eighty of the public authorities law.] Such funding of state projects may be pursuant to agreements between the commissioner and the New York state thruway authority and may be from the proceeds of bonds, notes or other obligations issued pursuant to section three hundred eighty-five of the public authorities law.

S 8. This act shall take effect immediately.

## PART B

Section 1. Sections 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16 and 17 of part F of chapter 56 of the laws of 2011 permitting authorized state entities to utilize the design-build method for infrastructure projects are amended to read as follows:

S 3. For the purposes of this act:

(a) "authorized state entity" shall mean the New York state thruway authority, the department of transportation, the office of parks, recreation and historic preservation, the department of environmental conservation and the New York state bridge authority.

(b) "best value" shall mean the basis for awarding contracts for services to the offerer that optimize quality, cost and efficiency, price and performance criteria, which may include, but is not limited to:

1. The quality of the contractor's performance on previous projects;

2. The timeliness of the contractor's performance on previous projects;

3. The level of customer satisfaction with the contractor's performance on previous projects;

4. The contractor's record of performing previous projects on budget and ability to minimize cost overruns;

5. The contractor's ability to limit change orders;

6. The contractor's ability to prepare appropriate project plans;

7. The contractor's technical capacities;

8. The individual qualifications of the contractor's key personnel;

9. The contractor's ability to assess and manage risk and minimize risk impact; and

10. The contractor's past record of compliance with article 15-A of the executive law.

Such basis shall reflect, wherever possible, objective and quantifiable analysis.

(c) "capital project" shall have the same meaning as such term is defined by subdivision 2-a of section 2 of the state finance law.

(d) "cost plus" shall mean compensating a contractor for the cost to complete a contract by reimbursing actual costs for labor, equipment and materials plus an additional amount for overhead and profit.

(e) "design-build contract" shall mean a contract for the design and construction of a capital project with a single entity, which may be a team comprised of separate entities.

(f) "procurement record" means documentation of the decisions made and the approach taken in the procurement process.

(G) "AUTHORIZED LOCAL ENTITY" SHALL MEAN ANY CITY, TOWN OR VILLAGE WITH A POPULATION OF MORE THAN FIFTY THOUSAND, OR ANY COUNTY.

1 S 4. Notwithstanding the provisions of section 38 of the highway law,  
2 section 136-a of the state finance law, section 359 of the public  
3 authorities law, section 7210 of the education law, SECTION 103 OF THE  
4 GENERAL MUNICIPAL LAW, and the provisions of any other law to the  
5 contrary, and in conformity with the requirements of this act, an  
6 authorized state OR LOCAL entity may utilize the alternative delivery  
7 method referred to as design-build contracts for capital projects  
8 related to the state's OR LOCAL ENTITY'S physical infrastructure,  
9 including, but not limited to, the state's OR LOCAL ENTITY'S highways,  
10 bridges, dams, flood control projects, canals, and parks, including, but  
11 not limited to, to repair damage caused by natural disaster, to correct  
12 health and safety defects, to comply with federal and state laws, stand-  
13 ards, and regulations, to extend the useful life of or replace the  
14 state's OR LOCAL ENTITY'S highways, bridges, dams, flood control  
15 projects, canals, and parks or to improve or add to the state's OR LOCAL  
16 ENTITY'S highways, bridges, dams, flood control projects, canals, and  
17 parks; provided that for the contracts executed by the department of  
18 transportation, the office of parks, recreation and historic preserva-  
19 tion, or the department of environmental conservation, OR BY ANY LOCAL  
20 ENTITY, the total cost of each such project shall not be less than one  
21 million two hundred thousand dollars (\$1,200,000); AND FURTHER PROVIDED  
22 THAT AUTHORIZED LOCAL ENTITIES MAY UTILIZE THE ALTERNATIVE DELIVERY  
23 METHOD REFERRED TO AS DESIGN-BUILD CONTRACTS ONLY FOR CAPITAL PROJECTS  
24 THAT ARE NOT SUBJECT TO SECTION 101 OF THE GENERAL MUNICIPAL LAW.

25 S 5. An entity selected by an authorized state OR LOCAL entity to  
26 enter into a design-build contract shall be selected through a two-step  
27 method, as follows:

28 (a) Step one. Generation of a list of entities that have demonstrated  
29 the general capability to perform the design-build contract. Such list  
30 shall consist of a specified number of entities, as determined by an  
31 authorized state OR LOCAL entity, and shall be generated based upon the  
32 authorized state OR LOCAL entity's review of responses to a publicly  
33 advertised request for qualifications. The authorized state OR LOCAL  
34 entity's request for qualifications shall include a general description  
35 of the project, the maximum number of entities to be included on the  
36 list, and the selection criteria to be used in generating the list. Such  
37 selection criteria shall include the qualifications and experience of  
38 the design and construction team, organization, demonstrated responsi-  
39 bility, ability of the team or of a member or members of the team to  
40 comply with applicable requirements, including the provisions of arti-  
41 cles 145, 147 and 148 of the education law, past record of compliance  
42 with the labor law, and such other qualifications the authorized state  
43 OR LOCAL entity deems appropriate which may include but are not limited  
44 to project understanding, financial capability and record of past  
45 performance. The authorized state OR LOCAL entity shall evaluate and  
46 rate all entities responding to the request for qualifications. Based  
47 upon such ratings, the authorized state OR LOCAL entity shall list the  
48 entities that shall receive a request for proposals in accordance with  
49 subdivision (b) of this section. To the extent consistent with applica-  
50 ble federal law, the authorized state entity shall consider, when award-  
51 ing any contract pursuant to this section, the participation of: (i)  
52 firms certified pursuant to article 15-A of the executive law as minori-  
53 ty or women-owned businesses and the ability of other businesses under  
54 consideration to work with minority and women-owned businesses so as to  
55 promote and assist participation by such businesses; and (ii) small

business concerns identified pursuant to subdivision (b) of section 139-g of the state finance law.

(b) Step two. Selection of the proposal which is the best value to the state OR LOCAL ENTITY. The authorized state OR LOCAL entity shall issue a request for proposals to the entities listed pursuant to subdivision (a) of this section. If such an entity consists of a team of separate entities, the entities that comprise such a team must remain unchanged from the entity as listed pursuant to subdivision (a) of this section unless otherwise approved by the authorized state OR LOCAL entity. The request for proposals shall set forth the project's scope of work, and other requirements, as determined by the authorized state OR LOCAL entity. The request for proposals shall specify the criteria to be used to evaluate the responses and the relative weight of each such criteria. Such criteria shall include the proposal's cost, the quality of the proposal's solution, the qualifications and experience of the design-build entity, and other factors deemed pertinent by the authorized state OR LOCAL entity, which may include, but shall not be limited to, the proposal's project implementation, ability to complete the work in a timely and satisfactory manner, maintenance costs of the completed project, maintenance of traffic approach, and community impact. Any contract awarded pursuant to this act shall be awarded to a responsive and responsible entity that submits the proposal, which, in consideration of these and other specified criteria deemed pertinent to the project, offers the best value to the state OR LOCAL ENTITY, as determined by the authorized state OR LOCAL entity. Nothing herein shall be construed to prohibit the authorized entity from negotiating final contract terms and conditions including cost.

S 7. Construction for each capital project undertaken by the authorized state OR LOCAL entity pursuant to this act shall be deemed a "public work" to be performed in accordance with the provisions of article 8 of the labor law, as well as subject to sections 200, 240, 241 and 242 of the labor law and enforcement of prevailing wage requirements by the New York state department of labor.

S 8. If otherwise applicable, capital projects undertaken by the authorized state OR LOCAL entity pursuant to this act shall be subject to section 135 of the state finance law and section 222 of the labor law.

S 10. Capital projects undertaken by the authorized state OR LOCAL entity pursuant to this act shall be subject to the requirements of article eight of the environmental conservation law, and, where applicable, the requirements of the national environmental policy act.

S 11. If otherwise applicable, capital projects undertaken by the authorized state entity pursuant to this act shall be governed by sections 139-d, 139-j, 139-k, paragraph f of subdivision 1 and paragraph g of subdivision 9 of section 163 of the state finance law, AND CAPITAL PROJECTS UNDERTAKEN BY THE AUTHORIZED LOCAL ENTITY PURSUANT TO THIS ACT SHALL BE GOVERNED BY SECTION 103-D OF THE GENERAL MUNICIPAL LAW.

S 13. Nothing contained in this act shall limit the right or obligation of the authorized state OR LOCAL entity to comply with the provisions of any existing contract, including any existing contract with or for the benefit of the holders of the obligations of the authorized state OR LOCAL entity, or to award contracts as otherwise provided by law.

S 14. Alternative construction awarding processes. (i) Notwithstanding the provisions of any other law to the contrary, the authorized state OR LOCAL entity may award a construction contract:



1 1. To the contractor offering the best value; or

2 2. Utilizing a cost-plus not to exceed guaranteed maximum price form  
3 of contract in which the authorized state OR LOCAL entity shall be enti-  
4 tled to monitor and audit all project costs. In establishing the sched-  
5 ule and process for determining a guaranteed maximum price, the contract  
6 between the authorized state OR LOCAL entity and the contractor shall:

7 (a) describe the scope of the work and the cost of performing such  
8 work;

9 (b) include a detailed line item cost breakdown;

10 (c) include a list of all drawings, specifications and other informa-  
11 tion on which the guaranteed maximum price is based;

12 (d) include the dates for substantial and final completion on which  
13 the guaranteed maximum price is based; and

14 (e) include a schedule of unit prices; or

15 3. Utilizing a lump sum contract in which the contractor agrees to  
16 accept a set dollar amount for a contract which comprises a single bid  
17 without providing a cost breakdown for all costs such as for equipment,  
18 labor, materials, as well as such contractor's profit for completing all  
19 items of work comprising the project.

20 (ii) Capital projects undertaken by an authorized state OR LOCAL enti-  
21 ty may include an incentive clause in the contract for various perform-  
22 ance objectives, but the incentive clause shall not include an incentive  
23 that exceeds the quantifiable value of the benefit received by the state  
24 OR LOCAL ENTITY. The authorized state OR LOCAL entity shall establish  
25 such performance and payment bonds as it deems necessary.

26 S 15. Prequalified contractors. (a) Notwithstanding any other  
27 provision of law, the authorized state OR LOCAL entity may maintain a  
28 list of prequalified contractors who are eligible to submit a proposal  
29 pursuant to this act and entry into such list shall be continuously  
30 available. Prospective contractors may be prequalified as contractors to  
31 provide particular types of construction, in accordance with general  
32 criteria established by the authorized state OR LOCAL entity which may  
33 include, but shall not be limited to, the experience, past performance,  
34 ability to undertake the type and complexity of work, financial capabil-  
35 ity, responsibility, compliance with equal employment opportunity  
36 requirements and anti-discrimination laws, and reliability. Such  
37 prequalification may be by categories designed by size and other  
38 factors.

39 (b) A contractor who is denied prequalification or whose prequalifica-  
40 tion is revoked or suspended by the authorized state OR LOCAL entity may  
41 appeal such decision to the authorized state entity. If such a suspen-  
42 sion extends for more than three months, it shall be deemed a revocation  
43 of the prequalification. The authorized state OR LOCAL entity may  
44 proceed with the contract award during any appeal.

45 S 16. Nothing in this act shall affect existing powers of New York  
46 state public entities OR LOCAL ENTITIES to use alternative project  
47 delivery methods.

48 S 17. This act shall take effect immediately [and shall expire and be  
49 deemed repealed 3 years after such date, provided that, projects with  
50 requests for qualifications issued prior to such repeal shall be permit-  
51 ted to continue under this act notwithstanding such repeal].

52 S 2. This act shall take effect immediately.

1 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003  
2 amending the vehicle and traffic law and other laws relating to increas-  
3 ing certain motor vehicle transaction fees, as amended by section 2 of  
4 part B of chapter 58 of the laws of 2013, is amended to read as follows:

5 S 13. This act shall take effect immediately; provided however that  
6 sections one through seven of this act, the amendments to subdivision 2  
7 of section 205 of the tax law made by section eight of this act, and  
8 section nine of this act shall expire and be deemed repealed on [March  
9 31] APRIL 1, 2015; provided further, however, that the amendments to  
10 subdivision 3 of section 205 of the tax law made by section eight of  
11 this act shall expire and be deemed repealed on March 31, 2018; provided  
12 further, however, that the provisions of section eleven of this act  
13 shall take effect April 1, 2004 and shall expire and be deemed repealed  
14 on [March 31] APRIL 1, 2015.

15 S 2. Section 2 of part B of chapter 84 of the laws of 2002, amending  
16 the state finance law relating to the costs of the department of motor  
17 vehicles, as amended by section 1 of part E of chapter 59 of the laws of  
18 2009, is amended to read as follows:

19 S 2. This act shall take effect April 1, 2002; provided, however, if  
20 this act shall become a law after such date it shall take effect imme-  
21 diately and shall be deemed to have been in full force and effect on and  
22 after April 1, 2002; provided further, however, that this act shall  
23 expire and be deemed repealed on [March 31] APRIL 1, 2015.

24 S 3. Subdivision 4 of section 94 of the transportation law, as amended  
25 by section 1 of part D of chapter 101 of the laws of 2001, is amended to  
26 read as follows:

27 4. All fees charged and collected by the commissioner hereunder shall  
28 be deposited [to the miscellaneous special revenue fund - transportation  
29 regulation account for the purposes established in this section] BY THE  
30 COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND PAYMENT ACCOUNT OF  
31 THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO  
32 SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

33 S 4. Subdivision 4 of section 135 of the transportation law, as added  
34 by chapter 166 of the laws of 1991, is amended to read as follows:

35 4. All revenues collected pursuant to this section shall be deposited  
36 [to the miscellaneous special revenue fund--rail safety inspection  
37 account] BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND  
38 PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTAB-  
39 LISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW for  
40 the purposes established in this section. Fees will be based on reven-  
41 ues from the preceding calendar year and shall be assessed on or before  
42 July first and are payable by September first of each year. On or before  
43 January first of each year following assessment of fees pursuant to this  
44 section, the commissioner shall report to the railroad companies annual  
45 costs associated with this assessment.

46 S 5. Subdivision 5 of section 144 of the transportation law, as added  
47 by chapter 635 of the laws of 1983, is amended to read as follows:

48 5. For furnishing a certification of any paper, record or official  
49 document, one dollar. No fees shall be charged or collected for copies  
50 of papers, records or official documents, furnished to public officers  
51 for use in their official capacity, or for the annual reports of the  
52 commissioner in the ordinary course of distribution, but the commission-  
53 er may fix reasonable charges for copies of papers, records, official  
54 documents and other publications furnished or issued to others under  
55 this authority. All fees charged and collected by the commissioner  
56 [shall belong to the people of the state and shall be paid monthly,

1 accompanied by a detailed statement thereof, into the treasury of the  
2 state to the credit of the general fund] PURSUANT TO THIS SECTION SHALL  
3 BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION RESERVE AND  
4 PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTAB-  
5 LISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

6 S 6. Section 145 of the transportation law is amended by adding a new  
7 subdivision 8 to read as follows:

8 8. ALL PENALTIES CHARGED AND COLLECTED BY THE COMMISSIONER PURSUANT TO  
9 THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL  
10 OBLIGATION RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND  
11 BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHT-NINE-B OF THE  
12 STATE FINANCE LAW.

13 S 7. Section 88 of the highway law is amended by adding a new subdivi-  
14 sion 13 to read as follows:

15 13. ALL FEES COLLECTED BY THE COMMISSIONER PURSUANT TO THIS SECTION  
16 SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE SPECIAL OBLIGATION  
17 RESERVE AND PAYMENT ACCOUNT OF THE DEDICATED HIGHWAY AND BRIDGE TRUST  
18 FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE  
19 LAW.

20 S 8. Paragraph (a) of subdivision 3 of section 89-b of the state  
21 finance law, as amended by section 2 of part B of chapter 58 of the laws  
22 of 2012, is amended to read as follows:

23 (a) The special obligation reserve and payment account shall consist  
24 (i) of all moneys required to be deposited in the dedicated highway and  
25 bridge trust fund pursuant to the provisions of sections two hundred  
26 five, two hundred eighty-nine-e, three hundred one-j, five hundred  
27 fifteen and eleven hundred sixty-seven of the tax law, section four  
28 hundred one of the vehicle and traffic law, and section thirty-one of  
29 chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all  
30 fees, fines or penalties collected by the commissioner of transportation  
31 pursuant to section fifty-two, section three hundred twenty-six, [and  
32 subdivisions five, eight and twelve of] section eighty-eight of the  
33 highway law, subdivision fifteen of section three hundred eighty-five of  
34 the vehicle and traffic law, section two of the chapter of the laws of  
35 two thousand three that amended this paragraph, subdivision (d) of  
36 section three hundred four-a, paragraph one of subdivision (a) and  
37 subdivision (d) of section three hundred five, subdivision six-a of  
38 section four hundred fifteen and subdivision (g) of section twenty-one  
39 hundred twenty-five of the vehicle and traffic law, section fifteen of  
40 this chapter, excepting moneys deposited with the state on account of  
41 betterments performed pursuant to subdivision twenty-seven or subdivi-  
42 sion thirty-five of section ten of the highway law, AND SECTIONS NINE-  
43 TY-FOUR, ONE HUNDRED THIRTY-FIVE, ONE HUNDRED FORTY-FOUR AND ONE HUNDRED  
44 FORTY-FIVE OF THE TRANSPORTATION LAW, (iii) any moneys collected by the  
45 department of transportation for services provided pursuant to agree-  
46 ments entered into in accordance with section ninety-nine-r of the  
47 general municipal law, and (iv) any other moneys collected therefor or  
48 credited or transferred thereto from any other fund, account or source.

49 S 9. Paragraph (a) of subdivision 3 of section 89-b of the state  
50 finance law, as amended by section 3 of part B of chapter 58 of the laws  
51 of 2012, is amended to read as follows:

52 (a) The special obligation reserve and payment account shall consist  
53 (i) of all moneys required to be deposited in the dedicated highway and  
54 bridge trust fund pursuant to the provisions of sections two hundred  
55 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven  
56 hundred sixty-seven of the tax law, section four hundred one of the

1 vehicle and traffic law, and section thirty-one of chapter fifty-six of  
2 the laws of nineteen hundred ninety-three, (ii) all fees, fines or  
3 penalties collected by the commissioner of transportation pursuant to  
4 section fifty-two, section three hundred twenty-six, [and subdivisions  
5 five, eight and twelve of] section eighty-eight of the highway law,  
6 subdivision fifteen of section three hundred eighty-five of the vehicle  
7 and traffic law, section fifteen of this chapter, excepting moneys  
8 deposited with the state on account of betterments performed pursuant to  
9 subdivision twenty-seven or subdivision thirty-five of section ten of  
10 the highway law, AND SECTIONS NINETY-FOUR, ONE HUNDRED THIRTY-FIVE, ONE  
11 HUNDRED FORTY-FOUR AND ONE HUNDRED FORTY-FIVE OF THE TRANSPORTATION LAW  
12 (iii) any moneys collected by the department of transportation for  
13 services provided pursuant to agreements entered into in accordance with  
14 section ninety-nine-r of the general municipal law, and (iv) any other  
15 moneys collected therefor or credited or transferred thereto from any  
16 other fund, account or source.

17 S 10. Paragraph a of subdivision 5 of section 89-b of the state  
18 finance law, as amended by section 60 of part HH of chapter 57 of the  
19 laws of 2013, is amended to read as follows:

20 a. Moneys in the dedicated highway and bridge trust fund shall,  
21 following appropriation by the legislature, be utilized for: recon-  
22 struction, replacement, reconditioning, restoration, rehabilitation and  
23 preservation of state, county, town, city and village roads, highways,  
24 parkways, and bridges thereon, to restore such facilities to their  
25 intended functions; construction, reconstruction, enhancement and  
26 improvement of state, county, town, city, and village roads, highways,  
27 parkways, and bridges thereon, to address current and projected capacity  
28 problems including costs for traffic mitigation activities; aviation  
29 projects authorized pursuant to section fourteen-j of the transportation  
30 law and for payments to the general debt service fund of amounts equal  
31 to amounts required for service contract payments related to aviation  
32 projects as provided and authorized by section three hundred eighty-six  
33 of the public authorities law; programs to assist small and minority and  
34 women-owned firms engaged in transportation construction and recon-  
35 struction projects, including a revolving fund for working capital  
36 loans, and a bonding guarantee assistance program in accordance with  
37 provisions of this chapter; matching federal grants or apportionments to  
38 the state for highway, parkway and bridge capital projects; the acquisi-  
39 tion of real property and interests therein required or expected to be  
40 required in connection with such projects; preventive maintenance activ-  
41 ities necessary to ensure that highways, parkways and bridges meet or  
42 exceed their optimum useful life; expenses of control of snow and ice on  
43 state highways by the department of transportation including but not  
44 limited to personal services, nonpersonal services and fringe benefits,  
45 payment of emergency aid for control of snow and ice in municipalities  
46 pursuant to section fifty-five of the highway law, expenses of control  
47 of snow and ice on state highways by municipalities pursuant to section  
48 twelve of the highway law, and for expenses of arterial maintenance  
49 agreements with cities pursuant to section three hundred forty-nine of  
50 the highway law; personal services, NONPERSONAL SERVICES, and fringe  
51 benefit costs of the department of transportation for bus safety  
52 inspection activities, RAIL SAFETY INSPECTION ACTIVITIES, AND TRUCK  
53 SAFETY INSPECTION ACTIVITIES; costs of the department of motor vehicles,  
54 including but not limited to personal and nonpersonal services; costs of  
55 engineering and administrative services of the department of transporta-  
56 tion, including but not limited to fringe benefits; the contract

1 services provided by private firms in accordance with section fourteen  
2 of the transportation law; personal services and nonpersonal services,  
3 for activities including but not limited to the preparation of designs,  
4 plans, specifications and estimates; construction management and super-  
5 vision activities; costs of appraisals, surveys, testing and environ-  
6 mental impact statements for transportation projects; expenses in  
7 connection with buildings, equipment, materials and facilities used or  
8 useful in connection with the maintenance, operation, and repair of  
9 highways, parkways and bridges thereon; and project costs for:  
10 construction, reconstruction, improvement, reconditioning and preserva-  
11 tion of rail freight facilities and intercity rail passenger facilities  
12 and equipment; construction, reconstruction, improvement, reconditioning  
13 and preservation of state, municipal and privately owned ports;  
14 construction, reconstruction, improvement, reconditioning and preserva-  
15 tion of municipal airports; privately owned airports and aviation capi-  
16 tal facilities, excluding airports operated by the state or operated by  
17 a bi-state municipal corporate instrumentality for which federal funding  
18 is not available provided the project is consistent with an approved  
19 airport layout plan; and construction, reconstruction, enhancement,  
20 improvement, replacement, reconditioning, restoration, rehabilitation  
21 and preservation of state, county, town, city and village roads, high-  
22 ways, parkways and bridges; and construction, reconstruction, improve-  
23 ment, reconditioning and preservation of fixed ferry facilities of  
24 municipal and privately owned ferry lines for transportation purposes,  
25 and the payment of debt service required on any bonds, notes or other  
26 obligations and related expenses for highway, parkway, bridge and  
27 project costs for: construction, reconstruction, improvement, recondi-  
28 tioning and preservation of rail freight facilities and intercity rail  
29 passenger facilities and equipment; construction, reconstruction,  
30 improvement, reconditioning and preservation of state, municipal and  
31 privately owned ports; construction, reconstruction, improvement, recon-  
32 ditioning and preservation of municipal airports; privately owned  
33 airports and aviation capital facilities, excluding airports operated by  
34 the state or operated by a bi-state municipal corporate instrumentality  
35 for which federal funding is not available provided the project is  
36 consistent with an approved airport layout plan; construction, recon-  
37 struction, enhancement, improvement, replacement, reconditioning, resto-  
38 ration, rehabilitation and preservation of state, county, town, city and  
39 village roads, highways, parkways and bridges; and construction, recon-  
40 struction, improvement, reconditioning and preservation of fixed ferry  
41 facilities of municipal and privately owned ferry lines for transporta-  
42 tion purposes, purposes authorized on or after the effective date of  
43 this section. Beginning with disbursements made on and after the first  
44 day of April, nineteen hundred ninety-three, moneys in such fund shall  
45 be available to pay such costs or expenses made pursuant to appropri-  
46 ations or reappropriations made during the state fiscal year which began  
47 on the first of April, nineteen hundred ninety-two. Beginning the first  
48 day of April, nineteen hundred ninety-three, moneys in such fund shall  
49 also be used for transfers to the general debt service fund and the  
50 revenue bond tax fund of amounts equal to that respectively required for  
51 service contract and financing agreement payments as provided and  
52 authorized by section three hundred eighty of the public authorities  
53 law, section eleven of chapter three hundred twenty-nine of the laws of  
54 nineteen hundred ninety-one, as amended, and sections sixty-eight-c and  
55 sixty-nine-o of this chapter.

1 S 11. Paragraph a of subdivision 5 of section 89-b of the state  
2 finance law, as amended by section 60-a of part HH of chapter 57 of the  
3 laws of 2013, is amended to read as follows:

4 a. Moneys in the dedicated highway and bridge trust fund shall,  
5 following appropriation by the legislature, be utilized for: recon-  
6 struction, replacement, reconditioning, restoration, rehabilitation and  
7 preservation of state, county, town, city and village roads, highways,  
8 parkways, and bridges thereon, to restore such facilities to their  
9 intended functions; construction, reconstruction, enhancement and  
10 improvement of state, county, town, city, and village roads, highways,  
11 parkways, and bridges thereon, to address current and projected capacity  
12 problems including costs for traffic mitigation activities; aviation  
13 projects authorized pursuant to section fourteen-j of the transportation  
14 law and for payments to the general debt service fund of amounts equal  
15 to amounts required for service contract payments related to aviation  
16 projects as provided and authorized by section three hundred eighty-six  
17 of the public authorities law; programs to assist small and minority and  
18 women-owned firms engaged in transportation construction and recon-  
19 struction projects, including a revolving fund for working capital  
20 loans, and a bonding guarantee assistance program in accordance with  
21 provisions of this chapter; matching federal grants or apportionments to  
22 the state for highway, parkway and bridge capital projects; the acquisi-  
23 tion of real property and interests therein required or expected to be  
24 required in connection with such projects; preventive maintenance activ-  
25 ities necessary to ensure that highways, parkways and bridges meet or  
26 exceed their optimum useful life; expenses of control of snow and ice on  
27 state highways by the department of transportation including but not  
28 limited to personal services, nonpersonal services and fringe benefits,  
29 payment of emergency aid for control of snow and ice in municipalities  
30 pursuant to section fifty-five of the highway law, expenses of control  
31 of snow and ice on state highways by municipalities pursuant to section  
32 twelve of the highway law, and for expenses of arterial maintenance  
33 agreements with cities pursuant to section three hundred forty-nine of  
34 the highway law; personal services, NONPERSONAL SERVICES, and fringe  
35 benefit costs of the department of transportation for bus safety  
36 inspection activities, RAIL SAFETY INSPECTION ACTIVITIES, AND TRUCK  
37 SAFETY INSPECTION ACTIVITIES; costs of engineering and administrative  
38 services of the department of transportation, including but not limited  
39 to fringe benefits; the contract services provided by private firms in  
40 accordance with section fourteen of the transportation law; personal  
41 services and nonpersonal services, for activities including but not  
42 limited to the preparation of designs, plans, specifications and esti-  
43 mates; construction management and supervision activities; costs of  
44 appraisals, surveys, testing and environmental impact statements for  
45 transportation projects; expenses in connection with buildings, equip-  
46 ment, materials and facilities used or useful in connection with the  
47 maintenance, operation, and repair of highways, parkways and bridges  
48 thereon; and project costs for: construction, reconstruction, improve-  
49 ment, reconditioning and preservation of rail freight facilities and  
50 intercity rail passenger facilities and equipment; construction, recon-  
51 struction, improvement, reconditioning and preservation of state, munic-  
52 ipal and privately owned ports; construction, reconstruction, improve-  
53 ment, reconditioning and preservation of municipal airports; privately  
54 owned airports and aviation capital facilities, excluding airports oper-  
55 ated by the state or operated by a bi-state municipal corporate instru-  
56 mentality for which federal funding is not available provided the

1 project is consistent with an approved airport layout plan; and  
2 construction, reconstruction, enhancement, improvement, replacement,  
3 reconditioning, restoration, rehabilitation and preservation of state,  
4 county, town, city and village roads, highways, parkways and bridges;  
5 and construction, reconstruction, improvement, reconditioning and pres-  
6 ervation of fixed ferry facilities of municipal and privately owned  
7 ferry lines for transportation purposes, and the payment of debt service  
8 required on any bonds, notes or other obligations and related expenses  
9 for highway, parkway, bridge and project costs for: construction, recon-  
10 struction, improvement, reconditioning and preservation of rail freight  
11 facilities and intercity rail passenger facilities and equipment;  
12 construction, reconstruction, improvement, reconditioning and preserva-  
13 tion of state, municipal and privately owned ports; construction, recon-  
14 struction, improvement, reconditioning and preservation of municipal  
15 airports; privately owned airports and aviation capital facilities,  
16 excluding airports operated by the state or operated by a bi-state  
17 municipal corporate instrumentality for which federal funding is not  
18 available provided the project is consistent with an approved airport  
19 layout plan; construction, reconstruction, enhancement, improvement,  
20 replacement, reconditioning, restoration, rehabilitation and preserva-  
21 tion of state, county, town, city and village roads, highways, parkways  
22 and bridges; and construction, reconstruction, improvement, recondition-  
23 ing and preservation of fixed ferry facilities of municipal and private-  
24 ly owned ferry lines for transportation purposes, purposes authorized on  
25 or after the effective date of this section. Beginning with disburse-  
26 ments made on and after the first day of April, nineteen hundred nine-  
27 ty-three, moneys in such fund shall be available to pay such costs or  
28 expenses made pursuant to appropriations or reappropriations made during  
29 the state fiscal year which began on the first of April, nineteen  
30 hundred ninety-two. Beginning the first day of April, nineteen hundred  
31 ninety-three, moneys in such fund shall also be used for transfers to  
32 the general debt service fund and the revenue bond tax fund of amounts  
33 equal to that respectively required for service contract and financing  
34 agreement payments as provided and authorized by section three hundred  
35 eighty of the public authorities law, section eleven of chapter three  
36 hundred twenty-nine of the laws of nineteen hundred ninety-one, as  
37 amended, and sections sixty-eight-c and sixty-nine-o of this chapter.

38 S 12. This act shall take effect immediately, provided that the  
39 amendments to paragraph (a) of subdivision 3 of section 89-b of the  
40 state finance law made by section eight of this act shall be subject to  
41 the expiration and reversion of such paragraph pursuant to section 13 of  
42 part U1 of chapter 62 of the laws of 2003, as amended, when upon such  
43 date the provisions of section nine of this act shall take effect; and  
44 provided further that the amendments to paragraph a of subdivision 5 of  
45 section 89-b of the state finance law made by section ten of this act  
46 shall be subject to the expiration and reversion of such paragraph  
47 pursuant to section 2 of part B of chapter 84 of the laws of 2002, as  
48 amended, when upon such date the provisions of section eleven of this  
49 act shall take effect.

50

## PART D

51 Section 1. Section 2 of part D of chapter 58 of the laws of 2013,  
52 relating to the hours of operation of the department of motor vehicles  
53 and providing for the repeal of such provisions upon expiration thereof,  
54 is amended to read as follows:

1 S 2. This act shall take effect immediately [and shall expire and be  
2 deemed repealed two years after such date].

3 S 2. This act shall take effect immediately.

4 PART E

5 Section 1. The article heading of article 12-C of the vehicle and  
6 traffic law, as added by chapter 751 of the laws of 2005, is amended to  
7 read as follows:

8 ACCIDENT PREVENTION COURSE INTERNET, AND  
9 OTHER TECHNOLOGY [PILOT] PROGRAM

10 S 2. Sections 399-m and 399-o of the vehicle and traffic law are  
11 REPEALED.

12 S 3. Sections 399-k and 399-l of the vehicle and traffic law, as added  
13 by chapter 751 of the laws of 2005, are amended to read as follows:

14 S 399-k. Accident prevention course internet technology [pilot]  
15 program. The commissioner shall establish and implement a comprehensive  
16 [pilot] program to [review and study] ALLOW internet, and other technol-  
17 ogies as approved by the commissioner, as a training method for the  
18 administration and completion of an approved accident prevention course  
19 for the purposes of granting point and insurance premium reduction bene-  
20 fits.

21 S 399-l. Application. Applicants for participation in the [pilot]  
22 program established pursuant to this article shall be among those acci-  
23 dent prevention course sponsoring agencies that have a course approved  
24 by the commissioner pursuant to article twelve-B of this title [prior to  
25 the effective date of this article and which deliver] AND HAVE SATISFAC-  
26 TORILY DELIVERED such course to the public FOR A PERIOD OF ONE YEAR AND  
27 CONTINUE TO DELIVER SUCH COURSE, UNLESS EXEMPTED BY THE COMMISSIONER.  
28 [Provided, however, the commissioner may, in his or her discretion,  
29 approve applications after such date.] In order to be approved for  
30 participation in such [pilot] program, the course must comply with the  
31 provisions of law, rules and regulations applicable thereto. The  
32 commissioner may, in his or her discretion, impose a fee for the  
33 submission of each application to participate in the [pilot] program  
34 established pursuant to this article. Such fee shall not exceed seven  
35 thousand five hundred dollars. The proceeds from such fee shall be  
36 deposited in the accident prevention course internet technology [pilot]  
37 program fund as established by section eighty-nine-g of the state  
38 finance law.

39 S 4. Subdivision 2 of section 399-n of the vehicle and traffic law, as  
40 added by chapter 751 of the laws of 2005, is amended to read as follows:

41 2. The commissioner is authorized to impose a fee upon each accident  
42 prevention course sponsoring agency approved for participation in the  
43 [pilot] program, which shall not exceed eight dollars for each student  
44 who completes an accident prevention course by means of the [pilot]  
45 program established pursuant to this article.

46 S 5. The section heading, subdivisions 1 and 3 of section 89-g of the  
47 state finance law, as added by chapter 751 of the laws of 2005, are  
48 amended to read as follows:

49 Accident prevention course internet, and other technology [pilot]  
50 program fund. 1. There is hereby established in the joint custody of the  
51 state comptroller and the commissioner of taxation and finance a special  
52 fund to be known as the "accident prevention course internet, and other  
53 technology [pilot] program fund".



1 3. The moneys in the accident prevention course internet, and other  
2 technology [pilot] program fund shall be kept separate and shall not be  
3 commingled with any other moneys in the custody of the commissioner of  
4 taxation and finance and the state comptroller.

5 S 6. Section 5 of chapter 751 of the laws of 2005, amending the insur-  
6 ance law and the vehicle and traffic law, relating to establishing the  
7 accident prevention course internet technology pilot program, is amended  
8 to read as follows:

9 S 5. This act shall take effect on the one hundred eightieth day after  
10 it shall have become a law [and shall expire and be deemed repealed five  
11 years after the date that the accident prevention course internet, and  
12 other technology pilot program is established and implemented by the  
13 commissioner of motor vehicles pursuant to article 12-C of the vehicle  
14 and traffic law, as added by section three of this act]; provided that  
15 any rules and regulations necessary to implement the provisions of this  
16 act on its effective date are authorized and directed to be completed on  
17 or before such date; and provided, further, that the commissioner of  
18 motor vehicles shall notify the legislative bill drafting commission of  
19 the date he or she establishes and implements the accident prevention  
20 course internet technology pilot program pursuant to article 12-C of the  
21 vehicle and traffic law, as added by section three of this act, in order  
22 that such commission may maintain an accurate and timely effective data  
23 base of the official text of the laws of the state of New York in furth-  
24 erance of effecting the provisions of section 44 of the legislative law  
25 and section 70-b of the public officers law.

26 S 7. This act shall take effect immediately; provided that sections  
27 one through five of this act shall take effect May 18, 2014.

28 PART F

29 Section 1. Subdivision 3 of section 510-a of the vehicle and traffic  
30 law is amended by adding a new paragraph (f) to read as follows:

31 (F) A COMMERCIAL DRIVER'S LICENSE SHALL BE SUSPENDED BY THE COMMIS-  
32 SIONER IF THE HOLDER FAILS TO AMEND THE LICENSE TO ADD OR REMOVE A  
33 LICENSE RESTRICTION AS DIRECTED BY THE COMMISSIONER. SUCH SUSPENSION  
34 SHALL REMAIN IN EFFECT UNTIL THE HOLDER OF THE COMMERCIAL DRIVER'S  
35 LICENSE AMENDS HIS OR HER LICENSE AS DIRECTED BY THE COMMISSIONER. THE  
36 COMMISSIONER SHALL DIRECT THE HOLDER OF SUCH COMMERCIAL DRIVER'S  
37 LICENSE, BY FIRST CLASS MAIL TO THE ADDRESS OF SUCH PERSON ON FILE WITH  
38 THE DEPARTMENT OR AT THE CURRENT ADDRESS PROVIDED BY THE UNITED STATES  
39 POSTAL SERVICE, TO AMEND HIS OR HER COMMERCIAL DRIVER'S LICENSE BY  
40 ADDING OR REMOVING A SPECIFIED RESTRICTION, AND THAT FAILURE TO AMEND  
41 SUCH LICENSE AS DIRECTED SHALL RESULT IN THE SUSPENSION OF HIS OR HER  
42 COMMERCIAL DRIVER'S LICENSE NO EARLIER THAN THIRTY DAYS FROM THE DATE OF  
43 THE NOTICE TO SUCH HOLDER.

44 S 2. Subdivision 1-a of section 509 of the vehicle and traffic law, as  
45 added by section 1 of part J of chapter 59 of the laws of 2006, is  
46 amended to read as follows:

47 1-a. Whenever a license is required to operate a commercial motor  
48 vehicle, no person shall operate a commercial motor vehicle without the  
49 proper endorsements for the specific vehicle being operated or for the  
50 passengers or type of cargo being transported; OR WITHOUT THE PROPER  
51 RESTRICTIONS OR WITH RESTRICTIONS THAT ARE INAPPLICABLE TO OR INAPPRO-  
52 PRIATE FOR THE HOLDER FOR HIS OR HER OPERATION OF COMMERCIAL MOTOR VEHI-  
53 CLES.

54 S 3. This act shall take effect immediately.

1

## PART G

2 Section 1. Section 2985 of title 11 of article 9 of the public author-  
3 ities law is designated title 11-A and such title is amended by adding a  
4 new title heading to read as follows:

5 TOLL COLLECTIONS

6 S 2. Subdivision 1 of section 2985 of the public authorities law, as  
7 added by chapter 379 of the laws of 1992, is amended to read as follows:

8 1. Notwithstanding any other provision of law, every public authority  
9 which operates a toll highway bridge and/or tunnel facility is hereby  
10 authorized and empowered to impose monetary liability [on the owner of a  
11 vehicle] for failure [of an operator thereof] to comply with the toll  
12 collection regulations of such public authority in accordance with the  
13 provisions of this section.

14 S 3. Subdivision 3 of section 2985 of the public authorities law, as  
15 added by chapter 379 of the laws of 1992, is amended to read as follows:

16 3. For purposes of this section, the term "owner" shall mean any  
17 person, corporation, partnership, firm, agency, association, lessor or  
18 organization who, at the time of the violation OR WHEN THE OBLIGATION TO  
19 PAY THE TOLL IS INCURRED and with respect to the vehicle identified in  
20 the notice of liability: (a) is the beneficial or equitable owner of  
21 such vehicle; or (b) has title to such vehicle; or (c) is the registrant  
22 or co-registrant of such vehicle which is registered with the department  
23 of motor vehicles of this state or any other state, territory, district,  
24 province, nation or other jurisdiction; or (d) subject to the limita-  
25 tions set forth in subdivision ten of this section, uses such vehicle in  
26 its vehicle renting and/or leasing business; and includes (e) a person  
27 entitled to the use and possession of a vehicle subject to a security  
28 interest in another person. For purposes of this section, the term  
29 "photo-monitoring system" shall mean a vehicle sensor installed to work  
30 in conjunction with a toll collection facility which automatically  
31 produces one or more photographs, one or more microphotographs, a vide-  
32 otape or other recorded images of each vehicle at the time it is used or  
33 operated in [violation of toll collection regulations] OR UPON A TOLL  
34 FACILITY. For purposes of this section, the term "toll collection regu-  
35 lations" shall mean: those rules and regulations of a public authority  
36 providing for and requiring the payment of tolls and/or charges  
37 prescribed by such public authority for the use of bridges, tunnels or  
38 highways under its jurisdiction or those rules and regulations of a  
39 public authority making it unlawful to refuse to pay or to evade or to  
40 attempt to evade the payment of all or part of any toll and/or charge  
41 for the use of bridges, tunnels or highways under the jurisdiction of  
42 such public authority. For purposes of this section, the term "vehicle"  
43 shall mean every device in, upon or by which a person or property is or  
44 may be transported or drawn upon a highway, except devices used exclu-  
45 sively upon stationary rails or tracks.

46 S 4. Subdivision 4 of section 2985 of the public authorities law, as  
47 added by chapter 379 of the laws of 1992, is amended to read as follows:

48 4. A certificate, sworn to or affirmed by an agent of the public  
49 authority which charged that the violation occurred, or a facsimile  
50 thereof, based upon inspection of [photographs, microphotographs, vide-  
51 otape or other recorded images] DATA OR IMAGES produced by [a photo-mon-  
52 itoring] AN ELECTRONIC TOLL COLLECTION system OR OTHER RECORDS MAIN-  
53 TAINED BY OR ON BEHALF OF THE PUBLIC AUTHORITY REGARDING TOLL VIOLATIONS  
54 shall be prima facie evidence of the facts contained therein and shall  
55 be admissible in any proceeding charging a violation of toll collection

1 regulations, provided that any [photographs, microphotographs, videotape  
2 or other recorded images] SUCH DATA, IMAGES, OR RECORDS evidencing such  
3 a violation shall be available for inspection and admission into  
4 evidence in any proceeding to adjudicate the liability for such  
5 violation.

6 S 5. Subdivision 5 of section 2985 of the public authorities law, as  
7 added by chapter 379 of the laws of 1992, is amended to read as follows:

8 5. An owner found liable for a violation of toll collection regu-  
9 lations pursuant to this section shall for a first violation thereof be  
10 liable for THE FULL AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND  
11 FEES IN ADDITION TO a monetary penalty not to exceed [fifty] ONE HUNDRED  
12 dollars or two times the toll evaded whichever is greater; for a second  
13 violation thereof both within eighteen months be liable for THE FULL  
14 AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO a  
15 monetary penalty not to exceed [one] TWO hundred dollars or five times  
16 the toll evaded whichever is greater; for a third or subsequent  
17 violation thereof all within eighteen months be liable for THE FULL  
18 AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO a  
19 monetary penalty not to exceed [one] THREE hundred [fifty] dollars or  
20 ten times the toll evaded whichever is greater.

21 S 6. Paragraphs (a), (b) and (d) of subdivision 7 of section 2985 of  
22 the public authorities law, as added by chapter 379 of the laws of 1992,  
23 are amended to read as follows:

24 (a) A notice of liability shall be sent by first class mail to each  
25 person alleged to be liable as an owner for a violation of toll  
26 collection regulations. Such notice shall be mailed no later than [thir-  
27 ty] ONE HUNDRED TWENTY days after the alleged violation. Personal deliv-  
28 ery on the owner shall not be required. A manual or automatic record of  
29 mailing prepared in the ordinary course of business shall be prima facie  
30 evidence of the mailing of the notice.

31 (b) A notice of liability shall contain the name and address of the  
32 person alleged to be liable as an owner for a violation of toll  
33 collection regulations pursuant to this section, the registration number  
34 AND STATE OF REGISTRATION of the vehicle involved in such violation, the  
35 [location where such violation took place, the date and time] LOCATIONS,  
36 DATES AND TIMES of EACH USE OF THE FACILITY THAT FORMS THE BASIS OF such  
37 violation, THE AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES,  
38 and the identification number of the [photo-monitoring] ELECTRONIC TOLL  
39 COLLECTION system which recorded the [violation] VEHICLE BEING USED OR  
40 OPERATED ON THE TOLL FACILITY or other document locator number.

41 (d) The notice of liability shall be prepared and mailed by OR ON  
42 BEHALF OF the public authority having jurisdiction over the toll facili-  
43 ty where the violation of toll collection regulations occurred.

44 S 7. Subdivision 8 of section 2985 of the public authorities law, as  
45 added by chapter 379 of the laws of 1992, is amended to read as follows:

46 8. Adjudication of the liability imposed upon owners by this section  
47 shall be by the entity having jurisdiction over violations of the rules  
48 and regulations of the public authority serving the notice of liability  
49 or where authorized by an administrative tribunal and all violations  
50 shall be heard and determined in the county in which the violation is  
51 alleged to have occurred, or in New York city and upon the consent of  
52 both parties, in any county within New York city in which the public  
53 authority operates or maintains a facility, and in the same manner as  
54 charges of other regulatory violations of such public authority or  
55 pursuant to the rules and regulations of such administrative tribunal as  
56 the case may be. THE ENTITY OR ADMINISTRATIVE TRIBUNAL THAT ADJUDICATES

1 LIABILITY FOR A VIOLATION SHALL COLLECT THE FULL AMOUNT OF THE ASSESSED  
2 TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO THE MONETARY PENALTY  
3 OWED, AND SHALL PAY TO THE PUBLIC AUTHORITY WHOSE TOLL COLLECTION REGU-  
4 LATIONS WERE VIOLATED THE FULL AMOUNT OF THE ASSESSED TOLLS AND OTHER  
5 CHARGES AND FEES AND ONE-HALF OF THE MONETARY PENALTY.

6 S 8. Subdivision 10 of section 2985 of the public authorities law, as  
7 amended by chapter 666 of the laws of 1993, is amended to read as  
8 follows:

9 10. An owner who is a lessor of a vehicle to which a notice of liabil-  
10 ity was issued pursuant to subdivision seven of this section shall not  
11 be liable for the violation of the toll collection regulation provided  
12 that he or she sends to the public authority [serving the notice of  
13 liability and to the court or other entity having jurisdiction] OR ITS  
14 DULY AUTHORIZED AGENT FOR THIS PURPOSE a copy of the rental, lease or  
15 other such contract document covering such vehicle on the date of [the  
16 violation] USE OF A TOLL FACILITY, with the name and address of the  
17 lessee clearly legible, within thirty days after receiving [the  
18 original] notice of [liability] USE OF THE TOLL FACILITY BY SUCH  
19 VEHICLE. Failure to send such information within such thirty day time  
20 period shall render the lessor liable for the penalty prescribed by this  
21 section. Where the lessor complies with the provisions of this subdivi-  
22 sion, the lessee of such vehicle on the date of such [violation] USE OF  
23 THE TOLL FACILITY shall be deemed to be the owner of such vehicle for  
24 purposes of this section and shall be subject to liability for the  
25 violation of toll collection regulations[, provided that the public  
26 authority mails a notice of liability to the lessee within ten days  
27 after the court, or other entity having jurisdiction, deems the lessee  
28 to be the owner]. For purposes of this subdivision the term "lessor"  
29 shall mean any person, corporation, firm, partnership, agency, associ-  
30 ation or organization engaged in the business of renting or leasing  
31 vehicles to any lessee under a rental agreement, lease or otherwise  
32 wherein the said lessee has the exclusive use of said vehicle for any  
33 period of time. For purposes of this subdivision, the term "lessee"  
34 shall mean any person, corporation, firm, partnership, agency, associ-  
35 ation or organization that rents, leases or contracts for the use of one  
36 or more vehicles and has exclusive use thereof for any period of time.

37 S 9. Subdivision 11 of section 2985 of the public authorities law, as  
38 added by chapter 379 of the laws of 1992, is amended to read as follows:

39 11. Except as provided in subdivision ten of this section, if a person  
40 receives a notice of liability pursuant to this section it shall be a  
41 valid defense to an allegation of liability for a violation of toll  
42 collection regulations that the individual who received the notice of  
43 liability pursuant to this section was not the owner of the vehicle at  
44 the time the [violation occurred] OBLIGATION FOR PAYMENT OF THE TOLL AND  
45 OTHER CHARGES WAS INCURRED. If the owner liable for a violation of toll  
46 collection regulations pursuant to this section was not the operator of  
47 the vehicle at the time of the violation, the owner may maintain an  
48 action for indemnification against the operator.

49 S 10. Subdivision 12 of section 2985 of the public authorities law, as  
50 added by chapter 379 of the laws of 1992, is amended to read as follows:

51 12. "Electronic toll collection system" shall mean a system of  
52 collecting tolls or OTHER charges [which is capable of charging an  
53 account holder the appropriate toll or charge by transmission of infor-  
54 mation from an electronic device on a motor vehicle to the toll lane,  
55 which information is used to charge the account the appropriate toll or  
56 charge] USING ELECTRONIC DATA AND IMAGES. In adopting procedures for

1 the preparation and mailing of a notice of liability, the public author-  
2 ity having jurisdiction over the toll facility shall adopt guidelines to  
3 ensure adequate and timely notice to all electronic toll collection  
4 system account holders to inform them when their accounts are delin-  
5 quent. An owner who is an account holder under the electronic toll  
6 collection system shall not be found liable for a violation of this  
7 section unless such authority has first sent a notice of delinquency to  
8 such account holder and the account holder was in fact delinquent at the  
9 time of the violation.

10 S 11. Section 2985 of the public authorities law is amended by adding  
11 three new subdivisions 15, 16 and 17 to read as follows:

12 15. IN ADDITIONAL TO ANY MONETARY LIABILITY THAT MAY BE IMPOSED  
13 PURSUANT TO THIS SECTION, A PUBLIC AUTHORITY THAT OPERATES A TOLL HIGH-  
14 WAY, BRIDGE OR TUNNEL FACILITY IS HEREBY AUTHORIZED AND EMPOWERED TO  
15 IMPOSE AN ADMINISTRATIVE FEE OR FEES ON AN OWNER, AN OPERATOR OR AN  
16 ACCOUNT HOLDER THAT HAS VIOLATED TOLL COLLECTION REGULATIONS.

17 16. ANY NOTICE REQUIRED TO BE SENT PURSUANT TO THIS SECTION BY FIRST  
18 CLASS MAIL MAY INSTEAD BE SENT, WITH CONSENT, BY ELECTRONIC MEANS OF  
19 COMMUNICATION. A MANUAL OR AUTOMATIC RECORD OF ELECTRONIC COMMUNICATIONS  
20 PREPARED IN THIS ORDINARY COURSE OF BUSINESS SHALL BE ADEQUATE EVIDENCE  
21 OF ELECTRONIC NOTICE.

22 17. THE NEW YORK STATE THRUWAY AUTHORITY AND THE NEW YORK STATE BRIDGE  
23 AUTHORITY ARE AUTHORIZED TO ADOPT RULES AND REGULATIONS TO ESTABLISH AN  
24 ADMINISTRATIVE TRIBUNAL TO ADJUDICATE THE LIABILITY OF OWNERS FOR  
25 VIOLATION OF TOLL COLLECTION REGULATIONS AS DEFINED IN AND IN ACCORDANCE  
26 WITH THE PROVISIONS OF THIS SECTION AND THE APPLICABLE TOLL REGULATIONS  
27 OF SUCH AUTHORITIES. SUCH TRIBUNAL SHALL HAVE, WITH RESPECT TO VIOLATION  
28 OF TOLL COLLECTION REGULATIONS OF SUCH AUTHORITIES, NON-EXCLUSIVE JURIS-  
29 DICTION OVER VIOLATIONS OF THE RULES AND REGULATIONS WHICH MAY FROM TIME  
30 TO TIME BE ESTABLISHED BY SUCH AUTHORITIES IN ACCORDANCE WITH THE  
31 PROVISIONS OF THIS SECTION. VIOLATIONS SHALL BE HEARD AND DETERMINED IN  
32 THE COUNTY IN WHICH THE VIOLATION IS ALLEGED TO HAVE OCCURRED OR IN THE  
33 COUNTY IN WHICH THE PUBLIC AUTHORITY HAS ITS PRIMARY OR REGIONAL ADMIN-  
34 ISTRATIVE OFFICES AND REGULATIONS MAY PROVIDE FOR THE CONDUCT OF HEAR-  
35 INGS VIA VIDEOCONFERENCING.

36 S 12. Subdivision 2 of section 87 of the public officers law is  
37 amended by adding a new paragraph (n) to read as follows:

38 (N) ARE DATA OR IMAGES PRODUCED BY AN ELECTRONIC TOLL COLLECTION  
39 SYSTEM UNDER AUTHORITY OF SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE  
40 OF THE PUBLIC AUTHORITIES LAW.

41 S 13. Subdivision 4-d of section 510 of the vehicle and traffic law,  
42 as added by chapter 379 of the laws of 1992, is amended to read as  
43 follows:

44 4-d. Suspension of registration for failure to answer or pay penalties  
45 with respect to certain violations. Upon the receipt of a notification,  
46 IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSIONER, from a court  
47 [or], an administrative tribunal, A PUBLIC AUTHORITY, OR ANY OTHER  
48 PUBLIC ENTITY IMPOSING VIOLATIONS, that an owner of a motor vehicle  
49 failed to appear on the return date or dates or a new subsequent  
50 adjourned date or dates or failed to pay any penalty imposed by a court  
51 or failed to comply with the rules and regulations of an administrative  
52 tribunal following entry of a final decision or decisions, in response  
53 to [five] THREE or more notices of liability or other process, issued  
54 within an eighteen month period FROM ANY AND ALL JURISDICTIONS charging  
55 such owner with a violation of toll collection regulations in accordance  
56 with the provisions of section two thousand nine hundred eighty-five of

1 the public authorities law or sections sixteen-a, sixteen-b and  
2 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
3 hundred fifty, OR OTHER COMPARABLE LAW, the commissioner or his OR HER  
4 agent shall suspend the registration of the vehicle or vehicles involved  
5 in the violation or the privilege of operation of any motor vehicle  
6 owned by the registrant. Such suspension shall take effect no less than  
7 thirty days from the date on which notice thereof is sent by the commis-  
8 sioner to the person whose registration or privilege is suspended and  
9 shall remain in effect until such registrant has appeared in response to  
10 such notices of liability or has paid such penalty or in the case of an  
11 administrative tribunal, the registrant has complied with the rules and  
12 regulations following the entry of a final decision or decisions.

13 S 14. Subdivision 8 of section 402 of the vehicle and traffic law, as  
14 amended by chapter 61 of the laws of 1989 and as renumbered by chapter  
15 648 of the laws of 2006, is amended and a new subdivision 9 is added to  
16 read as follows:

17 8. [The] EXCEPT AS PROVIDED IN SUBDIVISION NINE OF THIS SECTION, THE  
18 violation of this section shall be punishable by a fine of not less than  
19 twenty-five nor more than two hundred dollars.

20 9. THE VIOLATION OF THIS SECTION ON A TOLL HIGHWAY, BRIDGE AND/OR  
21 TUNNEL FACILITY SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN ONE  
22 HUNDRED NOR MORE THAN FIVE HUNDRED DOLLARS.

23 S 15. Subparagraph (i) of paragraph a of subdivision 5-a of section  
24 401 of the vehicle and traffic law, as amended by section 9 of chapter  
25 189 of the laws of 2013, is amended to read as follows:

26 (i) If at the time of application for a registration or renewal there-  
27 of there is a certification from a court, parking violations bureau,  
28 traffic and parking violations agency or administrative tribunal of  
29 appropriate jurisdiction [or administrative tribunal of appropriate  
30 jurisdiction] that the registrant or his or her representative failed to  
31 appear on the return date or any subsequent adjourned date or failed to  
32 comply with the rules and regulations of an administrative tribunal  
33 following entry of a final decision in response to a total of three or  
34 more summonses or other process in the aggregate, issued within an eigh-  
35 teen month period, charging either that: (i) such motor vehicle was  
36 parked, stopped or standing, or that such motor vehicle was operated for  
37 hire by the registrant or his or her agent without being licensed as a  
38 motor vehicle for hire by the appropriate local authority, in violation  
39 of any of the provisions of this chapter or of any law, ordinance, rule  
40 or regulation made by a local authority; or (ii) the registrant was  
41 liable in accordance with section eleven hundred eleven-a of this chap-  
42 ter or section eleven hundred eleven-b of this chapter for a violation  
43 of subdivision (d) of section eleven hundred eleven of this chapter; or  
44 (iii) the registrant was liable in accordance with section eleven  
45 hundred eleven-c of this chapter for a violation of a bus lane  
46 restriction as defined in such section, or (iv) the registrant was  
47 liable in accordance with section eleven hundred eighty-b of this chap-  
48 ter for a violation of subdivision (c) or (d) of section eleven hundred  
49 eighty of this chapter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE  
50 WITH SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHOR-  
51 ITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN  
52 HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commis-  
53 sioner or his or her agent shall deny the registration or renewal appli-  
54 cation until the applicant provides proof from the court, traffic and  
55 parking violations agency or administrative tribunal wherein the charges  
56 are pending that an appearance or answer has been made or in the case of

1 an administrative tribunal that he or she has complied with the rules  
2 and regulations of said tribunal following entry of a final decision.  
3 Where an application is denied pursuant to this section, the commission-  
4 er may, in his or her discretion, deny a registration or renewal appli-  
5 cation to any other person for the same vehicle and may deny a registra-  
6 tion or renewal application for any other motor vehicle registered in  
7 the name of the applicant where the commissioner has determined that  
8 such registrant's intent has been to evade the purposes of this subdivi-  
9 sion and where the commissioner has reasonable grounds to believe that  
10 such registration or renewal will have the effect of defeating the  
11 purposes of this subdivision. Such denial shall only remain in effect as  
12 long as the summonses remain unanswered, or in the case of an adminis-  
13 trative tribunal, the registrant fails to comply with the rules and  
14 regulations following entry of a final decision.

15 S 15-a. Paragraph a of subdivision 5-a of section 401 of the vehicle  
16 and traffic law, as amended by section 9-a of chapter 189 of the laws of  
17 2013, is amended to read as follows:

18 a. If at the time of application for a registration or renewal thereof  
19 there is a certification from a court or administrative tribunal of  
20 appropriate jurisdiction that the registrant or his or her represen-  
21 tative failed to appear on the return date or any subsequent adjourned  
22 date or failed to comply with the rules and regulations of an adminis-  
23 trative tribunal following entry of a final decision in response to a  
24 total of three or more summonses or other process in the aggregate,  
25 issued within an eighteen month period, charging either that: (i) such  
26 motor vehicle was parked, stopped or standing, or that such motor vehi-  
27 cle was operated for hire by the registrant or his or her agent without  
28 being licensed as a motor vehicle for hire by the appropriate local  
29 authority, in violation of any of the provisions of this chapter or of  
30 any law, ordinance, rule or regulation made by a local authority; or  
31 (ii) the registrant was liable in accordance with section eleven hundred  
32 eleven-b of this chapter for a violation of subdivision (d) of section  
33 eleven hundred eleven of this chapter; or (iii) the registrant was  
34 liable in accordance with section eleven hundred eleven-c of this chap-  
35 ter for a violation of a bus lane restriction as defined in such  
36 section; or (iv) the registrant was liable in accordance with section  
37 eleven hundred eighty-b of this chapter for a violation of subdivision  
38 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
39 ter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWO  
40 THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR  
41 SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED  
42 SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or  
43 his or her agent shall deny the registration or renewal application  
44 until the applicant provides proof from the court or administrative  
45 tribunal wherein the charges are pending that an appearance or answer  
46 has been made or in the case of an administrative tribunal that he or  
47 she has complied with the rules and regulations of said tribunal follow-  
48 ing entry of a final decision. Where an application is denied pursuant  
49 to this section, the commissioner may, in his or her discretion, deny a  
50 registration or renewal application to any other person for the same  
51 vehicle and may deny a registration or renewal application for any other  
52 motor vehicle registered in the name of the applicant where the commis-  
53 sioner has determined that such registrant's intent has been to evade  
54 the purposes of this subdivision and where the commissioner has reason-  
55 able grounds to believe that such registration or renewal will have the  
56 effect of defeating the purposes of this subdivision. Such denial shall

1 only remain in effect as long as the summonses remain unanswered, or in  
2 the case of an administrative tribunal, the registrant fails to comply  
3 with the rules and regulations following entry of a final decision.

4 S 15-b. Paragraph a of subdivision 5-a of section 401 of the vehicle  
5 and traffic law, as amended by section 9-b of chapter 189 of the laws of  
6 2013, is amended to read as follows:

7 a. If at the time of application for a registration or renewal thereof  
8 there is a certification from a court or administrative tribunal of  
9 appropriate jurisdiction that the registrant or his or her represen-  
10 tative failed to appear on the return date or any subsequent adjourned  
11 date or failed to comply with the rules and regulations of an adminis-  
12 trative tribunal following entry of a final decision in response to  
13 three or more summonses or other process, issued within an eighteen  
14 month period, charging that such motor vehicle was parked, stopped or  
15 standing, or that such motor vehicle was operated for hire by the regis-  
16 trant or his or her agent without being licensed as a motor vehicle for  
17 hire by the appropriate local authority, in violation of any of the  
18 provisions of this chapter or of any law, ordinance, rule or regulation  
19 made by a local authority, or the registrant was liable in accordance  
20 with section eleven hundred eleven-c of this chapter for a violation of  
21 a bus lane restriction as defined in such section, or the registrant was  
22 liable in accordance with section eleven hundred eighty-b of this chap-  
23 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section  
24 eleven hundred eighty of this chapter, OR THE REGISTRANT WAS LIABLE IN  
25 ACCORDANCE WITH SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE  
26 PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF  
27 CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED  
28 FIFTY, the commissioner or his or her agent shall deny the registration  
29 or renewal application until the applicant provides proof from the court  
30 or administrative tribunal wherein the charges are pending that an  
31 appearance or answer has been made or in the case of an administrative  
32 tribunal that he or she has complied with the rules and regulations of  
33 said tribunal following entry of a final decision. Where an application  
34 is denied pursuant to this section, the commissioner may, in his or her  
35 discretion, deny a registration or renewal application to any other  
36 person for the same vehicle and may deny a registration or renewal  
37 application for any other motor vehicle registered in the name of the  
38 applicant where the commissioner has determined that such registrant's  
39 intent has been to evade the purposes of this subdivision and where the  
40 commissioner has reasonable grounds to believe that such registration or  
41 renewal will have the effect of defeating the purposes of this subdivi-  
42 sion. Such denial shall only remain in effect as long as the summonses  
43 remain unanswered, or in the case of an administrative tribunal, the  
44 registrant fails to comply with the rules and regulations following  
45 entry of a final decision.

46 S 15-c. Paragraph a of subdivision 5-a of section 401 of the vehicle  
47 and traffic law, as amended by section 9-c of chapter 189 of the laws of  
48 2013, is amended to read as follows:

49 a. If at the time of application for a registration or renewal thereof  
50 there is a certification from a court or administrative tribunal of  
51 appropriate jurisdiction that the registrant or his representative  
52 failed to appear on the return date or any subsequent adjourned date or  
53 failed to comply with the rules and regulations of an administrative  
54 tribunal following entry of a final decision in response to three or  
55 more summonses or other process, issued within an eighteen month period,  
56 charging that such motor vehicle was parked, stopped or standing, or



1 that such motor vehicle was operated for hire by the registrant or his  
2 agent without being licensed as a motor vehicle for hire by the appro-  
3 priate local authority, in violation of any of the provisions of this  
4 chapter or of any law, ordinance, rule or regulation made by a local  
5 authority, or the registrant was liable in accordance with section elev-  
6 en hundred eighty-b of this chapter for violations of subdivision (b),  
7 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,  
8 OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWO THOUSAND  
9 NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS  
10 SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR  
11 OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or his agent  
12 shall deny the registration or renewal application until the applicant  
13 provides proof from the court or administrative tribunal wherein the  
14 charges are pending that an appearance or answer has been made or in the  
15 case of an administrative tribunal that he has complied with the rules  
16 and regulations of said tribunal following entry of a final decision.  
17 Where an application is denied pursuant to this section, the commission-  
18 er may, in his discretion, deny a registration or renewal application to  
19 any other person for the same vehicle and may deny a registration or  
20 renewal application for any other motor vehicle registered in the name  
21 of the applicant where the commissioner has determined that such regis-  
22 trant's intent has been to evade the purposes of this subdivision and  
23 where the commissioner has reasonable grounds to believe that such  
24 registration or renewal will have the effect of defeating the purposes  
25 of this subdivision. Such denial shall only remain in effect as long as  
26 the summonses remain unanswered, or in the case of an administrative  
27 tribunal, the registrant fails to comply with the rules and regulations  
28 following entry of a final decision.

29 S 15-d. Paragraph a of subdivision 5-a of section 401 of the vehicle  
30 and traffic law, as separately amended by chapters 339 and 592 of the  
31 laws of 1987, is amended to read as follows:

32 a. If at the time of application for a registration or renewal thereof  
33 there is a certification from a court or administrative tribunal of  
34 appropriate jurisdiction that the registrant or his representative  
35 failed to appear on the return date or any subsequent adjourned date or  
36 failed to comply with the rules and regulations of an administrative  
37 tribunal following entry of a final decision in response to three or  
38 more summonses or other process, issued within an eighteen month period,  
39 charging that such motor vehicle was parked, stopped or standing, or  
40 that such motor vehicle was operated for hire by the registrant or his  
41 agent without being licensed as a motor vehicle for hire by the appro-  
42 priate local authority, in violation of any of the provisions of this  
43 chapter or of any law, ordinance, rule or regulation made by a local  
44 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWO  
45 THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR  
46 SECTIONS SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED  
47 SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or  
48 his agent shall deny the registration or renewal application until the  
49 applicant provides proof from the court or administrative tribunal wher-  
50 ein the charges are pending that an appearance or answer has been made  
51 or in the case of an administrative tribunal that he has complied with  
52 the rules and regulations of said tribunal following entry of a final  
53 decision. Where an application is denied pursuant to this section, the  
54 commissioner may, in his discretion, deny a registration or renewal  
55 application to any other person for the same vehicle and may deny a  
56 registration or renewal application for any other motor vehicle regis-

tered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

S 16. The vehicle and traffic law is amended by adding a new section 518 to read as follows:

S 518. RECIPROCAL AGREEMENTS CONCERNING SUSPENSION OR DENIAL OF REGISTRATION OF A MOTOR VEHICLE FOR VIOLATIONS OF TOLL COLLECTION REGULATIONS. 1. THE COMMISSIONER MAY EXECUTE A RECIPROCAL COMPACT OR AGREEMENT REGARDING TOLL COLLECTION VIOLATIONS WITH THE MOTOR VEHICLE ADMINISTRATOR OR OTHER AUTHORIZED OFFICIAL OF ANOTHER STATE NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHAPTER. SUCH COMPACT OR AGREEMENT SHALL PROVIDE THAT IF A REGISTRATION OF A MOTOR VEHICLE WOULD BE SUSPENDED PURSUANT TO SUBDIVISION FIVE-A OF SECTION FOUR HUNDRED ONE OF THIS CHAPTER, OR PURSUANT TO A COMPARABLE LAW OR REGULATION OF ANOTHER STATE, OR IF THE REGISTRATION OR RENEWAL OF A MOTOR VEHICLE WOULD BE DENIED PURSUANT TO SUBDIVISION FOUR-D OF SECTION 510 OF THIS ARTICLE, OR PURSUANT TO A COMPARABLE LAW OR REGULATION OF ANOTHER STATE, BECAUSE AN OWNER OF A MOTOR VEHICLE (A) FAILED TO APPEAR, (B) FAILED TO PAY ANY PENALTY IMPOSED BY A COURT, OR (C) FAILED TO COMPLY WITH THE RULES AND REGULATIONS OF AN ADMINISTRATIVE TRIBUNAL FOLLOWING ENTRY OF A FINAL DECISION IN RESPONSE TO THREE OR MORE NOTICES OF LIABILITY OF OTHER PROCESS ISSUED WITHIN AN EIGHTEEN-MONTH PERIOD IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS ONE THROUGH SIXTEEN AND SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, OR WITH ANY COMPARABLE LAW OR REGULATION OF ANOTHER STATE, THEN THE STATE ISSUING THE REGISTRATION SHALL LIKEWISE SUSPEND THE REGISTRATION OR DENY THE REGISTRATION OR RENEWAL, UNTIL SUCH REGISTRANT OR APPLICANT HAS APPEARED IN RESPONSE TO SUCH NOTICES OF LIABILITY, OR HAS PAID SUCH PENALTY, OR, IN THE CASE OF AN ADMINISTRATIVE TRIBUNAL, THE REGISTRANT OR APPLICANT HAS COMPLIED WITH THE RULES AND REGULATIONS FOLLOWING THE ENTRY OF A FINAL DECISION OR DECISIONS.

2. SUCH COMPACT OR AGREEMENT SHALL ALSO PROVIDE SUCH TERMS AND PROCEDURES AS ARE NECESSARY AND PROPER TO FACILITATE ITS ADMINISTRATION. ANY SUCH COMPACT OR AGREEMENT SHALL SPECIFY THE VIOLATIONS SUBJECT TO THE COMPACT OR AGREEMENT, AND SHALL INCLUDE A DETERMINATION OF COMPARABLE VIOLATIONS IN EACH STATE IF ANY SUCH VIOLATIONS ARE OF A SUBSTANTIALLY SIMILAR NATURE BUT ARE NOT DENOMINATED OR DESCRIBED IN PRECISELY THE SAME WORDS IN EACH PARTY STATE.

3. THE WORD "STATE" WHEN USED IN THIS SECTION SHALL MEAN ANY STATE, TERRITORY, A POSSESSION OF THE UNITED STATES, DISTRICT OF COLUMBIA OR ANY PROVINCE OF CANADA.

S 17. Paragraph b of subdivision 2 of section 240 of the vehicle and traffic law, as added by chapter 715 of the laws of 1972, is amended to read as follows:

b. No charge may be established except upon proof by substantial evidence; EXCEPT THAT FOR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, NO CHARGE

1 MAY BE ESTABLISHED EXCEPT UPON PROOF BY PREPONDERANCE OF EVIDENCE AS  
2 SUBMITTED.

3 S 18. Subdivision 3 of section 165.15 of the penal law is amended to  
4 read as follows:

5 3. With intent to obtain railroad, subway, bus, air, taxi or any other  
6 public transportation service OR TO USE ANY HIGHWAY, PARKWAY, ROAD,  
7 BRIDGE OR TUNNEL without payment of the lawful charge OR TOLL therefor,  
8 or to avoid payment of the lawful charge OR TOLL for such transportation  
9 service which has been rendered to him OR HER OR FOR SUCH USE OF ANY  
10 HIGHWAY, PARKWAY, ROAD, BRIDGE OR TUNNEL, he OR SHE obtains or attempts  
11 to obtain such service OR USE or avoids or attempts to avoid payment  
12 therefor by force, intimidation, stealth, deception or mechanical  
13 tampering, or by unjustifiable failure or refusal to pay; or

14 S 19. Subdivision 10 of section 1209-a of the public authorities law,  
15 as amended by chapter 379 of the laws of 1992, is amended to read as  
16 follows:

17 10. Funds. [All] EXCEPT FOR PENALTIES, EVADED TOLLS AND OTHER CHARGES  
18 COLLECTED AND PAID TO THE TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY IN  
19 ACCORDANCE WITH THE PROVISIONS OF SECTION TWO THOUSAND NINE HUNDRED  
20 EIGHTY-FIVE OF THIS CHAPTER, ALL penalties collected pursuant to the  
21 provisions of this section shall be paid to the authority to the credit  
22 of a transit crime fund which the authority shall establish. Any sums in  
23 this fund shall be used to pay for programs selected by the board of the  
24 authority, in its discretion, to reduce the incidence of crimes and  
25 infractions on transit facilities, or to improve the enforcement of laws  
26 against such crimes and infractions. Such funds shall be in addition to  
27 and not in substitution for any funds provided by the state or the city  
28 of New York for such purposes.

29 S 20. Section 1209-a of the public authorities law is amended by  
30 adding a new subdivision 11 to read as follows:

31 11. NOTICE. ANY NOTICE OR COMMUNICATION REQUIRED TO BE SENT PURSUANT  
32 TO THIS SECTION BY REGISTERED MAIL OR CERTIFIED MAIL MAY INSTEAD BE SENT  
33 BY FIRST CLASS MAIL OR, WITH CONSENT, BY ELECTRONIC MEANS OF COMMUNI-  
34 CATION.

35 S 21. Section 2 of chapter 774 of the laws of 1950, relating to agree-  
36 ing with the state of New Jersey with respect to rules and regulations  
37 governing traffic on vehicular crossings operated by the port of New  
38 York authority, is amended to read as follows:

39 S 2. No traffic shall be permitted in or upon vehicular crossings  
40 except upon the payment of such tolls and other charges as may from time  
41 to time be prescribed by the port authority. It is hereby declared to be  
42 unlawful for any person to refuse to pay, or to evade or to attempt to  
43 evade the payment of such tolls or other charges. THE OBLIGATION TO PAY  
44 SUCH TOLLS AND OTHER CHARGES IS INCURRED AT THE TIME OF ENTRY INTO OR  
45 USE OF THE PARTICULAR VEHICULAR CROSSING.

46 S 22. Section 16-a of chapter 774 of the laws of 1950, relating to  
47 agreeing with the state of New Jersey with respect to rules and regu-  
48 lations governing traffic on vehicular crossings operated by the port of  
49 New York authority, as added by chapter 379 of the laws of 1992, is  
50 amended to read as follows:

51 S 16-a. Owner liability for failure of operator to comply with toll  
52 collection regulations of the port authority. Notwithstanding any other  
53 provision of law and in accordance with the provisions of [section]  
54 SECTIONS 16-b AND 16-C of this act, an owner of a vehicle may be held  
55 liable for failure of an operator thereof to comply with the toll  
56 collection regulations of the port authority of New York and New Jersey

(hereinafter called port authority). The owner of a vehicle shall be liable pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of the toll collection regulations of the port authority, and such violation is evidenced by information obtained from a photo-monitoring system, provided, however, that no owner of a vehicle shall be liable where the operator of such vehicle has been convicted of a violation of those toll collection regulations for the same incident.

S 23. Section 16-b of chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, as added by chapter 379 of the laws of 1992, subdivision f as amended by chapter 666 of the laws of 1993, is amended to read as follows:

S 16-b. Imposition of liability for failure of operator to comply with toll collection regulations of the port authority. The liability set forth in section 16-a of this act, shall be imposed upon an owner for a violation by an operator of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York in accordance with the following:

a. For the purposes of this section AND SECTIONS 16-A AND 16-C OF THIS ACT, the term "owner" shall mean any person, corporation, partnership, firm, agency, association, lessor, or organization who, at the time of the violation [in any city in which a vehicle is operated] OR THE OBLIGATION FOR PAYMENT OF THE TOLL CHARGES IS INCURRED: (i) is the beneficial or equitable owner of such vehicle; or (ii) has title to such vehicle; or (iii) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or (iv) subject to the limitations set forth in subdivision f of this section, uses such vehicle in its vehicle renting and/or leasing business; and includes (v) a person entitled to the use and possession of a vehicle subject to a security interest in another person. For the purposes of this section, the term "operator" shall mean any person, corporation, firm, partnership, agency, association, organization or lessee that uses or operates a vehicle with or without the permission of the owner, and an owner who operates his or her own vehicle. FOR PURPOSES OF THIS SECTION AND SECTION 16-A OF THIS ACT, THE TERM "ELECTRONIC TOLL COLLECTION SYSTEM" SHALL MEAN A SYSTEM FOR COLLECTING TOLLS OR OTHER CHARGES USING ELECTRONIC DATA AND IMAGES. For purposes of this section, the term "photo-monitoring system" shall mean a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in [violation of the toll collection regulations of the port authority] OR UPON VEHICULAR CROSSINGS OPERATED BY THE PORT AUTHORITY. For purposes of this section AND SECTIONS 16-A AND 16-C OF THIS ACT, the term "toll collection regulations of the port authority" shall refer to the traffic regulations for interstate vehicular crossings operated by the port authority as set forth in this chapter and in chapter 192 of the laws of New Jersey of 1950, and specifically that section of the laws which prohibits traffic in or upon vehicular crossings operated by the port authority except upon the payment of such tolls and other charges as may from time to time be prescribed by the port authority and which further makes it unlawful for any person to refuse to pay, or to evade or to attempt to evade the

1 payment of such tolls or other charges. For purposes of this section  
2 AND SECTION 16-A OF THIS ACT, the term "vehicle" shall mean every device  
3 in, upon, or by which a person or property is or may be transported or  
4 drawn upon a highway[, except devices used exclusively upon stationary  
5 rails or tracks].

6 b. A certificate, sworn to or affirmed by an agent of the port author-  
7 ity, or a facsimile thereof, based upon inspection of [photographs,  
8 microphotographs, videotape or other recorded images] DATA OR IMAGES  
9 produced by [a photo-monitoring system] ITS ELECTRONIC TOLL COLLECTION  
10 SYSTEM OR OTHER RECORDS MAINTAINED BY OR ON BEHALF OF THE PORT AUTHORITY  
11 REGARDING TOLL VIOLATIONS shall be prima facie evidence of the facts  
12 contained therein and shall be admissible in any proceeding charging a  
13 violation of toll collection regulations of the port authority, provided  
14 that any [photographs, microphotographs, videotape or other recorded  
15 images] SUCH DATA, IMAGES, OR RECORDS evidencing such a violation shall  
16 be available for inspection and admission into evidence in any proceed-  
17 ing to adjudicate the liability for such violation.

18 c. An imposition of liability pursuant to this section shall be based  
19 upon a preponderance of evidence as submitted. An imposition of liabil-  
20 ity pursuant to this section shall not be deemed a conviction of an  
21 operator and shall not be made part of the motor vehicle operating  
22 record, furnished pursuant to section 354 of the vehicle and traffic  
23 law, of the person upon whom such liability is imposed nor shall it be  
24 used for insurance purposes in the provision of motor vehicle insurance  
25 coverage.

26 d. (i) A notice of liability shall be sent by first class mail OR,  
27 WITH CONSENT, BY ELECTRONIC MEANS OF COMMUNICATION to each person  
28 alleged to be liable [as an owner] for a violation pursuant to this  
29 section of the toll collection regulations of the port authority. Such  
30 notice shall be [mailed] SENT no later than [thirty] ONE HUNDRED TWENTY  
31 days after the alleged violation. Personal delivery [on the owner] shall  
32 not be required. A manual or automatic record of [mailing] SENDING THE  
33 NOTICE prepared in the ordinary course of business shall be prima facie  
34 evidence of the [mailing] SENDING of the notice.

35 (ii) A notice of liability shall contain the name and address of the  
36 person alleged to be liable [as an owner] for a violation of the toll  
37 collection regulations of the port authority pursuant to this section,  
38 the registration number AND STATE OF REGISTRATION of the vehicle  
39 involved in such violation, the [location where such violation took  
40 place, the date and time] LOCATIONS, DATES AND TIMES OF EACH USE OF THE  
41 VEHICULAR CROSSING THAT FORMS THE BASIS of such violation, THE AMOUNT OF  
42 THE ASSESSED TOLLS AND OTHER CHARGES, and the identification number of  
43 the [photo-monitoring system] ELECTRONIC TOLL COLLECTION SYSTEM which  
44 recorded the [violation] USE or other document locator number.

45 (iii) The notice of liability shall contain information advising the  
46 person charged of the manner and the time in which he may contest the  
47 liability alleged in the notice. Such notice of liability shall also  
48 contain a warning to advise the persons charged that failure to contest  
49 in the manner and time provided shall be deemed an admission of liabil-  
50 ity and that a default judgment may be entered thereon.

51 (iv) The notice of liability shall be prepared and [mailed] SENT by  
52 the port authority or its duly authorized agent.

53 e. If an owner receives a notice of liability pursuant to this section  
54 for any time period during which the vehicle was reported to the police  
55 department as having been stolen, it shall be a valid defense to an  
56 allegation of liability for a violation of the toll collection regu-

lations of the port authority that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle was stolen, but not as yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of toll collection regulations of the port authority pursuant to this section that the vehicle was reported as stolen within two hours after discovery of the theft by the owner. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the court or other entity having jurisdiction.

f. An owner, as defined in subdivision a of this section, who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision d of this section shall not be liable pursuant to this section for the violation of the toll collection regulations of the port authority provided that he or she sends to the port authority [serving the notice of liability and to the court or other entity having jurisdiction] OR ITS DULY AUTHORIZED AGENT FOR THIS PURPOSE a copy of the rental, lease or other such contract document covering such vehicle on the date of the [violation] USE OF THE VEHICULAR CROSSING, with the name and address of the lessee clearly legible, within thirty days after receiving from the port authority or its duly authorized agent [the original] FOR THIS PURPOSE notice of [liability] THE USE OF THE VEHICULAR CROSSING BY SUCH VEHICLE. Failure to send such information within such thirty day time period shall render the lessor liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this subdivision, the lessee of such vehicle on the date of such [violation] USE OF THE VEHICULAR CROSSING shall be deemed to be the owner of such vehicle for purposes of this section and shall be subject to liability for the violation of toll collection regulations of the port authority [provided that the port authority or its duly authorized agent mails a notice of liability to the lessee within ten days after the court, or other entity having jurisdiction, deems the lessee to be the owner]. For purposes of this subdivision the term "lessor" shall mean any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or otherwise wherein the said lessee has the exclusive use of said vehicle for any period of time. For the purposes of this subdivision, the term "lessee" shall mean any person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of one or more vehicles and has exclusive use thereof for any period of time.

g. Except as provided in subdivision f of this section, if a person receives a notice of liability pursuant to this section it shall be a valid defense to an allegation of liability for a violation of toll collection regulations of the port authority that the individual who received the notice of liability pursuant to this section was not the owner of the vehicle at the time the [violation] USE OF THE VEHICULAR CROSSING occurred. If the owner liable for a violation of the toll collection regulations of the port authority pursuant to this section was not the operator of the vehicle at the time of the [violation] USE OF THE VEHICULAR CROSSING, the owner may maintain an action for indemnification against the operator. The operator of the vehicle may apply to the court or other entity having jurisdiction to adjudicate the liability imposed under this section to accept responsibility for the

1 violation and satisfactorily discharge all applicable tolls, charges,  
2 FEES, and penalties related to the violation.

3 h. ["Electronic toll collection system" shall mean a system of  
4 collecting tolls or charges which is capable of charging an account  
5 holder the appropriate toll or charge by transmission of information  
6 from an electronic device on a motor vehicle to the toll lane, which  
7 information is used to charge the account the appropriate toll or  
8 charge.] In adopting procedures for the preparation and [mailing] SEND-  
9 ING of a notice of liability, the port authority or its duly authorized  
10 agent shall adopt guidelines [to ensure] FOR SENDING BY FIRST CLASS MAIL  
11 OR, WITH CONSENT, BY ELECTRONIC MEANS OF COMMUNICATION, adequate and  
12 timely notice to all electronic toll collection system account holders  
13 to inform them when their accounts are delinquent. An owner who is an  
14 account holder under the electronic toll collection system shall not be  
15 found liable for a violation of this section unless such authority has  
16 first sent a notice of delinquency to such account holder and the  
17 account holder was in fact delinquent at the time of the violation.

18 i. Nothing in this section shall be construed to limit the liability  
19 of an operator of OR THE ACCOUNT HOLDER ASSOCIATED WITH a vehicle for  
20 any violation of the toll collection regulations of the port authority.  
21 Nothing in this section shall authorize or preclude the port authority  
22 from excluding from any of its facilities, in its sole discretion, any  
23 or all vehicles found liable under this section as well as other vehi-  
24 cles owned or operated by the owner or operator of OR ACCOUNT HOLDER  
25 ASSOCIATED WITH such vehicle.

26 j. Notwithstanding any other provision of law, all photographs, micro-  
27 photographs, videotape or other recorded images prepared pursuant to  
28 this section shall be for the exclusive use of the port authority in the  
29 discharge of its duties under this section and shall not be open to the  
30 public nor be used in any court in any action or proceeding pending  
31 therein unless such action or proceeding relates to the imposition of or  
32 indemnification for liability pursuant to this section. The port author-  
33 ity or its duly authorized agent shall not sell, distribute or make  
34 available in any way, the names and addresses of electronic toll  
35 collection system account holders, or any information compiled from  
36 transactions with such account holders, without such account holders'  
37 consent to any entity that will use such information for any commercial  
38 purpose provided that the foregoing restriction shall not be deemed to  
39 preclude the exchange of such information between any entities with  
40 jurisdiction over and or operating a toll highway bridge and/or tunnel  
41 facility.

42 S 24. Section 16-c of chapter 774 of the laws of 1950, relating to  
43 agreeing with the state of New Jersey with respect to rules and regu-  
44 lations governing traffic on vehicular crossings operated by the port of  
45 New York authority, as added by chapter 379 of the laws of 1992, is  
46 amended to read as follows:

47 S 16-c. Adjudication of liability. Adjudication of the liability  
48 imposed upon an owner by section 16-a of this act for a violation of the  
49 toll collection regulations of the port authority occurring within the  
50 territorial limits of the state of New York shall be in accordance with  
51 the vehicle and traffic law of New York as set forth in sections 235,  
52 236, 237, 239, 240, 241, 242, 401, 510 and 1809 of such law, or by such  
53 entity having jurisdiction over violations of the toll collection regu-  
54 lations of the port authority occurring within the territorial limits of  
55 the state of New York, provided that all violations shall be heard and  
56 determined in the county in which [the violation is alleged to have

1 occurred, or by consent of both parties,] OBLIGATION FOR PAYMENT OF THE  
2 TOLLS OR OTHER CHARGES WAS INCURRED, OR in any county in the state of  
3 New York in which the port authority operates or maintains a facility.  
4 An owner found liable for a violation of toll collection regulations  
5 pursuant to this section shall for a first violation thereof be liable  
6 for THE FULL AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN  
7 ADDITION TO a monetary penalty not to exceed [fifty] ONE HUNDRED dollars  
8 or two times the toll evaded whichever is greater; for a second  
9 violation thereof both within eighteen months be liable for THE FULL  
10 AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN ADDITION TO a  
11 monetary penalty not to exceed [one] TWO hundred dollars or five times  
12 the toll evaded whichever is greater; for a third or subsequent  
13 violation thereof all within eighteen months be liable for THE FULL  
14 AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN ADDITION TO a  
15 monetary penalty not to exceed [one] THREE hundred [fifty] dollars or  
16 ten times the toll evaded whichever is greater. THE FULL AMOUNT OF THE  
17 ASSESSED TOLLS AND OTHER CHARGES AND FEES AND ONE-HALF OF SUCH MONETARY  
18 PENALTIES COLLECTED SHALL BE PAID TO THE PORT AUTHORITY; THE REMAINING  
19 HALF OF SUCH MONETARY PENALTIES COLLECTED SHALL BE RETAINED OR DISTRIB-  
20 UTED BY THE TRIBUNAL OR ENTITY ADJUDICATING THE VIOLATION IN ACCORDANCE  
21 WITH EXISTING LAW.

22 S 25. This act shall take effect on the one hundred twentieth day  
23 after it shall have become a law, provided that:

24 (a) the amendments to subparagraph (i) of paragraph a of subdivision  
25 5-a of section 401 of the vehicle and traffic law made by section  
26 fifteen of this act shall not affect the expiration of such paragraph  
27 and shall be deemed to expire therewith, when upon such date the  
28 provisions of section fifteen-a of this act shall take effect;

29 (b) the amendments to paragraph a of subdivision 5-a of section 401 of  
30 the vehicle and traffic law made by section fifteen-a of this act shall  
31 not affect the expiration of such paragraph and shall be deemed to  
32 expire therewith, when upon such date the provisions of section  
33 fifteen-b of this act shall take effect;

34 (c) the amendments to paragraph a of subdivision 5-a of section 401 of  
35 the vehicle and traffic law made by section fifteen-b of this act shall  
36 not affect the expiration of such paragraph and shall be deemed to  
37 expire therewith, when upon such date the provisions of section  
38 fifteen-c of this act shall take effect; and

39 (d) the amendments to paragraph a of subdivision 5-a of section 401 of  
40 the vehicle and traffic law made by section fifteen-c of this act shall  
41 not affect the expiration of such paragraph and shall be deemed to  
42 expire therewith, when upon such date the provisions of section  
43 fifteen-d of this act shall take effect.

44

## PART H

45 Section 1. Section 9 of chapter 67 of the laws of 1992, amending the  
46 environmental conservation law relating to pesticide product registra-  
47 tion timetables and fees, as amended by section 1 of part S of chapter  
48 60 of the laws of 2011, is amended to read as follows:

49 S 9. This act shall take effect April 1, 1992 [provided, however, that  
50 section three of this act shall take effect July 1, 1993 and shall  
51 expire and be deemed repealed on July 1, 2014].

52 S 2. Section 33-0705 of the environmental conservation law, as amended  
53 by section 2 of part S of chapter 60 of the laws of 2011, is amended to  
54 read as follows:



1 S 33-0705. Fee for registration.

2 The applicant for registration shall pay a fee as follows:

3 a. [On or before July 1, 2014, six] SIX hundred dollars for each  
4 pesticide proposed to be registered, provided that the applicant has  
5 submitted to the department proof in the form of a federal income tax  
6 return for the previous year showing gross annual sales, for federal  
7 income tax purposes, of three million five hundred thousand dollars or  
8 less;

9 b. [On or before July 1, 2014, for] FOR all others, six hundred twenty  
10 dollars for each pesticide proposed to be registered[;

11 c. After July 1, 2014, fifty dollars for each pesticide proposed to be  
12 registered].

13 S 3. Paragraph a of subdivision 1 and subdivision 2 of section 33-1201  
14 of the environmental conservation law, as added by chapter 279 of the  
15 laws of 1996, are amended to read as follows:

16 a. The department shall [develop] MAINTAIN a pesticide sales [and use  
17 computer] data base [in conjunction with Cornell University. The data  
18 base shall be maintained at the department].

19 2. The commissioner shall prepare an annual [report summarizing]  
20 SUMMARY OF pesticide sales[, quantity of pesticides used, category of  
21 applicator and region of application. The commissioner shall not provide  
22 the name, address, or any other information which would otherwise iden-  
23 tify a commercial or private applicator, or any person who sells or  
24 offers for sale restricted use or general use pesticides to a private  
25 applicator, or any person who received the services of a commercial  
26 applicator. In accordance with article six of the public officers law,  
27 proprietary information contained within such record, including price  
28 charged per product, shall not be disclosed] BY COUNTY. The [report]  
29 ANNUAL SUMMARY shall be [submitted to the governor, the temporary presi-  
30 dent of the senate and the speaker of the assembly, and shall be made  
31 available to all interested parties. The first report shall be submitted  
32 on July first, nineteen hundred ninety-eight and] PUBLISHED ON THE  
33 DEPARTMENT'S PUBLIC WEBSITE on OR BEFORE July first [annually thereaft-  
34 er].

35 S 4. Subdivision 1 of section 33-1203 of the environmental conserva-  
36 tion law, as added by chapter 279 if the laws of 1996, is amended to  
37 read as follows:

38 1. [a.] The commissioner shall, upon written request of an interested  
39 party, in printed OR ELECTRONIC form [or on a diskette in computerized  
40 data base format], provide the information on pesticides submitted to  
41 the department pursuant to sections 33-1205 and 33-1207 of this title.  
42 Such information shall be provided by county or counties[, or five-digit  
43 zip code or codes as selected by the interested party making the written  
44 request. The commissioner shall not provide the name, address, or any  
45 other information which would otherwise identify a commercial or private  
46 applicator, or any person who sells or offers for sale restricted use or  
47 general use pesticides to a private applicator, or any person who  
48 received the services of a commercial applicator. In accordance with  
49 article six of the public officers law, proprietary information  
50 contained within such record, including price charged per product, shall  
51 not be disclosed. The provisions of this paragraph shall not apply to  
52 the provision of pesticide data to the commissioner of health, the  
53 health research science board and researchers pursuant to title one-B of  
54 article twenty-four of the public health law.

55 b. The department shall, upon request from the department of health,  
56 compile pesticide application information by nine-digit zip code and

1 provide the information to the commissioner of health for researchers  
2 entitled to receive information pursuant to paragraph (d) of subdivision  
3 one of section twenty-four hundred eleven of the public health law  
4 provided, however, if the nine-digit zip code cannot be determined, the  
5 information shall be compiled by town or city].

6 S 5. Section 33-1205 of the environmental conservation law, as added  
7 by chapter 279 of the laws of 1996 and the closing paragraph of para-  
8 graph a of subdivision 2 as amended by chapter 260 of the laws of 1997,  
9 is amended to read as follows:

10 S 33-1205. Recordkeeping and reporting.

11 1. All commercial applicators shall maintain pesticide use records for  
12 each pesticide application containing the following:

- 13 a. EPA registration number;
- 14 b. product name;
- 15 c. quantity of each pesticide used;
- 16 d. date applied;
- 17 e. location of application by address (including five-digit zip code).

18 Such records shall be maintained for a period of not less than three  
19 years. [All commercial applicators shall file, at least annually, a  
20 report or reports containing such information with the department on  
21 computer diskette or in printed form on or before February first for the  
22 prior calendar year.] All commercial applicators shall also maintain  
23 corresponding records of the dosage rates, methods AND PLACE of applica-  
24 tion and target organisms for each pesticide application. These records  
25 shall be CREATED IMMEDIATELY AFTER APPLICATION, maintained on an annual  
26 basis and retained for a period of not less than [three] FIVE years and  
27 shall be available for inspection upon request by the department.

28 2. a. Every person who sells or offers for sale restricted use pesti-  
29 cides to private applicators shall issue a record to the private appli-  
30 cator of each sale of a restricted use pesticide or a general use pesti-  
31 cide used in agricultural crop production to such applicator. Such  
32 record of each sale shall include the following:

- 33 1. EPA registration number;
- 34 2. product name of the pesticide purchased;
- 35 3. quantity of the pesticide purchased;
- 36 4. date purchased;
- 37 5. location of intended application by address (including five-digit  
38 zip code) or if address is unavailable by town or city (including five-  
39 digit zip code) if the location of intended application differs from the  
40 billing address that appears on the record.

41 [Every person who sells or offers for sale restricted use pesticides  
42 to private applicators shall file, at least annually, a report or  
43 reports containing such information with the department on computer  
44 diskette or in printed form on or before February first for the prior  
45 calendar year. The department shall not use the reports filed pursuant  
46 to this paragraph for enforcement purposes.]

47 b. All private applicators shall maintain, at a minimum, records of  
48 the restricted pesticides purchased, crop treated by such, method of  
49 application, and date of application or applications. This information  
50 shall be RECORDED IMMEDIATELY AFTER APPLICATION, maintained on an annual  
51 basis and retained for a minimum of three years, and shall be available  
52 for inspection upon request by the department.

53 [c. A private applicator shall, upon request, within six months,  
54 provide site-specific information relating to pesticide applications to  
55 any researcher entitled to receive information pursuant to paragraph (d)  
56 of subdivision one of section twenty-four hundred eleven of the public

health law, provided, however, such request shall not be granted during planting and harvesting unless at a time and in a manner that is mutually convenient.]

3. A. EVERY PERSON WHO SELLS OR OFFERS FOR SALE PESTICIDES SHALL MAINTAIN RECORDS OF ALL RETAIL SALES OF SUCH PESTICIDES BY COUNTY. SUCH RECORDS SHALL INCLUDE THE FOLLOWING:

1. EPA REGISTRATION NUMBER;

2. PRODUCT NAME OF THE PESTICIDE SOLD;

3. TOTAL QUANTITY OF THE PESTICIDE SOLD DURING THE CALENDAR YEAR IN EACH COUNTY IN THE STATE.

EVERY PERSON WHO SELLS OR OFFERS FOR SALE PESTICIDES SHALL FILE, AT LEAST ANNUALLY, A REPORT OR REPORTS CONTAINING SUCH INFORMATION WITH THE DEPARTMENT IN ELECTRONIC OR PRINTED FORM ON OR BEFORE FEBRUARY FIRST FOR THE PRIOR CALENDAR YEAR.

B. THE REQUIREMENTS OF THIS SUBDIVISION ARE NOT APPLICABLE TO: MINIMUM RISK PESTICIDES; GENERAL USE ANTIMICROBIAL PESTICIDES, EXCEPT THOSE THAT ARE SUBJECT TO THE PESTICIDE APPLICATOR CERTIFICATION REQUIREMENTS IN REGULATIONS PROMULGATED BY THE DEPARTMENT; GENERAL USE PESTICIDE PRODUCTS APPLIED TO THE CLOTHING OR SKIN; OR GENERAL USE AEROSOL PRODUCTS WITH A DIRECTED SPRAY IN CONTAINERS OF EIGHTEEN FLUID OUNCES OR LESS, BUT NOT INCLUDING ANY FOGGER PRODUCT OR AEROSOL PRODUCT THAT DISCHARGES TO A WIDE AREA.

S 6. Section 33-1207 of the environmental conservation law, as added by chapter 279 of the laws of 1996, is amended to read as follows:

S 33-1207. Recordkeeping and reporting by importers and manufacturers.

1. Each person manufacturing or compounding a registered [restricted use] pesticide in this state, or importing or causing a registered [restricted use] pesticide to be imported into this state for use, distribution, or storage, shall maintain records of all sales within the state during the preceding year of each [restricted use] pesticide product which he or she has imported, manufactured or compounded. The record of each [restricted use] pesticide product shall include:

a. EPA registration number;

b. container size; and

c. number of containers sold to New York purchasers.

2. Such records shall be maintained for a period of not less than three years. All manufacturers and importers shall file an annual report containing such information with the department [on computer diskette] IN ELECTRONIC or [in] printed form on or before February first for the prior calendar year.

3. THE REQUIREMENTS OF THIS SECTION ARE NOT APPLICABLE TO: MINIMUM RISK PESTICIDES; GENERAL USE ANTIMICROBIAL PESTICIDES, EXCEPT THOSE THAT ARE SUBJECT TO THE PESTICIDE APPLICATOR CERTIFICATION REQUIREMENTS IN REGULATIONS PROMULGATED BY THE DEPARTMENT; GENERAL USE PESTICIDE PRODUCTS APPLIED TO THE CLOTHING OR SKIN; OR GENERAL USE AEROSOL PRODUCTS WITH A DIRECTED SPRAY IN CONTAINERS OF EIGHTEEN FLUID OUNCES OR LESS, BUT NOT INCLUDING ANY FOGGER PRODUCT OR AEROSOL PRODUCT THAT DISCHARGES TO A WIDE AREA.

S 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014.

## PART I

Section 1. Subdivision 25 of section 11-0103 of the environmental conservation law, as amended by chapter 595 of the laws of 1984, is amended to read as follows:

25. "Hunting [accident]" RELATED INCIDENT" means the injury to or death of a person caused by the discharge of a firearm, CROSSBOW or longbow while the person causing such injury or death, or the person injured or killed, is taking or attempting to take game, wildlife or fish.

S 2. Paragraphs 1 and 2 of subdivision 3 and subdivision 5 of section 11-0701 of the environmental conservation law, as amended by section 1-a of part R of chapter 58 of the laws of 2013, are amended to read as follows:

(1) who is between the ages of twelve and sixteen years to hunt wild deer and bear with a longbow OR CROSSBOW during the special archery season and during the regular season, as provided in title 9 of this article, subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article;

(2) who is eighteen years of age or older to hunt wild deer and bear with a longbow OR CROSSBOW, as provided in title 9 of this article, in a special [longbow] ARCHERY season; and

5. A non-resident bear tag entitles a person who has not been a resident of the state for more than thirty days who also possesses a hunting license to hunt bear during the regular open season therefor or in an open season fixed by regulation pursuant to subdivision eight of section 11-0903 of this article. It entitles a non-resident holder who also possesses a hunting license with bowhunting privilege to hunt bear with a longbow OR CROSSBOW during the open bear season. It entitles a non-resident holder who also possesses a hunting license with muzzle-loading privilege to hunt bear with a muzzleloader during the open bear season.

S 3. Paragraph b of subdivision 6 of section 11-0703 of the environmental conservation law, as amended by section 2 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

b. Except as provided in section 11-0707 and section 11-0709 of this title, no person shall (1) hunt wild deer or bear unless such person holds and is entitled to exercise the privileges of a hunting license, and meets the requirements of this article; (2) hunt wild deer or bear with a longbow OR CROSSBOW in a special [longbow] ARCHERY season unless such person holds and is entitled to exercise the privileges of a hunting license with a bowhunting privilege and meets the requirements of this article; or (3) hunt wild deer or bear with a muzzle-loading firearm in a special muzzle-loading firearm season unless such person is at least fourteen years old and holds a hunting license with a muzzle-loading privilege and meets the requirements of this article.

S 4. Subparagraph 4 of paragraph b of subdivision 1 of section 11-0719 of the environmental conservation law, as amended by chapter 436 of the laws of 2000, is amended to read as follows:

(4) is convicted of an offense involving a violation of subdivisions one and two of section 11-0901 of this article relating to taking of wildlife when the person taking is in or on a motor vehicle while such motor vehicle is on a public highway or an offense involving a violation of subdivision one of section 11-0901 of this article and subparagraph one of paragraph a of subdivision four of section 11-0931 of this article relating to taking wildlife when the person taking is in or on a motor vehicle and discharging a firearm, CROSSBOW or longbow in such a way that the load, BOLT or arrow passes over a public highway or a part thereof or signs an acknowledgment of any such violation for the purpose of affecting a settlement by civil compromise or by stipulation.

S 5. Subdivisions 2 and 3 of section 11-0719 of the environmental conservation law, subdivision 2 as amended by section 27 and subdivision

1 3 as amended by section 28 of part R of chapter 58 of the laws of 2013,  
2 are amended to read as follows:

3 2. a. The department may revoke the licenses, tags, bowhunting privi-  
4 leges, or muzzle-loading privileges, which authorize the holder to hunt  
5 and/or trap wildlife, and may deny the privilege of obtaining such  
6 licenses, tags, bowhunting privileges, or muzzle-loading privileges, and  
7 may deny the privileges of hunting and/or trapping with or without a  
8 license.

9 (1) of any person who, while engaged in hunting, FISHING or trapping,  
10 (i) causes death or injury to [another] ANY PERSON by discharging a  
11 firearm, CROSSBOW or longbow, or

12 (ii) so negligently discharges a firearm, CROSSBOW or longbow as to  
13 endanger the life or safety of another, or

14 (iii) so negligently and wantonly discharges a firearm, CROSSBOW or  
15 longbow as to destroy or damage public or private property; or

16 (2) of any agent of the department authorized to issue certificates of  
17 qualification in responsible hunting, bowhunting, or trapping practices  
18 who improperly issues any such certification to a person whom he OR SHE  
19 has not trained, or whom he OR SHE knows has not satisfactorily  
20 completed all of the requirements necessary for such certification.

21 b. Action by the department resulting in the revocation of such  
22 license or denial of the privilege to hunt and trap as provided in this  
23 subdivision shall be only after a hearing held by the department upon  
24 notice to the offender, at which proof of facts indicating the violation  
25 is established to the satisfaction of the commissioner or of the hearing  
26 officer designated by him OR HER and concurred in by the commissioner.  
27 Provided that where a person, while hunting, causes death or injury to  
28 any person by discharge of a firearm, CROSSBOW or longbow, the commis-  
29 sioner may, in his OR HER discretion, suspend such person's license or  
30 licenses to hunt and suspend such person's right to hunt without a  
31 license for a period of up to sixty days pending a hearing as provided  
32 for in this subdivision.

33 c. In case such discharge of a firearm, CROSSBOW or longbow causes  
34 death or injury to [another] ANY PERSON, the license or licenses,  
35 bowhunting privilege, and muzzle-loading privilege shall be revoked and  
36 the ability to obtain any such license and of hunting or of trapping  
37 anywhere in the state with or without a license denied, for a period not  
38 exceeding ten years, except that no revocation shall be made in cases in  
39 which facts established at the hearing indicate to the satisfaction of  
40 the commissioner that there was no negligence on the part of the shooter  
41 or [bowman] BOWHUNTER. In all other cases the license or licenses,  
42 bowhunting privilege, or muzzle-loading privilege, shall be revoked and  
43 the privilege of obtaining such license, bowhunting privilege, or  
44 muzzle-loading privilege, and of hunting or of trapping anywhere in the  
45 state with or without a license denied for a period not exceeding five  
46 years. The department may also require that the person causing such  
47 death [or], injury, ENDANGERMENT OR PROPERTY DAMAGE successfully  
48 complete a department-sponsored course and obtain a certificate of qual-  
49 ification in responsible hunting or bowhunting practices before being  
50 issued another hunting license.

51 d. Every person injuring himself, herself or another person in a hunt-  
52 ing [accident, as such term is defined in subdivision 25 of section  
53 11-0103 of this article] RELATED INCIDENT, and the investigating law  
54 enforcement officer summoned to or arriving at the scene of such [acci-  
55 dent] INCIDENT shall within ten days from the occurrence of such [acci-  
56 dent] INCIDENT file a report of the [accident] INCIDENT in writing with

1 the department. Every such person or law enforcement officer shall make  
2 such other and additional reports as the department shall require.  
3 Failure to report such [accident] INCIDENT as herein provided by the  
4 person causing injury or to furnish relevant information required by the  
5 department shall be a violation and shall constitute grounds for suspen-  
6 sion or revocation of such person's hunting licenses and bowhunting and  
7 muzzle-loading privileges and denial of the ability to obtain any such  
8 license and of hunting with or without a license following a hearing or  
9 opportunity to be heard. In addition, the department may temporarily  
10 suspend the license of the person failing to report a hunting [accident]  
11 RELATED INCIDENT within the period prescribed herein until such report  
12 has been filed. In the case of a non-resident, the failure to report an  
13 [accident] INCIDENT as herein provided shall constitute grounds for  
14 suspension or revocation of his or her privileges of hunting within this  
15 state. The report required by this section shall be made in such form  
16 and number as the department may prescribe.

17 3. A hunting license issued to a person who is at least twelve and  
18 less than sixteen years of age or a hunting license with bowhunting  
19 privilege issued to a person who is between the ages of twelve and  
20 sixteen years may be revoked by the department upon proof satisfactory  
21 to the department that such person, while under the age of sixteen, has  
22 engaged in hunting wildlife with a gun, CROSSBOW or longbow, in circum-  
23 stances in which a license and/or bowhunting or muzzle-loading privilege  
24 is required, while not accompanied by his or her parent, guardian or  
25 other adult as provided in section 11-0929 of this article. ADDI-  
26 TIONALLY, THE DEPARTMENT MAY REVOKE THE HUNTING AND/OR BOWHUNTING OR  
27 MUZZLE-LOADING PRIVILEGE OF ANY PARENT, GUARDIAN, YOUTH MENTOR OR OTHER  
28 ADULT UPON PROOF SATISFACTORY TO THE DEPARTMENT THAT SUCH PERSON ALLOWED  
29 THE HOLDER OF A HUNTING LICENSE, BOWHUNTING PRIVILEGE OR MUZZLE-LOADING  
30 PRIVILEGE TO HUNT WILDLIFE WITH A GUN, CROSSBOW OR LONGBOW IN VIOLATION  
31 OF SECTION 11-0929 OF THIS ARTICLE. If such license or privilege is  
32 revoked the department shall fix the period of such revocation, which is  
33 not to exceed six years. The department may require that such person  
34 successfully complete a department sponsored course and obtain a certifi-  
35 cate of qualification in responsible hunting or responsible bowhunting  
36 practices before being issued another hunting or bowhunting license.

37 S 6. Paragraphs b and g of subdivision 3, subparagraphs 5, 6 and 8 of  
38 paragraph b, subparagraphs 5, 6 and 8 of paragraph c, and subparagraph 1  
39 of paragraph d of subdivision 4 of section 11-0901 of the environmental  
40 conservation law, paragraph b of subdivision 3 as amended by chapter 911  
41 of the laws of 1990, paragraph g of subdivision 3 as amended by chapter  
42 34 of the laws of 1979, subparagraph 5 of paragraph b and subparagraph 5  
43 of paragraph c of subdivision 4 as amended by chapter 430 of the laws of  
44 2000 and subparagraphs 6 and 8 of paragraph b, subparagraphs 6 and 8 of  
45 paragraph c and subparagraph 1 of paragraph d of subdivision 4 as  
46 amended by chapter 600 of the laws of 1993, are amended to read as  
47 follows:

48 b. Wild deer and bear shall not be taken except by gun, CROSSBOW or by  
49 long bow. Where an open season, set forth in the table of open seasons  
50 in section 11-0907 OF THIS TITLE or otherwise established by law or  
51 fixed by regulation, is specified as an open season for taking such game  
52 by shotgun or long bow only, or is specified as an open season for  
53 taking such game by long bow only, they shall not be taken except as so  
54 specified.

55 g. Wildlife shall not be taken [by the use of a cross-bow, by a long  
56 bow drawn, pulled, released, or held in a drawn position by any mechan-

1 ical device attached to a portion of the bow other than the bowstring,  
2 or] by the use of a device commonly called a spear gun.

3 (5) with a [bow other than a] long bow with a draw weight [in excess]  
4 of LESS THAN thirty-five pounds; or

5 (6) with an arrow OR BOLT with an arrowhead that measures less than  
6 seven-eighths of an inch at its widest point or that has fewer than two  
7 sharp cutting edges; or

8 (8) with an arrow OR BOLT with a barbed broadhead arrowhead.

9 (5) with a [bow other than a] long bow with a draw weight [in excess]  
10 of LESS THAN thirty-five pounds; or

11 (6) with an arrow OR BOLT with an arrowhead that measures less than  
12 seven-eighths of an inch at its widest point or that has fewer than two  
13 sharp cutting edges; or

14 (8) with an arrow OR BOLT with a barbed broadhead arrowhead.

15 (1) such long bow OR CROSSBOW is unstrung, or such a firearm is taken  
16 down, or securely fastened in a case, or locked in the trunk of a vehi-  
17 cle, or

18 S 7. Subdivisions 11 and 16 of section 11-0901 of the environmental  
19 conservation law are REPEALED.

20 S 8. Section 11-0903 of the environmental conservation law is amended  
21 by adding a new subdivision 12 to read as follows:

22 12. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE  
23 DEPARTMENT IS AUTHORIZED TO ADOPT REGULATIONS WHICH AUTHORIZE THE TAKING  
24 OF WILDLIFE BY THE USE OF A CROSSBOW. A SUMMARY OF REGULATIONS ADOPTED  
25 PURSUANT TO THIS SUBDIVISION SHALL BE PUBLISHED EACH YEAR IN THE HUNTING  
26 SYLLABUS ISSUED PURSUANT TO SECTION 11-0323 OF THIS ARTICLE.

27 S 9. Subdivisions 2 and 4 of section 11-0931 of the environmental  
28 conservation law, subdivision 2 as amended by section 7 of part H of  
29 chapter 58 of the laws of 2012, subparagraph 3 of paragraph a of subdi-  
30 vision 4 as added by chapter 400 of the laws of 1973 and subparagraph 4  
31 of paragraph a of subdivision 4 as added by chapter 67 of the laws of  
32 1976, are amended to read as follows:

33 2. No CROSSBOW OR firearm except a pistol or revolver shall be carried  
34 or possessed in or on a motor vehicle unless it is UNCOCKED, FOR A  
35 CROSSBOW OR unloaded, FOR A FIREARM in both the chamber and the maga-  
36 zine, except that a loaded firearm which may be legally used for taking  
37 migratory game birds may be carried or possessed in a motorboat while  
38 being legally used in hunting migratory game birds, and no person except  
39 a law enforcement officer in the performance of his official duties  
40 shall, while in or on a motor vehicle, use a jacklight, spotlight or  
41 other artificial light upon lands inhabited by deer if he is in  
42 possession or is accompanied by a person who is in possession, at the  
43 time of such use, of a longbow, crossbow or a firearm of any kind except  
44 a pistol or revolver, unless such longbow OR CROSSBOW is unstrung or  
45 such firearm OR CROSSBOW is taken down or securely fastened in a case or  
46 locked in the trunk of the vehicle. For purposes of this subdivision,  
47 motor vehicle shall mean every vehicle or other device operated by any  
48 power other than muscle power, and which shall include but not be limit-  
49 ed to automobiles, trucks, motorcycles, tractors, trailers and motor-  
50 boats, snowmobiles and snowtravelers, whether operated on or off public  
51 highways. Notwithstanding the provisions of this subdivision, the  
52 department may issue a permit to any person who is non-ambulatory,  
53 except with the use of a mechanized aid, to possess a loaded firearm in  
54 or on a motor vehicle as defined in this section, subject to such  
55 restrictions as the department may deem necessary in the interest of

1 public safety. Nothing in this section permits the possession of a  
2 pistol or a revolver contrary to the penal law.

3 4. a. No person shall:

4 (1) discharge a firearm, CROSSBOW or long bow in such a way as will  
5 result in the load, BOLT or arrow thereof passing over a public highway  
6 or any part thereof;

7 (2) discharge a firearm [or long bow] within five hundred feet OR A  
8 CROSSBOW OR LONG BOW WITHIN ONE HUNDRED FIFTY FEET from a dwelling  
9 house, farm building or farm structure actually occupied or used, school  
10 building, school playground, or occupied PUBLIC STRUCTURE, factory or  
11 church;

12 (3) use a firearm, CROSSBOW or a long bow for the hunting of migratory  
13 game birds in Larchmont Harbor, specifically those portions bounded by  
14 the following points of land:

15 BEGINNING AT A POINT KNOWN AS UMBRELLA POINT ON THE EAST SHORE OF  
16 LARCHMONT HARBOR THEN PROCEEDING IN A NORTHERLY DIRECTION TO CEDAR  
17 ISLAND; THENCE NORTHWESTERLY TO MONROE INLET; THENCE NORTHEASTERLY TO  
18 DELANCY COVE BEING IN THE TOWN OF MAMARONECK; THENCE IN A SOUTHWESTERLY  
19 DIRECTION FROM DELANCY COVE TO GREACEN POINT; THENCE RUNNING THE AREA  
20 BETWEEN DELANCY COVE AND THE WEST SHORE OF SATANS TOE NORTHEAST; THENCE  
21 SOUTHEAST THEN ALONG THE WEST SHORE OF SATANS TOE SOUTHWEST AND THEN  
22 SOUTH TO THE SOUTHERLY POINT OF SATANS TOE TO EDGEWATER POINT.

23 (4) Use of a firearm, CROSSBOW or a long bow for the hunting of migra-  
24 tory game birds in Udall's Cove, specifically those portions of Little  
25 Neck Bay within Nassau and Queens counties lying east of a line running  
26 north from the foot of Douglaston Parkway to the shore opposite.

27 b. The prohibitions contained in subparagraph 2 of paragraph a above  
28 shall not apply to:

29 (1) The owner or lessee of the dwelling house, or members of his imme-  
30 diate family actually residing therein, or a person in his employ, or  
31 the guest of the owner or lessee of the dwelling house acting with the  
32 consent of said owner or lessee, provided however, that nothing herein  
33 shall be deemed to authorize such persons to discharge a firearm [or  
34 longbow] within five hundred feet OR A CROSSBOW OR LONG BOW WITHIN ONE  
35 HUNDRED FIFTY FEET of any other dwelling house, or a farm building or  
36 farm structure actually occupied or used, or a school building or play-  
37 ground or occupied PUBLIC STRUCTURE, factory or church;

38 (2) Programs conducted by THE DEPARTMENT, public OR PRIVATE ELEMENTARY  
39 OR SECONDARY schools offering instruction and training in the use of  
40 firearms, CROSSBOW or long bow;

41 (3) The authorized use of a pistol, rifle or target range regularly  
42 operated and maintained by a police department or other law enforcement  
43 agency or by any duly organized membership corporation;

44 (4) The discharge of a shotgun over water by a person hunting migrato-  
45 ry game birds if no dwelling house, FARM BUILDING OR FARM STRUCTURE  
46 ACTUALLY OCCUPIED OR USED, SCHOOL BUILDING, SCHOOL PLAYGROUND, or OCCU-  
47 PIED public structure, FACTORY OR CHURCH, livestock or person is situ-  
48 ated in the line of discharge less than five hundred feet from the point  
49 of discharge.

50 S 10. Paragraph c of subdivision 5 of section 11-0931 of the environ-  
51 mental conservation law, as amended by chapter 309 of the laws of 2006,  
52 is amended to read as follows:

53 c. In the Northern Zone no person, while engaged in hunting with the  
54 aid of a dog or while afield accompanied by a dog, shall possess a rifle  
55 larger than .22 caliber using rim-fire ammunition or possess a shotgun  
56 loaded with a slug, ball or buckshot, OR POSSESS A CROSSBOW; but this



1 paragraph does not apply to persons, engaged in coyote hunts with dogs  
2 during any open season on coyotes established pursuant to the provisions  
3 of section 11-0903 OF THIS TITLE.

4 S 11. Paragraph 4 of subdivision a of section 265.20 of the penal law,  
5 as amended by chapter 1041 of the laws of 1974, is amended to read as  
6 follows:

7 4. Possession of a rifle, shotgun, CROSSBOW or longbow for use while  
8 hunting, trapping or fishing, by a person, not a citizen of the United  
9 States, carrying a valid license issued pursuant to section 11-0713 of  
10 the environmental conservation law.

11 S 12. Paragraph a of subdivision 1 of section 9-103 of the general  
12 obligations law, as separately amended by chapters 141 and 286 of the  
13 laws of 1984, is amended to read as follows:

14 a. an owner, lessee or occupant of premises, whether or not posted as  
15 provided in section 11-2111 of the environmental conservation law, owes  
16 no duty: (1) to keep the premises safe for entry, PASSAGE OVER PREMISES  
17 or use by others for hunting, fishing, organized gleaning as defined in  
18 section seventy-one-y of the agriculture and markets law, canoeing,  
19 boating, SWIMMING, trapping, hiking, cross-country skiing, tobogganing,  
20 sledding, speleological activities, horseback riding, bicycle riding,  
21 hang gliding, motorized vehicle operation for recreational purposes,  
22 snowmobile operation, cutting or gathering of wood for non-commercial  
23 purposes [or], training of dogs, AND ANY OTHER RECREATIONAL USE; or (2)  
24 to give warning of any hazardous condition or use of or structure or  
25 activity on such premises to persons entering for such purposes;

26 S 13. Subdivision 3 of section 9-103 of the general obligations law is  
27 renumbered subdivision 4 and a new subdivision 3 is added to read as  
28 follows:

29 3. FOR THE PURPOSES OF THIS SECTION THE TERM "OCCUPANT" SHALL INCLUDE,  
30 BUT NOT BE LIMITED TO, THOSE ORGANIZATIONS, ENTITIES, OR PERSONS WHO  
31 INDIVIDUALLY OR COLLECTIVELY DEVELOP AND/OR MAINTAIN TRAILS AND OTHER  
32 RECREATIONAL FACILITIES FOR NON-COMMERCIAL USE BY THE PUBLIC.

33 S 14. Section 11-0323 of the environmental conservation law is amended  
34 by adding a new subdivision 3 to read as follows:

35 3. NOTWITHSTANDING SUBDIVISION TWO OF SECTION THREE OF THE NEW YORK  
36 STATE PRINTING AND PUBLIC DOCUMENTS LAW, THE DEPARTMENT MAY ENTER INTO  
37 CONTRACTS WITH ANY RESPONSIVE AND RESPONSIBLE BIDDER TO PROVIDE THE  
38 PRINTING SERVICES REQUIRED WITH OR WITHOUT THE USE OF A SUBCONTRACTOR  
39 FOR THE PRODUCTION OF THE HUNTING AND FISHING PAMPHLETS AND SYLLABUS SET  
40 FORTH IN SUBDIVISIONS ONE AND TWO OF THIS SECTION OR ANY OTHER PUBLICA-  
41 TIONS THAT MAY BE ISSUED IN SUPPORT OF THE FISH AND WILDLIFE LAW.

42 S 15. Section 404-s of the vehicle and traffic law, as added by chap-  
43 ter 304 of the laws of 2001, is amended by adding three new subdivisions  
44 3, 4 and 5 to read as follows:

45 3. A DISTINCTIVE PLATE ISSUED PURSUANT TO THIS SECTION TO A PERSON WHO  
46 PURCHASES A LIFETIME LICENSE PURSUANT TO SECTION 11-0702 OF THE ENVIRON-  
47 MENTAL CONSERVATION LAW OR A LIFETIME VEHICLE ACCESS PASS, ALSO KNOWN AS  
48 A LIFETIME EMPIRE PASSPORT, PURSUANT TO ARTICLE THIRTEEN OF THE PARKS,  
49 RECREATION AND HISTORIC PRESERVATION LAW BETWEEN JANUARY FIRST, TWO  
50 THOUSAND FOURTEEN AND DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN SHALL  
51 BE ISSUED IN THE SAME MANNER AS OTHER NUMBER PLATES, HOWEVER, SUCH LIFE-  
52 TIME LICENSE HOLDER SHALL BE EXEMPT FROM THE PAYMENT OF FEES OTHERWISE  
53 REQUIRED TO BE PAID PURSUANT TO PARAGRAPHS A AND B OF SUBDIVISION THREE  
54 OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE AND THE ANNUAL SERVICE  
55 CHARGE REQUIRED BY SUBDIVISION TWO OF THIS SECTION FOR THE INITIAL ISSU-

ANCE OF SUCH LICENSE PLATE AND FOR THE NEXT ENSUING REGISTRATION RENEWAL.

4. A PERSON WHO POSSESSES A LIFETIME LICENSE PURSUANT TO SECTION 11-0702 OF THE ENVIRONMENTAL CONSERVATION LAW OR A LIFETIME VEHICLE ACCESS PASS, ALSO KNOWN AS A LIFETIME EMPIRE PASSPORT, OR A THREE OR FIVE YEAR VEHICLE ACCESS PASS PURSUANT TO ARTICLE THIRTEEN OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW SHALL, ON REQUEST BETWEEN APRIL FIRST, TWO THOUSAND FOURTEEN AND MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN, BE ISSUED A DISTINCTIVE PLATE PURSUANT TO THIS SECTION IN THE SAME MANNER AS OTHER NUMBER PLATES UPON PAYMENT OF A TWENTY-FIVE DOLLAR REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS CHAPTER FOR THE INITIAL LICENSE PLATE AND SHALL BE EXEMPT FROM THE PAYMENT OF FEES OTHERWISE REQUIRED TO BE PAID PURSUANT TO PARAGRAPH B OF SUBDIVISION THREE OF SECTION FOUR HUNDRED ONE OF THIS ARTICLE AND THE ANNUAL SERVICE CHARGE REQUIRED BY SUBDIVISION TWO OF THIS SECTION FOR THE INITIAL ISSUANCE OF SUCH LICENSE PLATE AND FOR THE NEXT ENSUING REGISTRATION RENEWAL.

5. ANY NEW YORK RESIDENT WHO POSSESSES A HUNTING, FISHING OR TRAPPING LICENSE ISSUED PURSUANT TO TITLE SEVEN OF ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVATION LAW OR AN ANNUAL VEHICLE ACCESS PASS, ALSO KNOWN AS AN EMPIRE PASSPORT, PURSUANT TO ARTICLE THIRTEEN OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW MAY PURCHASE THE LICENSE PLATE AVAILABLE TO A PERSON WHO PURCHASES A LIFETIME LICENSE OR PASSPORT UPON PAYMENT OF THE REGULAR REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS CHAPTER.

S 16. Section 11-0715 of the environmental conservation law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION, THE COMMISSIONER MAY OFFER FOR SALE LICENSES, PRIVILEGES AND PERMITS LISTED IN THIS SECTION AT A REDUCED PRICE UP TO TEN DAYS PER YEAR TO ENCOURAGE RESIDENT AND OUT-OF-STATE HUNTERS, TRAPPERS AND ANGLERS TO UTILIZE NEW YORK'S HUNTING, TRAPPING AND FISHING OPPORTUNITIES. THESE DAYS SHALL BE DESIGNATED IN A MANNER DETERMINED BY THE DEPARTMENT TO BEST PROVIDE PUBLIC NOTICE THEREOF AND TO MAXIMIZE PUBLIC PARTICIPATION THEREIN.

S 17. Subdivision 14 of section 11-0305 of the environmental conservation law, as amended by chapter 292 of the laws of 1996 and as renumbered by section 2 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

14. Notwithstanding any inconsistent provision of law, the commissioner may designate no more than [two] EIGHT days in each year that shall be effective in every administrative region of the department, as free sport fishing days during which any person may, without having a sport fishing license and without the payment of any fee, exercise the privileges of a holder of a sport fishing license, subject to all of the limitations, restrictions, conditions, laws, rules and regulations applicable to the holder of a sport fishing license. Free sport fishing days shall be designated in a manner determined by the department to best provide public notice thereof and to maximize public participation therein, so as to promote the recreational opportunities afforded by sport fishing.

S 18. Subdivision 5 of section 11-0703 of the environmental conservation law is amended by adding a new paragraph e to read as follows:

E. ANY THREE OR FIVE-YEAR LICENSE ISSUED PURSUANT TO PARAGRAPH A OR B OF SUBDIVISION THREE OF SECTION 11-0715 SHALL BE EFFECTIVE FOR THE NUMBER OF LICENSE YEARS INDICATED THEREON BEGINNING ON SEPTEMBER FIRST

1 AND ENDING AUGUST THIRTY-FIRST; PROVIDED, HOWEVER, THAT A FISHING  
 2 LICENSE SHALL REMAIN EFFECTIVE FOR EITHER THREE OR FIVE YEARS FROM THE  
 3 DATE ON WHICH IT WAS ISSUED.

4 S 19. Paragraphs a and b of subdivision 3 of section 11-0715 of the  
 5 environmental conservation law, as amended by chapter 276 of the laws of  
 6 2013, are amended to read as follows:

7 a. In the case of persons who meet the criteria set forth in paragraph  
 8 c of subdivision four of section 11-0703 of this title:

License	Fee
(1) (a) Hunting	\$22.00
(A-1) THREE-YEAR HUNTING	\$60.00
(A-2) FIVE-YEAR HUNTING	\$100.00
(b) Hunting ages fifteen and under	\$5.00
(2) (A) Fishing	\$25.00
(B) THREE-YEAR FISHING	\$70.00
(C) FIVE-YEAR FISHING	\$115.00
(3)(a) Trapping	\$20.00
(A-1) THREE-YEAR TRAPPING	\$55.00
(A-2) FIVE-YEAR TRAPPING	\$90.00
(b) Trapping ages fifteen and under	\$5.00
(4) (A) Muzzle-loading privilege	\$15.00
(B) THREE-YEAR MUZZLE-LOADING	\$40.00
(C) FIVE-YEAR MUZZLE-LOADING	\$65.00
(5)(a) Bowhunting privilege	\$15.00
(A-1) THREE-YEAR BOWHUNTING PRIVILEGE	\$40.00
(A-2) FIVE-YEAR BOWHUNTING PRIVILEGE	\$65.00
(b) Bowhunting privilege ages fifteen and under	\$4.00
(6) (A) Turkey permit	\$10.00
(B) THREE-YEAR TURKEY PERMIT	\$25.00
(C) FIVE-YEAR TURKEY PERMIT	\$40.00
(7) Seven-day fishing	[\$13.00] \$12.00
(8) One-day fishing	\$ 5.00

35 A THREE OR FIVE-YEAR BOWHUNTING OR MUZZLE-LOADING PRIVILEGE OR TURKEY  
 36 PERMIT MAY ONLY BE SOLD TO A PERSON WHO EITHER HAS PURCHASED A HUNTING  
 37 LICENSE FOR THE SAME TERM OR POSSESSES A LIFETIME HUNTING LICENSE.

38 b. In the case of a non-resident and persons resident in the state for  
 39 less than thirty days:

License	Fee
(1) (a) Hunting	\$100.00
(A-1) THREE-YEAR HUNTING	\$290.00
(A-2) FIVE-YEAR HUNTING	\$480.00
(b) Hunting ages fifteen and under	\$5.00
(2) (A) Fishing	\$50.00
(B) THREE-YEAR FISHING	\$140.00
(C) FIVE-YEAR FISHING	\$230.00
(3) Seven-day fishing	[\$31.00] \$28.00
(4)(a) Trapping	\$275.00
(A-1) THREE-YEAR TRAPPING	\$825.00
(A-2) FIVE-YEAR TRAPPING	\$1,375.00
(b) Trapping ages fifteen and under	\$5.00
(5)(a) Bowhunting privilege	\$30.00
(A-1) THREE-YEAR BOWHUNTING PRIVILEGE	\$80.00
(A-2) FIVE-YEAR BOWHUNTING PRIVILEGE	\$130.00
(b) Bowhunting privilege ages	

1	fifteen and under	\$4.00
2	(6) (A) Muzzle-loading	\$30.00
3	(B) THREE-YEAR MUZZLE-LOADING	\$80.00
4	(C) FIVE-YEAR MUZZLE-LOADING	\$130.00
5	(7) (A) Turkey permit	\$20.00
6	(B) THREE-YEAR TURKEY PERMIT	\$55.00
7	(C) FIVE-YEAR TURKEY PERMIT	\$90.00
8	(8) One-day fishing	\$10.00

9 A THREE OR FIVE-YEAR BOWHUNTING OR MUZZLE-LOADING PRIVILEGE OR TURKEY  
10 PERMIT MAY ONLY BE SOLD TO A PERSON WHO EITHER HAS PURCHASED A HUNTING  
11 LICENSE FOR THE SAME TERM OR POSSESSES A LIFETIME HUNTING LICENSE.  
12 S 20. This act shall take effect April 1, 2014.

## PART J

14 Section 1. Subdivisions 6, 7 and 8 of section 251-z-5 of the agricul-  
15 ture and markets law, subdivisions 6 and 7 as added by chapter 863 of  
16 the laws of 1972 and subdivision 8 as added by chapter 665 of the laws  
17 of 2005, are amended and a new subdivision 9 is added to read as  
18 follows:

19 (6) The applicant or licensee, or an officer, director, partner, hold-  
20 er of ten per cent of the voting stock, or any other person exercising  
21 any position of management or control has failed to comply with any of  
22 the provisions of this chapter or rules and regulations promulgated  
23 pursuant thereto; [or]

24 (7) Any person including the applicant or licensee, or an officer,  
25 director, partner or any stockholder, exercising any position of manage-  
26 ment or control has been convicted of a felony in any court of the  
27 United States or any state or territory[.];

28 (8) A retail food store licensed under this article fails to comply  
29 with the education requirements set forth in section two hundred fifty-  
30 one-z-twelve of this article[.]; OR

31 (9) THE APPLICANT OR LICENSEE HAS FAILED TO PAY ANY PENALTY IMPOSED  
32 FOR OR JUDGMENT BASED UPON A VIOLATION OF THE PROVISIONS OF THIS ARTICLE  
33 OR RULES AND REGULATIONS PROMULGATED PURSUANT THERETO, WHICH OUTSTANDING  
34 PENALTY OR PENALTIES AND/OR JUDGMENT OR JUDGMENTS EQUAL OR EXCEED TWO  
35 THOUSAND FOUR HUNDRED DOLLARS. NOTWITHSTANDING, AND IN ADDITION TO THE  
36 POWERS CONFERRED IN THIS SECTION, WHEN THE COMMISSIONER FINDS THAT AN  
37 APPLICANT OR LICENSEE HAS FAILED TO PAY ANY PENALTY IMPOSED OR JUDGMENT  
38 OBTAINED, WHICH OUTSTANDING PENALTY OR PENALTIES AND/OR JUDGMENT OR  
39 JUDGMENTS EQUAL OR EXCEED TWO THOUSAND FOUR HUNDRED DOLLARS, THE COMMIS-  
40 SIONER MAY DECLINE TO ISSUE OR RENEW A LICENSE, AND, IN LIEU THEREOF,  
41 SHALL GRANT A PROVISIONAL LICENSE.

42 (A) A PROVISIONAL LICENSE SHALL EXPIRE SIXTY DAYS FOLLOWING ITS ISSU-  
43 ANCE, UNLESS: (I) PRIOR TO ITS EXPIRATION, THE APPLICANT OR LICENSEE  
44 PAYS OR ENTERS INTO AN AGREEMENT WITH THE DEPARTMENT TO PAY ALL SAID  
45 AMOUNTS DUE, AT WHICH POINT THE PROVISIONAL LICENSE SHALL CONVERT TO A  
46 TWO-YEAR LICENSE, COMMENCING AS OF THE DATE OF ISSUANCE OF THE PROVI-  
47 SIONAL LICENSE; OR (II) WITHIN THIRTY DAYS OF ITS ISSUANCE, THE APPLI-  
48 CANT OR LICENSEE REQUESTS A HEARING, PURSUANT TO RULES AND REGULATIONS  
49 THAT THE DEPARTMENT SHALL PROMULGATE.

50 (B) WHERE A HEARING IS REQUESTED, THE PROVISIONAL LICENSE SHALL  
51 CONTINUE IN FORCE UNTIL THE DETERMINATION OF SAID HEARING. SHOULD THE  
52 APPLICANT PREVAIL, THE PROVISIONAL LICENSE SHALL CONVERT INTO A TWO-YEAR  
53 LICENSE, RUNNING FROM THE DATE OF THE ISSUANCE OF THE PROVISIONAL

LICENSE. SHOULD THE DEPARTMENT PREVAIL, THE PROVISIONAL LICENSE SHALL TERMINATE AND NO LICENSE SHALL ISSUE.

S 2. This act shall take effect immediately.

#### PART K

Section 1. Expenditures of moneys appropriated in a chapter of the laws of 2014 to the energy research and development authority, under the research, development and demonstration program, from the special revenue funds - other/state operations, miscellaneous special revenue fund - 339, energy research and planning account, and special revenue funds - other/aid to localities, miscellaneous special revenue fund - 339, energy research and planning account shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended shall be reimbursed by assessment against gas corporations and electric corporations as defined in section 2 of the public service law, and the total amount which may be charged to any gas corporation and any electric corporation shall not exceed one cent per one thousand cubic feet of gas sold and .010 cent per kilowatt-hour of electricity sold by such corporations in their intrastate utility operations in calendar year 2012. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law, but shall be billed and paid in the manner set forth in such subdivision and upon receipt shall be paid to the state comptroller for deposit in the state treasury for credit to the miscellaneous special revenue fund. The director of the budget shall not issue a certificate of approval with respect to the commitment and expenditure of moneys hereby appropriated until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the director of the budget to the chairs and secretaries of the legislative fiscal committees.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014.

#### PART L

Section 1. Notwithstanding any law to the contrary, the comptroller is hereby authorized and directed to receive for deposit to the credit of the general fund the amount of up to \$913,000 from the New York state energy research and development authority.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014.

#### PART M

Section 1. Legislative findings. The legislature hereby finds and determines:

1. In 2011 and 2012, three storms of enormous magnitude - Hurricane Irene, Tropical Storm Lee and Superstorm Sandy - each battered New York, causing billions of dollars of damage to roads, buildings and other infrastructure. The three storms collectively resulted in millions of

1 residential, business and industrial customers of electric utilities  
2 losing electricity for extended periods of time.

3 2. Each of these storms caused, among other things, a disruption in  
4 the distribution and supply of motor fuels, and in the case of Super-  
5 storm Sandy, downstate motorists were unable to obtain routine supplies  
6 of fuel for several weeks.

7 3. In addition, temporary fuel distribution disruptions associated  
8 with the aftermath of a storm can result in emergency vehicles and  
9 responders unable to adequately address ongoing public safety and health  
10 emergencies, delay an appropriate response to infrastructure damages  
11 caused by a storm, and otherwise disrupt commerce in the state due to  
12 difficulty to obtain readily available motor fuels.

13 4. On November 15, 2012, in response to Superstorm Sandy, Governor  
14 Andrew M. Cuomo announced the creation of the NYS Ready Commission and  
15 tasked it with finding ways to ensure critical systems and services are  
16 prepared for future natural disasters and other emergencies. As related  
17 to this act, the Commission was tasked with addressing vulnerabilities  
18 in the state's energy systems.

19 5. The NYS Ready Commission recommended, among other things, to  
20 require that retail gasoline outlets located in strategic locations have  
21 on-site back-up power capacity to ensure that such outlets can continue  
22 fuel sales operations during a long-term electric outage. The purpose of  
23 this act is to ensure that the state is better situated in the future to  
24 address the temporary disruption of retail fuel supplies.

25 S 2. Section 192-h of the agriculture and markets law, as added by  
26 section 2 of part S of chapter 58 of the laws of 2013, is amended to  
27 read as follows:

28 S 192-h. Alternate generated power source at retail gasoline outlets.

29 1. Definitions. When used in this section:

30 (a) "Alternate generated power source" means electric generating  
31 equipment that is of a capacity that is capable of providing adequate  
32 electricity to operate all dispensers, dispensing equipment, life safety  
33 systems and payment-acceptance equipment located at a retail outlet and  
34 which can operate independent of the local electric utility distribution  
35 system and provide electricity during a general power outage or declared  
36 energy or fuel supply emergency to operate the systems named herein.

37 (b) "Chain of retail outlets" means a network of subsidiaries or  
38 affiliates, under direct or indirect common control, that operate ten or  
39 more retail outlets located in a single downstate region; provided,  
40 however that this term does not include any franchisor of the brand of  
41 motor fuel being sold at such outlet, except if such franchisor owns  
42 such outlet.

43 (c) "Controlled access highway" means every highway, street, or road-  
44 way in respect to which owners or occupants of abutting lands and other  
45 persons have no legal right of access to or from the same except at such  
46 points only and in such manner as may be determined by the public  
47 authority having jurisdiction over such highway, street, or roadway.

48 (d) "Diesel motor fuel" means any fuel sold in this state and for use  
49 in diesel engines which is commercially known or offered for sale as  
50 diesel motor fuel.

51 (e) "Dispenser" means a device located at a retail outlet that is used  
52 to pump motor fuel from an above-ground or underground storage tank into  
53 a motor vehicle.

54 (f) "Downstate region" means each of the following regions of the  
55 state:

56 (i) Long Island region: Includes Nassau and Suffolk counties.

1 (ii) Lower Mid-Hudson region: Includes Rockland and Westchester coun-  
2 ties.

3 (iii) New York city region: Includes Bronx, Kings, New York, Queens  
4 and Richmond counties.

5 (g) "Evacuation route" means those roads designated by each county,  
6 AND RECOGNIZED BY THE STATE, that are to be used by motorists in case of  
7 a hurricane or other natural disaster.

8 (h) "Franchisor" means a person or company that grants a franchise to  
9 a franchisee.

10 (i) "Gasoline" means any fuel sold in this state for use in internal  
11 combustion engines which is commercially known or offered for sale as  
12 gasoline, whether or not blended with ethanol or other chemicals.

13 (j) "Motor fuel" means any petroleum product, including any gasoline  
14 or diesel motor fuel, which is used for the propulsion of motor vehi-  
15 cles.

16 (k) "Retailer" means any person who owns, operates, or controls a  
17 retail outlet that is subject to the requirements of subdivision two of  
18 this section.

19 (l) "Retail outlet" means a facility, including all land, improvements  
20 and associated structures and equipment, that dispenses motor fuel for  
21 sale to the general public.

22 (M) "STRATEGIC UPSTATE HIGHWAYS" MEANS THE FOLLOWING:

23 (I) I-87 BEGINNING AT THE ROCKLAND-ORANGE COUNTY LINE THENCE NORTHERLY  
24 PASSING THROUGH OR IN THE VICINITY OF ALBANY TO THE INTERSECTION WITH  
25 I-90, THE FOREGOING ROUTE BEING A PORTION OF THE NEW YORK STATE THRUWAY;  
26 THENCE CONTINUING NORTHERLY TO THE NEW YORK-CANADA BORDER;

27 (II) I-90 BEGINNING AT I-87 IN THE VICINITY OF ALBANY THENCE WESTERLY  
28 PASSING THROUGH OR IN THE VICINITY OF SCHENECTADY, UTICA, SYRACUSE,  
29 ROCHESTER, AND BUFFALO; THENCE CONTINUING SOUTHWESTERLY TO THE NEW  
30 YORK-PENNSYLVANIA BORDER, THE FOREGOING ROUTE BEING A PORTION OF THE NEW  
31 YORK STATE THRUWAY;

32 (III) THE BERKSHIRE SECTION OF THE NEW YORK STATE THRUWAY BEGINNING AT  
33 I-87 THENCE EASTERLY TO THE INTERSECTION WITH I-90 AND CONTINUING ON  
34 I-90 TO THE NEW YORK-MASSACHUSETTS BORDER;

35 (IV) I-84 BEGINNING AT THE NEW YORK-NEW JERSEY BORDER THENCE EASTERLY  
36 PASSING THROUGH OR IN THE VICINITY OF NEWBURGH, THENCE CONTINUING EAST-  
37 ERLY AND SOUTHEASTERLY TO THE NEW YORK-CONNECTICUT BORDER;

38 (V) I-88 BEGINNING AT I-81 IN THE VICINITY OF BINGHAMTON THENCE  
39 NORTHEASTERLY TO I-90 IN THE VICINITY OF SCHENECTADY;

40 (VI) I-86/STATE ROUTE 17 BEGINNING AT I-87 IN THE VICINITY OF WOODBURY  
41 THENCE WESTERLY AND NORTHWESTERLY PASSING THROUGH OR IN THE VICINITY OF  
42 BINGHAMTON, ELMIRA, AND JAMESTOWN, CONTINUING TO THE NEW YORK-PENNSYLVANIA  
43 BORDER;

44 (VII) I-81 BEGINNING AT THE NEW YORK-PENNSYLVANIA BORDER THENCE NORTH-  
45 ERLY PASSING THROUGH OR IN THE VICINITY OF SYRACUSE AND WATERTOWN,  
46 CONTINUING TO THE NEW YORK-CANADA BORDER;

47 (VIII) I-390 BEGINNING AT I-86 IN THE VICINITY OF AVOCA THENCE  
48 NORTHWESTERLY AND NORTHERLY IN I-490 IN THE VICINITY OF ROCHESTER; AND

49 (IX) I-190 BEGINNING AT I-90 IN THE VICINITY OF BUFFALO, THENCE  
50 WESTERLY, NORTHWESTERLY, AND NORTHERLY THROUGH BUFFALO, ACROSS GRAND  
51 ISLAND, THE FOREGOING ROUTE BEING A PORTION OF THE NEW YORK STATE THRU-  
52 WAY, AND THENCE GENERALLY WESTERLY TO THE UNITED STATES-CANADA BORDER IN  
53 THE VICINITY OF LEWISTON.

54 (N) "UPSTATE REGION" MEANS ANY COUNTY OF THE STATE THAT IS NOT PART OF  
55 THE DOWNSTATE REGION.

1 2. Prewiring and transfer switch. (a) Retail outlets in the downstate  
2 region shall be prewired with an appropriate transfer switch for using  
3 an alternate generated power source at such retail outlets as follows:

4 (i) each retail outlet in operation on the effective date of this  
5 section that is located within one-half mile by road measurement from an  
6 exit road on a controlled access highway or from an evacuation route  
7 shall be prewired by no later than April first, two thousand fourteen;

8 (ii) each retail outlet beginning operation after the effective date  
9 of this section and before April first, two thousand fourteen that is  
10 located within one-half mile by road measurement from an exit road on a  
11 controlled access highway or from an evacuation route shall be prewired  
12 by no later than April first, two thousand fifteen;

13 (iii) each retail outlet that is located within one-half mile by road  
14 measurement from an evacuation route that is designated as such after  
15 the effective date of this section or within one-half mile by road meas-  
16 urement from an exit road that is established after the effective date  
17 of this section shall be prewired within one year of such designation or  
18 establishment provided that funding is available at such time for the  
19 program established under subdivision twenty of section eighteen hundred  
20 fifty-four of the public authorities law; and

21 (iv) thirty percent of all retail outlets that are part of a chain of  
22 retail outlets, exclusive of those included in subparagraphs (i), (ii)  
23 and (iii) of this paragraph, shall be prewired by no later than August  
24 first, two thousand fifteen, provided, however, in the case of an exist-  
25 ing retail outlet that becomes part of a chain of retail outlets after  
26 the effective date of this section and that has been designated by the  
27 chain as an outlet comprising such thirty percent, by no later than  
28 August first, two thousand fifteen or one year after becoming part of  
29 such chain, whichever is later, and provided further, in the case of a  
30 retail outlet that is part of a chain of retail outlets, is part of such  
31 thirty percent and is subject to paragraph (b) of this subdivision as  
32 required in paragraph (b) of this subdivision.

33 (A-1) RETAIL OUTLETS IN THE UPSTATE REGION SHALL BE PREWIRED WITH AN  
34 APPROPRIATE TRANSFER SWITCH FOR USING AN ALTERNATE GENERATED POWER  
35 SOURCE AT SUCH RETAIL OUTLETS AS FOLLOWS:

36 (I) EACH RETAIL OUTLET IN OPERATION ON THE EFFECTIVE DATE OF THIS  
37 PARAGRAPH THAT IS LOCATED ON A STRATEGIC UPSTATE HIGHWAY OR WITHIN ONE-  
38 HALF MILE BY ROAD MEASUREMENT FROM AN EXIT ROAD ON A STRATEGIC UPSTATE  
39 HIGHWAY OR FROM AN EVACUATION ROUTE SHALL BE PREWIRED BY NO LATER THAN  
40 APRIL FIRST, TWO THOUSAND FIFTEEN;

41 (II) EACH RETAIL OUTLET BEGINNING OPERATION AFTER THE EFFECTIVE DATE  
42 OF THIS PARAGRAPH AND BEFORE APRIL FIRST, TWO THOUSAND FIFTEEN THAT IS  
43 LOCATED ON A STRATEGIC UPSTATE HIGHWAY OR WITHIN ONE-HALF MILE BY ROAD  
44 MEASUREMENT FROM AN EXIT ROAD ON A STRATEGIC UPSTATE HIGHWAY OR FROM AN  
45 EVACUATION ROUTE SHALL BE PREWIRED BY NO LATER THAN APRIL FIRST, TWO  
46 THOUSAND SIXTEEN; AND

47 (III) EACH RETAIL OUTLET THAT IS LOCATED WITHIN ONE-HALF MILE BY ROAD  
48 MEASUREMENT FROM AN EVACUATION ROUTE THAT IS DESIGNATED AS SUCH AFTER  
49 THE EFFECTIVE DATE OF THIS SECTION OR ON A STRATEGIC UPSTATE HIGHWAY OR  
50 WITHIN ONE-HALF MILE BY ROAD MEASUREMENT FROM AN EXIT ROAD ON A STRATE-  
51 GIC UPSTATE HIGHWAY THAT IS ESTABLISHED AFTER THE EFFECTIVE DATE OF THIS  
52 PARAGRAPH SHALL BE PREWIRED WITHIN ONE YEAR OF SUCH DESIGNATION OR  
53 ESTABLISHMENT PROVIDED THAT FUNDING IS AVAILABLE AT SUCH TIME FOR THE  
54 PROGRAM ESTABLISHED UNDER SUBDIVISION TWENTY OF SECTION EIGHTEEN HUNDRED  
55 FIFTY-FOUR OF THE PUBLIC AUTHORITIES LAW.



1 (b) Each retail outlet for which a building permit is issued on or  
2 after April first, two thousand fourteen for new construction or for  
3 substantial demolition and reconstruction, shall be prewired with an  
4 appropriate transfer switch for using an alternate generated power  
5 source.

6 (c) Such transfer switch and all associated electrical wiring shall be  
7 installed, operated, and maintained in compliance with all applicable  
8 provisions of the New York state uniform fire prevention and building  
9 code or any applicable local building code or standard. Installation of  
10 appropriate wiring and transfer switches shall be performed by a  
11 licensed electrical contractor.

12 (d) Each retailer shall keep on file at the retail outlet a written  
13 statement in a form approved by the department and containing an attes-  
14 tation by a licensed electrician that the wiring and transfer switch  
15 were installed in accordance with the manufacturer's specifications. In  
16 addition, each such retailer shall maintain the wiring and transfer  
17 switch in accordance with the manufacturer's specifications.

18 (e) Each retail outlet IN THE DOWNSTATE REGION in operation on the  
19 effective date of this section that sold less than seventy-five thousand  
20 gallons of motor fuel per month on average for the period they were in  
21 operation during the twelve months prior to the effective date shall be  
22 exempt from the requirements of this subdivision.

23 3. Emergency deployment. In the event that a declaration of an energy  
24 or fuel supply emergency issued by the governor, the county executive of  
25 a county [in the downstate region] CONTAINING RETAIL OUTLETS SUBJECT TO  
26 THE PROVISIONS OF THIS SECTION or the mayor of a city with a population  
27 in excess of one million inhabitants is in effect, a retailer of a  
28 retail outlet within any such county or city for which such declaration  
29 was issued shall deploy and install an alternate generated power source  
30 as follows:

31 (a) For a retail outlet subject to the requirements of: (i) PARAGRAPH  
32 (A-1) OF SUBDIVISION TWO OF THIS SECTION OR subparagraphs (i), (ii) or  
33 (iii) of paragraph (a) of subdivision two of this section or (ii) para-  
34 graph (b) of subdivision two of this section that is located in the  
35 downstate region and that is located within one-half mile by road meas-  
36 urement from an exit road on a controlled access highway or from an  
37 evacuation route, within twenty-four hours of such declaration, if such  
38 outlet is without power at the time of such declaration. Provided,  
39 however, if any such outlet loses power following such declaration and  
40 while the declaration is still in effect, then the alternate generated  
41 power source shall be deployed and installed within twenty-four hours of  
42 such loss of power.

43 (b) For a retail outlet prewired pursuant to the requirements of  
44 subparagraph (iv) of paragraph (a) of subdivision two of this section,  
45 within forty-eight hours of such declaration, if such outlet is without  
46 power at the time of such declaration. Provided, however, if any such  
47 outlet loses power following such declaration and while the declaration  
48 is still in effect, then the alternate generated power source shall be  
49 deployed and installed within forty-eight hours of the loss of power.

50 3-a. Declaration of energy or fuel supply emergency. Upon issuance of  
51 a declaration of an energy or fuel supply emergency pursuant to this  
52 subdivision, a county executive of a county [in the downstate region]  
53 WHOSE RETAIL OUTLETS ARE SUBJECT TO THE PROVISIONS OF THIS SECTION or  
54 mayor of a city with a population in excess of one million inhabitants  
55 who declared such emergency shall promptly notify the president of the  
56 New York state energy research and development authority, the commis-

1 sioner of homeland security and emergency services, and impacted resi-  
2 dents using such means as are practicable and efficient.

3 4. Plan for alternate generated power source. Each retailer subject to  
4 subdivision three of this section shall by the date of the installation  
5 of the rewiring and transfer switch required under subdivision two of  
6 this section have in place at each applicable retail outlet documenta-  
7 tion in a form approved by the department demonstrating a plan to deploy  
8 and install an alternate generated power source located at such retail  
9 outlet as required under subdivision three of this section. Such plan  
10 shall take one of the following forms:

11 (a) a receipt or other documentation showing ownership of such power  
12 source;

13 (b) for a retailer subject to paragraph (a) of subdivision three of  
14 this section, documentation attesting to participation in the program  
15 established under subdivision twenty-one of section eighteen hundred  
16 fifty-four of the public authorities law; or

17 (c) a contract with a supplier of such power source providing for  
18 deployment and installation of such power source in compliance with the  
19 requirements of this section, or other documentation demonstrating the  
20 retailer's ability to comply with the requirements of this section,  
21 which may include the generator deployment and installation plan of a  
22 chain of retail outlets.

23 5. Inspection; recordkeeping; reporting. The commissioner or the  
24 commissioner's designee shall be authorized to enter during regular  
25 business hours upon a retail outlet subject to the requirements of  
26 subdivision two of this section for the purpose of determining compli-  
27 ance with the provisions of this section and any rules or regulations  
28 promulgated hereunder. All documents required pursuant to subdivisions  
29 two and four of this section shall be maintained at the applicable  
30 retail outlet and made available to the commissioner or the commis-  
31 sioner's designee upon request. In addition, each retailer of a retail  
32 outlet, except for retail outlets granted exemptions under paragraph (e)  
33 of subdivision two of this section, shall provide to the department by  
34 [April first, two thousand fourteen] THE DATE OF THE INSTALLATION OF THE  
35 PREWIRING AND TRANSFER SWITCH REQUIRED UNDER SUBDIVISION TWO OF THIS  
36 SECTION and every two years thereafter written documentation in a form  
37 approved by the department certifying that such retail outlet is in  
38 compliance with the requirements of this section, and any other require-  
39 ment specified by any rules or regulations promulgated hereunder;  
40 provided, however, that, for each retail outlet that is part of a chain  
41 of retail outlets or to which subparagraph (ii) or (iii) of paragraph  
42 (a), SUBPARAGRAPH (III) OF PARAGRAPH (A-1) or paragraph (b) of subdivi-  
43 sion two applies, such written documentation shall be provided to the  
44 department within ten days after the date of installation of the rewir-  
45 ing and transfer switch required to be installed under subdivision two  
46 of this section and every two years thereafter.

47 6. Rules and regulations; notification of applicability. The commis-  
48 sioner shall have the authority, with the assistance of the commissioner  
49 of transportation, the commissioner of homeland security and emergency  
50 services, the president of the New York state energy research and devel-  
51 opment authority, the secretary of state and the chair of the public  
52 service commission, to promulgate such rules and regulations as the  
53 commissioner shall deem necessary to effectuate the purposes of this  
54 section. The commissioner shall by June first, two thousand thirteen:  
55 (a) notify by first class mail all existing retail outlets that appear  
56 to meet the criteria specified in subdivision two of this section of the

1 requirements of this section and include with such notification any  
2 other information deemed necessary by the commissioner, including infor-  
3 mation regarding applicability criteria, compliance measures and poten-  
4 tial grant assistance; (b) provide a list of all such retail outlets to  
5 the governor, the temporary president of the senate and the speaker of  
6 the assembly; and (c) post such list on the department's website,  
7 PROVIDED HOWEVER THAT FOR RETAIL OUTLETS SUBJECT TO PARAGRAPH (A-1) OF  
8 SUBDIVISION TWO OF THIS SECTION, SUCH ACTIONS SHALL OCCUR BY JUNE FIRST,  
9 TWO THOUSAND FOURTEEN. If approval of federal mitigation funds or other  
10 approved resources for the program established under subdivision twenty  
11 of section eighteen hundred fifty-four of the public authorities law  
12 occurs after June first, two thousand thirteen, the commissioner shall  
13 provide additional notification of such approval within thirty days. Any  
14 retailer of a retail outlet specified on such list shall be subject to  
15 the requirements of this section unless he or she provides written  
16 documentation to the department by August first, two thousand thirteen  
17 proving that such outlet does not qualify, or is eligible for an  
18 exemption pursuant to paragraph (e) of subdivision two of this section;  
19 PROVIDED HOWEVER THAT FOR RETAIL OUTLETS SUBJECT TO PARAGRAPH (A-1) OF  
20 SUBDIVISION TWO OF THIS SECTION, ANY RETAILER OF A RETAIL OUTLET SPECI-  
21 FIED ON SUCH LIST SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS SECTION  
22 UNLESS HE OR SHE PROVIDES WRITTEN DOCUMENTATION TO THE DEPARTMENT BY  
23 AUGUST FIRST, TWO THOUSAND FOURTEEN PROVING THAT SUCH OUTLET DOES NOT  
24 QUALIFY. The commissioner shall update such list every five years ther-  
25 eafter, OR MORE FREQUENTLY AS THE COMMISSIONER DEEMS NECESSARY, and  
26 notify all new retail outlets that become subject to the requirements of  
27 this section; provided, however, that compliance with the requirements  
28 of this section is not conditioned on such notification.

29 7. Violations and penalties. Any retailer who violates any provision  
30 of this section, or any rule or regulation promulgated hereunder, shall  
31 be liable to the people of the state for a civil penalty of up to one  
32 thousand five hundred dollars per day for every such violation, to be  
33 assessed by the commissioner, after a hearing or opportunity to be heard  
34 upon due notice and with the right to representation by counsel. In  
35 determining the amount of civil penalty, the commissioner shall take  
36 into consideration mitigating factors, such as the availability of gaso-  
37 line at the retail outlet, provided that the retailer did not refuse  
38 such delivery, and the extent to which the retailer's action or inaction  
39 contributed to the violation. Such penalty may be recovered in an action  
40 brought by the attorney general at the request and in the name of the  
41 commissioner in any court of competent jurisdiction. Such civil penalty  
42 may be released or compromised by the commissioner before the matter has  
43 been referred to the attorney general. Additionally, after such hearing  
44 and a finding that such retailer has violated the provisions of this  
45 section, or of any rule or regulation promulgated thereunder, the  
46 commissioner may issue and cause to be served upon such person an order  
47 enjoining such person from violating such provisions and taking all  
48 necessary actions for such person to come into compliance with such  
49 provisions. Any such order of the commissioner may be enforced in an  
50 action brought by the attorney general at the request and in the name of  
51 the commissioner in any court of competent jurisdiction.

52 Notwithstanding the foregoing, such retailer shall not be in violation  
53 of subdivision three of this section if he or she is unable to deploy,  
54 install or operate an alternate generated power source because of uncon-  
55 trollable circumstances, including but not limited to, restrictions  
56 imposed by public safety officers to address an emergency situation or

that such retail station is made unsafe or unable to operate due to acts of God, fires, floods, explosions or the safety of personnel needed to operate such retail outlet. Additionally, such retailer shall not be in violation of subdivision three of this section if he or she is a participant in the program established under subdivision twenty-one of section eighteen hundred fifty-four of the public authorities law and a generator is not provided to the retailer due to the prioritization allowed under such subdivision or through no fault of the retailer.

8. This section shall not be construed to require any retailer to maintain set business hours in the event of an energy or fuel supply emergency.

9. The provisions of this section shall supersede all local laws or ordinances in the downstate region AND IN COUNTIES IN THE UPSTATE REGION WHOSE RETAIL OUTLETS ARE SUBJECT TO THE PROVISIONS OF THIS SECTION relating to the installation and deployment of an alternate generated power source or any related electrical or other equipment at any retail outlet.

10. The requirements of this section shall be contingent on the approval of federal mitigation funds or other approved resources for the program established under subdivision twenty of section eighteen hundred fifty-four of the public authorities law. In the event such approval does not occur as of June first, two thousand thirteen, all deadlines with a date of April first, two thousand fourteen shall be delayed by the amount of time such approval is delayed past June first, two thousand thirteen.

S 3. Subdivisions 20 and 21 of section 1854 of the public authorities law, as added by section 3 of part S of chapter 58 of the laws of 2013, are amended to read as follows:

20. To administer a program, using funds provided for such purpose, to provide a grant based on standards and guidelines established by the authority for costs as follows:

(a) for each retail outlet that is in operation before April first, two thousand fourteen and is subject to the requirements of paragraph (a) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law AND FOR EACH RETAIL OUTLET THAT IS IN OPERATION BEFORE APRIL FIRST, TWO THOUSAND FIFTEEN AND IS SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (A-1) OF SUBDIVISION TWO OF SECTION ONE HUNDRED NINETY-TWO-H OF THE AGRICULTURE AND MARKETS LAW:

(i) no greater than ten thousand dollars required to prewire such retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law; or

(ii) no greater than thirteen thousand dollars required to prewire such retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law and purchase such power source to be permanently affixed at the site.

(b) for each retail outlet that is in operation before April first, two thousand fourteen and is subject to the requirements of paragraph (b) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law, no greater than ten thousand dollars required to: (i) prewire an existing retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law; and/or (ii) purchase such power source to be permanently affixed at the site.

(c) to the extent funds are available, for retail outlets that become operational on or after April first, two thousand fourteen, or to which subdivision two of section one hundred ninety-two-h of the agriculture and markets law becomes applicable after the effective date of this subdivision, which grants shall otherwise be subject to the same amounts, purposes and restrictions as paragraphs (a) and (b) of this subdivision.

The authority may offer any funds provided for such purpose and not expended to retail outlets that are not required to comply with the requirements of subdivision two of section one hundred ninety-two-h of the agriculture and markets law but that seek to participate in such program.

21. To administer a program to establish a pool of generators for retail outlets as defined in section one hundred ninety-two-h of the agriculture and markets law. The authority may enter into or facilitate contracts, lease agreements and any other instruments subject to the provisions of law, with companies providing generators and generator services to provide for such pool and the deployment and installation of generators in the pool. Retail outlets that elect to participate in the program and are subject to the requirements of PARAGRAPH (A-1) OF SUBDIVISION TWO OR paragraph (a) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law shall be required only to pay the actual cost of generator rental, deployment and installation in the event that emergency deployment is required, provided, that a participant must abide by the terms of any contract or written agreement covering the rental, deployment and installation of such generator. In the event that an insufficient number of generators is available to meet required emergency deployment, the authority in consultation with the commissioner of homeland security and emergency services shall prioritize such retail outlets as are most essential to public safety and well-being during the energy or fuel supply emergency. When generators from such program are deployed, the authority shall provide public notice on its website, to the media and through other means practicable of those retail outlets where generators are deployed.

S 4. This act shall take effect immediately.

#### PART N

Section 1. Section 2 of chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, as amended by section 1 of part P of chapter 58 of the laws of 2013, is amended to read as follows:

S 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 and shall expire March 31, [2014] 2015.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2014.

#### PART O

Section 1. Paragraph (g) of section 104 of the business corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

(g) The department shall make, certify and transmit ELECTRONICALLY a copy of each such instrument to the clerk of the county in which the office of the domestic or foreign corporation is or is to be located. The county clerk shall file and index such copy.

S 2. Paragraph (g) of section 104 of the not-for-profit corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

(g) The department shall make, certify and transmit ELECTRONICALLY a copy of each such instrument to the clerk of the county in which the office of the domestic or foreign corporation is or is to be located. The county clerk shall file and index such copy.

S 3. This act shall take effect immediately.

#### PART P

Section 1. Subdivision 2 of section 160-f of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

2. Notwithstanding any other law, the department may transmit an annual registry fee [of not more than twenty-five dollars] AS SET BY THE FEDERAL APPRAISAL SUBCOMMITTEE IN ACCORDANCE WITH 12 U.S.C. 3338 (A)(4)(A) from such individuals who perform or seek to perform appraisals in federally related transactions and to transmit a roster of such individuals to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council as required by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

S 2. This act shall take effect immediately.

#### PART Q

Section 1. Notwithstanding any other law, rule or regulation to the contrary, expenses of the department of health public service education program incurred pursuant to appropriations from the cable television account of the state miscellaneous special revenue funds shall be deemed expenses of the department of public service.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014.

#### PART R

Section 1. Section 5 of the public service law is amended by adding a new subdivision 7 to read as follows:

7. (A) THE COMMISSION MAY, AFTER NOTICE AND HEARING, FORBEAR FROM APPLYING THE PROVISIONS OF SUBDIVISION TWO OF SECTION NINETY-ONE AND SECTION NINETY-TWO, NINETY-NINE, ONE HUNDRED, ONE HUNDRED ONE OR ONE HUNDRED ONE-A OF THIS CHAPTER TO A TELEPHONE CORPORATION, TELEPHONE SERVICE, OR CLASS OF TELEPHONE CORPORATIONS OR TELEPHONE SERVICES AS DEFINED IN COMMISSION REGULATIONS, IN ANY GEOGRAPHIC MARKET UPON A DETERMINATION THAT:

(I) APPLICATION OF A PROVISION IS NOT NECESSARY TO ENSURE JUST AND REASONABLE RATES AND CHARGES AND RATES THAT ARE NOT UNJUSTLY OR UNREASONABLY DISCRIMINATORY;

(II) APPLICATION OF A PROVISION IS NOT NECESSARY FOR PROTECTION OF CONSUMERS; AND

(III) FORBEARANCE FROM APPLYING A PROVISION IS CONSISTENT WITH THE PUBLIC INTEREST, INCLUDING, BUT NOT LIMITED TO, PROMOTION OF COMPETITIVE MARKET CONDITIONS AND COMPETITION AMONG PROVIDERS OF TELEPHONE SERVICES.

(B) ANY TELEPHONE CORPORATION OR SUCH CLASS OF TELEPHONE CORPORATIONS MAY PETITION THE COMMISSION FOR EXERCISE OF THE AUTHORITY GRANTED UNDER THIS SUBDIVISION.

S 2. Paragraph (d) of subdivision 5 of section 52 of the public service law, as added by chapter 186 of the laws of 1995, is amended to read as follows:

(d) when such determination follows a customer complaint regarding a shared meter condition or a utility discovery of a shared meter condition that is not in response to an owner's request for a utility inspection for a shared meter condition, with respect to utility service billed after December first, nineteen hundred ninety-six, the utility shall comply with the provisions of paragraphs (a), (b) and (c) of this subdivision, and further bill the owner and refund to the shared meter customer an estimated amount of THE charges for [twelve months] TWENTY-FIVE PERCENT of all service measured by the shared meter FOR TWELVE MONTHS; provided, however, that this paragraph shall not apply to a shared meter condition if service measured through the shared meter is minimal under commission rules adopted pursuant to subdivision eight of this section[. An owner so billed] OR IN THE EVENT AN OWNER, PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION, IS EXCUSED FROM CORRECTING THE SHARED METER CONDITION BY A LEGAL PROHIBITION OR EXORBITANT COST AS DEFINED BY COMMISSION RULES ADOPTED PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION. A SHARED METER CUSTOMER may petition the commission or its designee for a determination that the amount of such [bill is excessive] ASSESSMENT IS UNSATISFACTORY and that such bill and refund be adjusted [accordingly]; provided, however, [neither the adjusted bill nor] THAT the adjusted refund shall [be less than twenty-five percent of] NOT EXCEED the total amount of the original bill. [The commission is authorized to make such a determination and adjustment if it finds that a bill and refund of twelve months' charges is unduly burdensome and unfair.] In making such determination the commission or its designee shall consider the total amount of the bill and refund in relation to the shared area charges over such twelve month period and any other equitable factors established by the commission; and

S 3. Section 221 of the public service law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

S 221. Certificate of confirmation. 1. Except as provided in this section, no person shall exercise a franchise, and no such franchise shall be effective, [until the commission has confirmed such franchise. A person wishing to exercise a franchise shall file with the commission an application for a certificate of confirmation in such form and containing such information and supportive documentation as the commission may require. The application shall be accompanied by proof of service thereof upon the franchisor and by such fee as the commission may set] UNLESS A COPY OF SUCH FRANCHISE HAS BEEN APPROVED BY THE MUNICIPALITY, AND PROPERLY FILED WITH THE COMMISSION WITHIN THIRTY DAYS OF MUNICIPAL APPROVAL. SUCH FRANCHISE SHALL BE SUBJECT, AT A MINIMUM, TO THE FRANCHISING STANDARDS SET FORTH IN THIS ARTICLE AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER BY THE COMMISSION.

2. A FRANCHISE SHALL BE DEEMED GRANTED FORTY-FIVE DAYS AFTER THE FRANCHISE IS FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION UNLESS THE COMMISSION, OR ITS DESIGNEE, DETERMINES WITHIN SUCH FORTY-FIVE DAY PERI-

OD THAT THE PUBLIC INTEREST REQUIRES THE COMMISSION'S REVIEW AND WRITTEN ORDER.

[2.] 3. The commission may hold a public hearing on any application for a certificate of confirmation if it determines that such a hearing is in the public interest. The commission shall fix the time and place for such a hearing and cause notice thereof to be given to the applicant, the chief executive officer of the municipality issuing the franchise and such other persons as the commission may deem appropriate. Testimony may be taken and evidence received at such a hearing pursuant to such rules and procedures as the commission may establish.

[3.] 4. [The commission shall issue a] A certificate of confirmation of the franchise [unless it finds that (a) the applicant, (b) the proposed cable television system, or (c) the proposed franchise does not conform to the standards established in the regulations promulgated by the commission pursuant to subdivision two of section two hundred fifteen, or that operation of the proposed cable television system by the applicant under the proposed cable television system by the applicant under the proposed franchise would be in violation of law, any regulation or standard promulgated by the commission or the public interest.] SHALL BE DEEMED CONFIRMED FORTY-FIVE DAYS AFTER THE FRANCHISE IS FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION UNLESS THE COMMISSION, OR ITS DESIGNEE, DETERMINES WITHIN SUCH FORTY-FIVE DAY PERIOD THAT THE PUBLIC INTEREST REQUIRES THE COMMISSION'S REVIEW AND WRITTEN ORDER.

[4.] 5. The commission may issue a certificate of confirmation contingent upon compliance with standards, terms or conditions set by the commission which it determines would not have been met by the applicant, system or franchise as proposed.

[5.] 6. In the event the commission refuses to issue a certificate of confirmation, it shall set forth in writing the reasons for its decision.

[6. Any cable television company which, pursuant to any existing franchise, (i) was lawfully engaged in actual operations for (ii) had commenced substantial construction (as such term is defined by the commission) of a cable television system on January first, nineteen hundred seventy-two may continue to exercise said franchise pursuant to the terms thereof, provided such company files with the commission, on or before July first, nineteen hundred seventy-three an application in such form and containing such information and supporting documentation as the commission may require. The commission shall issue a certificate of confirmation to such a cable television company valid for five years without further proceedings, which certificate may be renewed by the commission on application for five year terms pursuant to the provisions of section two hundred twenty-two.

7. Notwithstanding any other provisions of this article, any cable television company engaged in actual and lawful nonfranchised cable television operations on April first, nineteen hundred seventy-three, that applied for a certificate of confirmation on or before September first, nineteen hundred seventy-four and received a certificate, valid for a five year period, may continue to operate within the limits of the area in which it was actually rendering service on April first, nineteen hundred seventy-three, as determined by the commission. Such a certificate of confirmation may be renewed by the commission on application for five year terms pursuant to the provisions of section two hundred twenty-two of this article. Any such company which failed to file an application pursuant to this section on or before September first, nineteen hundred seventy-four, shall thereafter be prohibited from continu-



ing operation of a nonfranchised cable television system, provided however, that the commission may authorize such continued nonfranchised operation in extraordinary circumstances for such periods as the commission may deem appropriate.

8. Nothing in this section shall be deemed to validate a franchise not granted in accordance with law or affect any claims in litigation on January first, nineteen hundred seventy-three. No confirmation under this section shall preclude invalidation of any franchise illegally obtained.

9.] 7. Confirmation by the commission and duties performed by the commission with respect to its regulation of cable television providers under this article shall not be deemed to constitute "supervision of the state department of public service" for the purpose of the meaning of such phrase as it is used in describing those utilities which are subject to tax on a gross income basis under section one hundred eighty-six-a of the tax law or pursuant to section twenty-b of the general city law and subdivision one of section [five hundred thirty] 5-530 of the village law.

S 4. Section 222 of the public service law is REPEALED and a new section 222 is added to read as follows:

S 222. RENEWAL OR AMENDMENT OF FRANCHISES. 1. EXCEPT AS PROVIDED IN THIS SECTION, NO PERSON SHALL RENEW OR AMEND A FRANCHISE RENEWAL, AND NO SUCH RENEWAL OR AMENDMENT SHALL BE EFFECTIVE, UNLESS A COPY OF SUCH RENEWAL OR AMENDMENT HAS BEEN APPROVED BY THE MUNICIPALITY, AND PROPERLY FILED WITH THE COMMISSION WITHIN THIRTY DAYS OF MUNICIPAL APPROVAL. SUCH RENEWAL OR AMENDMENT SHALL BE SUBJECT, AT A MINIMUM, TO THE FRANCHISING STANDARDS SET FORTH IN THIS ARTICLE AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER BY THE COMMISSION.

2. RENEWALS AND AMENDMENTS SHALL BE DEEMED GRANTED FORTY-FIVE DAYS AFTER THE RENEWAL OR AMENDMENT IS FILED PURSUANT TO SUBDIVISION ONE OF THIS SECTION UNLESS THE COMMISSION, OR ITS DESIGNEE, DETERMINES WITHIN SUCH FORTY-FIVE DAY PERIOD THAT THE PUBLIC INTEREST REQUIRES THE COMMISSION'S REVIEW AND WRITTEN ORDER.

S 5. The public service law is amended by adding a new section 222-a to read as follows:

S 222-A. TRANSFER OF FRANCHISES AND TRANSFER OF CONTROL OVER FRANCHISES AND SYSTEM PROPERTIES. 1. NO TRANSFER OF ANY FRANCHISE, OR ANY TRANSFER OF CONTROL OF A FRANCHISE OR CERTIFICATE OF CONFIRMATION OR OF FACILITIES CONSTITUTING A SIGNIFICANT PART OF ANY CABLE TELEVISION SYSTEM SHALL BE EFFECTIVE WITHOUT THE PRIOR APPROVAL OF THE COMMISSION. SUCH APPROVAL SHALL BE REQUIRED IN ADDITION TO ANY MUNICIPAL APPROVAL REQUIRED UNDER THE FRANCHISE OR BY LAW. FOR THE PURPOSES OF THIS SECTION, A MERGER OR CONSOLIDATION OF TWO OR MORE CABLE TELEVISION COMPANIES SHALL BE DEEMED TO BE A TRANSFER OF THE FRANCHISES OR CERTIFICATES GRANTED TO SUCH COMPANIES.

2. A PERSON WISHING TO TRANSFER A FRANCHISE, OR TO TRANSFER CONTROL OF A FRANCHISE OR OF A SUBSTANTIAL PART OF THE FACILITIES THEREOF SHALL FILE WITH THE COMMISSION AN APPLICATION FOR APPROVAL OF SUCH CHANGE, IN SUCH FORM AND CONTAINING SUCH INFORMATION AND SUPPORTING DOCUMENTS AS THE COMMISSION MAY REQUIRE. THE APPLICATION SHALL BE ACCOMPANIED BY PROOF OF SERVICE THEREOF UPON THE FRANCHISOR, IF ANY, AND BY SUCH FEE AS THE COMMISSION MAY SET. THE COMMISSION MAY HOLD A PUBLIC HEARING ON ANY SUCH APPLICATION.

3. THE COMMISSION SHALL APPROVE THE APPLICATION UNLESS IT FINDS THAT THE APPLICANT, THE PROPOSED TRANSFEREE OR THE CABLE TELEVISION SYSTEM DOES NOT CONFORM TO THE STANDARDS ESTABLISHED IN THE REGULATIONS PROMUL-

1 GATED BY THE COMMISSION PURSUANT TO THIS ARTICLE OR THAT APPROVAL WOULD  
2 BE IN VIOLATION OF LAW, ANY REGULATION OR STANDARD PROMULGATED BY THE  
3 COMMISSION OR THE PUBLIC INTEREST, PROVIDED HOWEVER, THAT A FAILURE TO  
4 CONFORM TO THE STANDARDS ESTABLISHED IN THE REGULATIONS PROMULGATED BY  
5 THE COMMISSION SHALL NOT PRECLUDE APPROVAL OF ANY SUCH APPLICATION IF  
6 THE COMMISSION FINDS THAT SUCH APPROVAL WOULD SERVE THE PUBLIC INTEREST.

7 4. THE COMMISSION MAY APPROVE THE APPLICATION CONTINGENT UPON COMPLI-  
8 ANCE WITH STANDARDS, TERMS OR CONDITIONS SET BY THE COMMISSION WHICH IT  
9 DETERMINES WOULD NOT HAVE BEEN MET BY THE PROPOSED TRANSFER OF A FRAN-  
10 CHISE.

11 5. IN THE EVENT THE COMMISSION REFUSES TO APPROVE THE APPLICATION, IT  
12 SHALL SET FORTH IN WRITING THE REASONS FOR ITS DECISION.

13 6. APPROVAL OF A TRANSFER OF A FRANCHISE UNDER THIS SECTION SHALL NOT  
14 PRECLUDE INVALIDATION OF A FRANCHISE ILLEGALLY OBTAINED.

15 S 6. This act shall take effect immediately; provided, however, that  
16 sections three, four and five of this act shall apply to franchises  
17 filed on or after the date this act shall have become a law.

18 PART S

19 Section 1. Paragraphs (a) and (b) of subdivision 6 of section 18-a of  
20 the public service law, paragraph (a) as amended by section 1 of part BB  
21 of chapter 59 of the laws of 2013 and paragraph (b) as amended by  
22 section 2 of part A of chapter 173 of the laws of 2013, are amended to  
23 read as follows:

24 (a) Notwithstanding any provision of law to the contrary, and subject  
25 to the exceptions provided for in paragraph (b) of this subdivision, for  
26 the state fiscal year beginning on April first, two thousand nine and  
27 eight state fiscal years thereafter, a temporary annual assessment  
28 (hereinafter "temporary state energy and utility service conservation  
29 assessment") is hereby imposed on public utility companies [(including  
30 for the purposes of this subdivision municipalities other than municipi-  
31 palities as defined in section eighty-nine-1 of this chapter)], corpo-  
32 rations (including for purposes of this subdivision the Long Island  
33 power authority), and persons subject to the commission's regulation  
34 (hereinafter such public utility companies, corporations, and persons  
35 are referred to collectively as the "utility entities") to encourage the  
36 conservation of energy and other resources provided through utility  
37 entities, to be assessed in the manner provided in this subdivision;  
38 provided, however, that such assessment shall not be imposed upon (1) A  
39 telephone [corporations as defined in subdivision seventeen of section  
40 two of this article] CORPORATION, AND (2) A WATER-WORKS CORPORATION; AND  
41 PROVIDED, FURTHER, THAT SUCH ASSESSMENT SHALL NOT BE IMPOSED UPON THE  
42 GROSS OPERATING REVENUES DERIVED FROM: (I) AN ELECTRIC CUSTOMER ACCOUNT  
43 WITH A MONTHLY PEAK DEMAND OF ONE THOUSAND KILOWATTS OR MORE IN THE LAST  
44 PRECEDING CALENDAR YEAR AS DETERMINED PURSUANT TO THE UTILITY ENTITY'S  
45 TARIFF, AND (II) A GAS CUSTOMER ACCOUNT WITH AN ANNUAL CONSUMPTION IN  
46 THE LAST PRECEDING CALENDAR YEAR OF ONE HUNDRED THOUSAND DEKATHERMS OR  
47 MORE AS DETERMINED PURSUANT TO THE UTILITY ENTITY'S TARIFF.

48 (b) The temporary state energy and utility service conservation  
49 assessment shall APPLY ONLY TO THOSE CORPORATIONS AND GROSS OPERATING  
50 REVENUES NOT EXEMPTED IN PARAGRAPH (A) OF THIS SUBDIVISION AND SHALL be  
51 based upon the following percentum of the utility entity's gross operat-  
52 ing revenues derived from intrastate utility operations in the last  
53 preceding calendar year, minus the amount, if any, that such utility  
54 entity is assessed pursuant to subdivisions one and two of this section

1 for the corresponding state fiscal year period: (1) two percentum for  
2 the state fiscal year beginning April first, two thousand thirteen;  
3 [and] (2) 1.89 PERCENTUM FOR the state fiscal year beginning April  
4 first, two thousand fourteen; [(2) one and three-quarters] (3) 1.13  
5 percentum for the state fiscal year beginning April first, two thousand  
6 fifteen; and [(3) one and one-half] (4) 0.83 percentum for the state  
7 fiscal year beginning April first, two thousand sixteen. A PAYMENT FOR  
8 SUCH ASSESSMENT RECEIVED BY A UTILITY ENTITY FOR THE STATE FISCAL YEAR  
9 BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN AND THEREAFTER FOR (I)  
10 ELECTRIC CUSTOMER ACCOUNTS WITH A MONTHLY PEAK DEMAND OF ONE THOUSAND  
11 KILOWATTS OR MORE IN THE LAST PRECEDING CALENDAR YEAR AS DETERMINED  
12 PURSUANT TO THE UTILITY ENTITY'S TARIFF, AND (II) GAS CUSTOMER ACCOUNTS  
13 WITH AN ANNUAL CONSUMPTION IN THE LAST PRECEDING CALENDAR YEAR OF ONE  
14 HUNDRED THOUSAND DEKATHERMS OR MORE AS DETERMINED PURSUANT TO THE UTILI-  
15 TY ENTITY'S TARIFF, SHALL BE CREDITED TO SUCH CUSTOMER BY THE UTILITY  
16 ENTITY, NO LESS FREQUENTLY THAN SEMI-ANNUALLY AND IN SUCH MANNER AND  
17 FORM AS MAY BE DETERMINED BY THE DEPARTMENT. With respect to the tempo-  
18 rary state energy and utility service conservation assessment to be paid  
19 for the state fiscal year beginning April first, two thousand seventeen  
20 and notwithstanding clause (i) of paragraph (d) of this subdivision, on  
21 or before March tenth, two thousand seventeen, utility entities shall  
22 make a payment equal to one-half of the assessment paid by such entities  
23 pursuant to this paragraph for the state fiscal year beginning on April  
24 first, two thousand sixteen. With respect to the Long Island power  
25 authority, the temporary state energy and utility service conservation  
26 assessment shall APPLY ONLY TO THE GROSS OPERATING REVENUES NOT EXEMPTED  
27 IN PARAGRAPH (A) OF THIS SUBDIVISION AND SHALL be based upon the follow-  
28 ing percentum of such authority's gross operating revenues derived from  
29 intrastate utility operations in the last preceding calendar year, minus  
30 the amount, if any, that such authority is assessed pursuant to subdivi-  
31 sions one-a and two of this section for the corresponding state fiscal  
32 year period: (1) one percentum for the state fiscal year beginning April  
33 first, two thousand thirteen; [and] (2) 0.95 PERCENTUM FOR the state  
34 fiscal year beginning April first, two thousand fourteen; [(2) three-  
35 quarters of one] (3) 0.54 percentum for the state fiscal year beginning  
36 April first, two thousand fifteen; and [(3) one-half] (4) 0.36 percentum  
37 for the state fiscal year beginning April first, two thousand sixteen;  
38 provided, however, that should the amount assessed by the department for  
39 costs and expenses pursuant to such subdivisions equal or exceed such  
40 authority's temporary state energy and utility service conservation  
41 assessment for a particular fiscal year, the amount to be paid under  
42 this subdivision by such authority shall be zero. A PAYMENT FOR SUCH  
43 ASSESSMENT RECEIVED FOR THE STATE FISCAL YEAR BEGINNING APRIL FIRST, TWO  
44 THOUSAND FOURTEEN AND THEREAFTER FOR ELECTRIC CUSTOMER ACCOUNTS WITH A  
45 MONTHLY PEAK DEMAND OF ONE THOUSAND KILOWATTS OR MORE IN THE LAST  
46 PRECEDING CALENDAR YEAR AS DETERMINED BY THE AUTHORITY'S TARIFF SHALL BE  
47 CREDITED TO SUCH CUSTOMER BY THE AUTHORITY, NO LESS FREQUENTLY THAN  
48 SEMI-ANNUALLY AND IN SUCH MANNER AND FORM AS MAY BE DETERMINED BY THE  
49 AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT. With respect to the  
50 temporary state energy and utility service conservation assessment to be  
51 paid for the state fiscal year beginning April first, two thousand  
52 seventeen and notwithstanding clause (i) of paragraph (d) of this subdivi-  
53 sion, on or before March tenth, two thousand seventeen, the Long  
54 Island power authority shall make a payment equal to one-half of the  
55 assessment it paid for the state fiscal year beginning on April first,  
56 two thousand sixteen. No corporation or person subject to the jurisdic-

tion of the commission only with respect to safety, or the power authority of the state of New York, shall be subject to the temporary state energy and utility service conservation assessment provided for under this subdivision. Utility entities whose gross operating revenues from intrastate utility operations are five hundred thousand dollars or less in the preceding calendar year shall not be subject to the temporary state energy and utility service conservation assessment. The minimum temporary state energy and utility service conservation assessment to be billed to any utility entity whose gross revenues from intrastate utility operations are in excess of five hundred thousand dollars in the preceding calendar year shall be two hundred dollars.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014; provided, however, that the amendments to subdivision 6 of section 18-a of the public service law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith.

## PART T

Section 1. The opening paragraph of section 5102 of the insurance law is amended and a new subsection (n) is added to read as follows:

In this [chapter] ARTICLE:

(N) "PROVIDER OF HEALTH SERVICES" MEANS AN INDIVIDUAL OR ENTITY WHO OR THAT RENDERS OR HAS RENDERED HEALTH SERVICES.

S 2. Section 5109 of the insurance law, as added by chapter 423 of the laws of 2005, is amended to read as follows:

S 5109. Unauthorized providers of health services. (a) [The superintendent, in consultation with the commissioner of health and the commissioner of education, shall by regulation, promulgate standards and procedures for investigating and suspending or removing the authorization for providers of health services to demand or request payment for health services as specified in paragraph one of subsection (a) of section five thousand one hundred two of this article upon findings reached after investigation pursuant to this section. Such regulations shall ensure the same or greater due process provisions, including notice and opportunity to be heard, as those afforded physicians investigated under article two of the workers' compensation law and shall include provision for notice to all providers of health services of the provisions of this section and regulations promulgated thereunder at least ninety days in advance of the effective date of such regulations] AS USED IN THIS SECTION, "HEALTH SERVICES" MEANS SERVICES, SUPPLIES, THERAPIES, OR OTHER TREATMENTS AS SPECIFIED IN SUBPARAGRAPH (I), (II), OR (IV) OF PARAGRAPH ONE OF SUBSECTION (A) OF SECTION FIVE THOUSAND ONE HUNDRED TWO OF THIS ARTICLE.

(b) [The commissioner of health and the commissioner of education shall provide a list of the names of all providers of health services who the commissioner of health and the commissioner of education shall deem, after reasonable investigation, not authorized to demand or request any payment for medical services in connection with any claim under this article because such] THE SUPERINTENDENT MAY PROHIBIT A provider of health services FROM DEMANDING OR REQUESTING PAYMENT FOR HEALTH SERVICES RENDERED UNDER THIS ARTICLE, FOR A PERIOD SPECIFIED BY THE SUPERINTENDENT, IF THE SUPERINTENDENT DETERMINES, AFTER NOTICE AND HEARING, THAT THE PROVIDER OF HEALTH SERVICES:

(1) has ADMITTED TO, OR been FOUND guilty of, professional [or other] misconduct [or incompetency], AS DEFINED IN THE EDUCATION LAW, in

1 connection with [medical] HEALTH services rendered under this article;  
2 [or]

3 (2) [has exceeded the limits of his or her professional competence in  
4 rendering medical care under this article or] has knowingly made a false  
5 statement or representation as to a material fact in any medical report  
6 made, OR DOCUMENT SUBMITTED, in connection with any claim under this  
7 article; or

8 (3) solicited, or [has] employed another PERSON to solicit for  
9 [himself or herself] THE PROVIDER OF HEALTH SERVICES or [for] another  
10 INDIVIDUAL OR ENTITY, professional treatment, examination or care of [an  
11 injured] A person in connection with any claim under this article; [or]

12 (4) [has] refused to appear before, or [to] answer ANY QUESTION upon  
13 request of, the [commissioner of health, the] superintendent[,], or any  
14 duly authorized officer of [the] THIS state, [any legal question,] or  
15 REFUSED to produce any relevant information concerning [his or her] THE  
16 conduct OF THE PROVIDER OF HEALTH SERVICES in connection with [rendering  
17 medical] HEALTH services RENDERED under this article; [or]

18 (5) [has] engaged in [patterns] A PATTERN of billing for:

19 (A) HEALTH services [which] ALLEGED TO HAVE BEEN RENDERED UNDER THIS  
20 ARTICLE, WHEN THE HEALTH SERVICES were not [provided.] RENDERED; OR

21 (B) UNNECESSARY HEALTH SERVICES;

22 (6) UTILIZED UNLICENSED PERSONS TO RENDER HEALTH SERVICES UNDER THIS  
23 ARTICLE, WHEN ONLY A PERSON LICENSED IN THIS STATE MAY RENDER THE HEALTH  
24 SERVICES;

25 (7) UTILIZED LICENSED PERSONS TO RENDER HEALTH SERVICES, WHEN RENDER-  
26 ING THE HEALTH SERVICES IS BEYOND THE AUTHORIZED SCOPE OF THE PERSON'S  
27 LICENSE;

28 (8) DIRECTLY OR INDIRECTLY CEDED OWNERSHIP OR CONTROL OF A BUSINESS  
29 ENTITY AUTHORIZED TO PROVIDE PROFESSIONAL HEALTH SERVICES IN THIS STATE,  
30 INCLUDING A PROFESSIONAL SERVICE CORPORATION, PROFESSIONAL LIMITED  
31 LIABILITY COMPANY, OR REGISTERED LIMITED LIABILITY PARTNERSHIP, TO A  
32 PERSON NOT LICENSED TO RENDER THE HEALTH SERVICES WHICH THE ENTITY IS  
33 LEGALLY AUTHORIZED TO PROVIDE, EXCEPT WHERE THE UNLICENSED PERSON'S  
34 OWNERSHIP OR CONTROL IS OTHERWISE PERMITTED BY LAW;

35 (9) HAS BEEN CONVICTED OF OR PLED GUILTY TO ANY CRIME OR VIOLATION OF  
36 THE PENAL LAW IN CONNECTION WITH HEALTH SERVICES RENDERED UNDER THIS  
37 ARTICLE;

38 (10) HAS BEEN CONVICTED OF A CRIME INVOLVING FRAUDULENT OR DISHONEST  
39 PRACTICES; OR

40 (11) VIOLATED ANY PROVISION OF THIS ARTICLE OR REGULATIONS PROMULGATED  
41 THEREUNDER.

42 (c) [Providers] A PROVIDER of health services shall [refrain from  
43 subsequently treating for remuneration, as a private patient, any person  
44 seeking medical treatment] NOT DEMAND OR REQUEST PAYMENT FROM THE  
45 PATIENT, ANY INSURER, OR ANY OTHER PERSON FOR ANY HEALTH SERVICES under  
46 this article [if such provider pursuant to this section has been prohib-  
47 ited from demanding or requesting any payment for medical services under  
48 this article. An injured claimant so treated or examined may raise this  
49 as] THAT ARE RENDERED DURING THE TERM OF THE PROHIBITION ORDERED BY THE  
50 SUPERINTENDENT PURSUANT TO SUBSECTION (B) OF THIS SECTION. THE PROHIBI-  
51 TION ORDERED BY THE SUPERINTENDENT MAY BE a defense in any action by  
52 [such] THE provider OF HEALTH SERVICES for payment for [treatment  
53 rendered at any time after such provider has been prohibited from  
54 demanding or requesting payment for medical services in connection with  
55 any claim under this article] SUCH HEALTH SERVICES.

(d) The [commissioner of health and the commissioner of education] SUPERINTENDENT shall maintain [and regularly update] a database containing a list of providers of health services prohibited by this section from demanding or requesting any payment for health services [connected to a claim] RENDERED under this article and shall make [such] THE information available to the public [by means of a website and by a toll free number].

(e) THE SUPERINTENDENT MAY LEVY A CIVIL PENALTY NOT EXCEEDING TEN THOUSAND DOLLARS FOR EACH OFFENSE ON ANY PROVIDER OF HEALTH SERVICES THAT THE SUPERINTENDENT PROHIBITS FROM DEMANDING OR REQUESTING PAYMENT FOR HEALTH SERVICES PURSUANT TO SUBSECTION (B) OF THIS SECTION. ANY CIVIL PENALTY IMPOSED FOR A FRAUDULENT INSURANCE ACT AS DEFINED IN SECTION 176.05 OF THE PENAL LAW SHALL BE LEVIED PURSUANT TO ARTICLE FOUR OF THIS CHAPTER.

(F) Nothing in this section shall be construed as limiting in any respect the powers and duties of the commissioner of health, commissioner of education or the superintendent to investigate instances of misconduct by a [health care] provider [and, after a hearing and upon written notice to the provider, to temporarily prohibit a provider of health services under such investigation from demanding or requesting any payment for medical services under this article for up to ninety days from the date of such notice] OF HEALTH SERVICES AND TAKE APPROPRIATE ACTION PURSUANT TO ANY OTHER PROVISION OF LAW. A DETERMINATION OF THE SUPERINTENDENT PURSUANT TO SUBSECTION (B) OF THIS SECTION SHALL NOT BE BINDING UPON THE COMMISSIONER OF HEALTH OR COMMISSIONER OF EDUCATION IN A PROFESSIONAL DISCIPLINE PROCEEDING RELATING TO THE SAME CONDUCT.

S 3. Paragraph 1 of subsection (a) of section 308 of the insurance law, as amended by chapter 499 of the laws of 2009, is amended to read as follows:

(1) The superintendent may also address to any health maintenance organization, life settlement provider, life settlement intermediary or its officers, ANY PROVIDER OF HEALTH SERVICES WHO DEMANDS OR REQUESTS PAYMENT FOR HEALTH SERVICES RENDERED UNDER ARTICLE FIFTY-ONE OF THIS CHAPTER, or any authorized insurer or rate service organization, or officers thereof, any inquiry in relation to its transactions or condition or any matter connected therewith. Every corporation or person so addressed shall reply in writing to such inquiry promptly and truthfully, and such reply shall be, if required by the superintendent, subscribed by such individual, or by such officer or officers of a corporation, as the superintendent shall designate, and affirmed by them as true under the penalties of perjury.

S 4. The insurance law is amended by adding a new section 5110 to read as follows:

S 5110. EXAMINATIONS OF PROVIDERS OF HEALTH SERVICES; WHEN AUTHORIZED OR REQUIRED. (A) THE SUPERINTENDENT MAY MAKE AN EXAMINATION, INCLUDING AN AUDIT OR UNANNOUNCED INSPECTION, INTO THE AFFAIRS OF ANY PROVIDER OF HEALTH SERVICES THAT DEMANDS OR REQUESTS PAYMENT FOR HEALTH SERVICES RENDERED UNDER THIS ARTICLE AS OFTEN AS THE SUPERINTENDENT DEEMS IT EXPEDIENT FOR THE PROTECTION OF THE INTERESTS OF THE PEOPLE OF THIS STATE. AS USED IN THIS SECTION, "HEALTH SERVICES" MEANS SERVICES, SUPPLIES, THERAPIES, OR OTHER TREATMENTS AS SPECIFIED IN SUBPARAGRAPH (I), (II), OR (IV) OF PARAGRAPH ONE OF SUBSECTION (A) OF SECTION FIVE THOUSAND ONE HUNDRED TWO OF THIS ARTICLE.

(B)(1) WHENEVER THE SUPERINTENDENT SHALL DETERMINE TO EXAMINE THE AFFAIRS OF ANY PROVIDER OF HEALTH SERVICES, THE SUPERINTENDENT SHALL MAKE AN ORDER INDICATING THE SCOPE OF THE EXAMINATION AND MAY APPOINT AS

EXAMINERS ONE OR MORE PERSONS NOT EMPLOYED BY ANY PROVIDER OF HEALTH SERVICES OR INSURER OR INTERESTED IN ANY PROVIDER OF HEALTH SERVICES OR INSURER, EXCEPT AS A POLICYHOLDER. A COPY OF SUCH ORDER SHALL UPON DEMAND BE EXHIBITED TO THE PROVIDER OF HEALTH SERVICES WHOSE AFFAIRS ARE TO BE EXAMINED BEFORE THE EXAMINATION BEGINS.

(2) ANY EXAMINER AUTHORIZED BY THE SUPERINTENDENT SHALL BE GIVEN CONVENIENT ACCESS AT ALL REASONABLE HOURS TO THE BOOKS, RECORDS, FILES, SECURITIES AND OTHER DOCUMENTS OF SUCH PROVIDER OF HEALTH SERVICES THAT ARE RELEVANT TO THE EXAMINATION, AND SHALL HAVE POWER TO ADMINISTER OATHS AND TO EXAMINE UNDER OATH ANY OFFICER OR AGENT OF SUCH PROVIDER OF HEALTH SERVICES, AND ANY OTHER PERSON HAVING CUSTODY OR CONTROL OF SUCH DOCUMENTS, REGARDING ANY MATTER RELEVANT TO THE EXAMINATION.

(3) THE OFFICERS AND AGENTS OF SUCH PROVIDER OF HEALTH SERVICES SHALL FACILITATE SUCH EXAMINATION AND AID SUCH EXAMINERS IN CONDUCTING THE SAME SO FAR AS IT IS IN THEIR POWER TO DO SO.

(4) THE REFUSAL OF ANY PROVIDER OF HEALTH SERVICES TO SUBMIT TO EXAMINATION SHALL BE GROUNDS FOR THE SUPERINTENDENT PROHIBITING THE PROVIDER OF HEALTH SERVICES FROM DEMANDING OR REQUESTING PAYMENT FOR HEALTH SERVICES RENDERED UNDER THIS ARTICLE PURSUANT TO SECTION FIVE THOUSAND ONE HUNDRED NINE OF THIS ARTICLE.

(5) AN EXAMINATION SHALL BE CONDUCTED CONSISTENT WITH ALL APPLICABLE STATE AND FEDERAL PRIVACY LAWS.

(6) THIS SECTION SHALL NOT APPLY TO A GENERAL HOSPITAL, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO THOUSAND EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW, OR A PROVIDER OF HEALTH SERVICES THAT SUBMITTED LESS THAN FIFTY CLAIMS IN THE PRIOR CALENDAR YEAR FOR HEALTH SERVICES RENDERED UNDER THIS ARTICLE.

S 5. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect on the sixtieth day after it shall have become a law.

## PART U

Section 1. Paragraphs 11, 12, 13, 14, 16 and 17 of subsection (a) of section 3217-a of the insurance law, as added by chapter 705 of the laws of 1996, are amended and four new paragraphs 16-a, 18, 19 and 20 are added to read as follows:

(11) where applicable, notice that an insured enrolled in a managed care product OR IN A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF PROVIDERS offered by the insurer may obtain a referral [to] OR PREAUTHORIZATION FOR a health care provider outside of the insurer's network or panel when the insurer does not have a health care provider [with] WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE INSURED AND WHO HAS THE appropriate ESSENTIAL LEVEL OF training and experience in the network or panel to meet the particular health care needs of the insured and the procedure by which the insured can obtain such referral OR PREAUTHORIZATION;

(12) where applicable, notice that an insured enrolled in a managed care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF PROVIDERS offered by the insurer with a condition which requires ongoing care from a specialist may request a standing referral to such a specialist and the procedure for requesting and obtaining such a standing referral;

(13) where applicable, notice that an insured enrolled in a managed care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF PROVIDERS offered by the insurer with [(i)] (A) a life-threatening

1 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
2 tion or disease, either of which requires specialized medical care over  
3 a prolonged period of time may request a specialist responsible for  
4 providing or coordinating the insured's medical care and the procedure  
5 for requesting and obtaining such a specialist;

6 (14) where applicable, notice that an insured enrolled in a managed  
7 care product OR A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF  
8 PROVIDERS offered by the insurer with [(i)] (A) a life-threatening  
9 condition or disease, or [(ii)] (B) a degenerative and disabling condi-  
10 tion or disease, either of which requires specialized medical care over  
11 a prolonged period of time, may request access to a specialty care  
12 center and the procedure by which such access may be obtained;

13 (16) notice of all appropriate mailing addresses and telephone numbers  
14 to be utilized by insureds seeking information or authorization; [and]

15 (16-A) WHERE APPLICABLE, NOTICE THAT AN INSURED SHALL HAVE DIRECT  
16 ACCESS TO PRIMARY AND PREVENTIVE OBSTETRIC AND GYNECOLOGIC SERVICES,  
17 INCLUDING ANNUAL EXAMINATIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINA-  
18 TIONS, AND TREATMENT OF ACUTE GYNECOLOGIC CONDITIONS, FROM A QUALIFIED  
19 PROVIDER OF SUCH SERVICES OF HER CHOICE FROM WITHIN THE PLAN OR FOR ANY  
20 CARE RELATED TO A PREGNANCY;

21 (17) where applicable, a listing by specialty, which may be in a sepa-  
22 rate document that is updated annually, of the name, address, and tele-  
23 phone number of all participating providers, including facilities, and  
24 in addition, in the case of physicians, board certification[.],  
25 LANGUAGES SPOKEN AND ANY AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE  
26 LISTING SHALL ALSO BE POSTED ON THE INSURER'S WEBSITE AND THE INSURER  
27 SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF THE ADDITION OR TERMI-  
28 NATION OF A PROVIDER FROM THE INSURER'S NETWORK OR A CHANGE IN A PHYSI-  
29 CIAN'S HOSPITAL AFFILIATION;

30 (18) A DESCRIPTION OF THE METHOD BY WHICH AN INSURED MAY SUBMIT A  
31 CLAIM FOR HEALTH CARE SERVICES;

32 (19) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

33 (A) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE INSURER TO  
34 DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

35 (B) A DESCRIPTION OF THE AMOUNT THAT THE INSURER WILL REIMBURSE UNDER  
36 THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET FORTH AS A  
37 PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH  
38 CARE SERVICES; AND

39 (C) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY BILLED  
40 OUT-OF-NETWORK HEALTH CARE SERVICES; AND

41 (20) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT  
42 REASONABLY PERMITS AN INSURED OR PROSPECTIVE INSURED TO DETERMINE THE  
43 ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES  
44 IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN  
45 WHAT THE INSURER WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE SERVICES  
46 AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE  
47 SERVICES.

48 S 2. Paragraphs 11 and 12 of subsection (b) of section 3217-a of the  
49 insurance law, as added by chapter 705 of the laws of 1996, are amended  
50 and two new paragraphs 13 and 14 are added to read as follows:

51 (11) where applicable, provide the written application procedures and  
52 minimum qualification requirements for health care providers to be  
53 considered by the insurer for participation in the insurer's network for  
54 a managed care product; [and]



(12) disclose such other information as required by the superintendent, provided that such requirements are promulgated pursuant to the state administrative procedure act[.];

(13) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

(14) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE, DISCLOSE THE DOLLAR AMOUNT THAT THE INSURER WILL PAY FOR A SPECIFIC OUT-OF-NETWORK HEALTH CARE SERVICE.

S 3. Section 3217-a of the insurance law is amended by adding a new subsection (f) to read as follows:

(F) FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW.

S 4. Section 3217-d of the insurance law is amended by adding a new subsection (d) to read as follows:

(D) AN INSURER THAT ISSUES A COMPREHENSIVE POLICY THAT UTILIZES A NETWORK OF PROVIDERS AND IS NOT A MANAGED CARE HEALTH INSURANCE CONTRACT AS DEFINED IN SUBSECTION (C) OF SECTION FOUR THOUSAND EIGHT HUNDRED ONE OF THIS CHAPTER, SHALL PROVIDE ACCESS TO OUT-OF-NETWORK SERVICES CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (A) OF SECTION FOUR THOUSAND EIGHT HUNDRED FOUR OF THIS CHAPTER, SUBSECTIONS (G-6) AND (G-7) OF SECTION FOUR THOUSAND NINE HUNDRED OF THIS CHAPTER, SUBSECTIONS (A-1) AND (A-2) OF SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS CHAPTER, PARAGRAPHS THREE AND FOUR OF SUBSECTION (B) OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS CHAPTER, AND SUBPARAGRAPHS (C) AND (D) OF PARAGRAPH FOUR OF SUBSECTION (B) OF SECTION FOUR THOUSAND NINE HUNDRED FOURTEEN OF THIS CHAPTER.

S 5. Section 3224-a of the insurance law is amended by adding a new subsection (j) to read as follows:

(J) AN INSURER OR AN ORGANIZATION OR CORPORATION LICENSED OR CERTIFIED PURSUANT TO ARTICLE FORTY-THREE OR FORTY-SEVEN OF THIS CHAPTER OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER SHALL ACCEPT CLAIMS SUBMITTED BY A POLICYHOLDER OR COVERED PERSON, IN WRITING, INCLUDING THROUGH THE INTERNET, BY ELECTRONIC MAIL OR BY FACSIMILE.

S 6. The insurance law is amended by adding a new section 3241 to read as follows:

S 3241. NETWORK COVERAGE. (A) AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER, THAT ISSUES A HEALTH INSURANCE POLICY OR CONTRACT WITH A NETWORK OF HEALTH CARE PROVIDERS SHALL ENSURE THAT THE NETWORK IS ADEQUATE TO MEET THE HEALTH NEEDS OF INSURED AND PROVIDE AN APPROPRIATE CHOICE OF PROVIDERS SUFFICIENT TO RENDER THE SERVICES COVERED UNDER THE POLICY OR CONTRACT. THE SUPERINTENDENT SHALL REVIEW THE NETWORK OF HEALTH CARE PROVIDERS FOR ADEQUACY AT THE TIME OF THE SUPERINTENDENT'S INITIAL APPROVAL OF A

1 HEALTH INSURANCE POLICY OR CONTRACT; AT LEAST EVERY THREE YEARS THERE-  
2 AFTER; AND UPON APPLICATION FOR EXPANSION OF ANY SERVICE AREA ASSOCIATED  
3 WITH THE POLICY OR CONTRACT IN CONFORMANCE WITH THE STANDARDS SET FORTH  
4 IN SUBDIVISION FIVE OF SECTION FOUR THOUSAND FOUR HUNDRED THREE OF THE  
5 PUBLIC HEALTH LAW. TO THE EXTENT THAT THE NETWORK HAS BEEN DETERMINED  
6 BY THE COMMISSIONER OF HEALTH TO MEET THE STANDARDS SET FORTH IN SUBDI-  
7 VISION FIVE OF SECTION FOUR THOUSAND FOUR HUNDRED THREE OF THE PUBLIC  
8 HEALTH LAW, SUCH NETWORK SHALL BE DEEMED ADEQUATE BY THE SUPERINTENDENT.

9 (B)(1) AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-  
10 THREE OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN  
11 CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH  
12 MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE  
13 PUBLIC HEALTH LAW OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED  
14 PURSUANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAP-  
15 TER, THAT ISSUES A COMPREHENSIVE GROUP OR GROUP REMITTANCE HEALTH INSUR-  
16 ANCE POLICY OR CONTRACT THAT COVERS OUT-OF-NETWORK HEALTH CARE SERVICES  
17 SHALL MAKE AVAILABLE AND, IF REQUESTED BY THE POLICYHOLDER OR CONTRACT-  
18 HOLDER, PROVIDE COVERAGE FOR AT LEAST SEVENTY PERCENT OF THE USUAL AND  
19 CUSTOMARY COST OF EACH OUT-OF-NETWORK HEALTH CARE SERVICE AFTER IMPOSI-  
20 TION OF A DEDUCTIBLE OR ANY PERMISSIBLE BENEFIT MAXIMUM.

21 (2) FOR THE PURPOSES OF THIS SUBSECTION, "USUAL AND CUSTOMARY COST"  
22 SHALL MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR  
23 HEALTH CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR  
24 SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A  
25 BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED  
26 BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFIL-  
27 IATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE OF  
28 THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED  
29 PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH MAINTENANCE  
30 ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC  
31 HEALTH LAW OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT  
32 TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER.

33 (3) THIS SUBSECTION SHALL NOT APPLY TO EMERGENCY CARE SERVICES IN  
34 HOSPITAL FACILITIES OR PREHOSPITAL EMERGENCY MEDICAL SERVICES AS DEFINED  
35 IN CLAUSE (I) OF SUBPARAGRAPH (E) OF PARAGRAPH TWENTY-FOUR OF SUBSECTION  
36 (I) OF SECTION THREE THOUSAND TWO HUNDRED SIXTEEN OF THIS ARTICLE, OR  
37 CLAUSE (I) OF SUBPARAGRAPH (E) OF PARAGRAPH FIFTEEN OF SUBSECTION (L) OF  
38 SECTION THREE THOUSAND TWO HUNDRED TWENTY-ONE OF THIS CHAPTER, OR  
39 SUBPARAGRAPH (A) OF PARAGRAPH FIVE OF SUBSECTION (AA) OF SECTION FOUR  
40 THOUSAND THREE HUNDRED THREE OF THIS CHAPTER.

41 (4) NOTHING IN THIS SUBSECTION SHALL LIMIT THE SUPERINTENDENT'S  
42 AUTHORITY PURSUANT TO SECTION THREE THOUSAND TWO HUNDRED SEVENTEEN OF  
43 THIS ARTICLE TO ESTABLISH MINIMUM STANDARDS FOR THE FORM, CONTENT AND  
44 SALE OF ACCIDENT AND HEALTH INSURANCE POLICIES AND SUBSCRIBER CONTRACTS,  
45 TO REQUIRE ADDITIONAL COVERAGE OPTIONS FOR OUT-OF-NETWORK SERVICES, OR  
46 TO PROVIDE FOR STANDARDIZATION AND SIMPLIFICATION OF COVERAGE.

47 (C) WHEN AN INSURED OR ENROLLEE UNDER A CONTRACT OR POLICY THAT  
48 PROVIDES COVERAGE FOR EMERGENCY SERVICES RECEIVES THE SERVICES FROM A  
49 HEALTH CARE PROVIDER THAT DOES NOT PARTICIPATE IN THE PROVIDER NETWORK  
50 OF AN INSURER, A CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE  
51 OF THIS CHAPTER, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED  
52 PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER, A HEALTH MAINTENANCE  
53 ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC  
54 HEALTH LAW, OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT  
55 TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER ("HEALTH  
56 CARE PLAN"), THE HEALTH CARE PLAN SHALL ENSURE THAT THE INSURED OR

1 ENROLLEE SHALL INCUR NO GREATER OUT-OF-POCKET COSTS FOR THE EMERGENCY  
2 SERVICES THAN THE INSURED OR ENROLLEE WOULD HAVE INCURRED WITH A HEALTH  
3 CARE PROVIDER THAT PARTICIPATES IN THE HEALTH CARE PLAN'S PROVIDER  
4 NETWORK. FOR THE PURPOSE OF THIS SECTION, "EMERGENCY SERVICES" SHALL  
5 HAVE THE MEANING SET FORTH IN SUBPARAGRAPH (D) OF PARAGRAPH NINE OF  
6 SUBSECTION (I) OF SECTION THREE THOUSAND TWO HUNDRED SIXTEEN OF THIS  
7 ARTICLE, SUBPARAGRAPH (D) OF PARAGRAPH FOUR OF SUBSECTION (K) OF SECTION  
8 THREE THOUSAND TWO HUNDRED TWENTY-ONE OF THIS ARTICLE, AND SUBPARAGRAPH  
9 (D) OF PARAGRAPH TWO OF SUBSECTION (A) OF SECTION FOUR THOUSAND THREE  
10 HUNDRED THREE OF THIS CHAPTER.

11 S 7. Section 4306-c of the insurance law is amended by adding a new  
12 subsection (d) to read as follows:

13 (D) A CORPORATION, INCLUDING A MUNICIPAL COOPERATIVE HEALTH BENEFIT  
14 PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS CHAPTER AND A  
15 STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION ONE  
16 THOUSAND ONE HUNDRED TWENTY-FOUR OF THIS CHAPTER, THAT ISSUES A COMPRE-  
17 HENSIVE POLICY THAT UTILIZES A NETWORK OF PROVIDERS AND IS NOT A MANAGED  
18 CARE HEALTH INSURANCE CONTRACT AS DEFINED IN SUBSECTION (C) OF SECTION  
19 FOUR THOUSAND EIGHT HUNDRED ONE OF THIS CHAPTER, SHALL PROVIDE ACCESS TO  
20 OUT-OF-NETWORK SERVICES CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION  
21 (A) OF SECTION FOUR THOUSAND EIGHT HUNDRED FOUR OF THIS CHAPTER,  
22 SUBSECTIONS (G-6) AND (G-7) OF SECTION FOUR THOUSAND NINE HUNDRED OF  
23 THIS CHAPTER, SUBSECTIONS (A-1) AND (A-2) OF SECTION FOUR THOUSAND NINE  
24 HUNDRED FOUR OF THIS CHAPTER, PARAGRAPHS THREE AND FOUR OF SUBSECTION  
25 (B) OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS CHAPTER, AND  
26 SUBPARAGRAPHS (C) AND (D) OF PARAGRAPH FOUR OF SUBSECTION (B) OF SECTION  
27 FOUR THOUSAND NINE HUNDRED FOURTEEN OF THIS CHAPTER.

28 S 8. Paragraphs 11, 12, 13, 14, 16-a, 17, and 18 of subsection (a) of  
29 section 4324 of the insurance law, paragraphs 11, 12, 13, 14, 17 and 18  
30 as added by chapter 705 of the laws of 1996, paragraph 16-a as added by  
31 chapter 554 of the laws of 2002, are amended and three new paragraphs  
32 19, 20 and 21 are added to read as follows:

33 (11) where applicable, notice that a subscriber enrolled in a managed  
34 care product OR IN A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF  
35 PROVIDERS offered by the corporation may obtain a referral [to] OR  
36 PREAUTHORIZATION FOR a health care provider outside of the corporation's  
37 network or panel when the corporation does not have a health care  
38 provider [with] WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE INSURED AND WHO  
39 HAS THE appropriate ESSENTIAL LEVEL OF training and experience in the  
40 network or panel to meet the particular health care needs of the  
41 subscriber and the procedure by which the subscriber can obtain such  
42 referral OR PREAUTHORIZATION;

43 (12) where applicable, notice that a subscriber enrolled in a managed  
44 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF  
45 PROVIDERS offered by the corporation with a condition which requires  
46 ongoing care from a specialist may request a standing referral to such a  
47 specialist and the procedure for requesting and obtaining such a stand-  
48 ing referral;

49 (13) where applicable, notice that a subscriber enrolled in a managed  
50 care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF  
51 PROVIDERS offered by the corporation with (i) a life-threatening condi-  
52 tion or disease, or (ii) a degenerative and disabling condition or  
53 disease, either of which requires specialized medical care over a  
54 prolonged period of time may request a specialist responsible for  
55 providing or coordinating the subscriber's medical care and the proce-  
56 dure for requesting and obtaining such a specialist;

(14) where applicable, notice that a subscriber enrolled in a managed care product OR A COMPREHENSIVE CONTRACT THAT UTILIZES A NETWORK OF PROVIDERS offered by the corporation with [(i)] (A) a life-threatening condition or disease, or [(ii)] (B) a degenerative and disabling condition or disease, either of which requires specialized medical care over a prolonged period of time may request access to a specialty care center and the procedure by which such access may be obtained;

(16-a) where applicable, notice that an enrollee shall have direct access to primary and preventive obstetric and gynecologic services, INCLUDING ANNUAL EXAMINATIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINATIONS, AND TREATMENT OF ACUTE GYNECOLOGIC CONDITIONS, from a qualified provider of such services of her choice from within the plan [for no fewer than two examinations annually for such services] or [to] FOR any care related to A pregnancy [and that additionally, the enrollee shall have direct access to primary and preventive obstetric and gynecologic services required as a result of such annual examinations or as a result of an acute gynecologic condition];

(17) where applicable, a listing by specialty, which may be in a separate document that is updated annually, of the name, address, and telephone number of all participating providers, including facilities, and in addition, in the case of physicians, board certification[; and], LANGUAGES SPOKEN AND ANY AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE LISTING SHALL ALSO BE POSTED ON THE CORPORATION'S WEBSITE AND THE CORPORATION SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF THE ADDITION OR TERMINATION OF A PROVIDER FROM THE CORPORATION'S NETWORK OR A CHANGE IN A PHYSICIAN'S HOSPITAL AFFILIATION;

(18) a description of the mechanisms by which subscribers may participate in the development of the policies of the corporation[.];

(19) A DESCRIPTION OF THE METHOD BY WHICH A SUBSCRIBER MAY SUBMIT A CLAIM FOR HEALTH CARE SERVICES;

(20) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

(A) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE CORPORATION TO DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

(B) A DESCRIPTION OF THE AMOUNT THAT THE CORPORATION WILL REIMBURSE UNDER THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET FORTH AS A PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES; AND

(C) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY BILLED OUT-OF-NETWORK HEALTH CARE SERVICES; AND

(21) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT REASONABLY PERMITS A SUBSCRIBER OR PROSPECTIVE SUBSCRIBER TO DETERMINE THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN WHAT THE CORPORATION WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES.

S 9. Paragraphs 11 and 12 of subsection (b) of section 4324 of the insurance law, as added by chapter 705 of the laws of 1996, are amended and two new paragraphs 13 and 14 are added to read as follows:

(11) where applicable, provide the written application procedures and minimum qualification requirements for health care providers to be considered by the corporation for participation in the corporation's network for a managed care product; [and]

(12) disclose such other information as required by the superintendent, provided that such requirements are promulgated pursuant to the state administrative procedure act[.];

1 (13) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A  
2 HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

3 (14) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE,  
4 DISCLOSE THE DOLLAR AMOUNT THAT THE CORPORATION WILL PAY FOR A SPECIFIC  
5 OUT-OF-NETWORK HEALTH CARE SERVICE.

6 S 10. Section 4324 of the insurance law is amended by adding a new  
7 subsection (f) to read as follows:

8 (F) FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL  
9 MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH  
10 CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY  
11 AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A BENCHMARKING  
12 DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPER-  
13 INTENDENT. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFILIATED WITH AN  
14 INSURER, A CORPORATION SUBJECT TO THIS ARTICLE, A MUNICIPAL COOPERATIVE  
15 HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THIS  
16 CHAPTER, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO  
17 ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW.

18 S 10-a. Subsection (a) of section 4804 of the insurance law, as added  
19 by chapter 705 of the laws of 1996, is amended to read as follows:

20 (a) If an insurer offering a managed care product determines that it  
21 does not have a health care provider in the in-network benefits portion  
22 of its network with appropriate training and experience to meet the  
23 particular health care needs of an insured, the insurer shall make a  
24 referral to an appropriate provider, pursuant to a treatment plan  
25 approved by the insurer in consultation with the primary care provider,  
26 the non-participating provider and the insured or the insured's desig-  
27 nee, at no additional cost to the insured beyond what the insured would  
28 otherwise pay for services received within the network. NOTHING IN THIS  
29 SUBSECTION SHALL BE CONSTRUED TO ENTITLE AN INSURED TO A REFERRAL TO THE  
30 INSURED'S PREFERRED PROVIDER, WHERE THAT PROVIDER IS OUT-OF-NETWORK.  
31 THE PROVISIONS OF THIS SUBSECTION SHALL ONLY APPLY IF THERE IS NO  
32 IN-NETWORK PROVIDER GEOGRAPHICALLY ACCESSIBLE TO THE INSURED WHO HAS THE  
33 APPROPRIATE ESSENTIAL LEVEL OF TRAINING AND EXPERIENCE TO MEET THE  
34 PARTICULAR NEEDS OF THE INSURED.

35 S 11. Subsection (g-7) of section 4900 of the insurance law is redes-  
36 igned subsection (g-8) and a new subsection (g-7) is added to read as  
37 follows:

38 (G-7) "OUT-OF-NETWORK REFERRAL DENIAL" MEANS A DENIAL UNDER A MANAGED  
39 CARE PRODUCT AS DEFINED IN SUBSECTION (C) OF SECTION FOUR THOUSAND EIGHT  
40 HUNDRED ONE OF THIS CHAPTER OF A REQUEST FOR AN AUTHORIZATION OR REFER-  
41 RAL TO AN OUT-OF-NETWORK PROVIDER ON THE BASIS THAT THE HEALTH CARE PLAN  
42 HAS A HEALTH CARE PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS  
43 NETWORK WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR  
44 HEALTH CARE NEEDS OF AN INSURED, AND WHO IS ABLE TO PROVIDE THE  
45 REQUESTED HEALTH SERVICE. THE NOTICE OF AN OUT-OF-NETWORK REFERRAL  
46 DENIAL PROVIDED TO AN INSURED SHALL INCLUDE INFORMATION EXPLAINING WHAT  
47 INFORMATION THE INSURED MUST SUBMIT IN ORDER TO APPEAL THE OUT-OF-NET-  
48 WORK REFERRAL DENIAL PURSUANT TO SUBSECTION (A-2) OF SECTION FOUR THOU-  
49 SAND NINE HUNDRED FOUR OF THIS ARTICLE. AN OUT-OF-NETWORK REFERRAL  
50 DENIAL UNDER THIS SUBSECTION DOES NOT CONSTITUTE AN ADVERSE DETERMI-  
51 NATION AS DEFINED IN THIS ARTICLE. AN OUT-OF-NETWORK REFERRAL DENIAL  
52 SHALL NOT BE CONSTRUED TO INCLUDE AN OUT-OF-NETWORK DENIAL AS DEFINED IN  
53 SUBSECTION (G-6) OF THIS SECTION.

54 S 12. Subsection (b) of section 4903 of the insurance law, as amended  
55 by chapter 514 of the laws of 2013, is amended to read as follows:

1 (b) A utilization review agent shall make a utilization review deter-  
2 mination involving health care services which require pre-authorization  
3 and provide notice of a determination to the insured or insured's desig-  
4 nee and the insured's health care provider by telephone and in writing  
5 within three business days of receipt of the necessary information. To  
6 the extent practicable, such written notification to the enrollee's  
7 health care provider shall be transmitted electronically, in a manner  
8 and in a form agreed upon by the parties. THE NOTIFICATION SHALL IDEN-  
9 TIFY: (1) WHETHER THE SERVICES ARE CONSIDERED IN-NETWORK OR OUT-OF-NET-  
10 WORK; (2) WHETHER THE INSURED WILL BE HELD HARMLESS FOR THE SERVICES AND  
11 NOT BE RESPONSIBLE FOR ANY PAYMENT, OTHER THAN ANY APPLICABLE CO-PAY-  
12 MENT, CO-INSURANCE OR DEDUCTIBLE; (3) AS APPLICABLE, THE DOLLAR AMOUNT  
13 THE HEALTH CARE PLAN WILL PAY IF THE SERVICE IS OUT-OF-NETWORK; AND (4)  
14 AS APPLICABLE, INFORMATION EXPLAINING HOW AN INSURED MAY DETERMINE THE  
15 ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES  
16 IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN  
17 WHAT THE HEALTH CARE PLAN WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE  
18 SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE  
19 SERVICES.

20 S 13. Section 4904 of the insurance law is amended by adding a new  
21 subsection (a-2) to read as follows:

22 (A-2) AN INSURED OR THE INSURED'S DESIGNEE MAY APPEAL AN OUT-OF-NET-  
23 WORK REFERRAL DENIAL BY A HEALTH CARE PLAN BY SUBMITTING A WRITTEN  
24 STATEMENT FROM THE INSURED'S ATTENDING PHYSICIAN, WHO MUST BE A  
25 LICENSED, BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRAC-  
26 TICE IN THE SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE INSURED  
27 FOR THE HEALTH SERVICE SOUGHT, PROVIDED THAT: (1) THE IN-NETWORK HEALTH  
28 CARE PROVIDER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT  
29 HAVE THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR  
30 HEALTH CARE NEEDS OF THE INSURED FOR THE HEALTH SERVICE; AND (2) RECOM-  
31 MENDS AN OUT-OF-NETWORK PROVIDER WITH THE APPROPRIATE TRAINING AND EXPE-  
32 RIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE INSURED, AND WHO  
33 IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

34 S 14. Subsection (b) of section 4910 of the insurance law is amended  
35 by adding a new paragraph 4 to read as follows:

36 (4)(A) THE INSURED HAS HAD AN OUT-OF-NETWORK REFERRAL DENIED ON THE  
37 GROUNDS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE  
38 IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND  
39 EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED, AND  
40 WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

41 (B) THE INSURED'S ATTENDING PHYSICIAN, WHO SHALL BE A LICENSED, BOARD  
42 CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRACTICE IN THE  
43 SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE INSURED FOR THE  
44 HEALTH SERVICE SOUGHT, CERTIFIES THAT THE IN-NETWORK HEALTH CARE PROVID-  
45 ER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT HAVE THE  
46 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
47 NEEDS OF AN INSURED, AND RECOMMENDS AN OUT-OF-NETWORK PROVIDER WITH THE  
48 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
49 NEEDS OF AN INSURED, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH  
50 SERVICE.

51 S 15. Paragraph 4 of subsection (b) of section 4914 of the insurance  
52 law is amended by adding a new subparagraph (D) to read as follows:

53 (D) FOR EXTERNAL APPEALS REQUESTED PURSUANT TO PARAGRAPH FOUR OF  
54 SUBSECTION (B) OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS TITLE  
55 RELATING TO AN OUT-OF-NETWORK REFERRAL DENIAL, THE EXTERNAL APPEAL AGENT  
56 SHALL REVIEW THE UTILIZATION REVIEW AGENT'S FINAL ADVERSE DETERMINATION

1 AND, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, SHALL MAKE A  
2 DETERMINATION AS TO WHETHER THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED  
3 BY THE HEALTH PLAN; PROVIDED THAT SUCH DETERMINATION SHALL:

4 (I) BE CONDUCTED ONLY BY ONE OR A GREATER ODD NUMBER OF CLINICAL PEER  
5 REVIEWERS;

6 (II) BE ACCOMPANIED BY A WRITTEN STATEMENT:

7 (I) THAT THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED BY THE HEALTH  
8 CARE PLAN EITHER WHEN THE REVIEWER OR A MAJORITY OF THE PANEL OF REVIEW-  
9 ERS DETERMINES, UPON REVIEW OF THE TRAINING AND EXPERIENCE OF THE  
10 IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS PROPOSED BY THE PLAN, THE  
11 TRAINING AND EXPERIENCE OF THE REQUESTED OUT-OF-NETWORK PROVIDER, THE  
12 CLINICAL STANDARDS OF THE PLAN, THE INFORMATION PROVIDED CONCERNING THE  
13 INSURED, THE ATTENDING PHYSICIAN'S RECOMMENDATION, THE INSURED'S MEDICAL  
14 RECORD, AND ANY OTHER PERTINENT INFORMATION, THAT THE HEALTH PLAN DOES  
15 NOT HAVE A PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET  
16 THE PARTICULAR HEALTH CARE NEEDS OF AN INSURED WHO IS ABLE TO PROVIDE  
17 THE REQUESTED HEALTH SERVICE, AND THAT THE OUT-OF-NETWORK PROVIDER HAS  
18 THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH  
19 CARE NEEDS OF AN INSURED, IS ABLE TO PROVIDE THE REQUESTED HEALTH  
20 SERVICE, AND IS LIKELY TO PRODUCE A MORE CLINICALLY BENEFICIAL OUTCOME;  
21 OR

22 (II) UPHOLDING THE HEALTH PLAN'S DENIAL OF COVERAGE;

23 (III) BE SUBJECT TO THE TERMS AND CONDITIONS GENERALLY APPLICABLE TO  
24 BENEFITS UNDER THE EVIDENCE OF COVERAGE UNDER THE HEALTH CARE PLAN;

25 (IV) BE BINDING ON THE PLAN AND THE INSURED; AND

26 (V) BE ADMISSIBLE IN ANY COURT PROCEEDING.

27 S 16. The public health law is amended by adding a new section 23 to  
28 read as follows:

29 S 23. CLAIM FORMS. A PHYSICIAN SHALL INCLUDE A CLAIM FORM FOR A  
30 THIRD-PARTY PAYOR WITH A PATIENT BILL FOR HEALTH CARE SERVICES, OTHER  
31 THAN A BILL FOR THE PATIENT'S CO-PAYMENT, COINSURANCE OR DEDUCTIBLE.

32 S 17. The public health law is amended by adding a new section 24 to  
33 read as follows:

34 S 24. DISCLOSURE. 1. A HEALTH CARE PROFESSIONAL SHALL DISCLOSE TO  
35 PATIENTS OR PROSPECTIVE PATIENTS IN WRITING OR THROUGH AN INTERNET  
36 WEBSITE THE HEALTH CARE PLANS IN WHICH THE HEALTH CARE PROFESSIONAL IS A  
37 PARTICIPATING PROVIDER AND THE HOSPITALS WITH WHICH THE HEALTH CARE  
38 PROFESSIONAL IS AFFILIATED PRIOR TO THE PROVISION OF NON-EMERGENCY  
39 SERVICES AND VERBALLY AT THE TIME AN APPOINTMENT IS SCHEDULED.

40 2. IF A HEALTH CARE PROFESSIONAL DOES NOT PARTICIPATE IN THE NETWORK  
41 OF A PATIENT'S OR PROSPECTIVE PATIENT'S HEALTH CARE PLAN, THE HEALTH  
42 CARE PROFESSIONAL SHALL: (A) PRIOR TO THE PROVISION OF NON-EMERGENCY  
43 SERVICES, INFORM A PATIENT OR PROSPECTIVE PATIENT THAT THE AMOUNT OR  
44 ESTIMATED AMOUNT THE HEALTH CARE PROFESSIONAL WILL BILL THE PATIENT FOR  
45 HEALTH CARE SERVICES IS AVAILABLE UPON REQUEST; AND (B) UPON RECEIPT OF  
46 A REQUEST FROM A PATIENT OR PROSPECTIVE PATIENT, DISCLOSE TO THE PATIENT  
47 OR PROSPECTIVE PATIENT IN WRITING THE AMOUNT OR ESTIMATED AMOUNT THE  
48 HEALTH CARE PROFESSIONAL WILL BILL THE PATIENT OR PROSPECTIVE PATIENT  
49 FOR HEALTH CARE SERVICES PROVIDED OR ANTICIPATED TO BE PROVIDED TO THE  
50 PATIENT OR PROSPECTIVE PATIENT ABSENT UNFORESEEN MEDICAL CIRCUMSTANCES  
51 THAT MAY ARISE WHEN THE HEALTH CARE SERVICES ARE PROVIDED.

52 3. A HEALTH CARE PROFESSIONAL WHO IS A PHYSICIAN SHALL PROVIDE A  
53 PATIENT OR PROSPECTIVE PATIENT WITH THE NAME, PRACTICE NAME, MAILING  
54 ADDRESS, AND TELEPHONE NUMBER OF ANY HEALTH CARE PROVIDER SCHEDULED TO  
55 PERFORM ANESTHESIOLOGY, LABORATORY, PATHOLOGY, RADIOLOGY OR ASSISTANT  
56 SURGEON SERVICES IN CONNECTION WITH CARE TO BE PROVIDED IN THE PHYSI-

1 CIAN'S OFFICE FOR THE PATIENT OR COORDINATED OR REFERRED BY THE PHYSI-  
2 CIAN FOR THE PATIENT PRIOR TO THE PROVISION OF SERVICES.

3 4. A HEALTH CARE PROFESSIONAL WHO IS A PHYSICIAN SHALL, FOR A  
4 PATIENT'S SCHEDULED HOSPITAL ADMISSION OR SCHEDULED OUTPATIENT HOSPITAL  
5 SERVICES, PROVIDE A PATIENT AND THE HOSPITAL WITH THE NAME, PRACTICE  
6 NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF ANY OTHER PHYSICIAN WHOSE  
7 SERVICES WILL BE ARRANGED BY THE PHYSICIAN AND ARE SCHEDULED AT THE TIME  
8 OF THE PRE-ADMISSION TESTING, REGISTRATION OR ADMISSION PRIOR TO THE  
9 PROVISION OF SERVICES; AND INFORMATION AS TO HOW TO DETERMINE THE  
10 HEALTHCARE PLANS IN WHICH THE PHYSICIAN PARTICIPATES.

11 5. A HOSPITAL SHALL ESTABLISH, UPDATE AND MAKE PUBLIC THROUGH POSTING  
12 ON THE HOSPITAL'S WEBSITE, TO THE EXTENT REQUIRED BY FEDERAL GUIDELINES,  
13 A LIST OF THE HOSPITAL'S STANDARD CHARGES FOR ITEMS AND SERVICES  
14 PROVIDED BY THE HOSPITAL, INCLUDING FOR DIAGNOSIS-RELATED GROUPS ESTAB-  
15 LISHED UNDER SECTION 1886(D)(4) OF THE FEDERAL SOCIAL SECURITY ACT.

16 6. A HOSPITAL SHALL POST ON THE HOSPITAL'S WEBSITE: (A) THE HEALTH  
17 CARE PLANS IN WHICH THE HOSPITAL IS A PARTICIPATING PROVIDER; (B) A  
18 STATEMENT THAT (I) PHYSICIAN SERVICES PROVIDED IN THE HOSPITAL ARE NOT  
19 INCLUDED IN THE HOSPITAL'S CHARGES; (II) PHYSICIANS WHO PROVIDE SERVICES  
20 IN THE HOSPITAL MAY OR MAY NOT PARTICIPATE WITH THE SAME HEALTH CARE  
21 PLANS AS THE HOSPITAL, AND; (III) THE PROSPECTIVE PATIENT SHOULD CHECK  
22 WITH THE PHYSICIAN ARRANGING FOR THE HOSPITAL SERVICES TO DETERMINE THE  
23 HEALTH CARE PLANS IN WHICH THE PHYSICIAN PARTICIPATES; (C) AS APPLICA-  
24 BLE, THE NAME, MAILING ADDRESS AND TELEPHONE NUMBER OF THE PHYSICIAN  
25 GROUPS THAT THE HOSPITAL HAS CONTRACTED WITH TO PROVIDE SERVICES INCLUD-  
26 ING ANESTHESIOLOGY, PATHOLOGY OR RADIOLOGY, AND INSTRUCTIONS HOW TO  
27 CONTACT THESE GROUPS TO DETERMINE THE HEALTH CARE PLAN PARTICIPATION OF  
28 THE PHYSICIANS IN THESE GROUPS; AND (D) AS APPLICABLE, THE NAME, MAILING  
29 ADDRESS, AND TELEPHONE NUMBER OF PHYSICIANS EMPLOYED BY THE HOSPITAL AND  
30 WHOSE SERVICES MAY BE PROVIDED AT THE HOSPITAL, AND THE HEALTH CARE  
31 PLANS IN WHICH THEY PARTICIPATE.

32 7. IN REGISTRATION OR ADMISSION MATERIALS PROVIDED IN ADVANCE OF NON-  
33 EMERGENCY HOSPITAL SERVICES, A HOSPITAL SHALL: (A) ADVISE THE PATIENT OR  
34 PROSPECTIVE PATIENT TO CHECK WITH THE PHYSICIAN ARRANGING THE HOSPITAL  
35 SERVICES TO DETERMINE: (I) THE NAME, PRACTICE NAME, MAILING ADDRESS AND  
36 TELEPHONE NUMBER OF ANY OTHER PHYSICIAN WHOSE SERVICES WILL BE ARRANGED  
37 BY THE PHYSICIAN; AND (II) WHETHER THE SERVICES OF PHYSICIANS WHO ARE  
38 EMPLOYED OR CONTRACTED BY THE HOSPITAL TO PROVIDE SERVICES INCLUDING  
39 ANESTHESIOLOGY, PATHOLOGY AND/OR RADIOLOGY ARE REASONABLY ANTICIPATED TO  
40 BE PROVIDED TO THE PATIENT; AND (B) PROVIDE PATIENTS OR PROSPECTIVE  
41 PATIENTS WITH INFORMATION AS TO HOW TO TIMELY DETERMINE THE HEALTH CARE  
42 PLANS PARTICIPATED IN BY PHYSICIANS WHO ARE REASONABLY ANTICIPATED TO  
43 PROVIDE SERVICES TO THE PATIENT AT THE HOSPITAL, AS DETERMINED BY THE  
44 PHYSICIAN ARRANGING THE PATIENT'S HOSPITAL SERVICES, AND WHO ARE EMPLOY-  
45 EES OF THE HOSPITAL OR CONTRACTED BY THE HOSPITAL TO PROVIDE SERVICES  
46 INCLUDING ANESTHESIOLOGY, RADIOLOGY AND/OR PATHOLOGY.

47 8. FOR PURPOSES OF THIS SUBDIVISION:

48 (A) "HEALTH CARE PLAN" MEANS A HEALTH INSURER INCLUDING AN INSURER  
49 LICENSED TO WRITE ACCIDENT AND HEALTH INSURANCE SUBJECT TO ARTICLE THIR-  
50 TY-TWO OF THE INSURANCE LAW; A CORPORATION ORGANIZED PURSUANT TO ARTICLE  
51 FORTY-THREE OF THE INSURANCE LAW; A MUNICIPAL COOPERATIVE HEALTH BENEFIT  
52 PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE LAW; A  
53 HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR  
54 OF THIS CHAPTER; A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSU-  
55 ANT TO SECTION ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THE INSURANCE LAW  
56 OR A SELF-FUNDED EMPLOYEE WELFARE BENEFIT PLAN.



1 (B) "HEALTH CARE PROFESSIONAL" MEANS AN APPROPRIATELY LICENSED, REGIS-  
2 TERED OR CERTIFIED HEALTH CARE PROFESSIONAL PURSUANT TO TITLE EIGHT OF  
3 THE EDUCATION LAW.

4 S 17-a. Paragraph (a) of subdivision 6 of section 4403 of the public  
5 health law, as added by chapter 705 of the laws of 1996, is amended to  
6 read as follows:

7 (a) If a health maintenance organization determines that it does not  
8 have a health care provider with appropriate training and experience in  
9 its panel or network to meet the particular health care needs of an  
10 enrollee, the health maintenance organization shall make a referral to  
11 an appropriate provider, pursuant to a treatment plan approved by the  
12 health maintenance organization in consultation with the primary care  
13 provider, the non-participating provider and the enrollee or enrollee's  
14 designee, at no additional cost to the enrollee beyond what the enrollee  
15 would otherwise pay for services received within the network. NOTHING IN  
16 THIS PARAGRAPH SHALL BE CONSTRUED TO ENTITLE AN ENROLLEE TO A REFERRAL  
17 TO THE ENROLLEE'S PREFERRED PROVIDER, WHERE THAT PROVIDER IS OUT-OF-NET-  
18 WORK. THE PROVISIONS OF THIS PARAGRAPH SHALL ONLY APPLY IF THERE IS NO  
19 IN-NETWORK PROVIDER GEOGRAPHICALLY ACCESSIBLE TO THE ENROLLEE WHO HAS  
20 THE APPROPRIATE ESSENTIAL LEVEL OF TRAINING AND EXPERIENCE TO MEET THE  
21 PARTICULAR NEEDS OF THE ENROLLEE.

22 S 18. Paragraphs (k), (p-1), (q) and (r) of subdivision 1 of section  
23 4408 of the public health law, paragraphs (k), (q) and (r) as added by  
24 chapter 705 of the laws of 1996, and paragraph (p-1) as added by chapter  
25 554 of the laws of 2002, are amended and three new paragraphs (s), (t)  
26 and (u) are added to read as follows:

27 (k) notice that an enrollee may obtain a referral to a health care  
28 provider outside of the health maintenance organization's network or  
29 panel when the health maintenance organization does not have a health  
30 care provider [with] WHO IS GEOGRAPHICALLY ACCESSIBLE TO THE ENROLLEE  
31 AND WHO HAS appropriate ESSENTIAL LEVEL OF training and experience in  
32 the network or panel to meet the particular health care needs of the  
33 enrollee and the procedure by which the enrollee can obtain such refer-  
34 ral;

35 (p-1) notice that an enrollee shall have direct access to primary and  
36 preventive obstetric and gynecologic services, INCLUDING ANNUAL EXAMINA-  
37 TIONS, CARE RESULTING FROM SUCH ANNUAL EXAMINATIONS, AND TREATMENT OF  
38 ACUTE GYNECOLOGIC CONDITIONS, from a qualified provider of such services  
39 of her choice from within the plan [for no fewer than two examinations  
40 annually for such services] or [to] FOR any care related to A pregnancy  
41 [and that additionally, the enrollee shall have direct access to primary  
42 and preventive obstetric and gynecologic services required as a result  
43 of such annual examinations or as a result of an acute gynecologic  
44 condition];

45 (q) notice of all appropriate mailing addresses and telephone numbers  
46 to be utilized by enrollees seeking information or authorization; [and]

47 (r) a listing by specialty, which may be in a separate document that  
48 is updated annually, of the name, address and telephone number of all  
49 participating providers, including facilities, and, in addition, in the  
50 case of physicians, board certification[.], LANGUAGES SPOKEN AND ANY  
51 AFFILIATIONS WITH PARTICIPATING HOSPITALS. THE LISTING SHALL ALSO BE  
52 POSTED ON THE HEALTH MAINTENANCE ORGANIZATION'S WEBSITE AND THE HEALTH  
53 MAINTENANCE ORGANIZATION SHALL UPDATE THE WEBSITE WITHIN FIFTEEN DAYS OF  
54 THE ADDITION OR TERMINATION OF A PROVIDER FROM THE HEALTH MAINTENANCE  
55 ORGANIZATION'S NETWORK OR A CHANGE IN A PHYSICIAN'S HOSPITAL AFFIL-  
56 IATION;

(S) WHERE APPLICABLE, A DESCRIPTION OF THE METHOD BY WHICH AN ENROLLEE MAY SUBMIT A CLAIM FOR HEALTH CARE SERVICES;

(T) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE:

(I) A CLEAR DESCRIPTION OF THE METHODOLOGY USED BY THE HEALTH MAINTENANCE ORGANIZATION TO DETERMINE REIMBURSEMENT FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

(II) A DESCRIPTION OF THE AMOUNT THAT THE HEALTH MAINTENANCE ORGANIZATION WILL REIMBURSE UNDER THE METHODOLOGY FOR OUT-OF-NETWORK HEALTH CARE SERVICES SET FORTH AS A PERCENTAGE OF THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES;

(III) EXAMPLES OF ANTICIPATED OUT-OF-POCKET COSTS FOR FREQUENTLY BILLED OUT-OF-NETWORK HEALTH CARE SERVICES; AND

(U) INFORMATION IN WRITING AND THROUGH AN INTERNET WEBSITE THAT REASONABLY PERMITS AN ENROLLEE OR PROSPECTIVE ENROLLEE TO DETERMINE THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE BETWEEN WHAT THE HEALTH MAINTENANCE ORGANIZATION WILL REIMBURSE FOR OUT-OF-NETWORK HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK HEALTH CARE SERVICES.

S 19. Paragraphs (k) and (l) of subdivision 2 of section 4408 of the public health law, as added by chapter 705 of the laws of 1996, are amended and two new paragraphs (m) and (n) are added to read as follows:

(k) provide the written application procedures and minimum qualification requirements for health care providers to be considered by the health maintenance organization; [and]

(l) disclose other information as required by the commissioner, provided that such requirements are promulgated pursuant to the state administrative procedure act[.];

(M) DISCLOSE WHETHER A HEALTH CARE PROVIDER SCHEDULED TO PROVIDE A HEALTH CARE SERVICE IS AN IN-NETWORK PROVIDER; AND

(N) WHERE APPLICABLE, WITH RESPECT TO OUT-OF-NETWORK COVERAGE, DISCLOSE THE DOLLAR AMOUNT THAT THE HEALTH MAINTENANCE ORGANIZATION WILL PAY FOR A SPECIFIC OUT-OF-NETWORK HEALTH CARE SERVICE.

S 20. Section 4408 of the public health law is amended by adding a new subdivision 7 to read as follows:

7. FOR PURPOSES OF THIS SECTION, "USUAL AND CUSTOMARY COST" SHALL MEAN THE EIGHTIETH PERCENTILE OF ALL CHARGES FOR THE PARTICULAR HEALTH CARE SERVICE PERFORMED BY A PROVIDER IN THE SAME OR SIMILAR SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL AREA AS REPORTED IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT ORGANIZATION SPECIFIED BY THE SUPERINTENDENT OF FINANCIAL SERVICES. THE NONPROFIT ORGANIZATION SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW, A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE LAW, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO THIS ARTICLE.

S 21. Subdivision 7-g of section 4900 of the public health law is renumbered subdivision 7-h and a new subdivision 7-g is added to read as follows:

7-G. "OUT-OF-NETWORK REFERRAL DENIAL" MEANS A DENIAL OF A REQUEST FOR AN AUTHORIZATION OR REFERRAL TO AN OUT-OF-NETWORK PROVIDER ON THE BASIS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE. THE NOTICE OF AN OUT-OF-NETWORK REFERRAL DENIAL PROVIDED TO AN ENROLLEE SHALL INCLUDE INFORMATION EXPLAINING WHAT INFORMATION THE ENROLLEE MUST SUBMIT IN ORDER TO APPEAL

1 THE OUT-OF-NETWORK REFERRAL DENIAL PURSUANT TO SUBDIVISION ONE-B OF  
2 SECTION FOUR THOUSAND NINE HUNDRED FOUR OF THIS ARTICLE. AN OUT-OF-NET-  
3 WORK REFERRAL DENIAL UNDER THIS SUBDIVISION DOES NOT CONSTITUTE AN  
4 ADVERSE DETERMINATION AS DEFINED IN THIS ARTICLE. AN OUT-OF-NETWORK  
5 REFERRAL DENIAL SHALL NOT BE CONSTRUED TO INCLUDE AN OUT-OF-NETWORK  
6 DENIAL AS DEFINED IN SUBDIVISION SEVEN-F OF THIS SECTION.

7 S 22. Subdivision 2 of section 4903 of the public health law, as  
8 amended by chapter 514 of the laws of 2013, is amended to read as  
9 follows:

10 2. A utilization review agent shall make a utilization review determi-  
11 nation involving health care services which require pre-authorization  
12 and provide notice of a determination to the enrollee or enrollee's  
13 designee and the enrollee's health care provider by telephone and in  
14 writing within three business days of receipt of the necessary informa-  
15 tion. To the extent practicable, such written notification to the  
16 enrollee's health care provider shall be transmitted electronically, in  
17 a manner and in a form agreed upon by the parties. THE NOTIFICATION  
18 SHALL IDENTIFY; (A) WHETHER THE SERVICES ARE CONSIDERED IN-NETWORK OR  
19 OUT-OF-NETWORK; (B) AND WHETHER THE ENROLLEE WILL BE HELD HARMLESS FOR  
20 THE SERVICES AND NOT BE RESPONSIBLE FOR ANY PAYMENT, OTHER THAN ANY  
21 APPLICABLE CO-PAYMENT OR CO-INSURANCE; (C) AS APPLICABLE, THE DOLLAR  
22 AMOUNT THE HEALTH CARE PLAN WILL PAY IF THE SERVICE IS OUT-OF-NETWORK;  
23 AND (D) AS APPLICABLE, INFORMATION EXPLAINING HOW AN ENROLLEE MAY DETER-  
24 MINE THE ANTICIPATED OUT-OF-POCKET COST FOR OUT-OF-NETWORK HEALTH CARE  
25 SERVICES IN A GEOGRAPHICAL AREA OR ZIP CODE BASED UPON THE DIFFERENCE  
26 BETWEEN WHAT THE HEALTH CARE PLAN WILL REIMBURSE FOR OUT-OF-NETWORK  
27 HEALTH CARE SERVICES AND THE USUAL AND CUSTOMARY COST FOR OUT-OF-NETWORK  
28 HEALTH CARE SERVICES.

29 S 23. Section 4904 of the public health law is amended by adding a new  
30 subdivision 1-b to read as follows:

31 1-B. AN ENROLLEE OR THE ENROLLEE'S DESIGNEE MAY APPEAL A DENIAL OF AN  
32 OUT-OF-NETWORK REFERRAL BY A HEALTH CARE PLAN BY SUBMITTING A WRITTEN  
33 STATEMENT FROM THE ENROLLEE'S ATTENDING PHYSICIAN, WHO MUST BE A  
34 LICENSED, BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRAC-  
35 TICE IN THE SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE ENROLLEE  
36 FOR THE HEALTH SERVICE SOUGHT, PROVIDED THAT: (A) THE IN-NETWORK HEALTH  
37 CARE PROVIDER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT  
38 HAVE THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR  
39 HEALTH CARE NEEDS OF THE ENROLLEE FOR THE HEALTH SERVICE; AND (B) RECOM-  
40 MENDS AN OUT-OF-NETWORK PROVIDER WITH THE APPROPRIATE TRAINING AND EXPE-  
41 RIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF THE ENROLLEE, AND WHO  
42 IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

43 S 24. Subdivision 2 of section 4910 of the public health law is  
44 amended by adding a new paragraph (d) to read as follows:

45 (D)(I) THE ENROLLEE HAS HAD AN OUT-OF-NETWORK REFERRAL DENIED ON THE  
46 GROUNDS THAT THE HEALTH CARE PLAN HAS A HEALTH CARE PROVIDER IN THE  
47 IN-NETWORK BENEFITS PORTION OF ITS NETWORK WITH APPROPRIATE TRAINING AND  
48 EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE, AND  
49 WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH SERVICE.

50 (II) THE ENROLLEE'S ATTENDING PHYSICIAN, WHO SHALL BE A LICENSED,  
51 BOARD CERTIFIED OR BOARD ELIGIBLE PHYSICIAN QUALIFIED TO PRACTICE IN THE  
52 SPECIALTY AREA OF PRACTICE APPROPRIATE TO TREAT THE ENROLLEE FOR THE  
53 HEALTH SERVICE SOUGHT, CERTIFIES THAT THE IN-NETWORK HEALTH CARE PROVID-  
54 ER OR PROVIDERS RECOMMENDED BY THE HEALTH CARE PLAN DO NOT HAVE THE  
55 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
56 NEEDS OF AN ENROLLEE, AND RECOMMENDS AN OUT-OF-NETWORK PROVIDER WITH THE

1 APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTICULAR HEALTH CARE  
2 NEEDS OF AN ENROLLEE, AND WHO IS ABLE TO PROVIDE THE REQUESTED HEALTH  
3 SERVICE.

4 S 25. Paragraph (d) of subdivision 2 of section 4914 of the public  
5 health law is amended by adding a new subparagraph (D) to read as  
6 follows:

7 (D) FOR EXTERNAL APPEALS REQUESTED PURSUANT TO PARAGRAPH (D) OF SUBDI-  
8 VISION TWO OF SECTION FOUR THOUSAND NINE HUNDRED TEN OF THIS TITLE  
9 RELATING TO AN OUT-OF-NETWORK REFERRAL DENIAL, THE EXTERNAL APPEAL AGENT  
10 SHALL REVIEW THE UTILIZATION REVIEW AGENT'S FINAL ADVERSE DETERMINATION  
11 AND, IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, SHALL MAKE A  
12 DETERMINATION AS TO WHETHER THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED  
13 BY THE HEALTH PLAN; PROVIDED THAT SUCH DETERMINATION SHALL:

14 (I) BE CONDUCTED ONLY BY ONE OR A GREATER ODD NUMBER OF CLINICAL PEER  
15 REVIEWERS;

16 (II) BE ACCOMPANIED BY A WRITTEN STATEMENT:

17 (1) THAT THE OUT-OF-NETWORK REFERRAL SHALL BE COVERED BY THE HEALTH  
18 CARE PLAN EITHER WHEN THE REVIEWER OR A MAJORITY OF THE PANEL OF REVIEW-  
19 ERS DETERMINES, UPON REVIEW OF THE TRAINING AND EXPERIENCE OF THE  
20 IN-NETWORK HEALTH CARE PROVIDER OR PROVIDERS PROPOSED BY THE PLAN, THE  
21 TRAINING AND EXPERIENCE OF THE REQUESTED OUT-OF-NETWORK PROVIDER, THE  
22 CLINICAL STANDARDS OF THE PLAN, THE INFORMATION PROVIDED CONCERNING THE  
23 ENROLLEE, THE ATTENDING PHYSICIAN'S RECOMMENDATION, THE ENROLLEE'S  
24 MEDICAL RECORD, AND ANY OTHER PERTINENT INFORMATION, THAT THE HEALTH  
25 PLAN DOES NOT HAVE A PROVIDER WITH THE APPROPRIATE TRAINING AND EXPERI-  
26 ENCE TO MEET THE PARTICULAR HEALTH CARE NEEDS OF AN ENROLLEE WHO IS ABLE  
27 TO PROVIDE THE REQUESTED HEALTH SERVICE, AND THAT THE OUT-OF-NETWORK  
28 PROVIDER HAS THE APPROPRIATE TRAINING AND EXPERIENCE TO MEET THE PARTIC-  
29 ULAR HEALTH CARE NEEDS OF AN ENROLLEE, IS ABLE TO PROVIDE THE REQUESTED  
30 HEALTH SERVICE, AND IS LIKELY TO PRODUCE A MORE CLINICALLY BENEFICIAL  
31 OUTCOME; OR

32 (2) UPHOLDING THE HEALTH PLAN'S DENIAL OF COVERAGE;

33 (III) BE SUBJECT TO THE TERMS AND CONDITIONS GENERALLY APPLICABLE TO  
34 BENEFITS UNDER THE EVIDENCE OF COVERAGE UNDER THE HEALTH CARE PLAN;

35 (IV) BE BINDING ON THE PLAN AND THE ENROLLEE; AND

36 (V) BE ADMISSIBLE IN ANY COURT PROCEEDING.

37 S 26. The financial services law is amended by adding a new article 6  
38 to read as follows:

#### 39 ARTICLE 6

#### 40 EMERGENCY MEDICAL SERVICES AND SURPRISE BILLS

41 SECTION 601. DISPUTE RESOLUTION PROCESS ESTABLISHED.

42 602. APPLICABILITY.

43 603. DEFINITIONS.

44 604. CRITERIA FOR DETERMINING A REASONABLE FEE.

45 605. DISPUTE RESOLUTION FOR EMERGENCY SERVICES.

46 606. HOLD HARMLESS AND ASSIGNMENT OF BENEFITS FOR SURPRISE BILLS  
47 FOR INSUREDS.

48 607. DISPUTE RESOLUTION FOR SURPRISE BILLS.

49 608. PAYMENT FOR INDEPENDENT DISPUTE RESOLUTION ENTITY.

50 S 601. DISPUTE RESOLUTION PROCESS ESTABLISHED. THE SUPERINTENDENT  
51 SHALL ESTABLISH A DISPUTE RESOLUTION PROCESS BY WHICH A DISPUTE FOR A  
52 BILL FOR EMERGENCY SERVICES OR A SURPRISE BILL MAY BE RESOLVED. THE  
53 SUPERINTENDENT SHALL HAVE THE POWER TO GRANT AND REVOKE CERTIFICATIONS  
54 OF INDEPENDENT DISPUTE RESOLUTION ENTITIES TO CONDUCT THE DISPUTE RESOL-  
55 UTION PROCESS. THE SUPERINTENDENT SHALL PROMULGATE REGULATIONS ESTAB-  
56 LISHING STANDARDS FOR THE DISPUTE RESOLUTION PROCESS, INCLUDING A PROC-

1 ESS FOR CERTIFYING AND SELECTING INDEPENDENT DISPUTE RESOLUTION  
2 ENTITIES.

3 S 602. APPLICABILITY. THIS ARTICLE SHALL NOT APPLY TO HEALTH CARE  
4 SERVICES, INCLUDING EMERGENCY SERVICES, WHERE PHYSICIAN FEES ARE SUBJECT  
5 TO SCHEDULES OR OTHER MONETARY LIMITATIONS UNDER ANY OTHER LAW, INCLUD-  
6 ING THE WORKERS' COMPENSATION LAW AND ARTICLE FIFTY-ONE OF THE INSURANCE  
7 LAW, AND SHALL NOT PREEMPT ANY SUCH LAW.

8 S 603. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

9 (A) "EMERGENCY CONDITION" MEANS A MEDICAL OR BEHAVIORAL CONDITION THAT  
10 MANIFESTS ITSELF BY ACUTE SYMPTOMS OF SUFFICIENT SEVERITY, INCLUDING  
11 SEVERE PAIN, SUCH THAT A PRUDENT LAYPERSON, POSSESSING AN AVERAGE KNOW-  
12 LEDGE OF MEDICINE AND HEALTH, COULD REASONABLY EXPECT THE ABSENCE OF  
13 IMMEDIATE MEDICAL ATTENTION TO RESULT IN : (1) PLACING THE HEALTH OF THE  
14 PERSON AFFLICTED WITH SUCH CONDITION IN SERIOUS JEOPARDY, OR IN THE CASE  
15 OF A BEHAVIORAL CONDITION PLACING THE HEALTH OF SUCH PERSON OR OTHERS IN  
16 SERIOUS JEOPARDY; (2) SERIOUS IMPAIRMENT TO SUCH PERSON'S BODILY FUNC-  
17 TIONS; (3) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART OF SUCH  
18 PERSON; (4) SERIOUS DISFIGUREMENT OF SUCH PERSON; OR (5) A CONDITION  
19 DESCRIBED IN CLAUSE (I), (II) OR (III) OF SECTION 1867(E)(1)(A) OF THE  
20 SOCIAL SECURITY ACT 42 U.S.C. S 1395DD.

21 (B) "EMERGENCY SERVICES" MEANS, WITH RESPECT TO AN EMERGENCY CONDI-  
22 TION: (1) A MEDICAL SCREENING EXAMINATION AS REQUIRED UNDER SECTION 1867  
23 OF THE SOCIAL SECURITY ACT, 42 U.S.C. S 1395DD, WHICH IS WITHIN THE  
24 CAPABILITY OF THE EMERGENCY DEPARTMENT OF A HOSPITAL, INCLUDING ANCIL-  
25 LARY SERVICES ROUTINELY AVAILABLE TO THE EMERGENCY DEPARTMENT TO EVALU-  
26 ATE SUCH EMERGENCY MEDICAL CONDITION; AND (2) WITHIN THE CAPABILITIES OF  
27 THE STAFF AND FACILITIES AVAILABLE AT THE HOSPITAL, SUCH FURTHER MEDICAL  
28 EXAMINATION AND TREATMENT AS ARE REQUIRED UNDER SECTION 1867 OF THE  
29 SOCIAL SECURITY ACT, 42 U.S.C. S 1395DD, TO STABILIZE THE PATIENT.

30 (C) "HEALTH CARE PLAN" MEANS AN INSURER LICENSED TO WRITE ACCIDENT AND  
31 HEALTH INSURANCE PURSUANT TO ARTICLE THIRTY-TWO OF THE INSURANCE LAW; A  
32 CORPORATION ORGANIZED PURSUANT TO ARTICLE FORTY-THREE OF THE INSURANCE  
33 LAW; A MUNICIPAL COOPERATIVE HEALTH BENEFIT PLAN CERTIFIED PURSUANT TO  
34 ARTICLE FORTY-SEVEN OF THE INSURANCE LAW; A HEALTH MAINTENANCE ORGANIZA-  
35 TION CERTIFIED PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW;  
36 OR A STUDENT HEALTH PLAN ESTABLISHED OR MAINTAINED PURSUANT TO SECTION  
37 ONE THOUSAND ONE HUNDRED TWENTY-FOUR OF THE INSURANCE LAW.

38 (D) "INSURED" MEANS A PATIENT COVERED UNDER A HEALTH CARE PLAN'S POLI-  
39 CY OR CONTRACT.

40 (E) "NON-PARTICIPATING" MEANS NOT HAVING A CONTRACT WITH A HEALTH CARE  
41 PLAN TO PROVIDE HEALTH CARE SERVICES TO AN INSURED.

42 (F) "PARTICIPATING" MEANS HAVING A CONTRACT WITH A HEALTH CARE PLAN TO  
43 PROVIDE HEALTH CARE SERVICES TO AN INSURED.

44 (G) "PATIENT" MEANS A PERSON WHO RECEIVES HEALTH CARE SERVICES,  
45 INCLUDING EMERGENCY SERVICES, IN THIS STATE.

46 (H) "SURPRISE BILL" MEANS A BILL FOR HEALTH CARE SERVICES, OTHER THAN  
47 EMERGENCY SERVICES, RECEIVED BY:

48 (1) AN INSURED FOR SERVICES RENDERED BY A NON-PARTICIPATING PHYSICIAN  
49 AT A PARTICIPATING HOSPITAL OR AMBULATORY SURGICAL CENTER, WHERE A  
50 PARTICIPATING PHYSICIAN IS UNAVAILABLE AT THE TIME THE HEALTH CARE  
51 SERVICES ARE RENDERED; PROVIDED, HOWEVER, THAT A SURPRISE BILL SHALL NOT  
52 MEAN A BILL RECEIVED FOR HEALTH CARE SERVICES WHEN A PARTICIPATING  
53 PHYSICIAN IS AVAILABLE AND THE INSURED HAS ELECTED TO OBTAIN SERVICES  
54 FROM A NON-PARTICIPATING PHYSICIAN; OR

55 (2) A PATIENT WHO IS NOT AN INSURED FOR SERVICES RENDERED BY A PHYSI-  
56 CIAN AT A HOSPITAL OR AMBULATORY SURGICAL CENTER, WHERE THE PATIENT HAS

1 NOT TIMELY RECEIVED ALL OF THE DISCLOSURES REQUIRED PURSUANT TO SECTION  
2 TWENTY-FOUR OF THE PUBLIC HEALTH LAW.

3 (I) "USUAL AND CUSTOMARY COST" MEANS THE EIGHTIETH PERCENTILE OF ALL  
4 CHARGES FOR THE PARTICULAR HEALTH CARE SERVICE PERFORMED BY A PROVIDER  
5 IN THE SAME OR SIMILAR SPECIALTY AND PROVIDED IN THE SAME GEOGRAPHICAL  
6 AREA AS REPORTED IN A BENCHMARKING DATABASE MAINTAINED BY A NONPROFIT  
7 ORGANIZATION SPECIFIED BY THE SUPERINTENDENT. THE NONPROFIT ORGANIZATION  
8 SHALL NOT BE AFFILIATED WITH AN INSURER, A CORPORATION SUBJECT TO ARTI-  
9 CLE FORTY-THREE OF THE INSURANCE LAW, A MUNICIPAL COOPERATIVE HEALTH  
10 BENEFIT PLAN CERTIFIED PURSUANT TO ARTICLE FORTY-SEVEN OF THE INSURANCE  
11 LAW, OR A HEALTH MAINTENANCE ORGANIZATION CERTIFIED PURSUANT TO ARTICLE  
12 FORTY-FOUR OF THE PUBLIC HEALTH LAW.

13 S 604. CRITERIA FOR DETERMINING A REASONABLE FEE. IN DETERMINING THE  
14 APPROPRIATE AMOUNT TO PAY FOR A HEALTH CARE SERVICE, AN INDEPENDENT  
15 DISPUTE RESOLUTION ENTITY SHALL CONSIDER ALL RELEVANT FACTORS, INCLUD-  
16 ING:

17 (A) WHETHER THERE IS A GROSS DISPARITY BETWEEN THE FEE CHARGED BY THE  
18 PHYSICIAN FOR SERVICES RENDERED AS COMPARED TO:

19 (1) FEES PAID TO THE INVOLVED PHYSICIAN FOR THE SAME SERVICES RENDERED  
20 BY THE PHYSICIAN TO OTHER PATIENTS IN HEALTH CARE PLANS IN WHICH THE  
21 PHYSICIAN IS NOT PARTICIPATING, AND

22 (2) IN THE CASE OF A DISPUTE INVOLVING A HEALTH CARE PLAN, FEES PAID  
23 BY THE HEALTH CARE PLAN TO REIMBURSE SIMILARLY QUALIFIED PHYSICIANS FOR  
24 THE SAME SERVICES IN THE SAME REGION WHO ARE NOT PARTICIPATING WITH THE  
25 HEALTH CARE PLAN;

26 (B) THE LEVEL OF TRAINING, EDUCATION AND EXPERIENCE OF THE PHYSICIAN;

27 (C) THE PHYSICIAN'S USUAL CHARGE FOR COMPARABLE SERVICES WITH REGARD  
28 TO PATIENTS IN HEALTH CARE PLANS IN WHICH THE PHYSICIAN IS NOT PARTIC-  
29 IPATING;

30 (D) THE CIRCUMSTANCES AND COMPLEXITY OF THE PARTICULAR CASE, INCLUDING  
31 TIME AND PLACE OF THE SERVICE;

32 (E) INDIVIDUAL PATIENT CHARACTERISTICS; AND

33 (F) THE USUAL AND CUSTOMARY COST OF THE SERVICE.

34 S 605. DISPUTE RESOLUTION FOR EMERGENCY SERVICES. (A) EMERGENCY  
35 SERVICES FOR AN INSURED. (1) WHEN A HEALTH CARE PLAN RECEIVES A BILL FOR  
36 EMERGENCY SERVICES FROM A NON-PARTICIPATING PHYSICIAN, THE HEALTH CARE  
37 PLAN SHALL PAY AN AMOUNT THAT IT DETERMINES IS REASONABLE FOR THE EMER-  
38 GENCY SERVICES RENDERED BY THE NON-PARTICIPATING PHYSICIAN, IN ACCORD-  
39 ANCE WITH SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THE INSUR-  
40 ANCE LAW, EXCEPT FOR THE INSURED'S CO-PAYMENT, COINSURANCE OR  
41 DEDUCTIBLE, IF ANY, AND SHALL ENSURE THAT THE INSURED SHALL INCUR NO  
42 GREATER OUT-OF-POCKET COSTS FOR THE EMERGENCY SERVICES THAN THE INSURED  
43 WOULD HAVE INCURRED WITH A PARTICIPATING PHYSICIAN PURSUANT TO  
44 SUBSECTION (C) OF SECTION THREE THOUSAND TWO HUNDRED FORTY-ONE OF THE  
45 INSURANCE LAW.

46 (2) A NON-PARTICIPATING PHYSICIAN OR A HEALTH CARE PLAN MAY SUBMIT A  
47 DISPUTE REGARDING A FEE OR PAYMENT FOR EMERGENCY SERVICES FOR REVIEW TO  
48 AN INDEPENDENT DISPUTE RESOLUTION ENTITY.

49 (3) IN DETERMINING A REASONABLE FEE FOR THE SERVICES RENDERED, AN  
50 INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL SELECT EITHER THE HEALTH  
51 CARE PLAN'S PAYMENT OR THE NON-PARTICIPATING PHYSICIAN'S FEE. THE INDE-  
52 PENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE WHICH AMOUNT TO SELECT  
53 BASED UPON THE CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED  
54 FOUR OF THIS ARTICLE.

55 (B) EMERGENCY SERVICES FOR A PATIENT THAT IS NOT AN INSURED. (1) A  
56 PATIENT THAT IS NOT AN INSURED OR THE PATIENT'S PHYSICIAN MAY SUBMIT A

DISPUTE REGARDING A FEE FOR EMERGENCY SERVICES FOR REVIEW TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY UPON APPROVAL OF THE SUPERINTENDENT.

(2) AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE A REASONABLE FEE FOR THE SERVICES BASED UPON THE SAME CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

(3) A PATIENT THAT IS NOT AN INSURED SHALL NOT BE REQUIRED TO PAY THE PHYSICIAN'S FEE IN ORDER TO BE ELIGIBLE TO SUBMIT THE DISPUTE FOR REVIEW TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY.

(C) THE DETERMINATION OF AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL BE BINDING ON THE HEALTH CARE PLAN, PHYSICIAN AND PATIENT, AND SHALL BE ADMISSIBLE IN ANY COURT PROCEEDING BETWEEN THE HEALTH CARE PLAN, PHYSICIAN OR PATIENT, OR IN ANY ADMINISTRATIVE PROCEEDING BETWEEN THIS STATE AND THE PHYSICIAN.

S 606. HOLD HARMLESS AND ASSIGNMENT OF BENEFITS FOR SURPRISE BILLS FOR INSUREDS. WHEN AN INSURED ASSIGNS BENEFITS FOR A SURPRISE BILL IN WRITING TO A NON-PARTICIPATING PHYSICIAN THAT KNOWS THE INSURED IS INSURED UNDER A HEALTH CARE PLAN, THE NON-PARTICIPATING PHYSICIAN SHALL NOT BILL THE INSURED EXCEPT FOR ANY APPLICABLE COPAYMENT, COINSURANCE OR DEDUCTIBLE THAT WOULD BE OWED IF THE INSURED UTILIZED A PARTICIPATING PHYSICIAN.

S 607. DISPUTE RESOLUTION FOR SURPRISE BILLS. (A) SURPRISE BILL RECEIVED BY AN INSURED WHO ASSIGNS BENEFITS. (1) IF AN INSURED ASSIGNS BENEFITS TO A NON-PARTICIPATING PHYSICIAN, THE HEALTH CARE PLAN SHALL PAY THE NON-PARTICIPATING PHYSICIAN IN ACCORDANCE WITH PARAGRAPHS TWO AND THREE OF THIS SUBSECTION.

(2) THE NON-PARTICIPATING PHYSICIAN MAY BILL THE HEALTH CARE PLAN FOR THE HEALTH CARE SERVICES RENDERED, AND THE HEALTH CARE PLAN SHALL PAY THE NON-PARTICIPATING PHYSICIAN THE BILLED AMOUNT OR ATTEMPT TO NEGOTIATE REIMBURSEMENT WITH THE NON-PARTICIPATING PHYSICIAN.

(3) IF THE HEALTH CARE PLAN'S ATTEMPTS TO NEGOTIATE REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED BY A NON-PARTICIPATING PHYSICIAN DOES NOT RESULT IN A RESOLUTION OF THE PAYMENT DISPUTE BETWEEN THE NON-PARTICIPATING PHYSICIAN AND THE HEALTH CARE PLAN, THE HEALTH CARE PLAN SHALL PAY THE NON-PARTICIPATING PHYSICIAN AN AMOUNT THE HEALTH CARE PLAN DETERMINES IS REASONABLE FOR THE HEALTH CARE SERVICES RENDERED, EXCEPT FOR THE INSURED'S COPAYMENT, COINSURANCE OR DEDUCTIBLE, IN ACCORDANCE WITH SECTION THREE THOUSAND TWO HUNDRED TWENTY-FOUR-A OF THE INSURANCE LAW.

(4) EITHER THE HEALTH CARE PLAN OR THE NON-PARTICIPATING PHYSICIAN MAY SUBMIT THE DISPUTE REGARDING THE SURPRISE BILL FOR REVIEW TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY, PROVIDED HOWEVER, THE HEALTH CARE PLAN MAY NOT SUBMIT THE DISPUTE UNLESS IT HAS COMPLIED WITH THE REQUIREMENTS OF PARAGRAPHS ONE, TWO AND THREE OF THIS SUBSECTION.

(5) WHEN DETERMINING A REASONABLE FEE FOR THE SERVICES RENDERED, THE INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL SELECT EITHER THE HEALTH CARE PLAN'S PAYMENT OR THE NON-PARTICIPATING PHYSICIAN'S FEE. AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE WHICH AMOUNT TO SELECT BASED UPON THE CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

(B) SURPRISE BILL RECEIVED BY AN INSURED WHO DOES NOT ASSIGN BENEFITS OR BY A PATIENT WHO IS NOT AN INSURED. (1) AN INSURED WHO DOES NOT ASSIGN BENEFITS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION OR A PATIENT WHO IS NOT AN INSURED AND WHO RECEIVES A SURPRISE BILL MAY SUBMIT A DISPUTE REGARDING THE SURPRISE BILL FOR REVIEW TO AN INDEPENDENT DISPUTE RESOLUTION ENTITY.

(2) THE INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL DETERMINE A REASONABLE FEE FOR THE SERVICES RENDERED BASED UPON THE CONDITIONS AND FACTORS SET FORTH IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE.

(3) A PATIENT OR INSURED WHO DOES NOT ASSIGN BENEFITS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL NOT BE REQUIRED TO PAY THE PHYSICIAN'S FEE TO BE ELIGIBLE TO SUBMIT THE DISPUTE FOR REVIEW TO THE INDEPENDENT DISPUTE ENTITY.

(C) THE DETERMINATION OF AN INDEPENDENT DISPUTE RESOLUTION ENTITY SHALL BE BINDING ON THE PATIENT, PHYSICIAN AND HEALTH CARE PLAN, AND SHALL BE ADMISSIBLE IN ANY COURT PROCEEDING BETWEEN THE PATIENT OR INSURED, PHYSICIAN OR HEALTH CARE PLAN, OR IN ANY ADMINISTRATIVE PROCEEDING BETWEEN THIS STATE AND THE PHYSICIAN.

S 608. PAYMENT FOR INDEPENDENT DISPUTE RESOLUTION ENTITY. (A) FOR DISPUTES INVOLVING AN INSURED, WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE HEALTH CARE PLAN'S PAYMENT IS REASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE NON-PARTICIPATING PHYSICIAN. WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE NON-PARTICIPATING PHYSICIAN'S FEE IS REASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE HEALTH CARE PLAN.

(B) FOR DISPUTES INVOLVING A PATIENT THAT IS NOT AN INSURED, WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE PHYSICIAN'S FEE IS REASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE PATIENT UNLESS PAYMENT FOR THE DISPUTE RESOLUTION PROCESS WOULD POSE A HARDSHIP TO THE PATIENT. THE SUPERINTENDENT SHALL PROMULGATE A REGULATION TO DETERMINE PAYMENT FOR THE DISPUTE RESOLUTION PROCESS IN CASES OF HARDSHIP. WHEN THE INDEPENDENT DISPUTE RESOLUTION ENTITY DETERMINES THE PHYSICIAN'S FEE IS UNREASONABLE, PAYMENT FOR THE DISPUTE RESOLUTION PROCESS SHALL BE THE RESPONSIBILITY OF THE PHYSICIAN.

S 27. This act shall take effect one year after it shall have become a law, provided, however, that:

1. if the amendments by chapter 514 of the laws of 2013 made to subsection (b) of section 4903 of the insurance law and subdivision 2 of section 4903 of the public health law, as amended by sections twelve and twenty-two of this act, respectively, take effect after such date, then sections twelve and twenty-two of this act shall take effect on the same date as chapter 514 of the laws of 2013 takes effect;

2. for policies renewed on and after such date this act shall take effect on the renewal date;

3. sections twelve, sixteen, seventeen, twenty-two and twenty-six of this act shall apply to health care services provided on and after such date;

4. sections eleven, thirteen, fourteen, fifteen, twenty-one, twenty-three, twenty-four and twenty-five of this act shall apply to denials issued on and after such date; and

5. effective immediately, the superintendent of financial services may promulgate any regulations necessary for the implementation of the provisions of this act on its effective date, and may certify one or more independent dispute resolution entities.

## PART V

Section 1. The opening paragraph of subsection (k) of section 2101 of the insurance law, as added by chapter 687 of the laws of 2003, is amended to read as follows:



1 In this article, "insurance producer" means an insurance agent, TITLE  
2 INSURANCE AGENT, TITLE INSURANCE SOLICITOR, insurance broker, reinsur-  
3 ance intermediary, excess lines broker, or any other person required to  
4 be licensed under the laws of this state to sell, solicit or negotiate  
5 insurance. Such term shall not include:

6 S 2. Paragraph 4 of subsection (k) of section 2101 of the insurance  
7 law is REPEALED and paragraphs 5, 6, 7, 8, 9, 10, 11, and 12 are renum-  
8 bered paragraphs 4, 5, 6, 7, 8, 9, 10, and 11.

9 S 3. Section 2101 of the insurance law is amended by adding 3 new  
10 subsections (y), (z), and (aa) to read as follows:

11 (Y) (1) IN THIS CHAPTER, "TITLE INSURANCE AGENT" MEANS ANY AUTHORIZED  
12 OR ACKNOWLEDGED AGENT OF A TITLE INSURANCE CORPORATION, AND ANY SUBAGENT  
13 OR OTHER REPRESENTATIVE OF SUCH AN AGENT, WHO OR WHICH FOR COMMISSION,  
14 COMPENSATION, OR ANY OTHER THING OF VALUE, PERFORMS THE FOLLOWING ACTS  
15 IN CONJUNCTION WITH THE ISSUANCE OF A TITLE INSURANCE POLICY:

16 (A) DETERMINES INSURABILITY OR PREPARES OR ISSUES TITLE INSURANCE  
17 COMMITMENTS OR POLICIES, OR BOTH, BASED UPON THE PERFORMANCE OR REVIEW  
18 OF A SEARCH; AND

19 (B) PERFORMS ONE OR MORE OF THE FOLLOWING FUNCTIONS:

20 (I) COLLECTS, REMITS OR DISBURSES PREMIUM OR OTHER FUNDS;

21 (II) HANDLES ESCROWS;

22 (III) SELLS, SOLICITS OR NEGOTIATES TITLE INSURANCE BUSINESS; OR

23 (IV) CLOSES TITLE, INCLUDING THE CLEARANCE OF TITLE EXCEPTIONS, IN  
24 CONNECTION WITH THE ISSUANCE OF A TITLE INSURANCE POLICY;

25 (2) SUCH TERM SHALL NOT INCLUDE ANY REGULAR SALARIED OFFICER OR  
26 EMPLOYEE OF AN AUTHORIZED TITLE INSURANCE CORPORATION OR OF A LICENSED  
27 TITLE INSURANCE AGENT, WHO DOES NOT RECEIVE A COMMISSION OR OTHER  
28 COMPENSATION FOR SERVICES, WHICH COMMISSION OR OTHER COMPENSATION IS  
29 DIRECTLY DEPENDENT UPON THE AMOUNT OF TITLE INSURANCE BUSINESS DONE.

30 (Z) IN THIS CHAPTER, "TITLE INSURANCE CLOSER" MEANS ANY PERSON WHO FOR  
31 COMPENSATION OR ANYTHING OF VALUE, REPRESENTS A TITLE INSURANCE CORPO-  
32 RATION OR TITLE INSURANCE AGENT AT THE CLOSING OF TITLE, EXCEPT THAT  
33 SUCH TERM SHALL NOT INCLUDE:

34 (1) A LICENSED TITLE INSURANCE AGENT; OR

35 (2) ANY REGULAR SALARIED OFFICER OR EMPLOYEE OF AN AUTHORIZED TITLE  
36 INSURANCE CORPORATION OR TITLE INSURANCE AGENT WHO DOES NOT RECEIVE A  
37 COMMISSION OR OTHER COMPENSATION THAT IS DIRECTLY DEPENDENT UPON THE  
38 AMOUNT OF TITLE INSURANCE BUSINESS DONE.

39 (AA) IN THIS CHAPTER, "TITLE INSURANCE SOLICITOR" MEANS ANY PERSON,  
40 FIRM, ASSOCIATION OR CORPORATION, WHO OR WHICH, FOR COMPENSATION OR  
41 ANYTHING OF VALUE, SOLICITS TITLE INSURANCE ON BEHALF OF A TITLE INSUR-  
42 ANCE CORPORATION OR A TITLE INSURANCE AGENT, EXCEPT THAT SUCH TERM SHALL  
43 NOT INCLUDE:

44 (1) A LICENSED TITLE INSURANCE AGENT; OR

45 (2) ANY REGULAR SALARIED OFFICER OR EMPLOYEE OF AN AUTHORIZED TITLE  
46 INSURANCE CORPORATION OR TITLE INSURANCE AGENT WHO DOES NOT RECEIVE A  
47 COMMISSION OR OTHER COMPENSATION THAT IS DIRECTLY DEPENDENT UPON THE  
48 AMOUNT OF TITLE INSURANCE BUSINESS DONE.

49 S 4. Subparagraph (A) of paragraph 1 of subsection (a) of section 2102  
50 of the insurance law, as amended by section 8 of part I of chapter 61 of  
51 the laws of 2011, is amended to read as follows:

52 (A) No person, firm, association or corporation shall act as an insur-  
53 ance producer, insurance adjuster [or], life settlement broker OR TITLE  
54 INSURANCE CLOSER in this state without having authority to do so by  
55 virtue of a license issued and in force pursuant to the provisions of  
56 this chapter.

1 S 5. Subsection (a) of section 2109 of the insurance law, paragraph 3  
2 as amended by chapter 687 of the laws of 2003, is amended to read as  
3 follows:

4 (a) The superintendent may issue a temporary insurance agent's  
5 LICENSE, TITLE INSURANCE AGENT'S LICENSE or insurance broker's license,  
6 or both AN INSURANCE AGENT'S AND INSURANCE BROKER'S LICENSE, without  
7 requiring the applicant to pass a written examination or to satisfy the  
8 requirements of subsection (c) of section two thousand one hundred four  
9 of this article except as to age, in the case of a license issued pursu-  
10 ant to paragraph two [hereof] OF THIS SUBSECTION, in the following  
11 cases:

12 (1) in the case of the death of a person who at the time of his death  
13 was a licensed accident and health insurance agent under subsection (a)  
14 of section two thousand one hundred three of this article, a licensed  
15 insurance agent OR LICENSED TITLE INSURANCE AGENT under subsection (b)  
16 of such section or a licensed insurance broker:

17 (A) to the executor or administrator of the estate of such deceased  
18 agent or broker;

19 (B) to a surviving next of kin of such deceased agent or broker, where  
20 no administrator of his estate has been appointed and no executor has  
21 qualified under his duly probated will;

22 (C) to the surviving member or members of a firm or association, which  
23 at the time of the death of a member was such a licensed insurance  
24 agent, LICENSED TITLE INSURANCE AGENT or licensed insurance broker; or

25 (D) to an officer or director of a corporation upon the death of the  
26 only officer or director who was qualified as a sub-licensee or to the  
27 executor or administrator of the estate of such deceased officer or  
28 director;

29 (2) to any person who may be designated by a person licensed pursuant  
30 to this chapter as an insurance agent, TITLE INSURANCE AGENT or an  
31 insurance broker, or both AN INSURANCE AGENT AND INSURANCE BROKER, and  
32 who is absent because of service in any branch of the armed forces of  
33 the United States, including a partnership or corporation [which] THAT  
34 is licensed pursuant to this chapter as an insurance agent, TITLE INSUR-  
35 ANCE AGENT or as an insurance broker, or both AN INSURANCE AGENT AND  
36 INSURANCE BROKER, in a case where the sub-licensee or all sub-licensees,  
37 if more than one, named in the license or licenses issued to such part-  
38 nership or corporation is or are absent because of service in any branch  
39 of the armed forces of the United States; and

40 (3) to the next of kin of a person who has become totally disabled and  
41 prevented from pursuing any of the duties of his or her occupation, and  
42 who at the commencement of his or her disability was a licensed accident  
43 and health insurance agent under subsection (a) of section two thousand  
44 one hundred three of this article, a licensed insurance agent under  
45 subsection (b) of such section, A LICENSED TITLE INSURANCE AGENT or a  
46 licensed insurance broker.

47 S 6. Subsection (c) of section 2109 of the insurance law is amended to  
48 read as follows:

49 (c) Such license or licenses shall authorize the person or persons  
50 named therein to renew the business of the deceased, absent or disabled  
51 INSURANCE agent, TITLE INSURANCE AGENT, or INSURANCE broker, or both AN  
52 INSURANCE AGENT AND INSURANCE BROKER, as the case may be, or of the firm  
53 or, in the case of a license issued pursuant to paragraph one or three  
54 of subsection (a) [hereof] OF THIS SECTION, the association whose busi-  
55 ness is being continued thereunder, each such agent[, ] OR broker[, firm  
56 or association] being referred to in this section as "original licen-

see", expiring during the period in which such temporary license or licenses are in force, to collect premiums due and payable to the original licensee or, in the case of a license issued pursuant to paragraph one of subsection (a) [hereof] OF THIS SECTION, to his OR HER estate, and to perform such other acts as an insurance agent, A TITLE INSURANCE AGENT or [as] an insurance broker, or both AN INSURANCE AGENT OR INSURANCE BROKER, as the case may be, as are incidental to the continuance of the insurance business of such original licensee.

S 7. Section 2109 of the insurance law is amended by adding a new subsection (h) to read as follows:

(H) (1) IN THE CASE OF A PERSON SEEKING A TEMPORARY LICENSE TO ACT AS A TITLE INSURANCE AGENT PURSUANT TO SUBSECTION (A) OF THIS SECTION, THE SUPERINTENDENT MAY ISSUE A LICENSE FOR A TERM NOT TO EXCEED ONE HUNDRED EIGHTY DAYS TO SUCH PERSON PROVIDED THE PERSON:

(A) DEMONSTRATES TO THE SATISFACTION OF THE SUPERINTENDENT THAT A TITLE INSURANCE CORPORATION IS WILLING TO APPOINT HIM OR HER;

(B) SUBMITS TO THE NEXT AVAILABLE TITLE INSURANCE AGENT EXAMINATION; AND

(C) DEMONSTRATES TO THE SATISFACTION OF THE SUPERINTENDENT THAT HE OR SHE IS QUALIFIED, COMPETENT, EXPERIENCED AND TRUSTWORTHY TO ACT AS A TITLE INSURANCE AGENT.

(2) ANY PERSON ISSUED A LICENSE PURSUANT TO THIS SUBSECTION SHALL, BY VIRTUE OF SUCH LICENSE, BE AUTHORIZED TO SOLICIT, NEGOTIATE OR SELL NEW POLICIES OF TITLE INSURANCE.

S 8. The section heading and subsections (a) and (b) of section 2110 of the insurance law, as amended by chapter 499 of the laws of 2009, paragraph 15 of subsection (a) as added and paragraphs 16 and 17 of subsection (a) as renumbered by chapter 546 of the laws of 2013, are amended to read as follows:

Revocation or suspension of license of insurance producer, insurance consultant, adjuster, TITLE INSURANCE CLOSER, or life settlement broker.

(a) The superintendent may refuse to renew, revoke, or may suspend for a period the superintendent determines the license of any insurance producer, insurance consultant, adjuster, TITLE INSURANCE CLOSER or life settlement broker, if, after notice and hearing, the superintendent determines that the licensee or any sub-licensee has:

(1) violated any insurance laws, or violated any regulation, subpoena or order of the superintendent or of another state's insurance commissioner, or has violated any law in the course of his or her dealings in such capacity;

(2) provided materially incorrect, materially misleading, materially incomplete or materially untrue information in the license application;

(3) obtained or attempted to obtain a license through misrepresentation or fraud;

(4) (A) used fraudulent, coercive or dishonest practices;

(B) demonstrated incompetence;

(C) demonstrated untrustworthiness; or

(D) demonstrated financial irresponsibility in the conduct of business in this state or elsewhere;

(5) improperly withheld, misappropriated or converted any monies or properties received in the course of business in this state or elsewhere;

(6) intentionally misrepresented the terms of an actual or proposed insurance contract, life settlement contract or application for insurance;

(7) has been convicted of a felony;

1 (8) admitted or been found to have committed any insurance unfair  
2 trade practice or fraud;

3 (9) had an insurance producer license, INSURANCE CONSULTANT LICENSE,  
4 ADJUSTER LICENSE, A TITLE INSURANCE CLOSER LICENSE, a life settlement  
5 broker license, or its equivalent, denied, suspended or revoked in any  
6 other state, province, district or territory;

7 (10) forged another's name to an application for insurance or life  
8 settlement contract or to any document related to an insurance or life  
9 settlement transaction;

10 (11) improperly used notes or any other reference material to complete  
11 an examination for an insurance license or life settlement broker  
12 license;

13 (12) knowingly accepted insurance business from an individual who is  
14 not licensed;

15 (13) failed to comply with an administrative or court order imposing a  
16 child support obligation;

17 (14) failed to pay state income tax or comply with any administrative  
18 or court order directing payment of state income tax;

19 (15) while acting as a public adjuster, the licensee has failed to act  
20 on behalf and in the best interests of the insured when negotiating for  
21 or effecting the settlement of an insurance claim for such insured or  
22 otherwise acting as a public adjuster, or has failed to make the disclo-  
23 sures required by paragraph two of subsection (s) of section two thou-  
24 sand one hundred eight of this article;

25 (16) while acting as a life settlement broker, failed to protect the  
26 privacy of the insured or owner or other person for whom the life  
27 settlement broker was required to provide protection pursuant to article  
28 seventy-eight of this chapter; or

29 (17) ceased to meet the requirements for licensure under this chapter.

30 (b) Before revoking or suspending the license of any insurance produc-  
31 er, TITLE INSURANCE CLOSER, life settlement broker or other licensee  
32 pursuant to the provisions of this article, the superintendent shall,  
33 except when proceeding pursuant to subsection (f) of this section, give  
34 notice to the licensee and to every sub-licensee and shall hold, or  
35 cause to be held, a hearing not less than ten days after the giving of  
36 such notice.

37 S 9. Subsections (a), (b), (c), and (d) of sections 2112 of the insur-  
38 ance law, subsection (a) as amended by chapter 540 of the laws of 1996,  
39 subsections (b) and (d) as amended by chapter 687 of the laws of 2003  
40 and subsection (c) as amended by chapter 647 of the laws of 1992, are  
41 amended to read as follows:

42 (a) Every insurer, fraternal benefit society or health maintenance  
43 organization doing business in this state shall file a certificate of  
44 appointment in such form as the superintendent may prescribe in order to  
45 appoint insurance agents, TITLE INSURANCE AGENTS, OR TITLE INSURANCE  
46 SOLICITORS to represent such insurer, fraternal benefit society or  
47 health maintenance organization; EXCEPT THAT A TITLE INSURANCE AGENT  
48 SHALL FILE A CERTIFICATE OF APPOINTMENT IN SUCH FORM AS THE SUPERINTEN-  
49 DENT MAY PRESCRIBE IN ORDER TO APPOINT A TITLE INSURANCE SOLICITOR TO  
50 ACT ON BEHALF OF SUCH TITLE INSURANCE AGENT.

51 (b) To appoint a producer, the appointing insurer, OR IN THE CASE OF A  
52 TITLE INSURANCE SOLICITOR, THE APPOINTING TITLE INSURANCE AGENT OR  
53 INSURER, shall file, in a format approved by the superintendent, a  
54 notice of appointment within fifteen days from the date the agency  
55 contract is executed or the first insurance application is submitted.

(c) Certificates of appointment shall be valid until [(i)] (1) terminated by the appointing insurer OR TITLE INSURANCE AGENT after a termination in accordance with the provisions of the agency contract; [(ii)] (2) the license is suspended or revoked by the superintendent; or [(iii)] (3) the license expires and is not renewed.

(d) Every insurer, fraternal benefit society or health maintenance organization or insurance producer or the authorized representative of the insurer, fraternal benefit society, health maintenance organization or insurance producer doing business in this state shall, upon termination of the certificate of appointment as set forth in subsection (a) of this section of any insurance agent, TITLE INSURANCE AGENT OR TITLE INSURANCE SOLICITOR licensed in this state, or upon termination for cause for activities as set forth in subsection (a) of section two thousand one hundred ten of this article, of the certificate of appointment, of employment, of a contract or other insurance business relationship with any insurance producer, file with the superintendent within thirty days a statement, in such form as the superintendent may prescribe, of the facts relative to such termination for cause. The insurer, fraternal benefit society, health maintenance organization, insurance producer or the authorized representative of the insurer, fraternal benefit society, health maintenance organization or insurance producer shall provide, within fifteen days after notification has been sent to the superintendent, a copy of the statement filed with the superintendent to the insurance producer at his, or her or its last known address by certified mail, return receipt requested, postage prepaid or by overnight delivery using a nationally recognized carrier. Every statement made pursuant to this subsection shall be deemed a privileged communication.

S 10. The insurance law is amended by adding a new section 2113 to read as follows:

S 2113. TITLE INSURANCE AGENT, TITLE INSURANCE SOLICITOR, AND TITLE INSURANCE CLOSER; COMMISSIONS. (A) NO INSURER DOING BUSINESS IN THIS STATE, AND NO AGENT OR OTHER REPRESENTATIVE THEREOF, SHALL PAY ANY COMMISSION OR OTHER COMPENSATION TO ANY PERSON, FIRM, ASSOCIATION OR CORPORATION FOR ACTING AS A TITLE INSURANCE AGENT IN THIS STATE, EXCEPT TO A LICENSED TITLE INSURANCE AGENT.

(B) NO INSURER DOING BUSINESS IN THIS STATE, AND NO AGENT OR OTHER REPRESENTATIVE THEREOF, SHALL PAY ANY COMPENSATION TO ANY PERSON, FIRM, ASSOCIATION OR CORPORATION FOR ACTING AS A TITLE INSURANCE CLOSER IN THIS STATE, EXCEPT TO A LICENSED TITLE INSURANCE CLOSER.

(C) NO INSURER DOING BUSINESS IN THIS STATE, AND NO AGENT OR OTHER REPRESENTATIVE THEREOF, SHALL PAY ANY COMPENSATION TO ANY PERSON, FIRM, ASSOCIATION OR CORPORATION FOR ACTING AS A TITLE INSURANCE SOLICITOR IN THIS STATE, EXCEPT TO A LICENSED TITLE INSURANCE SOLICITOR.

(D) AT THE TIME OF THE APPLICATION, A TITLE INSURANCE AGENT SHALL PROVIDE TO EVERY APPLICANT FOR INSURANCE, A WRITTEN GOOD FAITH ESTIMATE OF THE PREMIUM ON THE POLICY OR POLICIES TO BE ISSUED AND A BREAKDOWN OF THE AMOUNT OF ALL FEES AND SERVICE COSTS, INCLUDING ALL FILING FEES AND CLOSING COSTS, AND ANY OTHER ANCILLARY OR DISCRETIONARY CHARGES TO BE INCURRED, AND THE AMOUNT OF ANY COMMISSION OR OTHER COMPENSATION TO BE PAID TO SUCH AGENT BY THE TITLE INSURANCE CORPORATION. IF NO TITLE INSURANCE AGENT IS UTILIZED, THE TITLE INSURER SHALL PROVIDE THE DISCLOSURES.

(E) FOR PURPOSES OF THIS CHAPTER, A TITLE INSURANCE CLOSER SHALL BE DEEMED TO BE THE APPOINTED REPRESENTATIVE OF THE TITLE INSURANCE CORPORATION OR TITLE INSURANCE AGENT THAT HAS ENGAGED SUCH TITLE INSURANCE CLOSER FOR THE CLOSING.

(F) NOTHING IN THIS CHAPTER SHALL BE DEEMED TO OR BE CONSTRUED IN A MANNER TO AUTHORIZE OR PERMIT ANY ACTIVITY OR PRACTICE, WITH RESPECT TO THE BUSINESS OF TITLE INSURANCE, THAT IS PROHIBITED BY SECTION FOUR HUNDRED EIGHTY-FOUR OR FOUR HUNDRED NINETY-FIVE OF THE JUDICIARY LAW, OR OTHERWISE PROHIBITED BY LAW, INCLUDING THE UNAUTHORIZED PRACTICE OF LAW.

(G) NO PERSON OR ENTITY WHO ACTS AS AN AGENT, REPRESENTATIVE, ATTORNEY, OR EMPLOYEE OF THE OWNER, LESSEE, OR MORTGAGEE, OR PROSPECTIVE OWNER, LESSEE, OR MORTGAGEE OF THE REAL PROPERTY OR ANY INTEREST THEREIN AND WHO ALSO IS A MEMBER, EMPLOYEE, OR DIRECTOR OF A TITLE INSURANCE AGENT, OWNS ANY INTEREST IN A TITLE INSURANCE AGENT, OR IS A SUBSIDIARY OR AFFILIATE OF ANY TITLE INSURANCE AGENT, SHALL REFER AN APPLICANT FOR INSURANCE TO SUCH AGENT, AND NO SUCH TITLE INSURANCE AGENT SHALL ACCEPT ANY SUCH REFERRAL OF TITLE INSURANCE BUSINESS, UNLESS THE REFERRAL IS MADE IN ACCORDANCE WITH SECTION SIX THOUSAND FOUR HUNDRED NINE OF THIS CHAPTER AND SUCH PERSON OR ENTITY, AT THE TIME OF MAKING A REFERRAL, PROVIDES, AT A MINIMUM, THE FOLLOWING WRITTEN DISCLOSURE TO THE APPLICANT:

(1) THE NATURE OF THE RELATIONSHIP BETWEEN THE PERSON OR ENTITY AND THE TITLE INSURANCE AGENT;

(2) THAT THE PARTY BEING REFERRED IS NOT REQUIRED TO USE THE SERVICES OF THE TITLE INSURANCE AGENT OR THE TITLE INSURANCE CORPORATION TO WHICH THE PARTY IS BEING REFERRED;

(3) THAT ANY MONEY OR OTHER THING OF VALUE DIRECTLY OR INDIRECTLY PAID BY THE TITLE INSURANCE AGENT OR TITLE INSURANCE CORPORATION TO THE PERSON OR ENTITY IS BASED ON THE PERSON OR ENTITY'S FINANCIAL INTEREST IN THE TITLE INSURANCE AGENT, AND IS NOT RELATED TO THE AMOUNT OF TITLE INSURANCE BUSINESS THE PERSON OR ENTITY REFERS TO THE TITLE INSURANCE AGENT;

(4) THAT THE PERSON OR ENTITY IS NOT REQUIRED TO REFER A SPECIFIED AMOUNT OF TITLE INSURANCE BUSINESS TO THE TITLE INSURANCE AGENCY; AND

(5) THE AMOUNT OR VALUE OF ANY COMPENSATION OR OTHER THING OF VALUE THAT THE PERSON OR ENTITY EXPECTS TO RECEIVE IN CONNECTION WITH THE SERVICES TO BE PROVIDED BY THE TITLE INSURANCE AGENT OR THE TITLE INSURANCE CORPORATION TO WHICH THE PARTY IS BEING REFERRED.

S 11. The section heading of section 2119 of the insurance law, as amended by chapter 499 of the laws of 2009, is amended and a new subsection (f) is added to read as follows:

Insurance agents, brokers, consultants, [and] life settlement brokers, TITLE INSURANCE AGENTS AND TITLE INSURANCE CLOSERS; written contract for compensation; excess charges prohibited.

(F) NO TITLE INSURANCE AGENT OR TITLE INSURANCE CLOSER MAY RECEIVE ANY COMPENSATION OR FEE, DIRECT OR INDIRECT, FOR OR ON ACCOUNT OF SERVICES PERFORMED IN CONNECTION WITH THE ISSUANCE OF A TITLE INSURANCE POLICY, UNLESS SUCH COMPENSATION IS: (1) FOR ANCILLARY SERVICES NOT ENCOMPASSED IN THE RATE OF PREMIUM APPROVED BY THE SUPERINTENDENT; AND (2) BASED UPON A WRITTEN MEMORANDUM SIGNED BY THE PARTY TO BE CHARGED, AND SPECIFYING OR CLEARLY DEFINING THE AMOUNT OR EXTENT OF SUCH COMPENSATION. A COPY OF EVERY SUCH MEMORANDUM SHALL BE RETAINED BY THE LICENSEE FOR NOT LESS THAN THREE YEARS AFTER SUCH SERVICES HAVE BEEN FULLY PERFORMED.

S 12. The section heading and subsections (a) and (c) of section 2120 of the insurance law are amended to read as follows:

Fiduciary capacity of insurance agents, TITLE INSURANCE AGENTS, TITLE INSURANCE CLOSERS, insurance brokers and reinsurance intermediaries. (a) Every insurance agent, TITLE INSURANCE AGENT, TITLE INSURANCE CLOSER, and [every] insurance broker acting as such in this state shall be responsible in a fiduciary capacity for all funds received or collected

1 as insurance agent or insurance broker, and shall not, without the  
2 express consent of his, HER or its principal, mingle any such funds with  
3 his, HER or its own funds or with funds held by him, HER or it in any  
4 other capacity.

5 (c) This section shall not require any such INSURANCE agent, TITLE  
6 INSURANCE AGENT, TITLE INSURANCE CLOSER, INSURANCE broker or reinsurance  
7 intermediary to maintain a separate bank deposit for the funds of each  
8 such principal, if and as long as the funds so held for each such prin-  
9 cipal are reasonably ascertainable from the books of account and records  
10 of such agent, broker or reinsurance intermediary, as the case may be.

11 S 13. The section heading and subsection (a) of section 2122 of the  
12 insurance law are amended to read as follows:

13 Advertising by insurance [agents and brokers] PRODUCERS. (a) (1) No  
14 insurance [agent or insurance broker] PRODUCER shall make or issue in  
15 this state any advertisement, sign, pamphlet, circular, card or other  
16 public announcement purporting to make known the financial condition of  
17 any insurer, unless the same shall conform to the requirements of  
18 section one thousand three hundred thirteen of this chapter.

19 (2) No insurance [agent, insurance broker] PRODUCER or other person,  
20 shall, by any advertisement or public announcement in this state, call  
21 attention to any unauthorized insurer or insurers.

22 S 14. Subsections (a) and (b) of section 2128 of the insurance law,  
23 subsection (b) as further amended by section 104 of part A of chapter 62  
24 of the laws of 2011, are amended to read as follows:

25 (a) Notwithstanding the provisions of sections two thousand three  
26 hundred twenty-four and four thousand two hundred twenty-four of this  
27 chapter, no [insurance agent, insurance broker, insurance consultant,  
28 excess line broker, reinsurance intermediary or insurance adjuster]  
29 LICENSEE SUBJECT TO THIS ARTICLE shall receive any commissions or fees  
30 or shares thereof in connection with insurance coverages placed for or  
31 insurance services rendered to the state, its agencies and departments,  
32 public benefit corporations, municipalities and other governmental  
33 subdivisions in this state, unless such [insurance agent, insurance  
34 broker, insurance consultant, excess line broker, reinsurance interme-  
35 diary or insurance adjuster] LICENSEE actually placed insurance cover-  
36 ages on behalf of or rendered insurance services to the state, its agen-  
37 cies and departments, public benefit corporations, municipalities and  
38 other governmental subdivisions in this state.

39 (b) The superintendent shall, by regulation, require [insurance  
40 agents, insurance brokers, insurance consultants, excess line brokers,  
41 reinsurance intermediaries and insurance adjusters] LICENSEES SUBJECT TO  
42 THIS ARTICLE to file disclosure statements with the department of finan-  
43 cial services and the most senior official of the governmental unit  
44 involved, with respect to any insurance coverages placed for or insur-  
45 ance services rendered to the state, its agencies and departments,  
46 public benefit corporations, municipalities and other governmental  
47 subdivisions in this state, EXCEPT THAT NEITHER A TITLE INSURANCE CORPO-  
48 RATION NOR A TITLE INSURANCE AGENT SHALL BE REQUIRED TO FILE A DISCLO-  
49 SURE STATEMENT IF AN INDUSTRIAL DEVELOPMENT AGENCY, STATE OF NEW YORK  
50 MORTGAGE AGENCY OR ITS SUCCESSOR, OR ANY SIMILAR TYPE OF ENTITY, IS THE  
51 NAMED INSURED UNDER THE POLICY AND IS A MORTGAGEE WITH RESPECT TO THE  
52 PROPERTY INSURED.

53 S 15. Subsections (a) and (b) of section 2132 of the insurance law, as  
54 amended by chapter 499 of the laws of 2009, are amended to read as  
55 follows:

1 (a) This section shall apply to resident and non-resident persons  
2 licensed pursuant to this article with respect to:

3 (1) life insurance, annuity contracts, variable annuity contracts and  
4 variable life insurance;

5 (2) sickness, accident and health insurance;

6 (3) all lines of property and casualty insurance; [and]

7 (4) life settlements[.]; AND

8 (5) TITLE INSURANCE.

9 (b) This section shall not apply to:

10 (1) those persons holding licenses for which an examination is not  
11 required by the laws of this state;

12 (2) any limited licensees or any other licensees as the superintendent  
13 may exempt subject to any continuing education requirements deemed  
14 appropriate by the superintendent; [or]

15 (3) for purposes of the continuing education requirements for life  
16 settlements, an insurance producer with a life line of authority who is  
17 acting as a life settlement broker pursuant to section two thousand one  
18 hundred thirty-seven of this article; OR

19 (4) FOR PURPOSES OF A TITLE INSURANCE AGENT LICENSE, AN ATTORNEY  
20 LICENSED TO PRACTICE LAW IN THIS STATE.

21 S 16. The insurance law is amended by adding a new section 2139 to  
22 read as follows:

23 S 2139. FINGERPRINTING. (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B)  
24 OF THIS SECTION, THE SUPERINTENDENT MAY REQUIRE ANY INDIVIDUAL NAMED IN  
25 AN APPLICATION FOR A LICENSE UNDER SECTION TWO THOUSAND ONE HUNDRED  
26 FORTY, TWO THOUSAND ONE HUNDRED FORTY-ONE, OR TWO THOUSAND ONE HUNDRED  
27 FORTY-TWO OF THIS ARTICLE TO SUBMIT A SET OF FINGERPRINTS. SUCH FINGER-  
28 PRINTS SHALL BE SUBMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES  
29 FOR A STATE CRIMINAL HISTORY RECORD CHECK, AND MAY BE SUBMITTED TO THE  
30 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD  
31 CHECK. ALL SUCH CRIMINAL HISTORY RECORDS MADE AVAILABLE TO THE SUPER-  
32 INTENDENT PURSUANT TO THIS SECTION SHALL BE CONFIDENTIAL PURSUANT TO THE  
33 APPLICABLE FEDERAL AND STATE LAWS, RULES AND REGULATIONS, AND SHALL NOT  
34 BE PUBLISHED OR IN ANY WAY DISCLOSED TO PERSONS OTHER THAN THE SUPER-  
35 INTENDENT, UNLESS OTHERWISE AUTHORIZED BY LAW.

36 (2) THE SUPERINTENDENT SHALL INFORM SUCH APPLICANT THAT HE OR SHE MAY  
37 OBTAIN A COPY OF HIS OR HER CRIMINAL HISTORY RECORD MAINTAINED BY THE  
38 DIVISION OF CRIMINAL JUSTICE SERVICES, IF ANY, AND MAY CHALLENGE THE  
39 COMPLETENESS OR ACCURACY OF THE INFORMATION CONTAINED IN SUCH RECORD,  
40 PURSUANT TO REGULATIONS AND PROCEDURES ESTABLISHED BY THE DIVISION OF  
41 CRIMINAL JUSTICE SERVICES.

42 (3) ALL DETERMINATIONS TO GRANT OR DENY CLEARANCE FOR LICENSURE PURSU-  
43 ANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH SUBDIVISION SIXTEEN OF  
44 SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTICLE TWENTY-  
45 THREE-A OF THE CORRECTION LAW. WHEN THE SUPERINTENDENT DENIES AN APPLI-  
46 CATION, WRITTEN NOTICE OF SUCH DETERMINATION SHALL BE GIVEN TO THE  
47 PROSPECTIVE APPLICANT WHO SHALL BE AFFORDED NOTICE AND THE RIGHT TO BE  
48 HEARD AND OFFER PROOF IN OPPOSITION TO SUCH DETERMINATION.

49 (B) THE SUPERINTENDENT SHALL WAIVE THE FINGERPRINTING REQUIREMENT FOR  
50 A NONRESIDENT PRODUCER LICENSE APPLICANT AS PROVIDED IN SECTION TWO  
51 THOUSAND ONE HUNDRED THIRTY-SIX OF THIS ARTICLE.

52 S 17. The insurance law is amended by adding a new section 2140 to  
53 read as follows:

54 S 2140. TITLE INSURANCE AGENTS; LICENSING. (A) THE SUPERINTENDENT MAY  
55 ISSUE A LICENSE TO ANY PERSON, FIRM, ASSOCIATION OR CORPORATION THAT HAS  
56 COMPLIED WITH THE REQUIREMENTS OF THIS CHAPTER, AUTHORIZING THE LICENSEE



1 TO ACT AS A TITLE INSURANCE AGENT OF ANY AUTHORIZED TITLE INSURANCE  
2 CORPORATION, PROVIDED THAT SUCH TITLE INSURANCE AGENT DEMONSTRATES  
3 FINANCIAL ACCOUNTABILITY AS EVIDENCED BY A BOND OR OTHER METHOD OF  
4 FINANCIAL ACCOUNTABILITY IN AN AMOUNT NOT LESS THAN FIFTY THOUSAND  
5 DOLLARS.

6 (B) ANY SUCH LICENSE ISSUED TO A FIRM OR ASSOCIATION SHALL AUTHORIZE  
7 ONLY THE MEMBERS THEREOF, NAMED IN SUCH LICENSE AS SUB-LICENSEES, TO ACT  
8 INDIVIDUALLY AS TITLE INSURANCE AGENTS THEREUNDER, AND ANY SUCH LICENSE  
9 ISSUED TO A CORPORATION SHALL AUTHORIZE ONLY THE OFFICERS AND DIRECTORS  
10 THEREOF, NAMED IN SUCH LICENSE AS SUB-LICENSEES, TO ACT INDIVIDUALLY AS  
11 TITLE INSURANCE AGENTS THEREUNDER. EVERY SUB-LICENSEE ACTING AS TITLE  
12 INSURANCE AGENT PURSUANT TO SUCH A LICENSE SHALL BE AUTHORIZED SO TO ACT  
13 ONLY IN THE NAME OF THE LICENSEE. IN THE CASE OF A LICENSE ISSUED TO A  
14 TITLE INSURANCE AGENT, AT LEAST ONE DESIGNATED SUB-LICENSEE MUST HAVE A  
15 FINANCIAL OR OTHER BENEFICIAL INTEREST IN THE LICENSEE.

16 (C) EVERY INDIVIDUAL APPLICANT FOR A LICENSE UNDER THIS SECTION AND  
17 EVERY PROPOSED LICENSEE SHALL BE EIGHTEEN YEARS OF AGE OR OLDER AT THE  
18 TIME OF THE ISSUANCE OF SUCH LICENSE.

19 (D) BEFORE ANY ORIGINAL TITLE INSURANCE AGENT'S LICENSE IS ISSUED,  
20 THERE SHALL BE ON FILE IN THE OFFICE OF THE SUPERINTENDENT AN APPLICA-  
21 TION BY THE PROSPECTIVE LICENSEE IN SUCH FORM OR FORMS AND SUPPLEMENTS  
22 THERETO, ALONG WITH A FEE IN THE AMOUNT OF FORTY DOLLARS FOR EACH YEAR  
23 OR FRACTION OF A YEAR IN WHICH THE LICENSE SHALL BE VALID, AND CONTAIN-  
24 ING INFORMATION THE SUPERINTENDENT PRESCRIBES.

25 (E) THE SUPERINTENDENT SHALL, IN ORDER TO DETERMINE THE COMPETENCY OF  
26 EVERY INDIVIDUAL APPLICANT AND OF EVERY PROPOSED SUB-LICENSEE FOR THE  
27 TITLE INSURANCE AGENT LICENSE, REQUIRE SUCH INDIVIDUAL TO SUBMIT TO A  
28 PERSONAL WRITTEN EXAMINATION AND TO PASS THE SAME TO THE SATISFACTION OF  
29 THE SUPERINTENDENT. THE EXAMINATION SHALL BE HELD AT SUCH TIMES AND  
30 PLACES AS THE SUPERINTENDENT SHALL FROM TIME TO TIME DETERMINE. EVERY  
31 INDIVIDUAL APPLYING TO TAKE ANY WRITTEN EXAMINATION SHALL, AT THE TIME  
32 OF APPLYING THEREFOR, PAY TO THE SUPERINTENDENT OR, AT THE DISCRETION OF  
33 THE SUPERINTENDENT, DIRECTLY TO ANY ORGANIZATION THAT IS UNDER CONTRACT  
34 TO PROVIDE EXAMINATION SERVICES, AN EXAMINATION FEE OF AN AMOUNT THAT IS  
35 THE ACTUAL DOCUMENTED ADMINISTRATIVE COST OF CONDUCTING SAID QUALIFYING  
36 EXAMINATION AS CERTIFIED BY THE SUPERINTENDENT FROM TIME TO TIME. AN  
37 EXAMINATION FEE REPRESENTS AN ADMINISTRATIVE EXPENSE AND SHALL NOT BE  
38 REFUNDABLE. THE SUPERINTENDENT MAY ACCEPT, IN LIEU OF ANY SUCH EXAMINA-  
39 TION, THE RESULT OF ANY PREVIOUS WRITTEN EXAMINATION, GIVEN BY THE  
40 SUPERINTENDENT, WHICH IN THE SUPERINTENDENT'S JUDGMENT, IS EQUIVALENT TO  
41 THE EXAMINATION FOR WHICH IT IS SUBSTITUTED.

42 (F) EVERY INDIVIDUAL SEEKING TO QUALIFY TO OBTAIN A LICENSE UNDER  
43 SUBSECTION (B) OF THIS SECTION SHALL BE REQUIRED TO PASS THE TYPE OR  
44 TYPES OF EXAMINATION PRESCRIBED BY THE SUPERINTENDENT. AN INDIVIDUAL  
45 SHALL NOT BE DEEMED QUALIFIED TO TAKE THE EXAMINATION UNLESS THE INDI-  
46 VIDUAL HAS SUCCESSFULLY COMPLETED A COURSE OR COURSES, APPROVED AS TO  
47 METHOD AND CONTENT BY THE SUPERINTENDENT, COVERING THE TITLE INSURANCE  
48 BUSINESS AND REQUIRING NOT LESS THAN TWENTY HOURS OF CLASSROOM WORK, IN  
49 INSTITUTIONS OF LEARNING MEETING THE STANDARDS PRESCRIBED BY PARAGRAPH  
50 ONE OF SUBSECTION (A) OF SECTION TWO THOUSAND ONE HUNDRED FOUR OF THIS  
51 ARTICLE.

52 (G) NO SUCH WRITTEN EXAMINATION OR PRE-LICENSING EDUCATION SHALL BE  
53 REQUIRED OF ANY:

54 (1) APPLICANT WHO FILES AN APPLICATION UNDER THIS SECTION WITHIN ONE  
55 YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION AND WHO DEMONSTRATES TO  
56 THE SATISFACTION OF THE SUPERINTENDENT THAT SUCH APPLICANT OR ITS

1 PROSPECTIVE SUB-LICENSEE HAS, WITHOUT INTERRUPTION, REGULARLY AND  
2 CONTINUOUSLY PERFORMED THE FUNCTIONS OF A TITLE INSURANCE AGENT FOR A  
3 PERIOD OF AT LEAST FIVE YEARS IMMEDIATELY PRECEDING THE FILING OF SUCH  
4 APPLICATION AND IS COMPETENT AND TRUSTWORTHY TO ACT AS A TITLE INSURANCE  
5 AGENT;

6 (2) APPLICANT WHO HAS PASSED THE WRITTEN EXAMINATION GIVEN BY THE  
7 SUPERINTENDENT FOR A TITLE INSURANCE AGENT'S LICENSE AND WAS LICENSED AS  
8 SUCH, OR OF AN APPLICANT WHO WAS LICENSED AS A TITLE INSURANCE AGENT BUT  
9 DID NOT PASS SUCH AN EXAMINATION, PROVIDED THE APPLICANT APPLIES WITHIN  
10 TWO YEARS FOLLOWING THE DATE OF TERMINATION OF THE APPLICANT'S LICENSE;  
11 OR

12 (3) APPLICANT SEEKING TO OBTAIN A LICENSE AS A TITLE INSURANCE AGENT,  
13 WHEN SUCH APPLICANT IS A LICENSED ATTORNEY-AT-LAW IN THIS STATE.

14 (H) THE SUPERINTENDENT MAY REFUSE TO ISSUE TO AN APPLICANT A TITLE  
15 INSURANCE AGENT'S LICENSE IF, IN THE SUPERINTENDENT'S JUDGMENT, THE  
16 PROPOSED LICENSEE OR ANY SUB-LICENSEE:

17 (1) IS NOT TRUSTWORTHY AND COMPETENT TO ACT AS SUCH AGENT;

18 (2) HAS GIVEN CAUSE FOR THE REVOCATION OR SUSPENSION OF SUCH A  
19 LICENSE; OR

20 (3) HAS FAILED TO COMPLY WITH ANY PREREQUISITE FOR THE ISSUANCE OF  
21 SUCH LICENSE.

22 (I) (1) EVERY LICENSE ISSUED TO A BUSINESS ENTITY PURSUANT TO  
23 SUBSECTION (A) OF THIS SECTION SHALL EXPIRE ON JUNE THIRTIETH OF  
24 ODD-NUMBERED YEARS.

25 (2) EVERY LICENSE ISSUED TO AN INDIVIDUAL BORN IN AN ODD-NUMBERED YEAR  
26 SHALL EXPIRE ON THE INDIVIDUAL'S BIRTHDAY IN EACH ODD-NUMBERED YEAR.  
27 LICENSES ISSUED TO INDIVIDUALS BORN IN EVEN-NUMBERED YEARS SHALL EXPIRE  
28 ON THE INDIVIDUAL'S BIRTHDAY IN EACH EVEN-NUMBERED YEAR.

29 (3) EVERY LICENSE MAY BE RENEWED FOR THE ENSUING PERIOD OF TWENTY-FOUR  
30 MONTHS UPON THE FILING OF AN APPLICATION IN CONFORMITY WITH THIS  
31 SUBSECTION.

32 (4) THE LICENSE MAY BE ISSUED FOR ALL OF SUCH TWO YEAR TERMS, OR UPON  
33 APPLICATION MADE DURING ANY SUCH TERM, FOR THE BALANCE THEREOF.

34 (5) ANY LICENSE SHALL BE CONSIDERED IN GOOD STANDING WITHIN THE  
35 LICENSE TERM UNLESS:

36 (A) REVOKED OR SUSPENDED BY THE SUPERINTENDENT PURSUANT TO THIS ARTI-  
37 CLE; OR

38 (B) IF AT THE EXPIRATION DATE OF THE LICENSE TERM, THE LICENSEE FAILS  
39 TO FILE A RENEWAL APPLICATION, PROVIDED THE LICENSE WAS IN GOOD STANDING  
40 DURING THE TERM.

41 (6) BEFORE THE RENEWAL OF ANY TITLE INSURANCE AGENT'S LICENSE SHALL BE  
42 ISSUED, THE LICENSEE SHALL HAVE:

43 (A) FILED A COMPLETED RENEWAL APPLICATION IN SUCH FORM OR FORMS, AND  
44 SUPPLEMENTS THERETO, AND CONTAINING SUCH INFORMATION AS THE SUPERINTEN-  
45 DENT MAY PRESCRIBE; AND

46 (B) PAID SUCH FEES AS ARE PRESCRIBED IN THIS SECTION.

47 (7) IF AN APPLICATION FOR A RENEWAL LICENSE SHALL HAVE BEEN FILED WITH  
48 THE SUPERINTENDENT BEFORE THE EXPIRATION OF SUCH LICENSE, THEN THE  
49 LICENSE SOUGHT TO BE RENEWED SHALL CONTINUE IN FULL FORCE AND EFFECT  
50 EITHER UNTIL THE ISSUANCE BY THE SUPERINTENDENT OF THE RENEWAL LICENSE  
51 APPLIED FOR OR UNTIL FIVE DAYS AFTER THE SUPERINTENDENT SHALL HAVE  
52 REFUSED TO ISSUE SUCH RENEWAL LICENSE AND SHALL HAVE GIVEN NOTICE OF  
53 SUCH REFUSAL TO THE APPLICANT AND TO EACH PROPOSED SUB-LICENSEE. BEFORE  
54 REFUSING TO RENEW ANY SUCH LICENSE, EXCEPT ON THE GROUND OF FAILURE TO  
55 PASS A WRITTEN EXAMINATION, THE SUPERINTENDENT SHALL NOTIFY THE APPLI-

1 CANT OF THE SUPERINTENDENT'S INTENTION TO DO SO AND SHALL GIVE THE  
2 APPLICANT A HEARING.

3 (8) THE SUPERINTENDENT MAY, IN ISSUING A RENEWAL LICENSE, DISPENSE  
4 WITH THE REQUIREMENTS OF A VERIFIED APPLICATION BY ANY INDIVIDUAL LICEN-  
5 SEE OR SUB-LICENSEE WHO, BY REASON OF BEING ENGAGED IN ANY MILITARY  
6 SERVICE FOR THE UNITED STATES, IS UNABLE TO MAKE PERSONAL APPLICATION  
7 FOR SUCH RENEWAL LICENSE, UPON THE FILING OF AN APPLICATION ON BEHALF OF  
8 SUCH INDIVIDUAL, IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE, BY  
9 SOME PERSON OR PERSONS WHO IN HIS OR HER JUDGMENT HAVE KNOWLEDGE OF THE  
10 FACTS AND WHO MAKE AFFIDAVIT SHOWING SUCH MILITARY SERVICE AND THE  
11 INABILITY OF SUCH TITLE INSURANCE AGENT TO MAKE PERSONAL APPLICATION.

12 (9) AN INDIVIDUAL LICENSEE OR SUB-LICENSEE WHO IS UNABLE TO COMPLY  
13 WITH LICENSE RENEWAL PROCEDURES DUE TO OTHER EXTENUATING CIRCUMSTANCES,  
14 SUCH AS A LONG-TERM MEDICAL DISABILITY, MAY REQUEST A WAIVER OF SUCH  
15 PROCEDURES, IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE. THE  
16 LICENSEE OR SUB-LICENSEE MAY ALSO REQUEST A WAIVER OF ANY EXAMINATION  
17 REQUIREMENT OR ANY OTHER FINE OR SANCTION IMPOSED FOR FAILURE TO COMPLY  
18 WITH RENEWAL PROCEDURES.

19 (10) AN APPLICATION FOR THE RENEWAL OF A LICENSE SHALL BE FILED WITH  
20 THE SUPERINTENDENT NOT LESS THAN SIXTY DAYS PRIOR TO THE DATE THE  
21 LICENSE EXPIRES OR THE APPLICANT SHALL BE SUBJECT TO A FURTHER FEE OF  
22 TEN DOLLARS FOR LATE FILING.

23 (11) NO LICENSE FEE SHALL BE REQUIRED OF ANY PERSON WHO SERVED AS A  
24 MEMBER OF THE ARMED FORCES OF THE UNITED STATES AT ANY TIME, AND WHO  
25 SHALL HAVE BEEN DISCHARGED THEREFROM UNDER CONDITIONS OTHER THAN  
26 DISHONORABLE, IN A CURRENT LICENSING PERIOD FOR THE DURATION OF SUCH  
27 PERIOD.

28 (12) EXCEPT WHERE A CORPORATION, ASSOCIATION OR FIRM LICENSED AS A  
29 TITLE INSURANCE AGENT IS APPLYING TO ADD A SUB-LICENSEE OR THE DATE OF  
30 THE EXPIRATION OF THE LICENSE IS CHANGED, THERE SHALL BE NO FEE REQUIRED  
31 FOR THE ISSUANCE OF AN AMENDED LICENSE.

32 (13) THE SUPERINTENDENT MAY ISSUE A REPLACEMENT LICENSE FOR A CURRENT-  
33 LY IN-FORCE LICENSE THAT HAS BEEN LOST OR DESTROYED. BEFORE SUCH  
34 REPLACEMENT LICENSE SHALL BE ISSUED, THERE SHALL BE ON FILE IN THE  
35 OFFICE OF THE SUPERINTENDENT A WRITTEN APPLICATION FOR SUCH REPLACEMENT  
36 LICENSE, AFFIRMING UNDER PENALTY OF PERJURY THAT THE ORIGINAL LICENSE  
37 HAS BEEN LOST OR DESTROYED, TOGETHER WITH A FEE OF FIFTEEN DOLLARS.

38 (J) THE SUPERINTENDENT MAY REFUSE TO ISSUE A LICENSE OR RENEWAL  
39 LICENSE, AS THE CASE MAY BE, TO ANY APPLICANT IF THE SUPERINTENDENT  
40 FINDS THAT SUCH APPLICANT HAS BEEN OR WILL BE RECEIVING ANY BENEFIT OR  
41 ADVANTAGE IN VIOLATION OF SECTION SIX THOUSAND FOUR HUNDRED NINE OF THIS  
42 CHAPTER, OR IF THE SUPERINTENDENT FINDS THAT MORE THAN TEN PERCENT OF  
43 THE AGGREGATE NET COMMISSIONS OR OTHER COMPENSATION RECEIVED DURING THE  
44 TERM OF THE EXISTING LICENSE, IF ANY, OR TO BE RECEIVED DURING THE TERM  
45 OF THE LICENSE APPLIED FOR, BY THE APPLICANT, RESULTED OR WILL RESULT  
46 FROM INSURANCE ON THE PROPERTY AND RISKS SET FORTH IN SUBPARAGRAPHS (A),  
47 (B) AND (C) OF PARAGRAPH ONE OF SUBSECTION (I) OF SECTION TWO THOUSAND  
48 ONE HUNDRED THREE OF THIS ARTICLE, EXCEPT THAT IN DETERMINING THE TEN  
49 PERCENT, THE AGGREGATE NET COMMISSIONS OR OTHER COMPENSATION SHALL NOT  
50 INCLUDE COMMISSIONS OR OTHER COMPENSATION FROM MORTGAGE REFINANCING  
51 TRANSACTIONS INVOLVING REAL PROPERTY USED PREDOMINANTLY FOR RESIDENTIAL  
52 PURPOSES AND WHICH CONSISTS OF NOT MORE THAN FOUR DWELLING UNITS, OTHER  
53 THAN HOTELS AND MOTELS. EVERY LICENSEE SUBJECT TO THIS CHAPTER SHALL  
54 CERTIFY AT THE TIME OF LICENSING OR UPON RENEWAL TO THE SUPERINTENDENT  
55 THAT SUCH LICENSEE IS IN COMPLIANCE WITH THIS SUBSECTION.

1 S 18. The insurance law is amended by adding a new section 2141 to  
2 read as follows:

3 S 2141. TITLE INSURANCE CLOSERS; LICENSING. (A) THE SUPERINTENDENT MAY  
4 ISSUE A LICENSE TO ANY INDIVIDUAL WHO HAS COMPLIED WITH THE REQUIREMENTS  
5 OF THIS CHAPTER, AUTHORIZING THE LICENSEE TO ACT AS A TITLE INSURANCE  
6 CLOSER FOR ANY AUTHORIZED TITLE INSURANCE CORPORATION OR TITLE INSURANCE  
7 AGENT.

8 (B) EVERY INDIVIDUAL APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL  
9 BE EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME OF THE ISSUANCE OF SUCH  
10 LICENSE.

11 (C) BEFORE ANY ORIGINAL TITLE INSURANCE CLOSER'S LICENSE IS ISSUED,  
12 THERE SHALL BE ON FILE IN THE OFFICE OF THE SUPERINTENDENT AN APPLICA-  
13 TION BY THE PROSPECTIVE LICENSEE IN SUCH FORM OR FORMS AND SUPPLEMENTS  
14 THERETO, ALONG WITH A FEE IN THE AMOUNT OF FORTY DOLLARS FOR EACH YEAR  
15 OR FRACTION OF A YEAR IN WHICH THE LICENSE SHALL BE VALID, AND CONTAIN-  
16 ING INFORMATION THE SUPERINTENDENT PRESCRIBES.

17 (D) THE SUPERINTENDENT SHALL, IN ORDER TO DETERMINE THE COMPETENCY OF  
18 EVERY INDIVIDUAL APPLICANT FOR THE TITLE INSURANCE CLOSER LICENSE,  
19 REQUIRE SUCH INDIVIDUAL TO SUBMIT TO A PERSONAL WRITTEN EXAMINATION AND  
20 TO PASS THE SAME TO THE SATISFACTION OF THE SUPERINTENDENT. THE EXAMINA-  
21 TION SHALL BE HELD AT SUCH TIMES AND PLACES AS THE SUPERINTENDENT SHALL  
22 FROM TIME TO TIME DETERMINE. EVERY INDIVIDUAL APPLYING TO TAKE ANY WRIT-  
23 TEN EXAMINATION SHALL, AT THE TIME OF APPLYING THEREFOR, PAY TO THE  
24 SUPERINTENDENT OR, AT THE DISCRETION OF THE SUPERINTENDENT, DIRECTLY TO  
25 ANY ORGANIZATION THAT IS UNDER CONTRACT TO PROVIDE EXAMINATION SERVICES,  
26 AN EXAMINATION FEE OF AN AMOUNT THAT IS THE ACTUAL DOCUMENTED ADMINIS-  
27 TRATIVE COST OF CONDUCTING SAID QUALIFYING EXAMINATION AS CERTIFIED BY  
28 THE SUPERINTENDENT FROM TIME TO TIME. AN EXAMINATION FEE REPRESENTS AN  
29 ADMINISTRATIVE EXPENSE AND SHALL NOT BE REFUNDABLE. THE SUPERINTENDENT  
30 MAY ACCEPT, IN LIEU OF ANY SUCH EXAMINATION, THE RESULT OF ANY PREVIOUS  
31 WRITTEN EXAMINATION, GIVEN BY THE SUPERINTENDENT, WHICH IN THE SUPER-  
32 INTENDENT'S JUDGMENT, IS EQUIVALENT TO THE EXAMINATION FOR WHICH IT IS  
33 SUBSTITUTED.

34 (E) EVERY INDIVIDUAL SEEKING TO QUALIFY TO OBTAIN A LICENSE UNDER  
35 SUBSECTION (B) OF THIS SECTION SHALL BE REQUIRED TO PASS THE TYPE OR  
36 TYPES OF EXAMINATION PRESCRIBED BY THE SUPERINTENDENT. AN INDIVIDUAL  
37 SHALL NOT BE DEEMED QUALIFIED TO TAKE THE EXAMINATION UNLESS THE INDI-  
38 VIDUAL HAS SUCCESSFULLY COMPLETED A COURSE OR COURSES, APPROVED AS TO  
39 METHOD AND CONTENT BY THE SUPERINTENDENT, COVERING THE TITLE INSURANCE  
40 BUSINESS AND REQUIRING NOT LESS THAN TWENTY HOURS OF CLASSROOM WORK, IN  
41 INSTITUTIONS OF LEARNING MEETING THE STANDARDS PRESCRIBED BY PARAGRAPH  
42 ONE OF SUBSECTION (A) OF SECTION TWO THOUSAND ONE HUNDRED FOUR OF THIS  
43 ARTICLE.

44 (F) NO SUCH WRITTEN EXAMINATION OR PRE-LICENSING EDUCATION SHALL BE  
45 REQUIRED OF ANY:

46 (1) INDIVIDUAL WHO FILES AN APPLICATION UNDER THIS SECTION WITHIN ONE  
47 YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION AND WHO DEMONSTRATES TO  
48 THE SATISFACTION OF THE SUPERINTENDENT THAT SUCH APPLICANT HAS, WITHOUT  
49 INTERRUPTION, REGULARLY AND CONTINUOUSLY PERFORMED THE FUNCTIONS OF A  
50 TITLE INSURANCE CLOSER FOR A PERIOD OF AT LEAST FIVE YEARS IMMEDIATELY  
51 PRECEDING THE FILING OF SUCH APPLICATION AND IS COMPETENT AND TRUSTWOR-  
52 THY TO ACT AS A TITLE INSURANCE CLOSER;

53 (2) APPLICANT WHO HAS PASSED THE WRITTEN EXAMINATION GIVEN BY THE  
54 SUPERINTENDENT FOR A TITLE INSURANCE CLOSER'S LICENSE AND WAS LICENSED  
55 AS SUCH, OR OF AN APPLICANT WHO WAS LICENSED AS A TITLE INSURANCE CLOSER  
56 BUT DID NOT PASS SUCH AN EXAMINATION, PROVIDED THE APPLICANT APPLIES

1 WITHIN TWO YEARS FOLLOWING THE DATE OF TERMINATION OF THE APPLICANT'S  
2 LICENSE; OR

3 (3) APPLICANT SEEKING TO OBTAIN A LICENSE AS A TITLE INSURANCE CLOSER,  
4 WHEN SUCH APPLICANT IS A LICENSED ATTORNEY-AT-LAW IN THIS STATE.

5 (G) THE SUPERINTENDENT MAY REFUSE TO ISSUE TO AN APPLICANT A TITLE  
6 INSURANCE CLOSER'S LICENSE IF, IN THE SUPERINTENDENT'S JUDGMENT, THE  
7 PROPOSED LICENSEE:

8 (1) IS NOT TRUSTWORTHY AND COMPETENT TO ACT AS SUCH CLOSER;

9 (2) HAS GIVEN CAUSE FOR THE REVOCATION OR SUSPENSION OF SUCH A  
10 LICENSE; OR

11 (3) HAS FAILED TO COMPLY WITH ANY PREREQUISITE FOR THE ISSUANCE OF  
12 SUCH LICENSE.

13 (H) (1) EVERY LICENSE ISSUED TO AN INDIVIDUAL BORN IN AN ODD-NUMBERED  
14 YEAR SHALL EXPIRE ON THE INDIVIDUAL'S BIRTHDAY IN EACH ODD-NUMBERED  
15 YEAR. LICENSES ISSUED TO INDIVIDUALS BORN IN EVEN-NUMBERED YEARS SHALL  
16 EXPIRE ON THE INDIVIDUAL'S BIRTHDAY IN EACH EVEN-NUMBERED YEAR. EVERY  
17 SUCH LICENSE MAY BE RENEWED FOR THE ENSUING PERIOD OF TWENTY-FOUR MONTHS  
18 UPON THE FILING OF AN APPLICATION IN CONFORMITY WITH THIS SUBSECTION.

19 (2) THE LICENSE MAY BE ISSUED FOR ALL OF SUCH TWO YEAR TERMS, OR UPON  
20 APPLICATION MADE DURING ANY SUCH TERM, FOR THE BALANCE THEREOF.

21 (3) ANY LICENSE SHALL BE CONSIDERED IN GOOD STANDING WITHIN THE  
22 LICENSE TERM UNLESS:

23 (A) REVOKED OR SUSPENDED BY THE SUPERINTENDENT PURSUANT TO THIS ARTI-  
24 CLE; OR

25 (B) IF AT THE EXPIRATION DATE OF THE LICENSE TERM, THE LICENSEE FAILS  
26 TO FILE A RENEWAL APPLICATION, PROVIDED THE LICENSE WAS IN GOOD STANDING  
27 DURING THE TERM.

28 (4) BEFORE THE RENEWAL OF ANY TITLE INSURANCE CLOSER'S LICENSE SHALL  
29 BE ISSUED, THE LICENSEE SHALL HAVE:

30 (A) FILED A COMPLETED RENEWAL APPLICATION IN SUCH FORM OR FORMS, AND  
31 SUPPLEMENTS THERETO, AND CONTAINING SUCH INFORMATION AS THE SUPERINTEN-  
32 DENT MAY PRESCRIBE; AND

33 (B) PAID SUCH FEES AS ARE PRESCRIBED IN THIS SECTION.

34 (5) IF AN APPLICATION FOR A RENEWAL LICENSE SHALL HAVE BEEN FILED WITH  
35 THE SUPERINTENDENT BEFORE THE EXPIRATION OF SUCH LICENSE, THEN THE  
36 LICENSE SOUGHT TO BE RENEWED SHALL CONTINUE IN FULL FORCE AND EFFECT  
37 EITHER UNTIL THE ISSUANCE BY THE SUPERINTENDENT OF THE RENEWAL LICENSE  
38 APPLIED FOR OR UNTIL FIVE DAYS AFTER THE SUPERINTENDENT SHALL HAVE  
39 REFUSED TO ISSUE SUCH RENEWAL LICENSE AND SHALL HAVE GIVEN NOTICE OF  
40 SUCH REFUSAL TO THE APPLICANT. BEFORE REFUSING TO RENEW ANY SUCH  
41 LICENSE, EXCEPT ON THE GROUND OF FAILURE TO PASS A WRITTEN EXAMINATION,  
42 THE SUPERINTENDENT SHALL NOTIFY THE APPLICANT OF THE SUPERINTENDENT'S  
43 INTENTION TO DO SO AND SHALL GIVE THE APPLICANT A HEARING.

44 (6) THE SUPERINTENDENT MAY, IN ISSUING A RENEWAL LICENSE, DISPENSE  
45 WITH THE REQUIREMENTS OF A VERIFIED APPLICATION BY ANY INDIVIDUAL LICEN-  
46 SEE WHO, BY REASON OF BEING ENGAGED IN ANY MILITARY SERVICE FOR THE  
47 UNITED STATES, IS UNABLE TO MAKE PERSONAL APPLICATION FOR SUCH RENEWAL  
48 LICENSE, UPON THE FILING OF AN APPLICATION ON BEHALF OF SUCH INDIVIDUAL,  
49 IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE, BY SOME PERSON OR  
50 PERSONS WHO IN HIS OR HER JUDGMENT HAVE KNOWLEDGE OF THE FACTS AND WHO  
51 MAKE AFFIDAVIT SHOWING SUCH MILITARY SERVICE AND THE INABILITY OF SUCH  
52 TITLE INSURANCE CLOSER TO MAKE PERSONAL APPLICATION.

53 (7) AN INDIVIDUAL LICENSEE WHO IS UNABLE TO COMPLY WITH LICENSE  
54 RENEWAL PROCEDURES DUE TO OTHER EXTENUATING CIRCUMSTANCES, SUCH AS A  
55 LONG-TERM MEDICAL DISABILITY, MAY REQUEST A WAIVER OF SUCH PROCEDURES,  
56 IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE. THE LICENSEE MAY

1 ALSO REQUEST A WAIVER OF ANY EXAMINATION REQUIREMENT OR ANY OTHER FINE  
2 OR SANCTION IMPOSED FOR FAILURE TO COMPLY WITH RENEWAL PROCEDURES.

3 (8) AN APPLICATION FOR THE RENEWAL OF A LICENSE SHALL BE FILED WITH  
4 THE SUPERINTENDENT NOT LESS THAN SIXTY DAYS PRIOR TO THE DATE THE  
5 LICENSE EXPIRES OR THE APPLICANT SHALL BE SUBJECT TO A FURTHER FEE OF  
6 TEN DOLLARS FOR LATE FILING.

7 (9) NO LICENSE FEE SHALL BE REQUIRED OF ANY PERSON WHO SERVED AS A  
8 MEMBER OF THE ARMED FORCES OF THE UNITED STATES AT ANY TIME, AND WHO  
9 SHALL HAVE BEEN DISCHARGED THEREFROM UNDER CONDITIONS OTHER THAN  
10 DISHONORABLE, IN A CURRENT LICENSING PERIOD FOR THE DURATION OF SUCH  
11 PERIOD.

12 (10) THE SUPERINTENDENT MAY ISSUE A REPLACEMENT LICENSE FOR A CURRENT-  
13 LY IN-FORCE LICENSE THAT HAS BEEN LOST OR DESTROYED. BEFORE SUCH  
14 REPLACEMENT LICENSE SHALL BE ISSUED, THERE SHALL BE ON FILE IN THE  
15 OFFICE OF THE SUPERINTENDENT A WRITTEN APPLICATION FOR SUCH REPLACEMENT  
16 LICENSE, AFFIRMING UNDER PENALTY OF PERJURY THAT THE ORIGINAL LICENSE  
17 HAS BEEN LOST OR DESTROYED, TOGETHER WITH A FEE OF FIFTEEN DOLLARS.

18 S 19. The insurance law is amended by adding a new section 2142 to  
19 read as follows:

20 S 2142. TITLE INSURANCE SOLICITORS; LICENSING. (A) THE SUPERINTENDENT  
21 MAY ISSUE A LICENSE TO ANY INDIVIDUAL THAT HAS COMPLIED WITH THE  
22 REQUIREMENTS OF THIS CHAPTER, AUTHORIZING THE LICENSEE TO ACT AS A TITLE  
23 INSURANCE SOLICITOR FOR ANY AUTHORIZED TITLE INSURANCE CORPORATION OR  
24 TITLE INSURANCE AGENT.

25 (B) EVERY APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL BE EIGHTEEN  
26 YEARS OF AGE OR OLDER AT THE TIME OF THE ISSUANCE OF SUCH LICENSE.

27 (C) BEFORE ANY ORIGINAL TITLE INSURANCE SOLICITOR'S LICENSE IS ISSUED,  
28 THERE SHALL BE ON FILE IN THE OFFICE OF THE SUPERINTENDENT AN APPLICA-  
29 TION BY THE PROSPECTIVE LICENSEE IN SUCH FORM OR FORMS AND SUPPLEMENTS  
30 THERETO, ALONG WITH A FEE IN THE AMOUNT OF FORTY DOLLARS FOR EACH YEAR  
31 OR FRACTION OF A YEAR IN WHICH THE LICENSE SHALL BE VALID, AND CONTAIN-  
32 ING INFORMATION THE SUPERINTENDENT PRESCRIBES.

33 (D) THE SUPERINTENDENT SHALL, IN ORDER TO DETERMINE THE COMPETENCY OF  
34 EVERY APPLICANT FOR THE TITLE INSURANCE SOLICITOR LICENSE, REQUIRE SUCH  
35 INDIVIDUAL TO SUBMIT TO A PERSONAL WRITTEN EXAMINATION AND TO PASS THE  
36 SAME TO THE SATISFACTION OF THE SUPERINTENDENT. THE EXAMINATION SHALL BE  
37 HELD AT SUCH TIMES AND PLACES AS THE SUPERINTENDENT SHALL FROM TIME TO  
38 TIME DETERMINE. EVERY INDIVIDUAL APPLYING TO TAKE ANY WRITTEN EXAMINA-  
39 TION SHALL, AT THE TIME OF APPLYING THEREFOR, PAY TO THE SUPERINTENDENT  
40 OR, AT THE DISCRETION OF THE SUPERINTENDENT, DIRECTLY TO ANY ORGANIZA-  
41 TION THAT IS UNDER CONTRACT TO PROVIDE EXAMINATION SERVICES, AN EXAMINA-  
42 TION FEE OF AN AMOUNT THAT IS THE ACTUAL DOCUMENTED ADMINISTRATIVE COST  
43 OF CONDUCTING SAID QUALIFYING EXAMINATION AS CERTIFIED BY THE SUPER-  
44 INTENDENT FROM TIME TO TIME. AN EXAMINATION FEE REPRESENTS AN ADMINIS-  
45 TRATIVE EXPENSE AND SHALL NOT BE REFUNDABLE. THE SUPERINTENDENT MAY  
46 ACCEPT, IN LIEU OF ANY SUCH EXAMINATION, THE RESULT OF ANY PREVIOUS  
47 WRITTEN EXAMINATION, GIVEN BY THE SUPERINTENDENT, WHICH IN THE SUPER-  
48 INTENDENT'S JUDGMENT, IS EQUIVALENT TO THE EXAMINATION FOR WHICH IT IS  
49 SUBSTITUTED.

50 (E) EVERY INDIVIDUAL SEEKING TO QUALIFY TO OBTAIN A LICENSE UNDER  
51 SUBSECTION (B) OF THIS SECTION SHALL BE REQUIRED TO PASS THE TYPE OR  
52 TYPES OF EXAMINATION PRESCRIBED BY THE SUPERINTENDENT. AN INDIVIDUAL  
53 SHALL NOT BE DEEMED QUALIFIED TO TAKE THE EXAMINATION UNLESS THE INDI-  
54 VIDUAL HAS SUCCESSFULLY COMPLETED A COURSE OR COURSES, APPROVED AS TO  
55 METHOD AND CONTENT BY THE SUPERINTENDENT, COVERING THE TITLE INSURANCE  
56 BUSINESS AND REQUIRING NOT LESS THAN TWENTY HOURS OF CLASSROOM WORK, IN

1 INSTITUTIONS OF LEARNING MEETING THE STANDARDS PRESCRIBED BY PARAGRAPH  
2 ONE OF SUBSECTION (A) OF SECTION TWO THOUSAND ONE HUNDRED FOUR OF THIS  
3 ARTICLE.

4 (F) NO SUCH WRITTEN EXAMINATION OR PRE-LICENSING EDUCATION SHALL BE  
5 REQUIRED OF ANY:

6 (1) INDIVIDUAL WHO FILES AN APPLICATION UNDER THIS SECTION WITHIN ONE  
7 YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION AND WHO DEMONSTRATES TO  
8 THE SATISFACTION OF THE SUPERINTENDENT THAT SUCH APPLICANT HAS, WITHOUT  
9 INTERRUPTION, REGULARLY AND CONTINUOUSLY PERFORMED THE FUNCTIONS OF A  
10 TITLE INSURANCE SOLICITOR FOR A PERIOD OF AT LEAST FIVE YEARS IMMEDIATE-  
11 LY PRECEDING THE FILING OF SUCH APPLICATION AND IS COMPETENT AND TRUST-  
12 WORTHY TO ACT AS A TITLE INSURANCE CLOSER;

13 (2) APPLICANT WHO HAS PASSED THE WRITTEN EXAMINATION GIVEN BY THE  
14 SUPERINTENDENT FOR A TITLE INSURANCE SOLICITOR'S LICENSE AND WAS  
15 LICENSED AS SUCH, OR OF AN APPLICANT WHO WAS LICENSED AS A TITLE INSUR-  
16 ANCE SOLICITOR BUT DID NOT PASS SUCH AN EXAMINATION, PROVIDED THE APPLI-  
17 CANT APPLIES WITHIN TWO YEARS FOLLOWING THE DATE OF TERMINATION OF THE  
18 APPLICANT'S LICENSE; OR

19 (3) APPLICANT SEEKING TO OBTAIN A LICENSE AS A TITLE INSURANCE SOLICI-  
20 TOR, WHEN SUCH APPLICANT IS A LICENSED ATTORNEY-AT-LAW IN THIS STATE.

21 (G) THE SUPERINTENDENT MAY REFUSE TO ISSUE TO AN APPLICANT A TITLE  
22 INSURANCE SOLICITOR'S LICENSE IF, IN THE SUPERINTENDENT'S JUDGMENT, THE  
23 PROPOSED LICENSEE:

24 (1) IS NOT TRUSTWORTHY AND COMPETENT TO ACT AS SUCH SOLICITOR;

25 (2) HAS GIVEN CAUSE FOR THE REVOCATION OR SUSPENSION OF SUCH A  
26 LICENSE; OR

27 (3) HAS FAILED TO COMPLY WITH ANY PREREQUISITE FOR THE ISSUANCE OF  
28 SUCH LICENSE.

29 (H) (1) EVERY LICENSE ISSUED TO AN INDIVIDUAL BORN IN AN ODD-NUMBERED  
30 YEAR SHALL EXPIRE ON THE INDIVIDUAL'S BIRTHDAY IN EACH ODD-NUMBERED  
31 YEAR. LICENSES ISSUED TO INDIVIDUALS BORN IN EVEN-NUMBERED YEARS SHALL  
32 EXPIRE ON THE INDIVIDUAL'S BIRTHDAY IN EACH EVEN-NUMBERED YEAR. EVERY  
33 SUCH LICENSE MAY BE RENEWED FOR THE ENSUING PERIOD OF TWENTY-FOUR MONTHS  
34 UPON THE FILING OF AN APPLICATION IN CONFORMITY WITH THIS SUBSECTION.

35 (2) THE LICENSE MAY BE ISSUED FOR ALL OF SUCH TWO YEAR TERMS, OR UPON  
36 APPLICATION MADE DURING ANY SUCH TERM, FOR THE BALANCE THEREOF.

37 (3) ANY LICENSE SHALL BE CONSIDERED IN GOOD STANDING WITHIN THE  
38 LICENSE TERM UNLESS:

39 (A) REVOKED OR SUSPENDED BY THE SUPERINTENDENT PURSUANT TO THIS ARTI-  
40 CLE; OR

41 (B) IF AT THE EXPIRATION DATE OF THE LICENSE TERM, THE LICENSEE FAILS  
42 TO FILE A RENEWAL APPLICATION, PROVIDED THE LICENSE WAS IN GOOD STANDING  
43 DURING THE TERM.

44 (4) BEFORE THE RENEWAL OF ANY TITLE INSURANCE SOLICITOR'S LICENSE  
45 SHALL BE ISSUED, THE LICENSEE SHALL HAVE:

46 (A) FILED A COMPLETED RENEWAL APPLICATION IN SUCH FORM OR FORMS, AND  
47 SUPPLEMENTS THERETO, AND CONTAINING SUCH INFORMATION AS THE SUPERINTEN-  
48 DENT MAY PRESCRIBE; AND

49 (B) PAID SUCH FEES AS ARE PRESCRIBED IN THIS SECTION.

50 (5) IF AN APPLICATION FOR A RENEWAL LICENSE SHALL HAVE BEEN FILED WITH  
51 THE SUPERINTENDENT BEFORE THE EXPIRATION OF SUCH LICENSE, THEN THE  
52 LICENSE SOUGHT TO BE RENEWED SHALL CONTINUE IN FULL FORCE AND EFFECT  
53 EITHER UNTIL THE ISSUANCE BY THE SUPERINTENDENT OF THE RENEWAL LICENSE  
54 APPLIED FOR OR UNTIL FIVE DAYS AFTER THE SUPERINTENDENT SHALL HAVE  
55 REFUSED TO ISSUE SUCH RENEWAL LICENSE AND SHALL HAVE GIVEN NOTICE OF  
56 SUCH REFUSAL TO THE APPLICANT. BEFORE REFUSING TO RENEW ANY SUCH

LICENSE, EXCEPT ON THE GROUND OF FAILURE TO PASS A WRITTEN EXAMINATION, THE SUPERINTENDENT SHALL NOTIFY THE APPLICANT OF THE SUPERINTENDENT'S INTENTION TO DO SO AND SHALL GIVE THE APPLICANT A HEARING.

(6) THE SUPERINTENDENT MAY, IN ISSUING A RENEWAL LICENSE, DISPENSE WITH THE REQUIREMENTS OF A VERIFIED APPLICATION BY ANY INDIVIDUAL LICENSEE WHO, BY REASON OF BEING ENGAGED IN ANY MILITARY SERVICE FOR THE UNITED STATES, IS UNABLE TO MAKE PERSONAL APPLICATION FOR SUCH RENEWAL LICENSE, UPON THE FILING OF AN APPLICATION ON BEHALF OF SUCH INDIVIDUAL, IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE, BY SOME PERSON OR PERSONS WHO IN HIS OR HER JUDGMENT HAVE KNOWLEDGE OF THE FACTS AND WHO MAKE AFFIDAVIT SHOWING SUCH MILITARY SERVICE AND THE INABILITY OF SUCH TITLE INSURANCE SOLICITOR TO MAKE PERSONAL APPLICATION.

(7) AN INDIVIDUAL LICENSEE WHO IS UNABLE TO COMPLY WITH LICENSE RENEWAL PROCEDURES DUE TO OTHER EXTENUATING CIRCUMSTANCES, SUCH AS A LONG-TERM MEDICAL DISABILITY, MAY REQUEST A WAIVER OF SUCH PROCEDURES, IN SUCH FORM AS THE SUPERINTENDENT SHALL PRESCRIBE. THE LICENSEE MAY ALSO REQUEST A WAIVER OF ANY EXAMINATION REQUIREMENT OR ANY OTHER FINE OR SANCTION IMPOSED FOR FAILURE TO COMPLY WITH RENEWAL PROCEDURES.

(8) AN APPLICATION FOR THE RENEWAL OF A LICENSE SHALL BE FILED WITH THE SUPERINTENDENT NOT LESS THAN SIXTY DAYS PRIOR TO THE DATE THE LICENSE EXPIRES OR THE APPLICANT SHALL BE SUBJECT TO A FURTHER FEE OF TEN DOLLARS FOR LATE FILING.

(9) NO LICENSE FEE SHALL BE REQUIRED OF ANY PERSON WHO SERVED AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AT ANY TIME, AND WHO SHALL HAVE BEEN DISCHARGED THEREFROM UNDER CONDITIONS OTHER THAN DISHONORABLE, IN A CURRENT LICENSING PERIOD FOR THE DURATION OF SUCH PERIOD.

(10) THE SUPERINTENDENT MAY ISSUE A REPLACEMENT LICENSE FOR A CURRENTLY IN-FORCE LICENSE THAT HAS BEEN LOST OR DESTROYED. BEFORE SUCH REPLACEMENT LICENSE SHALL BE ISSUED, THERE SHALL BE ON FILE IN THE OFFICE OF THE SUPERINTENDENT A WRITTEN APPLICATION FOR SUCH REPLACEMENT LICENSE, AFFIRMING UNDER PENALTY OF PERJURY THAT THE ORIGINAL LICENSE HAS BEEN LOST OR DESTROYED, TOGETHER WITH A FEE OF FIFTEEN DOLLARS.

S 20. Section 2314 of the insurance law is amended to read as follows:

S 2314. Charging of rates. No authorized insurer shall, and no licensed insurance agent, NO TITLE INSURANCE AGENT, no employee or other representative of an authorized insurer, and no licensed insurance broker shall knowingly, charge or demand a rate or receive a premium [which] THAT departs from the rates, rating plans, classifications, schedules, rules and standards in effect on behalf of the insurer, or shall issue or make any policy or contract involving a violation thereof.

S 21. Section 6409 of the insurance law, subsection (c) as added by chapter 955 of the laws of 1984, is amended to read as follows:

S 6409. Filing of policy forms; rates; classification of risks; commissions and rebates prohibited. (a) No title insurance policy OR GUARANTEE OF THE CORRECTNESS OF SEARCHES FORM shall be issued or delivered in this state, unless [and until a copy of the form thereof shall have] IT HAS been filed with the superintendent [for his information] IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF THIS CHAPTER.

(b) [Every title insurance corporation shall file with the superintendent its rate manual, if any, its basic schedule of rates and classification of risks, its rating plan and rules in connection with the writing or issuance of policies of title insurance and shall thereafter likewise file any changes therein. After any such filing no such corporation shall, in connection with the writing or issuance of any such



1 policy, deviate from the rates, classifications of risks and rules last  
2 filed by it, either by making any reduction in rates without having  
3 filed the same as herein provided, or by way of any discriminations in  
4 favor of or against any insured. The superintendent shall have the  
5 powers specified in article twenty-three of this chapter applicable to  
6 title insurers.] TITLE INSURANCE RATES AND RATE FILINGS, INCLUDING RATES  
7 FOR GUARANTEES OF THE CORRECTNESS OF SEARCHES, SHALL BE SUBJECT TO ARTI-  
8 CLE TWENTY-THREE OF THIS CHAPTER.

9 (c) Notwithstanding any other provision of this article, every title  
10 insurance [company] CORPORATION shall [be required to] offer, at or  
11 prior to title closing, an optional policy form [which will insure] THAT  
12 INSURES the title of owner-occupied real property used predominantly for  
13 residential purposes [which] THAT consists of not more than four dwell-  
14 ing units for an amount equal to the market value of the property at the  
15 time a loss is discovered. Such policy form shall be filed with, AND  
16 APPROVED BY, the superintendent [pursuant to subsection (a) of this  
17 section] IN ACCORDANCE WITH ARTICLE TWENTY-THREE OF THIS CHAPTER. Rates  
18 for such coverage shall be filed AND APPROVED pursuant to [subsection  
19 (b) of this section] ARTICLE TWENTY-THREE OF THIS CHAPTER.

20 (d) No title insurance corporation, TITLE INSURANCE AGENT, or any  
21 other person acting for or on behalf of [it] THE TITLE INSURANCE CORPO-  
22 RATION OR TITLE INSURANCE AGENT, shall OFFER OR make, DIRECTLY OR INDI-  
23 RECTLY, any rebate of any portion of the fee, premium or charge made, or  
24 pay or give to any applicant for insurance, or to any person, firm, or  
25 corporation acting as agent, representative, attorney, or employee of  
26 the owner, lessee, mortgagee or the prospective owner, lessee, or mort-  
27 gagee or the prospective owner, lessee, or mortgagee of the real proper-  
28 ty or any interest therein, either directly or indirectly, any commis-  
29 sion, any part of its fees or charges, or any other consideration or  
30 valuable thing, as an inducement for, or as compensation for, any title  
31 insurance business, NOR SHALL ANY APPLICANT FOR INSURANCE, OR ANY  
32 PERSON, FIRM, OR CORPORATION ACTING AS AGENT, REPRESENTATIVE, ATTORNEY,  
33 OR EMPLOYEE OF THE OWNER, LESSEE, MORTGAGEE OR THE PROSPECTIVE OWNER,  
34 LESSEE, OR MORTGAGEE OF THE REAL PROPERTY OR ANYONE HAVING ANY INTEREST  
35 IN REAL PROPERTY KNOWINGLY RECEIVE, DIRECTLY OR INDIRECTLY, ANY SUCH  
36 REBATE OR OTHER CONSIDERATION OR VALUABLE THING. Any person or entity  
37 who [accepts or receives such a commission or rebate] VIOLATES THIS  
38 SECTION shall be subject to a penalty equal to the greater of [one] FIVE  
39 thousand dollars or five times the amount [thereof] OF ANY COMPENSATION  
40 OR REBATE RECEIVED OR PAID.

41 (e) Premium rates for coverage shall fully reflect the foregoing  
42 prohibitions of subsection (d) [hereof] OF THIS SECTION.

43 S 22. This act shall take effect on the one hundred eightieth day  
44 after it shall have become a law, provided, however, that effective  
45 immediately:

46 (1) the addition, amendment, or repeal of any rule or regulation  
47 necessary for the implementation of this act on its effective date is  
48 authorized and directed to be made and completed on or before such  
49 effective date;

50 (2) the superintendent of financial services shall promulgate applica-  
51 tion forms for persons, firms, associations, and corporations seeking to  
52 obtain a license as a title insurance agent, or individuals seeking to  
53 obtain a license as a title insurance closer or title insurance solici-  
54 tor; and

55 (3) each person, firm, association, or corporation who has filed an  
56 application for a license as a title insurance agent, or every individ-

1 ual who has filed an application for a license as a title insurance  
2 closer or title insurance solicitor on or before January 1, 2015 or  
3 within 90 days after the superintendent of financial services has  
4 promulgated application forms pursuant to this act, whichever date is  
5 later, may act as such licensee without a license issued pursuant to  
6 section 2140, 2141, or 2142 of the insurance law, as added by sections  
7 seventeen, eighteen, and nineteen of this act, until the superintendent  
8 of financial services has made a final determination on the application  
9 for such license filed by such person, firm, association, or corpo-  
10 ration.

11 PART W

12 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012,  
13 amending the public authorities law relating to authorizing the dormito-  
14 ry authority to enter into certain design and construction management  
15 agreements, as amended by section 1 of part I of chapter 58 of the laws  
16 of 2013, is amended to read as follows:

17 S 2. This act shall take effect immediately and shall expire and be  
18 deemed repealed April 1, [2014] 2015.

19 S 2. Within 90 days of the effective date of this act, the dormitory  
20 authority of the state of New York shall provide a report providing  
21 information regarding any project undertaken pursuant to a design and  
22 construction management agreement, as authorized by part BB of chapter  
23 58 of the laws of 2012, between the dormitory authority of the state of  
24 New York and the department of environmental conservation and/or the  
25 office of parks, recreation and historic preservation to the governor,  
26 the temporary president of the senate and speaker of the assembly. Such  
27 report shall include but not be limited to a description of each such  
28 project, the project identification number of each such project, if  
29 applicable, the projected date of completion, the status of the project,  
30 the total cost or projected cost of each such project, and the location,  
31 including the names of any county, town, village or city, where each  
32 such project is located or proposed. In addition, such a report shall be  
33 provided to the aforementioned parties by the first day of March of each  
34 year that the authority to enter into such agreements pursuant to part  
35 BB of chapter 58 of the laws of 2012 is in effect.

36 S 3. This act shall take effect immediately and shall be deemed to  
37 have been in effect on and after April 1, 2014.

38 PART X

39 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the  
40 public authorities law relating to the powers and duties of the dormito-  
41 ry authority of the state of New York relative to the establishment of  
42 subsidiaries for certain purposes, as amended by section 28 of part D of  
43 chapter 56 of the laws of 2012, is amended to read as follows:

44 S 2. This act shall take effect immediately and shall expire and be  
45 deemed repealed on July 1, [2014] 2016; provided however, that the expi-  
46 ration of this act shall not impair or otherwise affect any of the  
47 powers, duties, responsibilities, functions, rights or liabilities of  
48 any subsidiary duly created pursuant to subdivision twenty-five of  
49 section 1678 of the public authorities law prior to such expiration.

50 S 2. This act shall take effect immediately.

51 PART Y

1 Section 1. Section 2976-a of the public authorities law is REPEALED.

2 S 2. Section 2868 of the public health law, as amended by section 43-a  
3 of part B of chapter 58 of the laws of 2008, is amended to read as  
4 follows:

5 S 2868. Fees and charges. The commissioner may by regulation establish  
6 and charge to any nursing home company, for the period of occupancy date  
7 to mortgage discharge, a fee for inspection, regulation, supervision and  
8 audit not to annually exceed two-tenths of one percent of the mortgage  
9 loan to recover the departmental costs in performing these functions IN  
10 RELATION TO ANY NURSING HOME PROJECT FINANCED OR REFINANCED BY A LOAN  
11 MADE UNDER THIS ARTICLE PRIOR TO APRIL FIRST, TWO THOUSAND FOURTEEN.  
12 NOTWITHSTANDING THE FOREGOING, NO SUCH FEE SHALL BE CHARGED OR PAYABLE  
13 PURSUANT TO THIS SECTION WITH RESPECT TO A NURSING HOME PROJECT FINANCED  
14 OR REFINANCED WITH BONDS ISSUED ON OR AFTER APRIL FIRST, TWO THOUSAND  
15 FOURTEEN.

16 S 3. Section 2881 of the public health law, as amended by section 43-b  
17 of part B of chapter 58 of the laws of 2008, is amended to read as  
18 follows:

19 S 2881. Fees and charges. The commissioner may, by regulation, estab-  
20 lish and charge to eligible borrowers, for the period from occupancy  
21 date to mortgage discharge, a fee for inspection, regulation, super-  
22 vision and audit not to annually exceed two-tenths of one percent of the  
23 mortgage loan to recover the departmental costs in performing these  
24 functions IN RELATION TO ANY HOSPITAL PROJECT FINANCED OR REFINANCED BY  
25 A LOAN MADE UNDER THIS ARTICLE PRIOR TO APRIL FIRST, TWO THOUSAND FOUR-  
26 TEEN. NOTWITHSTANDING THE FOREGOING, NO SUCH FEE SHALL BE CHARGED OR  
27 PAYABLE PURSUANT TO THIS SECTION WITH RESPECT TO A HOSPITAL PROJECT  
28 FINANCED OR REFINANCED WITH BONDS ISSUED ON OR AFTER APRIL FIRST, TWO  
29 THOUSAND FOURTEEN.

30 S 4. This act shall take effect immediately.

31 PART Z

32 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
33 of the laws of 1968 constituting the New York state urban development  
34 corporation act, as amended by chapter 81 of the laws of 2013, is  
35 amended to read as follows:

36 3. The provisions of this section shall expire, notwithstanding any  
37 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
38 the laws of 1996 or of any other law, on July 1, [2014] 2015.

39 S 2. This act shall take effect immediately and shall be deemed to  
40 have been in full force and effect on and after July 1, 2014.

41 PART AA

42 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
43 New York state urban development corporation act, relating to the powers  
44 of the New York state urban development corporation to make loans, as  
45 amended by section 1 of part H of chapter 58 of the laws of 2013, is  
46 amended to read as follows:

47 S 2. This act shall take effect immediately provided, however, that  
48 section one of this act shall expire on July 1, [2014] 2015, at which  
49 time the provisions of subdivision 26 of section 5 of the New York state  
50 urban development corporation act shall be deemed repealed; provided,  
51 however, that neither the expiration nor the repeal of such subdivision  
52 as provided for herein shall be deemed to affect or impair in any manner

1 any loan made pursuant to the authority of such subdivision prior to  
2 such expiration and repeal.

3 S 2. This act shall take effect immediately and shall be deemed to  
4 have been in full force and effect on and after April 1, 2014.

5 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
6 sion, section or part of this act shall be adjudged by any court of  
7 competent jurisdiction to be invalid, such judgment shall not affect,  
8 impair, or invalidate the remainder thereof, but shall be confined in  
9 its operation to the clause, sentence, paragraph, subdivision, section  
10 or part thereof directly involved in the controversy in which such judg-  
11 ment shall have been rendered. It is hereby declared to be the intent of  
12 the legislature that this act would have been enacted even if such  
13 invalid provisions had not been included herein.

14 S 3. This act shall take effect immediately provided, however, that  
15 the applicable effective date of Parts A through AA of this act shall be  
16 as specifically set forth in the last section of such Parts.