

STATE OF NEW YORK

S. 3008--A

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SENATE - ASSEMBLY

January 22, 2025

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 executive law, in relation to the Waterfront Commission Act (Part A); to amend part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments in relation to the amount of payments in the Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof (Part C); to amend the vehicle and traffic law, in relation to abandoned vehicles (Part D); to amend the vehicle and traffic law, in relation to expanding the definition of what constitutes drugged impaired driving, penalizing refusals to submit to preliminary screening tests, authorizing prompt license suspensions for drugged driving arrests and expanding situations in which chemical tests can be compelled (Part E); to amend the vehicle and traffic law, in relation to improving safety at elementary school intersections (Part F); to amend the vehicle and traffic law, in relation to bicycles with electric assist (Part G); to amend the vehicle and traffic law, in relation to maximum speed limits for bicycles, bicycles with electric assist, electronic scooters and other devices authorized or required to use bicycle lanes (Part H); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part I); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation

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

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authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part J); to amend the public authorities law, in relation to acquisitions or transfers of property for certain transit projects; and to amend part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects, in relation to the effectiveness thereof (Part K); to amend part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, in relation to funding for net paratransit operating expenses and in relation to the effectiveness thereof (Part L); to amend the state finance law, in relation to providing funding for the metropolitan transportation authority 2025-2029 capital program (Part M); to amend the vehicle and traffic law and the public officers law, in relation to authorizing covered agencies and authorities to use weigh-in-motion technology to automatically enforce vehicle weight limits on their facilities (Part N); to amend the vehicle and traffic law, in relation to bus operation-related traffic regulations (Part O); to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to the authorization of a surcharge for the issuance of permits relating to the obstruction or closure of a street or pedestrian plaza for construction purposes in a city having a population of one million or more and to the imposition of such surcharge (Part P); to amend the vehicle and traffic law and the public officers law, in relation to the speed violation photo monitoring systems program in work zones including authorizing a photo monitoring program for the Triborough bridge and tunnel authority and New York state bridge authority; to amend the state finance law, in relation to establishing a work zone speed camera administration fund; and to amend chapter 421 of the laws of 2021 amending the vehicle and traffic law and the general municipal law relating to certain notices of liability, in relation to making such provisions permanent (Part Q); to amend the penal law and the vehicle and traffic law, in relation to expanding enhanced assault protection for motor vehicle license examiners, motor vehicle representatives, highway workers, motor carrier investigators, motor carrier inspectors, and triborough bridge and tunnel authority workers (Part R); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part S); to amend the public authorities law, in relation to authorizing the Olympic regional development authority to enter into agreements for membership of one or more of its ski venues in reciprocal ski pass programs where such members are required to guarantee contractual indemnity up to a capped amount (Part T); to amend the general business law, in relation to artificial intelligence companion models (Part U); to amend the general business law, in relation to refund policies (Part V); to amend the general business law, in relation to automatic renewals (Part W); to amend the general business law, in relation to requiring disclosure of algorithmically set prices (Part X); to amend the banking law, in relation to the regulation of buy-now-pay-later lenders (Part Y); to amend the insurance law, in relation to disclosure of pharmacy benefit manager rebate contracts (Part Z); to amend the general business law, the banking law, and the social services law, in relation to protecting eligible adults from

financial exploitation (Part AA); to amend the insurance law, in relation to for hire group insurance (Part BB); to amend the insurance law, in relation to for hire motor vehicle insurance rates (Part CC); to amend the insurance law, in relation to rates for livery insurance (Part DD); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); 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 extending loan powers (Part FF); to amend part BB of 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 the effectiveness thereof (Part GG); in relation to enacting the private activity bond allocation act of 2025; and providing for the repeal of certain provisions upon expiration thereof (Part HH); to amend the public authorities law, in relation to the construction and financing of public libraries (Part II); to amend the public authorities law, in relation to authorizing the dormitory authority to provide additional services to local governments and the department of environmental conservation (Part JJ); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part KK); to amend the state finance law, in relation to the excelsior linked deposit program (Part LL); to amend the state finance law and the public authorities law, in relation to purchasing thresholds (Part MM); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing certain New York state and local authorities to create a pure or group captive insurance company (Part NN); to amend the agriculture and markets law, in relation to farmland protection (Part OO); to amend the environmental conservation law, in relation to extending the waste tire management fee for five years and removing the exclusion for mail order sales (Part PP); to amend chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, in relation to extending provisions of the youth deer hunting program (Part QQ); to amend the environmental conservation law, the state finance law and the public authorities law, in relation to the inactive hazardous waste disposal site program (Part RR); to amend the general business law, in relation to prohibiting the sale and manufacturing of firefighting personal protective equipment containing intentionally added PFAS (Part SS); to amend the environmental conservation law, in relation to authorizing the commissioner of environmental conservation to acquire conservation easements without attorney general approval (Subpart A); and to amend the tax law, in relation to exemptions for any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation purposes (Subpart B) (Part TT); to amend the environmental conservation law, in relation to the management of crabs (Part UU); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations (Part VV); to amend abandoned property law, in

relation to ensuring ESCOs are subject to the same consumer protection regulations regarding unclaimed deposits and refunds currently facing utility companies (Part WW); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of state, the office of parks, recreation and historic preservation, and the department of environmental conservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part XX); to amend the general business law and the state finance law, in relation to increasing and redirecting civil penalties for failing to comply with the department of public service's prescribed rules and regulations established for the protection of underground facilities (Part YY); to amend the tax law, in relation to authorizing the department of taxation and finance to disclose certain information to the department of environmental conservation or the New York state energy research and development authority for the purpose of implementing the New York state climate leadership and community protection act (Part ZZ); to amend the vehicle and traffic law, in relation to establishing and providing distinctive license plates for gold star families (Part AAA); and establishing a commission to ensure the replacement of the statue of Robert R. Livingston in the National Statuary Hall of the United States Capitol with a statue of Harriet Tubman (Part BBB)

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 necessary to implement the state transportation, economic development
3 and environmental conservation budget for the 2025-2026 state fiscal
4 year. Each component is wholly contained within a Part identified as
5 Parts A through BBB. The effective date for each particular provision
6 contained within such Part is set forth in the last section of such
7 Part. Any provision in any section contained within a Part, including
8 the effective date of the Part, which makes a reference to a section "of
9 this act", when used in connection with that particular component, shall
10 be deemed to mean and refer to the corresponding section of the Part in
11 which it is found. Section three of this act sets forth the general
12 effective date of this act.

13 PART A

14 Section 1. Paragraph (a) of subdivision 4 of section 534-n of the
15 executive law, as added by section 2 of part L of chapter 58 of the laws
16 of 2024, is amended to read as follows:

17 (a) The commission may temporarily suspend a permit, license or regis-
18 tration pursuant to the provisions of this subdivision until further
19 order of the commission or final disposition of the underlying case,
20 [only] where the permittee, licensee or registrant has been indicted
21 for, or otherwise charged with, a crime which is equivalent to a felony
22 in the state of New York or any crime punishable by death or imprison-
23 ment for a term exceeding three hundred sixty-four days or [only] where
24 the permittee or licensee is a security officer who is charged by the
25 commission pursuant to this section with misappropriating any other
26 person's property at or on a pier or other waterfront terminal.

§ 2. Subdivisions 6 and 7 of section 534-u of the executive law, as added by section 2 of part L of chapter 58 of the laws of 2024, are amended to read as follows:

6. Association with a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where such association creates a reasonable belief that the participation of the [applicant] licensee or registrant in any activity required to be licensed under this act would be inimical to the policies of this article, provided however that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for revocation; or

7. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States or any state or territory thereof under circumstances where such association creates a reasonable belief that the participation of the [applicant] licensee or registrant in any activity required to be licensed under this act would be inimical to the policies of this article, provided, however, that association without the requisite showing of inimicality as set forth herein shall be insufficient grounds for revocation.

§ 3. This act shall take effect immediately.

PART B

Section 1. Section 1 of part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments, as amended by section 1 of part E of chapter 58 of the laws of 2024, is amended to read as follows:

Section 1. Notwithstanding any other law, rule or regulation to the contrary, payment of mass transportation operating assistance pursuant to section 18-b of the transportation law shall be subject to the provisions contained herein and the amounts made available therefor by appropriation.

In establishing service and usage formulas for distribution of mass transportation operating assistance, the commissioner of transportation may combine and/or take into consideration those formulas used to distribute mass transportation operating assistance payments authorized by separate appropriations in order to facilitate program administration and to ensure an orderly distribution of such funds.

To improve the predictability in the level of funding for those systems receiving operating assistance payments under service and usage formulas, the commissioner of transportation is authorized with the approval of the director of the budget, to provide service payments based on service and usage statistics of the preceding year.

In the case of a service payment made, pursuant to section 18-b of the transportation law, to a regional transportation authority on account of mass transportation services provided to more than one county (considering the city of New York to be one county), the respective shares of the matching payments required to be made by a county to any such authority shall be as follows:

	Percentage of Matching Payment
Local Jurisdiction	

1	-----		
2	In the Metropolitan Commuter		
3	Transportation District:		
4	New York City	6.40	
5	Dutchess	1.30	
6	Nassau	39.60	
7	Orange	0.50	
8	Putnam	1.30	
9	Rockland	0.10	
10	Suffolk	25.70	
11	Westchester	25.10	
12	In the Capital District Trans-		
13	portation District:		
14	Albany	54.05	
15	Rensselaer	22.45	
16	Saratoga	3.95	
17	Schenectady	15.90	
18	Montgomery	1.44	
19	Warren	2.21	
20	In the Central New York Re-		
21	gional Transportation Dis-		
22	trict:		
23	Cayuga	[5.11]	<u>5.05</u>
24	Onondaga	[75.83]	<u>74.94</u>
25	Oswego	[2.85]	<u>2.82</u>
26	Oneida	[16.21]	<u>16.02</u>
27	<u>Cortland.....</u>	<u>1.17</u>	
28	In the Rochester-Genesee Re-		
29	gional Transportation Dis-		
30	trict:		
31	Genesee	1.36	
32	Livingston	.90	
33	Monroe	90.14	
34	Wayne	.98	
35	Wyoming	.51	
36	Seneca	.64	
37	Orleans	.77	
38	Ontario	4.69	
39	In the Niagara Frontier Trans-		
40	portation District: Erie		89.20
41	Niagara	10.80	

42 Notwithstanding any other inconsistent provisions of section 18-b of
 43 the transportation law or any other law, any moneys provided to a public
 44 benefit corporation constituting a transportation authority or to other
 45 public transportation systems in payment of state operating assistance
 46 or such lesser amount as the authority or public transportation system
 47 shall make application for, shall be paid by the commissioner of trans-
 48 portation to such authority or public transportation system in lieu, and
 49 in full satisfaction, of any amounts which the authority would otherwise
 50 be entitled to receive under section 18-b of the transportation law.

51 Notwithstanding the reporting date provision of section 17-a of the
 52 transportation law, the reports of each regional transportation authori-
 53 ty and other major public transportation systems receiving mass trans-
 54 portation operating assistance shall be submitted on or before July 15
 55 of each year in the format prescribed by the commissioner of transporta-

tion. Copies of such reports shall also be filed with the chairpersons of the senate finance committee and the assembly ways and means committee and the director of the budget. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such reports.

Payments may be made in quarterly installments as provided in subdivision 2 of section 18-b of the transportation law or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget, may provide; and where payment is not made in the manner provided by such subdivision 2, the matching payments required of any city, county, Indian tribe or intercity bus company shall be made within 30 days of the payment of state operating assistance pursuant to this section or on such other basis as may be agreed upon by the commissioner of transportation, the director of the budget, and the chief executive officer of such city, county, Indian tribe or intercity bus company.

The commissioner of transportation shall be required to annually evaluate the operating and financial performance of each major public transportation system. Where the commissioner's evaluation process has identified a problem related to system performance, the commissioner may request the system to develop plans to address the performance deficiencies. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such operating, financial, or other information as may be required by the commissioner to conduct the evaluation process.

Payments shall be made contingent upon compliance with regulations deemed necessary and appropriate, as prescribed by the commissioner of transportation and approved by the director of the budget, which shall promote the economy, efficiency, utility, effectiveness, and coordinated service delivery of public transportation systems. The chief executive officer of each public transportation system receiving a payment shall certify to the commissioner of transportation, in addition to information required by section 18-b of the transportation law, such other information as the commissioner of transportation shall determine is necessary to determine compliance and carry out the purposes herein.

Counties, municipalities or Indian tribes that propose to allocate service payments to operators on a basis other than the amount earned by the service payment formula shall be required to describe the proposed method of distributing governmental operating aid and submit it one month prior to the start of the operator's fiscal year to the commissioner of transportation in writing for review and approval prior to the distribution of state aid. The commissioner of transportation shall only approve alternate distribution methods which are consistent with the transportation needs of the people to be served and ensure that the system of private operators does not exceed established maximum service payment limits. Copies of such approvals shall be submitted to the chairpersons of the senate finance and assembly ways and means committees.

Notwithstanding the provisions of subdivision 4 of section 18-b of the transportation law, the commissioner of transportation is authorized to continue to use prior quarter statistics to determine current quarter payment amounts, as initiated in the April to June quarter of 1981. In the event that actual revenue passengers and actual total number of vehicle, nautical or car miles are not available for the preceding quarter, estimated statistics may be used as the basis of payment upon

1 approval by the commissioner of transportation. In such event, the
2 succeeding payment shall be adjusted to reflect the difference between
3 the actual and estimated total number of revenue passengers and vehicle,
4 nautical or car miles used as the basis of the estimated payment. The
5 chief executive officer may apply for less aid than the system is eligi-
6 ble to receive. Each quarterly payment shall be attributable to operat-
7 ing expenses incurred during the quarter in which it is received, unless
8 otherwise specified by such commissioner. In the event that a public
9 transportation system ceases to participate in the program, operating
10 assistance due for the final quarter that service is provided shall be
11 based upon the actual total number of revenue passengers and the actual
12 total number of vehicle, nautical or car miles carried during that quar-
13 ter.

14 Payments shall be contingent on compliance with audit requirements
15 determined by the commissioner of transportation.

16 In the event that an audit of a public transportation system or
17 private operator receiving funds discloses the existence of an overpay-
18 ment of state operating assistance, regardless of whether such an over-
19 payment results from an audit of revenue passengers and the actual
20 number of revenue vehicle miles statistics, or an audit of private oper-
21 ators in cases where more than a reasonable return based on equity or
22 operating revenues and expenses has resulted, the commissioner of trans-
23 portation, in addition to recovering the amount of state operating
24 assistance overpaid, shall also recover interest, as defined by the
25 department of taxation and finance, on the amount of the overpayment.

26 Notwithstanding any other law, rule or regulation to the contrary,
27 whenever the commissioner of transportation is notified by the comp-
28 troller that the amount of revenues available for payment from an
29 account is less than the total amount of money for which the public mass
30 transportation systems are eligible pursuant to the provisions of
31 section 88-a of the state finance law and any appropriations enacted for
32 these purposes, the commissioner of transportation shall establish a
33 maximum payment limit which is proportionally lower than the amounts set
34 forth in appropriations.

35 Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a
36 of the state finance law and any other general or special law, payments
37 may be made in quarterly installments or in such other manner and at
38 such other times as the commissioner of transportation, with the
39 approval of the director of the budget may prescribe.

40 § 2. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after April 1, 2025.

42 PART C

43 Section 1. Section 6 of chapter 368 of the laws of 2019 amending the
44 vehicle and traffic law and state finance law relating to establishing a
45 pre-licensing course internet program, is amended to read as follows:

46 § 6. This act shall take effect June 30, 2020 and shall expire and be
47 deemed repealed June 30, ~~2025~~ 2030; provided, however, that the amend-
48 ments to paragraph (a) of subdivision 3 of section 89-b of the state
49 finance law made by section four of this act shall be subject to the
50 expiration and reversion of such subdivision pursuant to section 13 of
51 part U1 of chapter 62 of the laws of 2003, as amended, when upon such
52 date the provisions of section five of this act shall take effect.
53 Effective immediately, the addition, amendment and/or repeal of any rule
54 or regulation necessary for the implementation of this act on its effec-

tive date are authorized to be made and completed on or before such effective date.

§ 2. This act shall take effect immediately.

PART D

Section 1. Paragraph (a) of subdivision 1 of section 1224 of the vehicle and traffic law, as amended by chapter 795 of the laws of 1974, is amended to read as follows:

(a) with no number plates affixed thereto, for more than ~~[six]~~ three hours on any highway or other public place;

§ 2. Subdivision 2 of section 1224 of the vehicle and traffic law, as amended by chapter 540 of the laws of 2002, is amended to read as follows:

2. If an abandoned vehicle, at the time of abandonment, has no number plates affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of ~~[one thousand two hundred fifty]~~ three thousand five hundred dollars or less, ownership shall immediately vest in the local authority having jurisdiction thereof and title to the vehicle shall vest in accordance with applicable law and regulations of the commissioner, provided however that a local authority shall not be required to obtain title to an abandoned vehicle that is subject to the provisions of this subdivision if the vehicle will be sold or otherwise disposed of as junk or salvage, dismantled for use other than as a motor vehicle, or otherwise destroyed.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART E

Section 1. Section 114-a of the vehicle and traffic law, as amended by chapter 92 of the laws of 2021, is amended to read as follows:

§ 114-a. Drug. The term "drug" when used in this chapter, means and includes any substance listed in section thirty-three hundred six of the public health law and cannabis and concentrated cannabis as defined in section 222.00 of the penal law and any substance or combination of substances that impair physical or mental abilities to any extent.

§ 2. The vehicle and traffic law is amended by adding two new sections 119-a-1 and 119-b-1 to read as follows:

§ 119-a-1. Impaired. Impairment is reached when a driver has consumed or ingested a substance or combination of substances to the extent that the driver has impaired, to any extent, the physical and/or mental abilities which a driver is expected to possess in order to operate a vehicle as a reasonable and prudent person.

§ 119-b-1. Intoxication. Intoxication is a greater degree of impairment which is reached when a driver has consumed or ingested a substance or combination of substances to the extent that the driver is incapable, to a substantial extent, of employing the physical and/or mental abilities which a driver is expected to possess in order to operate a vehicle as a reasonable and prudent person.

§ 3. Subdivisions 1, 2 and 3 of section 1194 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, paragraph (a) of subdivision 2 as amended by chapter 196 of the laws of 1996, paragraphs (b) and (c) of subdivision 2 as amended by chapter 489 of the laws of 2017, clause (A) of subparagraph 1, subparagraphs 2 and 3 of paragraph (b), subparagraphs 1, 2 and 3 of paragraph (c) of subdivision 2 as

1 amended by chapter 27 of the laws of 2018, subparagraphs 1 and 2 of
2 paragraph (d) of subdivision 2 as amended by chapter 732 of the laws of
3 2006, and item (iii) of clause c of subparagraph 1 of paragraph (d) of
4 subdivision 2 as amended by section 37 of part LL of chapter 56 of the
5 laws of 2010, are amended to read as follows:

6 1. Arrest and field testing. (a) Arrest. Notwithstanding the
7 provisions of section 140.10 of the criminal procedure law, a police
8 officer may, without a warrant, arrest a person, in case of a violation
9 of subdivision one of section eleven hundred ninety-two of this article,
10 if such violation is coupled with an accident or collision in which such
11 person is involved, which in fact has been committed, though not in the
12 police officer's presence, when the officer has reasonable cause to
13 believe that the violation was committed by such person.

14 (b) Field testing. Every person operating a motor vehicle which has
15 been involved in an accident or which is operated in violation of any of
16 the provisions of this chapter shall, at the request of a police offi-
17 cer, submit to a breath test and oral/bodily fluid test to be adminis-
18 tered by the police officer. If such test indicates that such operator
19 has consumed alcohol or a drug or drugs, the police officer may request
20 such operator to submit to a chemical test and an evaluation conducted
21 by a drug recognition expert in the manner set forth in subdivision two
22 of this section.

23 (c) Refusal to submit to a breath test or oral/bodily fluid test
24 pursuant to paragraph (b) of this subdivision shall be a traffic infrac-
25 tion, subject to penalties as defined in section eighteen hundred of
26 this chapter.

27 2. Chemical tests and drug recognition evaluations. (a) When author-
28 ized. Any person who operates a motor vehicle in this state shall be
29 deemed to have given consent to an evaluation conducted by a drug recog-
30 nition expert, and a chemical test of one or more of the following:
31 breath, blood, urine, or [~~saliva~~] oral/bodily fluid, for the purpose of
32 determining the alcoholic and/or drug content [~~of the blood~~] within such
33 person's body, provided that such test is administered by or at the
34 direction of a police officer with respect to a chemical test of breath,
35 urine or [~~saliva~~] oral/bodily fluid or, with respect to a chemical test
36 of blood, at the direction of a police officer:

37 (1) having reasonable grounds to believe such person to have been
38 operating in violation of any subdivision of section eleven hundred
39 ninety-two of this article and within two hours after such person has
40 been placed under arrest for any such violation; or having reasonable
41 grounds to believe such person to have been operating in violation of
42 section eleven hundred ninety-two-a of this article and within two hours
43 after the stop of such person for any such violation,

44 (2) within two hours after a breath test, or oral/bodily fluid test,
45 as provided in paragraph (b) of subdivision one of this section, indi-
46 cates that alcohol and/or a drug or drugs has been consumed by such
47 person and in accordance with the rules and regulations established by
48 the police force of which the officer is a member;

49 (3) for the purposes of this paragraph, "reasonable grounds" to
50 believe that a person has been operating a motor vehicle after having
51 consumed alcohol in violation of section eleven hundred ninety-two-a of
52 this article shall be determined by viewing the totality of circum-
53 stances surrounding the incident which, when taken together, indicate
54 that the operator was driving in violation of such subdivision. Such
55 circumstances may include any visible or behavioral indication of alco-
56 hol consumption by the operator, the existence of an open container

1 containing or having contained an alcoholic beverage in or around the
2 vehicle driven by the operator, or any other evidence surrounding the
3 circumstances of the incident which indicates that the operator has been
4 operating a motor vehicle after having consumed alcohol at the time of
5 the incident; or

6 (4) notwithstanding any other provision of law to the contrary, no
7 person under the age of twenty-one shall be arrested for an alleged
8 violation of section eleven hundred ninety-two-a of this article.
9 However, a person under the age of twenty-one for whom a chemical test
10 or an evaluation conducted by a drug recognition expert is authorized
11 pursuant to this paragraph may be temporarily detained by the police
12 solely for the purpose of requesting or administering such chemical test
13 or an evaluation conducted by a drug recognition expert whenever arrest
14 without a warrant for a petty offense would be authorized in accordance
15 with the provisions of section 140.10 of the criminal procedure law or
16 paragraph (a) of subdivision one of this section.

17 (b) Report of refusal. (1) If: (A) such person having been placed
18 under arrest; or (B) after a breath or oral/bodily fluid test indicates
19 the presence of alcohol and/or a drug or drugs in the person's system;
20 or (C) with regard to a person under the age of twenty-one, there are
21 reasonable grounds to believe that such person has been operating a
22 motor vehicle after having consumed alcohol in violation of section
23 eleven hundred ninety-two-a of this article; and having thereafter been
24 requested to submit to such chemical test or an evaluation conducted by
25 a drug recognition expert and having been informed that the person's
26 license or permit to drive and any non-resident operating privilege
27 shall be immediately suspended and subsequently revoked, or, for opera-
28 tors under the age of twenty-one for whom there are reasonable grounds
29 to believe that such operator has been operating a motor vehicle after
30 having consumed alcohol in violation of section eleven hundred ninety-
31 two-a of this article, shall be revoked for refusal to submit to such
32 chemical test or any portion thereof, or an evaluation conducted by a
33 drug recognition expert or any portion thereof whether or not the person
34 is found guilty of the charge for which such person is arrested or
35 detained, refuses to submit to such chemical test or any portion there-
36 of, [~~unless a court order has been granted pursuant to subdivision three~~
37 ~~of this section,~~] or an evaluation conducted by a drug recognition
38 expert or any portion thereof, the test shall not be given and a written
39 report of such refusal shall be immediately made by the police officer
40 before whom such refusal was made. Such report may be verified by having
41 the report sworn to, or by affixing to such report a form notice that
42 false statements made therein are punishable as a class A misdemeanor
43 pursuant to section 210.45 of the penal law and such form notice togeth-
44 er with the subscription of the deponent shall constitute a verification
45 of the report.

46 (2) The report of the police officer shall set forth reasonable
47 grounds to believe such arrested person or such detained person under
48 the age of twenty-one had been driving in violation of any subdivision
49 of section eleven hundred ninety-two or eleven hundred ninety-two-a of
50 this article, that said person had refused to submit to such chemical
51 test, [~~and that no chemical test was administered pursuant to the~~
52 ~~requirements of subdivision three of this section~~] or an evaluation
53 conducted by a drug recognition expert, or any portion thereof. The
54 report shall be presented to the court upon arraignment of an arrested
55 person, provided, however, in the case of a person under the age of
56 twenty-one, for whom a test was authorized pursuant to the provisions of

1 subparagraph two or three of paragraph (a) of this subdivision, and who
2 has not been placed under arrest for a violation of any of the
3 provisions of section eleven hundred ninety-two of this article, such
4 report shall be forwarded to the commissioner within forty-eight hours
5 in a manner to be prescribed by the commissioner, and all subsequent
6 proceedings with regard to refusal to submit to such chemical test or an
7 evaluation conducted by a drug recognition expert by such person shall
8 be as set forth in subdivision three of section eleven hundred ninety-
9 four-a of this article.

10 (3) For persons placed under arrest for a violation of any subdivision
11 of section eleven hundred ninety-two of this article, the license or
12 permit to drive and any non-resident operating privilege shall, upon the
13 basis of such written report, be temporarily suspended by the court
14 without notice pending the determination of a hearing as provided in
15 paragraph (c) of this subdivision. Copies of such report must be trans-
16 mitted by the court to the commissioner and such transmittal may not be
17 waived even with the consent of all the parties. Such report shall be
18 forwarded to the commissioner within forty-eight hours of such arraign-
19 ment.

20 (4) The court or the police officer, in the case of a person under the
21 age of twenty-one alleged to be driving after having consumed alcohol,
22 shall provide such person with a scheduled hearing date, a waiver form,
23 and such other information as may be required by the commissioner. If a
24 hearing, as provided for in paragraph (c) of this subdivision, or subdi-
25 vision three of section eleven hundred ninety-four-a of this article, is
26 waived by such person, the commissioner shall immediately revoke the
27 license, permit, or non-resident operating privilege, as of the date of
28 receipt of such waiver in accordance with the provisions of paragraph
29 (d) of this subdivision.

30 (c) Hearings. Any person whose license or permit to drive or any non-
31 resident driving privilege has been suspended pursuant to paragraph (b)
32 of this subdivision is entitled to a hearing in accordance with a hear-
33 ing schedule to be promulgated by the commissioner. If the department
34 fails to provide for such hearing fifteen days after the date of the
35 arraignment of the arrested person, the license, permit to drive or
36 non-resident operating privilege of such person shall be reinstated
37 pending a hearing pursuant to this section. The hearing shall be limited
38 to the following issues: (1) did the police officer have reasonable
39 grounds to believe that such person had been driving in violation of any
40 subdivision of section eleven hundred ninety-two of this article; (2)
41 did the police officer make a lawful arrest of such person; (3) was such
42 person given sufficient warning, in clear or unequivocal language, prior
43 to such refusal that such refusal to submit to such chemical test or any
44 portion thereof, or an evaluation conducted by a drug recognition expert
45 or any portion thereof, would result in the immediate suspension and
46 subsequent revocation of such person's license or operating privilege
47 whether or not such person is found guilty of the charge for which the
48 arrest was made; and (4) did such person refuse to submit to such chemi-
49 cal test or any portion thereof, or an evaluation conducted by a drug
50 recognition expert or any portion thereof. If, after such hearing, the
51 hearing officer, acting on behalf of the commissioner, finds on any one
52 of said issues in the negative, the hearing officer shall immediately
53 terminate any suspension arising from such refusal. If, after such hear-
54 ing, the hearing officer, acting on behalf of the commissioner finds all
55 of the issues in the affirmative, such officer shall immediately revoke
56 the license or permit to drive or any non-resident operating privilege

1 in accordance with the provisions of paragraph (d) of this subdivision.
2 A person who has had a license or permit to drive or non-resident oper-
3 ating privilege suspended or revoked pursuant to this subdivision may
4 appeal the findings of the hearing officer in accordance with the
5 provisions of article three-A of this chapter. Any person may waive the
6 right to a hearing under this section. Failure by such person to appear
7 for the scheduled hearing shall constitute a waiver of such hearing,
8 provided, however, that such person may petition the commissioner for a
9 new hearing which shall be held as soon as practicable.

10 (d) Sanctions. (1) Revocations. a. Any license which has been revoked
11 pursuant to paragraph (c) of this subdivision shall not be restored for
12 at least one year after such revocation, nor thereafter, except in the
13 discretion of the commissioner. However, no such license shall be
14 restored for at least eighteen months after such revocation, nor there-
15 after except in the discretion of the commissioner, in any case where
16 the person has had a prior revocation resulting from refusal to submit
17 to a chemical test or an evaluation conducted by a certified drug recog-
18 nitition expert or any portion thereof, or has been convicted of or found
19 to be in violation of any subdivision of section eleven hundred ninety-
20 two or section eleven hundred ninety-two-a of this article not arising
21 out of the same incident, within the five years immediately preceding
22 the date of such revocation; provided, however, a prior finding that a
23 person under the age of twenty-one has refused to submit to a chemical
24 test or an evaluation conducted by a certified drug recognition expert
25 or any portion thereof pursuant to subdivision three of section eleven
26 hundred ninety-four-a of this article shall have the same effect as a
27 prior finding of a refusal pursuant to this subdivision solely for the
28 purpose of determining the length of any license suspension or revoca-
29 tion required to be imposed under any provision of this article,
30 provided that the subsequent offense or refusal is committed or occurred
31 prior to the expiration of the retention period for such prior refusal
32 as set forth in paragraph (k) of subdivision one of section two hundred
33 one of this chapter.

34 b. Any license which has been revoked pursuant to paragraph (c) of
35 this subdivision or pursuant to subdivision three of section eleven
36 hundred ninety-four-a of this article, where the holder was under the
37 age of twenty-one years at the time of such refusal, shall not be
38 restored for at least one year, nor thereafter, except in the discretion
39 of the commissioner. Where such person under the age of twenty-one years
40 has a prior finding, conviction or youthful offender adjudication
41 resulting from a violation of section eleven hundred ninety-two or
42 section eleven hundred ninety-two-a of this article, not arising from
43 the same incident, such license shall not be restored for at least one
44 year or until such person reaches the age of twenty-one years, whichever
45 is the greater period of time, nor thereafter, except in the discretion
46 of the commissioner.

47 c. Any commercial driver's license which has been revoked pursuant to
48 paragraph (c) of this subdivision based upon a finding of refusal to
49 submit to a chemical test or an evaluation conducted by a certified drug
50 recognition expert or any portion thereof, where such finding occurs
51 within or outside of this state, shall not be restored for at least
52 eighteen months after such revocation, nor thereafter, except in the
53 discretion of the commissioner, but shall not be restored for at least
54 three years after such revocation, nor thereafter, except in the
55 discretion of the commissioner, if the holder of such license was oper-
56 ating a commercial motor vehicle transporting hazardous materials at the

time of such refusal. However, such person shall be permanently disqualified from operating a commercial motor vehicle in any case where the holder has a prior finding of refusal to submit to a chemical test or an evaluation thereof conducted by a certified drug recognition expert or any portion thereof pursuant to this section or has a prior conviction of any of the following offenses: any violation of section eleven hundred ninety-two of this article; any violation of subdivision one or two of section six hundred of this chapter; or has a prior conviction of any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of section five hundred ten-a of this chapter. Provided that the commissioner may waive such permanent revocation after a period of ten years has expired from such revocation provided:

(i) that during such ten year period such person has not been found to have refused a chemical test or an evaluation conducted by a certified drug recognition expert or any portion thereof pursuant to this section and has not been convicted of any one of the following offenses: any violation of section eleven hundred ninety-two of this article; refusal to submit to a chemical test or an evaluation conducted by a certified drug recognition expert or any portion thereof pursuant to this section; any violation of subdivision one or two of section six hundred of this chapter; or has a prior conviction of any felony involving the use of a motor vehicle pursuant to paragraph (a) of subdivision one of section five hundred ten-a of this chapter;

(ii) that such person provides acceptable documentation to the commissioner that such person is not in need of alcohol or drug treatment or has satisfactorily completed a prescribed course of such treatment; and

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law by the court in which such person was last penalized.

d. Upon a third finding of refusal and/or conviction of any of the offenses which require a permanent commercial driver's license revocation, such permanent revocation may not be waived by the commissioner under any circumstances.

(2) Civil penalties. Except as otherwise provided, any person whose license, permit to drive, or any non-resident operating privilege is revoked pursuant to the provisions of this section shall also be liable for a civil penalty in the amount of five hundred dollars except that if such revocation is a second or subsequent revocation pursuant to this section issued within a five year period, or such person has been convicted of a violation of any subdivision of section eleven hundred ninety-two of this article within the past five years not arising out of the same incident, the civil penalty shall be in the amount of seven hundred fifty dollars. Any person whose license is revoked pursuant to the provisions of this section based upon a finding of refusal to submit to a chemical test or an evaluation conducted by a certified drug recognition expert or any portion thereof while operating a commercial motor vehicle shall also be liable for a civil penalty of five hundred fifty dollars except that if such person has previously been found to have refused a chemical test or an evaluation conducted by a certified drug recognition expert or any portion thereof pursuant to this section while operating a commercial motor vehicle or has a prior conviction of any of the following offenses while operating a commercial motor vehicle: any violation of section eleven hundred ninety-two of this article; any violation of subdivision two of section six hundred of this chapter; or has a prior conviction of any felony involving the use of a commercial

1 motor vehicle pursuant to paragraph (a) of subdivision one of section
2 five hundred ten-a of this chapter, then the civil penalty shall be
3 seven hundred fifty dollars. No new driver's license or permit shall be
4 issued, or non-resident operating privilege restored to such person
5 unless such penalty has been paid. All penalties collected by the
6 department pursuant to the provisions of this section shall be the prop-
7 erty of the state and shall be paid into the general fund of the state
8 treasury.

9 (3) Effect of rehabilitation program. No period of revocation arising
10 out of this section may be set aside by the commissioner for the reason
11 that such person was a participant in the alcohol and drug rehabili-
12 tation program set forth in section eleven hundred ninety-six of this
13 article.

14 (e) Regulations. The commissioner shall promulgate such rules and
15 regulations as may be necessary to effectuate the provisions of subdivi-
16 sions one and two of this section.

17 (f) Evidence. Evidence of a refusal to submit to such chemical test or
18 any portion thereof or an evaluation conducted by a certified drug
19 recognition expert or any portion thereof shall be admissible in any
20 trial, proceeding or hearing based upon a violation of the provisions of
21 section eleven hundred ninety-two of this article but only upon a show-
22 ing that the person was given sufficient warning, in clear and unequiv-
23 ocal language, of the effect of such refusal and that the person
24 persisted in the refusal. Evidence of a refusal shall be admissible
25 pursuant to this section regardless of the time of the refusal.

26 (g) Results. Upon the request of the person who was tested, the
27 results of such test shall be made available to such person.

28 3. Compulsory chemical tests. (a) Court ordered chemical tests.
29 Notwithstanding the provisions of subdivision two of this section, no
30 person who operates a motor vehicle in this state may refuse to submit
31 to a chemical test of one or more of the following: breath, blood, urine
32 or ~~[saliva]~~ oral/bodily fluids, for the purpose of determining the alco-
33 holic and/or drug content of the blood or oral/bodily fluids when a
34 court order for such chemical test has been issued in accordance with
35 the provisions of this subdivision.

36 (b) When authorized. Upon refusal by any person to submit to a chemi-
37 cal test or any portion thereof as described above, the test shall not
38 be given unless a police officer or a district attorney, as defined in
39 subdivision thirty-two of section 1.20 of the criminal procedure law,
40 requests and obtains a court order to compel a person to submit to a
41 chemical test to determine the alcoholic or drug content of the person's
42 blood or oral/bodily fluids upon a finding of reasonable cause to
43 believe that:

44 (1) such person was the operator of a motor vehicle and in the course
45 of such operation ~~[a person other than the operator was killed or~~
46 ~~suffered serious physical injury as defined in section 10.00 of the~~
47 ~~penal law]~~ the motor vehicle was involved in a crash; or personal injury
48 has been caused to another person, due to an incident involving the
49 motor vehicle operated by such person; or such person has a previous
50 conviction for a violation of any subdivision of section eleven hundred
51 ninety-two of this article; and

52 (2) a. either such person operated the vehicle in violation of any
53 subdivision of section eleven hundred ninety-two of this article, or

54 b. a breath test or oral/bodily fluid test administered by a police
55 officer in accordance with paragraph (b) of subdivision one of this

1 section indicates that alcohol or a drug or drugs has been consumed by
2 such person; and

3 (3) such person has been placed under lawful arrest; and

4 (4) such person has refused to submit to a chemical test or any
5 portion thereof or an evaluation conducted by a certified drug recogni-
6 tion expert, or any portion thereof, requested in accordance with the
7 provisions of paragraph (a) of subdivision two of this section or is
8 unable to give consent to such a test.

9 (c) Reasonable cause; definition. For the purpose of this subdivision
10 "reasonable cause" shall be determined by viewing the totality of
11 circumstances surrounding the incident which, when taken together, indi-
12 cate that the operator was driving in violation of section eleven
13 hundred ninety-two of this article. Such circumstances may include, but
14 are not limited to: evidence that the operator was operating a motor
15 vehicle in violation of any provision of this article or any other
16 moving violation at the time of the incident; any visible indication of
17 alcohol or drug consumption or impairment by the operator; the existence
18 of an open container containing an alcoholic beverage or a drug or drugs
19 in or around the vehicle driven by the operator; the odor of cannabis,
20 burnt cannabis or other drug; any other evidence surrounding the circum-
21 stances of the incident which indicates that the operator has been oper-
22 ating a motor vehicle while impaired by the consumption of alcohol or
23 drugs or intoxicated at the time of the incident.

24 (d) Court order; procedure. (1) An application for a court order to
25 compel submission to a chemical test or any portion thereof, may be made
26 to any supreme court justice, county court judge or district court judge
27 in the judicial district in which the incident occurred, or if the inci-
28 dent occurred in the city of New York before any supreme court justice
29 or judge of the criminal court of the city of New York. Such application
30 may be communicated by telephone, radio or other means of electronic
31 communication, or in person.

32 (2) The applicant must provide identification by name and title and
33 must state the purpose of the communication. Upon being advised that an
34 application for a court order to compel submission to a chemical test is
35 being made, the court shall place under oath the applicant and any other
36 person providing information in support of the application as provided
37 in subparagraph three of this paragraph. After being sworn the applicant
38 must state that the person from whom the chemical test was requested was
39 the operator of a motor vehicle and in the course of such operation [~~a~~
40 ~~person, other than the operator, has been killed or seriously injured]~~
41 the motor vehicle was involved in a crash; or personal injury has been
42 caused to another person, due to an incident involving the motor vehicle
43 operated by such person; or such person has a previous arrest for a
44 violation of any subdivision of section eleven hundred ninety-two of
45 this article; and, based upon the totality of circumstances, there is
46 reasonable cause to believe that such person was operating a motor vehi-
47 cle in violation of any subdivision of section eleven hundred ninety-two
48 of this article and, after being placed under lawful arrest such person
49 refused to submit to a chemical test or any portion thereof, in accord-
50 ance with the provisions of this section or is unable to give consent to
51 such a test or any portion thereof. The applicant must make specific
52 allegations of fact to support such statement. Any other person properly
53 identified, may present sworn allegations of fact in support of the
54 applicant's statement.

55 (3) Upon being advised that an oral application for a court order to
56 compel a person to submit to a chemical test is being made, a judge or

1 justice shall place under oath the applicant and any other person
2 providing information in support of the application. Such oath or oaths
3 and all of the remaining communication must be recorded, either by means
4 of a voice recording device or verbatim stenographic or verbatim long-
5 hand notes. If a voice recording device is used or a stenographic record
6 made, the judge must have the record transcribed, certify to the accuracy
7 of the transcription and file the original record and transcription
8 with the court within seventy-two hours of the issuance of the court
9 order. If the longhand notes are taken, the judge shall subscribe a copy
10 and file it with the court within twenty-four hours of the issuance of
11 the order.

12 (4) If the court is satisfied that the requirements for the issuance
13 of a court order pursuant to the provisions of paragraph (b) of this
14 subdivision have been met, it may grant the application and issue an
15 order requiring the accused to submit to a chemical test to determine
16 the alcoholic and/or drug content of ~~[his]~~ their blood ~~[and]~~ or
17 oral/bodily fluids and ordering the withdrawal of a blood or oral/bodily
18 fluid sample in accordance with the provisions of paragraph (a) of
19 subdivision four of this section. When a judge or justice determines to
20 issue an order to compel submission to a chemical test based on an oral
21 application, the applicant therefor shall prepare the order in accordance
22 with the instructions of the judge or justice. In all cases the
23 order shall include the name of the issuing judge or justice, the name
24 of the applicant, and the date and time it was issued. It must be
25 signed by the judge or justice if issued in person, or by the applicant
26 if issued orally.

27 (5) Any false statement by an applicant or any other person in support
28 of an application for a court order shall subject such person to the
29 offenses for perjury set forth in article two hundred ten of the penal
30 law.

31 (6) The chief administrator of the courts shall establish a schedule
32 to provide that a sufficient number of judges or justices will be available
33 in each judicial district to hear oral applications for court
34 orders as permitted by this section.

35 (e) Administration of compulsory chemical test. An order issued pursuant
36 to the provisions of this subdivision shall require that a chemical
37 test to determine the alcoholic and/or drug content of the operator's
38 blood or oral/bodily fluid must be administered. The provisions of paragraphs
39 (a), (b) and (c) of subdivision four of this section shall be
40 applicable to any chemical test administered pursuant to this section.

41 § 4. The subparagraph heading and clauses a and b of subparagraph 7 of
42 paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic
43 law, as added by chapter 312 of the laws of 1994, clause a as
44 amended by chapter 732 of the laws of 2006, and clause b as separately
45 amended by chapters 3 and 571 of the laws of 2002, are amended to read
46 as follows:

47 Suspension pending prosecution; excessive blood alcohol content or
48 impairment by a drug or drugs. a. Except as provided in clause a-1 of
49 this subparagraph, a court shall suspend a driver's license, pending
50 prosecution, of any person charged with a violation of subdivision two,
51 two-a, three, four or four-a of section eleven hundred ninety-two of
52 this article who, at the time of arrest, is alleged to have had .08 of
53 one percent or more by weight of alcohol in such driver's blood or is
54 alleged to have been impaired by the ingestion of a drug or drugs as
55 shown by chemical analysis of blood, breath, urine or ~~[saliva]~~
56 oral/bodily fluid, or by an evaluation conducted by a certified drug

1 recognition expert, or any portion thereof, made pursuant to subdivision
2 two or three of section eleven hundred ninety-four of this article, or
3 the driver makes a statement admitting to driving while intoxicated by
4 alcohol or while impaired by a drug or drugs.

5 b. The suspension occurring under clause a of this subparagraph shall
6 occur no later than at the conclusion of all proceedings required for
7 the arraignment and the suspension occurring under clause a-1 of this
8 subparagraph shall occur immediately after the holder's first appearance
9 before the court on the charge which shall, whenever possible, be the
10 next regularly scheduled session of the court after the arrest or at the
11 conclusion of all proceedings required for the arraignment; provided,
12 however, that if the results of any test administered pursuant to
13 section eleven hundred ninety-four of this article are not available
14 within such time period, the complainant police officer or other public
15 servant shall transmit such results to the court at the time they become
16 available, and the court shall, as soon as practicable following the
17 receipt of such results and in compliance with the requirements of this
18 subparagraph, suspend such license. In order for the court to impose
19 such suspension it must find that the accusatory instrument conforms to
20 the requirements of section 100.40 of the criminal procedure law and
21 there exists reasonable cause to believe either that (a) the holder
22 operated a motor vehicle while such holder had .08 of one percent or
23 more by weight of alcohol or was impaired by the ingestion of a drug or
24 drugs in [~~his or her~~] their blood as was shown by chemical analysis of
25 such person's blood, breath, urine or [~~saliva~~] oral/bodily fluid, or by
26 an evaluation conducted by a certified drug recognition expert, or any
27 portion thereof, made pursuant to the provisions of section eleven
28 hundred ninety-four of this article or the driver makes a statement
29 admitting to driving while intoxicated by alcohol or while impaired by a
30 drug or drugs or (b) the person was the holder of a class DJ or MJ
31 learner's permit or a class DJ or MJ driver's license and operated a
32 motor vehicle while such holder was in violation of subdivision one, two
33 and/or three of section eleven hundred ninety-two of this article. At
34 the time of such license suspension the holder shall be entitled to an
35 opportunity to make a statement regarding these two issues and to pres-
36 ent evidence tending to rebut the court's findings.

37 § 5. This act shall take effect immediately.

38 PART F

39 Section 1. Paragraph 2 of subdivision (a) of section 1642 of the vehi-
40 cle and traffic law is amended to read as follows:

41 2. Parking, standing, stopping and backing of vehicles, except in
42 violation of subparagraph b of paragraph two of subdivision (a) of
43 section twelve hundred two of this chapter where such violation occurs
44 within one thousand feet of a school grounds, as defined in subdivision
45 two of section four hundred nine of the education law, where such school
46 grounds is a public, nonpublic, or charter elementary school serving
47 students in any grade through grade five, provided that the intersection
48 is adjacent to a city block where such school grounds is located.

49 § 2. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law.

51 PART G

Section 1. Subdivision (c) of section 102-c of the vehicle and traffic law, as added by section 1 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

(c) "Class three bicycle with electric assist." Solely within a city having a population of one million or more, a bicycle weighing less than one-hundred pounds with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

§ 2. Section 121-b of the vehicle and traffic law, as amended by chapter 160 of the laws of 1981, is amended to read as follows:

§ 121-b. Limited use motorcycle. (a) A limited use vehicle having only two or three wheels, with a seat or saddle for the operator. A limited use motorcycle having a maximum performance speed, of more than thirty miles per hour but not more than forty miles per hour shall be a class A limited use motorcycle. A limited use motorcycle having a maximum performance speed of more than twenty miles per hour but not more than thirty miles per hour, shall be a class B limited use motorcycle. A limited use motorcycle having a maximum performance speed of not more than twenty miles per hour shall be a class C limited use motorcycle.

(b) A class three bicycle with electric assist as defined in subdivision (c) of section one hundred two-c of this article, weighing one-hundred pounds or more.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART H

Section 1. Subdivision (a) of section 1642 of the vehicle and traffic law is amended by adding a new paragraph 28 to read as follows:

28. Establishment of maximum speed limits at which bicycles, bicycles with electric assist, electric scooters and other devices authorized or required to use bicycle lanes and bicycle paths may proceed in such bicycle lanes and bicycle paths, subject to any other speed limit applicable to any such device imposed by this chapter or any other law or rule; provided, however, that such speed limits established in bicycle lanes may be no higher than the speed limit established for vehicles using the same highway outside of a bicycle lane, and that such speed limits established in bicycle paths may be no higher than the speed limit established for vehicles using the same or adjacent highway to such bicycle path. Such speed limits may be applicable throughout such city, within designated areas of such city, or on designated bicycle lanes or bicycle paths, or portions thereof, within such city.

§ 2. This act shall take effect immediately.

PART I

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part A of chapter 58 of the laws of 2024, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, ~~2025~~ 2035, and provided further that such repeal shall not

1 affect the validity or duration of any contract entered into before that
2 date pursuant to paragraph f of such subdivision.
3 § 2. This act shall take effect immediately.

4 PART J

5 Section 1. Section 45 of chapter 929 of the laws of 1986 amending the
6 tax law and other laws relating to the metropolitan transportation
7 authority, as amended by section 1 of part G of chapter 58 of the laws
8 of 2023, is amended to read as follows:

9 § 45. This act shall take effect immediately; except that: (a) para-
10 graph (d) of subdivision 3 of section 1263 of the public authorities
11 law, as added by section twenty-six of this act, shall be deemed to have
12 been in full force and effect on and after August 5, 1986; (b) sections
13 thirty-three and thirty-four of this act shall not apply to a certified
14 or recognized public employee organization which represents any public
15 employees described in subdivision 16 of section 1204 of the public
16 authorities law and such sections shall expire on July 1, ~~2025~~ 2027
17 and nothing contained within these sections shall be construed to divest
18 the public employment relations board or any court of competent juris-
19 diction of the full power or authority to enforce any order made by the
20 board or such court prior to the effective date of this act; (c) the
21 provisions of section thirty-five of this act shall expire on March 31,
22 1987; and (d) provided, however, the commissioner of taxation and
23 finance shall have the power to enforce the provisions of sections two
24 through nine of this act beyond December 31, 1990 to enable such commis-
25 sioner to collect any liabilities incurred prior to January 1, 1991.
26 § 2. This act shall take effect immediately.

27 PART K

28 Section 1. Paragraph (a) of subdivision 12-a of section 1266 of the
29 public authorities law, as added by section 2 of part VVV of chapter 58
30 of the laws of 2020, is amended to read as follows:

31 (a) Whenever the authority determines in consultation with the city of
32 New York that it is necessary to obtain the temporary or permanent use,
33 occupancy, control or possession of vacant or undeveloped or underuti-
34 lized but replaceable real property, or any interest therein, or subsur-
35 face real property or any interest therein then owned by the city of New
36 York for a project in ~~[the two thousand fifteen to two thousand nineteen~~
37 ~~or the two thousand twenty to two thousand twenty four approved capital~~
38 ~~programs to (i) install one or more elevators to make one or more subway~~
39 ~~stations more accessible, (ii) construct or reconstruct an electrical~~
40 ~~substation to increase available power to the subway system to expand~~
41 ~~passenger capacity or reliability, or (iii) in connection with the capi-~~
42 ~~tal project to construct four commuter railroad passengers stations in~~
43 ~~the borough of the Bronx known as Penn Station access]~~ a capital program
44 approved pursuant to section twelve hundred sixty-nine-b of this title,
45 the authority upon approval by the board of the metropolitan transporta-
46 tion authority and upon suitable notice and with the consent of the city
47 of New York may cause the title to such real property, or any interest
48 therein, to be transferred to the authority by adding it to the agree-
49 ment of lease dated June first, nineteen hundred fifty-three, as
50 amended, renewed and supplemented, authorized by section twelve hundred
51 three of this article, or may itself acquire title to such property from
52 the city of New York, and any such transfer or acquisition of real prop-

erty shall be subject to the provisions of subdivision five of section twelve hundred sixty-six-c of this title. Nothing in this subdivision shall be deemed to authorize any temporary or permanent transfer or acquisition of real property, or interest therein, that is dedicated parkland without separate legislative approval of such alienation.

§ 2. Section 3 of part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects is amended to read as follows:

§ 3. This act shall take effect immediately and shall expire and be deemed repealed on December 31, [2025] 2030; provided, however, that the repeal of this act shall not affect any transfer or acquisition pursuant to all of the terms of section two of this act that has been approved by the board of the metropolitan transportation authority before such repeal date.

§ 3. This act shall take effect immediately; provided however that the amendments to paragraph (a) of subdivision 12-a of section 1266 of the public authorities law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

PART L

Section 1. Section 5 of part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, is amended by adding a new subdivision (c) to read as follows:

(c) Notwithstanding subdivisions (a) and (b) of this section, starting July first, two thousand twenty-five, the city will fund eighty percent of the net paratransit operating expenses of the MTA, provided that such contribution shall not exceed, for each twelve-month period ending June thirtieth, the sum of: (i) fifty percent of the net paratransit operating expenses and (ii) one hundred sixty-five million dollars. Net paratransit operating expenses shall be calculated monthly by the MTA and will consist of the total paratransit operating expenses of the program minus the six percent of the urban tax dedicated to paratransit services as of the effective date of this subdivision and minus any money collected as passenger fares from paratransit operations.

§ 2. Section 9 of part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, as amended by section 3 of part D of chapter 58 of the laws of 2023, is amended to read as follows:

~~§ 9. This act shall take effect immediately[; provided that sections five through seven of this act shall expire and be deemed repealed June 30, 2030; and provided further that such repeal shall not affect or otherwise reduce amounts owed to the metropolitan transportation authority paratransit assistance fund to meet the city's share of the net paratransit operating expenses of the MTA for services provided prior to June 30, 2030].~~

§ 3. This act shall take effect immediately.

PART M

Section 1. This act commits the state of New York and the city of New York ("city") to fund, over a multi-year period, \$6,000,000,000 in capital costs related to projects contained in the Metropolitan Transporta-

tion Authority ("MTA") 2025-2029 capital program ("capital program"). The state share of \$3,000,000,000 and the city share of \$3,000,000,000 shall be provided to pay the capital costs of the capital program. The funds committed by the state and city shall be provided concurrently, and in proportion to the respective shares of each, in accordance with the funding needs of the capital program.

§ 2. (a) No funds dedicated for operating assistance of the MTA shall be used to reduce or supplant the commitment of the state or city to provide \$6,000,000,000 pursuant to section one of this act.

(b) The city and state's share of funds provided concurrently pursuant to section one of this act shall be scheduled and paid to the MTA on a schedule to be determined by the state director of the budget. In order to determine the adequacy and pace of the level of state and city funding in support of the MTA's capital program, and to gauge the availability of MTA capital resources planned for the capital program, the director of the budget and the city may request, and the MTA shall provide, periodic reports on the MTA's capital programs and financial activities. The city shall certify to the state comptroller and the New York state director of the budget, no later than seven days after making each payment pursuant to this section, the amount of the payments and the date upon which such payments were made.

§ 3. (a) Notwithstanding any provision of law to the contrary, in the event the city fails to certify to the state comptroller and the New York state director of the budget that the city has paid in full any concurrent payment required by section two of this act, the New York state director of the budget shall direct the state comptroller to transfer, collect, or deposit funds in accordance with subdivision (b) of this section in an amount equal to the unpaid balance of any payment required by section two of this act, provided that any such deposits shall be counted against the city share of the Metropolitan Transportation Authority (MTA) 2025-2029 capital program (capital program) pursuant to section one of this act. Such direction shall be pursuant to a written plan or plans filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

(b) Notwithstanding any provision of law to the contrary and as set forth in a plan or plans submitted by the New York state director of the budget pursuant to subdivision (a) of this section, the state comptroller is hereby directed and authorized to: (i) transfer funds authorized by any undisbursed general fund aid to localities appropriations or state special revenue fund aid to localities appropriations, excluding debt service, fiduciary, and federal fund appropriations, to the city to the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law in accordance with such plan; and/or (ii) collect and deposit into the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law funds from any other revenue source of the city, including the sales and use tax, in accordance with such plan. The state comptroller is hereby authorized and directed to make such transfers, collections and deposits as soon as practicable but not more than 3 days following the transmittal of such plan to the comptroller in accordance with subdivision (a) of this section.

(c) Notwithstanding any provision of law to the contrary, the state's obligation and/or liability to fund any program included in general fund aid to localities appropriations or state special revenue fund aid to localities appropriations from which funds are transferred pursuant to

subdivision (b) of this section shall be reduced in an amount equal to such transfer or transfers.

§ 4. Subdivisions 2 and 3 of section 92-ii of the state finance law, as added by section 4 of part UUU of chapter 58 of the laws of 2020, are amended to read as follows:

2. Such fund shall consist of any monies directed thereto pursuant to the provisions of section three of ~~[the]~~ part UUU of ~~[the]~~ chapter fifty-eight of the laws of two thousand twenty ~~[which added this section]~~ and to the provisions of section three of the part of the chapter of the laws of two thousand twenty-five which amended this subdivision.

3. All monies deposited into the fund pursuant to ~~[the]~~ part UUU of ~~[the]~~ chapter fifty-eight of the laws of two thousand twenty ~~[which added this section]~~ and the part of the chapter of the laws of two thousand twenty-five which amended this subdivision shall be paid to the metropolitan transportation authority by the comptroller, without appropriation, for use in the same manner as the payments required by section two of such part, as soon as practicable but not more than five days from the date the comptroller determines that the full amount of the unpaid balance of any payment required by section three of part UUU of chapter fifty-eight of the laws of two thousand twenty and by section three of such part of the chapter of the laws of two thousand twenty-five which amended this subdivision has been deposited into the fund.

§ 5. This act shall take effect immediately.

PART N

Section 1. The vehicle and traffic law is amended by adding a new section 385-b to read as follows:

§ 385-b. Owner liability for failure of operator to comply with weight restrictions on a covered agency and authority's facilities. 1. (a) Notwithstanding any other provision of law, a covered agency or authority may establish a weigh-in-motion program on its facilities imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with gross vehicle weight and/or axle weight restrictions on such facilities in accordance with the provisions of this section. Such program shall empower the covered agency or authority to install and operate weigh-in-motion violation monitoring systems on its facilities. Such systems may be activated at locations on such portion of its facilities as determined by the covered agency or authority. A covered agency or authority may enter into a memorandum of agreement with another covered agency or authority for the purposes of coordinating the planning, design, installation, operation, construction and maintenance of such weigh-in-motion program. Such memorandum shall address, for purposes of such program, the use of systems, devices and other facilities owned and operated by the other covered agency or authority.

(b) No weigh-in-motion violation monitoring system shall be used unless: (i) on the day it is to be used it has undergone a self-test for the operation of such system; and (ii) it has undergone an annual calibration check performed pursuant to paragraph (c) of this subdivision. A result of the daily self-test for each such system shall include the date and time that the self-test was successfully performed. The covered agency or authority shall retain each such daily self-test until the later of the date on which the weigh-in-motion system to which it applies has been permanently removed from use or the final resolution of

1 all cases involving notices of liability issued based on photographs,
2 microphotographs, video or other recorded images, and information and
3 data generated in conjunction therewith, produced by such system.

4 (c) Each weigh-in-motion violation monitoring system shall undergo a
5 calibration check every twelve months in accordance with specifications
6 prescribed pursuant to a memorandum of agreement between the covered
7 agency or authority and the New York state department of agriculture and
8 markets, or in accordance with an applicable reference standard as
9 determined by the covered agency or authority. Such calibration check
10 shall be performed by an independent calibration laboratory, which shall
11 issue a signed certificate of calibration on its letterhead to the
12 covered agency or authority. Nothing contained in this paragraph shall
13 be deemed to require the signature of a notary public on such certifi-
14 cate. The covered agency or authority shall retain each such annual
15 certificate of calibration on file until the final resolution of all
16 cases involving notices of liability issued during such twelve-month
17 time period which were based on photographs, microphotographs, video or
18 other recorded images, and information and data generated in conjunction
19 therewith, produced by such weigh-in-motion violation monitoring system.

20 (d) The covered agency or authority shall monitor the system by evalu-
21 ating information and data collected from sensor readings of each weigh-
22 in-motion violation monitoring system. The covered agency or authority
23 shall promulgate rules for monitoring collected data, responding to
24 system alerts, and establishing a protocol for action which may include
25 recertification.

26 (e) Weigh-in-motion violation monitoring systems used in accordance
27 with the weigh-in-motion program authorized pursuant to this section
28 shall be operated only on the covered agency or authority's facilities
29 or on another agency or authority's facilities if agreed upon in a memo-
30 randum of agreement.

31 (f) (i) No photograph, microphotograph, videotape or other recorded
32 image, nor any information and data generated in conjunction therewith,
33 shall be used for any purpose other than as specified in this section,
34 except as may be otherwise provided by this paragraph. Notwithstanding
35 the above, all information and data from weigh-in-motion violation moni-
36 toring systems may be shared among covered agencies and authorities for
37 the purposes of monitoring impacts to a covered agency or authority's
38 facilities and for reporting purposes.

39 (ii) Such program shall utilize necessary technologies to ensure, to
40 the extent practicable, that photographs, microphotographs, videotape or
41 other recorded images produced by such weigh-in-motion violation moni-
42 toring systems shall not include images that identify the driver, the
43 passengers, or the contents of the vehicle. Provided, however, that no
44 notice of liability issued pursuant to this section shall be dismissed
45 solely because such a photograph, microphotograph, videotape or other
46 recorded image allows for the identification of the driver, the passen-
47 gers, or the contents of vehicles where the covered agency or authority
48 shows that it made reasonable efforts to comply with the provisions of
49 this paragraph in such case.

50 (iii) Photographs, microphotographs, videotape or any other recorded
51 image, and any information and data generated in conjunction therewith,
52 produced by a weigh-in-motion violation monitoring system shall be for
53 the exclusive use of the covered agency or authority, or by use of
54 another covered agency or authority adjudicating on behalf of a covered
55 agency, for the purpose of the adjudication of liability imposed pursu-
56 ant to this section, and of the owner receiving a notice of liability

1 pursuant to this section, and as required by the covered agency or
2 authority to study the impact of overweight vehicles on its facilities
3 and management of such facilities, and shall be destroyed by the covered
4 agency or authority, or another covered agency or authority where appli-
5 cable, upon the final resolution of the notice of liability to which
6 such photographs, microphotographs, videotape or other recorded images
7 and information and data generated in conjunction therewith relate, or
8 one year following the date of issuance of such notice of liability,
9 whichever is later. Notwithstanding the provisions of any other law,
10 rule or regulation to the contrary, photographs, microphotographs, vide-
11 otape or any other recorded image, and information and data generated in
12 conjunction therewith, from a weigh-in-motion violation monitoring
13 system shall not be open to the public, nor subject to civil or criminal
14 process or discovery, nor used by any court or administrative or adjudi-
15 catory body in any action or proceeding therein except that which is
16 necessary for the adjudication of a notice of liability issued pursuant
17 to this section, and no public entity or employee, officer or agent
18 thereof shall disclose such information, except that such photographs,
19 microphotographs, videotape or any other recorded images, and informa-
20 tion and data generated in conjunction therewith, from such systems:

21 (A) shall be available for inspection and copying and use by the motor
22 vehicle owner and operator for so long as such photographs, microphoto-
23 graphs, videotape or other recorded images, information and data are
24 required to be maintained or are maintained by such public entity,
25 employee, officer or agent; and

26 (B) (1) shall be furnished when described in a search warrant issued
27 by a court authorized to issue such a search warrant pursuant to article
28 six hundred ninety of the criminal procedure law or a federal court
29 authorized to issue such a search warrant under federal law, where such
30 search warrant states that there is reasonable cause to believe such
31 information constitutes evidence of, or tends to demonstrate that, a
32 misdemeanor or felony offense was committed in this state or another
33 state, or that a particular person participated in the commission of a
34 misdemeanor or felony offense in this state or another state, provided,
35 however, that if such offense was against the laws of another state, the
36 court shall only issue a warrant if the conduct comprising such offense
37 would, if occurring in this state, constitute a misdemeanor or felony
38 against the laws of this state; and

39 (2) shall be furnished in response to a subpoena duces tecum signed by
40 a judge of competent jurisdiction and issued pursuant to article six
41 hundred ten of the criminal procedure law or a judge or magistrate of a
42 federal court authorized to issue such a subpoena duces tecum under
43 federal law, where the judge finds and the subpoena states that there is
44 reasonable cause to believe such information is relevant and material to
45 the prosecution, or the defense, or the investigation by an authorized
46 law enforcement official, of the alleged commission of a misdemeanor or
47 felony in this state or another state, provided, however, that if such
48 offense was against the laws of another state, such judge or magistrate
49 shall only issue such subpoena if the conduct comprising such offense
50 would, if occurring in this state, constitute a misdemeanor or felony in
51 this state; and

52 (3) may, if lawfully obtained pursuant to this clause and clause (A)
53 of this subparagraph and otherwise admissible, be used in such criminal
54 action or proceeding.

55 (iv) The covered agency or authority shall install signage in advance
56 of locations where weigh-in-motion violation monitoring systems are in

1 operation giving notice to approaching motor vehicle operators that
2 weigh-in-motion violation monitoring systems are in use to enforce motor
3 vehicle weight restrictions.

4 (v) The covered agency or authority shall use oversight procedures to
5 ensure compliance with the aforementioned privacy protection measures.

6 2. If the covered agency or authority establishes a program pursuant
7 to subdivision one of this section, the owner of a vehicle shall be
8 liable for a penalty imposed pursuant to this section if such vehicle
9 was used or operated with the permission of the owner, express or
10 implied, on the covered agency's or authority's facilities in violation
11 of section three hundred eighty-five of this article and the rules and
12 regulations of the covered agency or authority in relation to gross
13 vehicle weight and/or axle weight, where such vehicle was traveling ten
14 percent or more above the gross vehicle weight or twenty percent or more
15 above the axle weight at the time of such violation as indicated by at
16 least two independently detected gross vehicle weight and/or axle weight
17 measurements obtained by a weigh-in-motion violation monitoring system,
18 and such violation is evidenced by information obtained from a weigh-in-
19 motion violation monitoring system; provided however that no owner of a
20 vehicle shall be liable for a penalty imposed pursuant to this section
21 where the operator of such vehicle: has been convicted of the underlying
22 violation of section three hundred eighty-five of this article and the
23 rules and regulations of the covered agency or authority in relation to
24 gross vehicle weight and/or axle weight; or operated such vehicle in
25 accordance with the terms and conditions of any overweight permit issued
26 in accordance with this chapter and any rules and regulations promulgat-
27 ed thereto. Where a vehicle is in violation of both gross vehicle weight
28 restrictions and axle weight restrictions, the owner shall be liable for
29 a separate penalty for each such violation.

30 3. For purposes of this section, the following terms shall have the
31 following meanings:

32 (a) "covered agency or authority" shall mean: (i) the department of
33 transportation established pursuant to article two of the transportation
34 law; (ii) the Triborough bridge and tunnel authority established pursu-
35 ant to title three of article three of the public authorities law; (iii)
36 the state bridge authority established pursuant to title two of article
37 three of the public authorities law; (iv) the port authority of New York
38 and New Jersey established pursuant to chapter one hundred fifty-four of
39 the laws of nineteen hundred twenty-one; (v) the New York city depart-
40 ment of transportation; and (vi) the New York state thruway authority
41 established pursuant to title nine of article two of the public authori-
42 ties law;

43 (b) "owner" shall have the meaning provided in section two hundred
44 thirty-nine of this chapter;

45 (c) "weigh-in-motion violation monitoring system" shall mean sensors,
46 capable of operating independently of an enforcement officer, installed
47 to work in conjunction with other devices to capture and record the
48 gross vehicle weight and the axle weight of a motor vehicle, which
49 produce at least two independently detected gross vehicle weight and/or
50 axle weight measurements and automatically produce two or more photo-
51 graphs, two or more microphotographs, a videotape or other recorded
52 images of each vehicle at the time it is used or operated in violation
53 of section three hundred eighty-five of this article and the rules and
54 regulations of the covered agency or authority in relation to gross
55 vehicle weight and/or axle weight, in accordance with the provisions of
56 this section;

1 (d) "weigh-in-motion program" shall mean the program authorized by
2 this section that operates exclusively on covered agency or authority
3 facilities;

4 (e) "covered agency or authority facilities" shall mean those sites
5 including but not limited to roadways, bridges, and highways owned,
6 operated and maintained by a covered agency or authority; and

7 (f) "rules and regulations of a covered agency or authority" shall
8 mean rules and regulations of an agency or authority described in para-
9 graph a of this subdivision.

10 4. A certificate, sworn to or affirmed by a technician employed by a
11 covered agency or authority or its agent, or a facsimile thereof, based
12 upon inspection of photographs, microphotographs, videotape or other
13 recorded images, and information and data generated in conjunction ther-
14 ewith, produced by a weigh-in-motion violation monitoring system, shall
15 be prima facie evidence of the facts contained therein. Nothing
16 contained in this subdivision shall be deemed to require the signature
17 of a notary public on such certificate. Any photographs, microphoto-
18 graphs, videotape or other recorded images evidencing such a violation
19 shall include an image of the motor vehicle alleged to be in violation
20 and the information and data generated in conjunction therewith and
21 shall be available for inspection reasonably in advance of and at any
22 proceeding to adjudicate the liability for such violation pursuant to
23 this section.

24 5. An owner liable for a violation of section three hundred eighty-
25 five of this article and the rules and regulations of a covered agency
26 or authority pursuant to a weigh-in-motion program established pursuant
27 to this section shall be liable for monetary penalties in accordance
28 with separate schedules of fines and penalties to be promulgated by a
29 covered agency or authority for a violation of section three hundred
30 eighty-five of this article and the rules and regulations of a covered
31 agency or authority in relation to gross vehicle weight and/or axle
32 weight. The liability of the owner pursuant to this section shall not
33 exceed three thousand seven hundred fifty dollars for each violation or
34 as otherwise provided for in section three hundred eighty-five of this
35 article, whichever is higher.

36 6. An imposition of liability under the weigh-in-motion program estab-
37 lished pursuant to this section shall not be deemed a conviction for an
38 operator.

39 7. (a) A notice of liability shall be sent by first class mail to each
40 person alleged to be liable as an owner for a violation of section three
41 hundred eighty-five of this article and the rules and regulations of a
42 covered agency or authority in relation to gross vehicle weight and/or
43 axle weight pursuant to this section, within fourteen business days if
44 such owner is a resident of this state and within forty-five business
45 days if such owner is a non-resident. Personal delivery on the owner
46 shall not be required. A manual or automatic record of mailing prepared
47 in the ordinary course of business shall be prima facie evidence of the
48 facts contained therein.

49 (b) A notice of liability shall contain the name and address of the
50 person alleged to be liable as an owner for a violation of section three
51 hundred eighty-five of this article and the rules and regulations of a
52 covered agency or authority in relation to gross vehicle weight and/or
53 axle weight pursuant to this section, the registration number of the
54 vehicle involved in such violation, the gross vehicle weight and/or axle
55 weight measured, the location where such violation took place, the date
56 and time of such violation, the identification number of the weigh-in-

1 motion violation monitoring system which recorded the violation or other
2 document locator number, one or more date and time stamped images iden-
3 tifying the motor vehicle and the information and data evidencing the
4 alleged violation, and the certificate charging the liability.

5 (c) The notice of liability shall contain information advising the
6 person charged of the manner and the time in which they may contest the
7 liability alleged in the notice. Such notice of liability shall also
8 contain a prominent warning to advise the person charged that failure to
9 contest in the manner and time provided shall be deemed an admission of
10 liability and that a default judgment may be entered thereon.

11 (d) The notice of liability shall be prepared and mailed by the
12 covered agency or authority, or by any other entity authorized by the
13 covered agency or authority to prepare and mail such notice of liabil-
14 ity.

15 8. Adjudication of the liability imposed upon owners pursuant to this
16 section shall be by the covered agency or authority, or by any other
17 government entity authorized by the covered agency or authority to adju-
18 dicade such liability. If such entity is the New York city parking
19 violations bureau, such liability imposed pursuant to this section may
20 only occur within the city of New York.

21 9. If an owner receives a notice of liability pursuant to this section
22 for any time period during which the vehicle or the number plate or
23 plates of such vehicle was reported to the police department as having
24 been stolen, it shall be a valid defense to an allegation of liability
25 for a violation of section three hundred eighty-five of this article and
26 the rules and regulations of the covered agency or authority in relation
27 to gross vehicle weight and/or axle weight pursuant to this section that
28 the vehicle or the number plate or plates of such vehicle had been
29 reported to the police as stolen prior to the time the violation
30 occurred and had not been recovered by such time. For purposes of
31 asserting the defense provided by this subdivision, it shall be suffi-
32 cient that a certified copy of the police report on the stolen vehicle
33 or number plate or plates of such vehicle be sent by first class mail to
34 the covered agency or authority.

35 10. (a) An owner who is a lessor of a vehicle to which a notice of
36 liability was issued pursuant to subdivision seven of this section shall
37 not be liable for the violation of section three hundred eighty-five of
38 this article and the rules and regulations of the covered agency or
39 authority in relation to gross vehicle weight and/or axle weight pursu-
40 ant to this section, provided that:

41 (i) prior to the violation, the lessor has filed the rental, lease or
42 other contract document with the name and address of the lessee with the
43 covered agency or authority in accordance with the provisions of subdi-
44 vision ten of section twenty-nine hundred eighty-five of the public
45 authorities law or section two hundred thirty-nine of this chapter, as
46 applicable; and

47 (ii) within thirty-seven days after receiving notice from the covered
48 agency or authority of the date and time of a liability, together with
49 the other information contained in the original notice of liability, the
50 lessor submits to such covered agency or authority the correct name and
51 address of the lessee of the vehicle identified in the notice of liabil-
52 ity at the time of such violation, together with such other additional
53 information contained in the rental, lease or other contract document,
54 as may be reasonably required by the covered agency or authority pursu-
55 ant to regulations that may be promulgated for such purpose.

(b) Failure to comply with subparagraph (ii) of paragraph (a) of this subdivision shall render the lessor liable for the penalty prescribed in this section.

(c) Where the lessor complies with the provisions of paragraph (a) of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision seven of this section.

11. (a) If the owner liable for a violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

(b) Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator operated such vehicle in violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight.

12. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight.

13. It shall be a defense to any prosecution for a violation of section three hundred eighty-five of this article and the rules and regulations of the covered agency or authority in relation to gross vehicle weight and/or axle weight pursuant to this section that such weigh-in-motion violation monitoring system was malfunctioning at the time of the alleged violation.

§ 2. Subdivision 2 of section 87 of the public officers law is amended by adding a new paragraph (v) to read as follows:

(v) are photographs, microphotographs, videotape or other recorded images or information and data prepared under authority of section three hundred eighty-five-b of the vehicle and traffic law.

§ 3. A covered agency or authority shall: (i) prior to implementing a weigh-in-motion program as authorized by section 385-b of the vehicle and traffic law, as added by section one of this act, communicate to the public the plan for the use of vehicle weigh-in-motion violation monitoring systems to enforce vehicle weight restrictions so as to maximize awareness of such program; (ii) during the first 60-day period in which weigh-in-motion violation monitoring systems are in operation pursuant to the provisions of this act send by first class mail a written warning in lieu of a notice of liability to all owners of motor vehicles who would be held liable for failure of operators thereof to comply with section 385-b of the vehicle and traffic law in relation to gross vehicle weight and/or axle weight, together with notice of the weigh-in-mo-

tion program authorized by section 385-b of the vehicle and traffic law; and (iii) take such measures as are necessary to implement such program prior to its implementation, including promulgating any rules and regulations necessary for the implementation of this act.

§ 4. The purchase or lease of equipment for a demonstration program pursuant to section 385-b of the vehicle and traffic law shall be subject to the provisions of section 103 of the general municipal law.

§ 5. This act shall take effect immediately.

PART 0

Section 1. Paragraph 3 of subdivision (d) of section 1111-c-1 of the vehicle and traffic law, as added by section 1 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

3. "bus operation-related traffic regulations" shall mean the following provisions set forth in chapter four of title thirty-four of the rules of the city of New York, adopted pursuant to section sixteen hundred forty-two of this chapter: 4-08(c)(3), violation of posted no standing rules prohibited-bus stop; 4-08(e)(9), general no stopping zones-bicycle lanes; 4-08(f)(1), general no standing zones-double parking; ~~and~~ 4-08(f)(4), general no standing zones-bus lane; 4-08(e)(12), obstructing traffic at intersection; and section eleven hundred seventy-five of this title.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 1111-c-1 of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART P

Section 1. The vehicle and traffic law is amended by adding a new article 44-D to read as follows:

ARTICLE 44-D

AUTHORITY FOR IMPOSITION OF SURCHARGE ON A PERMIT ISSUED FOR OBSTRUCTING OR CLOSING THE STREET FOR CONSTRUCTION PURPOSES

Section 1711. Definitions.

1712. Establishment of surcharge for obstruction or closure of a street for construction activity.

1713. Application and exemptions.

1714. Administration and collection of surcharge.

1715. Limitations on assessment of surcharge.

1716. Judicial review.

§ 1711. Definitions. As used in this article: 1. "Affordable housing unit" means a residential dwelling unit that must be affordable to residents at or below a specific income level, provided that such level does not exceed one hundred sixty-five percent of the area median income, pursuant to statute, regulation, restrictive covenant or declaration, or pursuant to a regulatory agreement with a federal, state, or local government entity, public benefit corporation, or public housing authority.

2. "Area median income" means the income limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York, NY HUD Metro FMR Area (HMFA), as established in section three of the Housing Act of nineteen hundred thirty-seven, as amended.

3. "Dwelling unit" has the meaning ascribed to such term in the housing maintenance code.

1 4. "Full obstruction" means the occupation of the entire length of a
2 curb lane, vehicular travel lane, or sidewalk for construction-related
3 activity where there is a permit issued to close such length to motor
4 vehicles, pedestrians, or bicyclists.

5 5. "Partial obstruction" means the occupation of all or a portion of a
6 length of a sidewalk for construction-related activity where there is a
7 permit issued to provide a temporary pedestrian pathway, either in the
8 curb lane, on the sidewalk, or within the building envelope of an adja-
9 cent structure.

10 6. "Pedestrian plaza" means an area designated by the department of
11 transportation in the city of New York for pedestrian circulation, use
12 and enjoyment on property under the jurisdiction of such department
13 including, but not limited to, property mapped as a public place or
14 property within the bed of a roadway, and which may contain amenities
15 such as tables, seating, trees, plants, lighting, bike racks, or public
16 art.

17 7. "Person" means a natural person, co-partnership, firm, company,
18 association, joint stock association, corporation or other like organ-
19 ization.

20 § 1712. Establishment of surcharge for obstruction or closure of a
21 street for construction activity. 1. Notwithstanding the provisions of
22 any law to the contrary, every city having a population of one million
23 or more, acting through its local legislative body, is hereby authorized
24 and empowered to adopt, amend or repeal local laws imposing a surcharge
25 within its territorial limits on the issuance of any permit relating to
26 the obstruction or closure of a street or pedestrian plaza for the
27 purpose of construction required for:

28 (a) Placing construction material on a street during working hours;

29 (b) Placing construction equipment other than cranes or derricks on a
30 street during working hours;

31 (c) Temporarily closing a sidewalk;

32 (d) Constructing a temporary pedestrian walk in a roadway;

33 (e) Temporarily closing a roadway;

34 (f) Placing a shanty or trailer on a street;

35 (g) Crossing a sidewalk;

36 (h) Placing a crane or derrick on a street during working hours;

37 (i) Storing construction material on a street during non-working
38 hours;

39 (j) Storing construction equipment on a street during non-working
40 hours; or

41 (k) Other construction activity that requires the issuance of a permit
42 by the department of transportation in a city having a population of one
43 million or more for the obstruction or closure of a street or pedestrian
44 plaza.

45 2. The rate of such surcharge shall be imposed based on a schedule
46 that takes into consideration the geographical zone in which the permit
47 is issued and in no case shall be:

48 (a) For a permit for the partial obstruction of a sidewalk, less than
49 fifty cents or more than fifty dollars for up to and including ten line-
50 ar feet of sidewalk per day;

51 (b) For a permit for the full obstruction of a sidewalk, less than
52 twenty dollars or more than one thousand dollars for up to and including
53 one hundred linear feet of sidewalk per day;

54 (c) For a permit for the full obstruction of a curb lane, less than
55 ten dollars or more than one hundred dollars for up to and including ten
56 linear feet of curb lane per day;

1 (d) For a permit for the full obstruction of a vehicular travel lane,
2 less than two hundred dollars or more than two thousand dollars for up
3 to and including one hundred linear feet of vehicular travel lane per
4 day; and

5 (e) For a permit for the full obstruction of any portion of a pedes-
6 trian plaza, less than ten cents or more than one dollar and twenty-five
7 cents for up to and including ten square feet of pedestrian plaza per
8 day.

9 3. Any local law enacted pursuant to this article may authorize a
10 reduction of the surcharge imposed for the initial three hundred sixty-
11 five days for which a permit has been issued, at a rate no more than:

12 (a) sixty percent of the surcharge due for days one through ninety;
13 and

14 (b) forty percent of the surcharge due for days ninety-one through
15 three hundred sixty-five.

16 4. Any local law enacted pursuant to this article may authorize a
17 reduction of the surcharge imposed to the extent a permit is issued for
18 construction relating to the creation or preservation of affordable
19 housing units. Such reduction shall be in proportion to the percentage
20 of affordable housing units created or preserved.

21 § 1713. Application and exemptions. 1. Surcharge to be in addition to
22 monies owed. Any surcharge imposed under the authority of this article
23 shall be in addition to any and all other fees or taxes authorized or
24 imposed under any other provision of law. This article shall not be
25 construed as limiting the power of any city, county or school district
26 to impose any other fee or tax which it is authorized to impose under
27 any other provision of law.

28 2. Any local law enacted pursuant to this article shall exempt from
29 the surcharge authorized herein any permit issued to:

30 (a) The state of New York, or any of its agencies, instrumentalities,
31 public corporations or political subdivisions where it is the permittee;

32 (b) The United States of America, and any of its agencies and instru-
33 mentalities, insofar as it is immune from taxation where it is the
34 permittee; or

35 (c) Any person where the construction for which such permit is issued
36 relates to the creation or preservation of affordable housing units;
37 provided that such affordable housing units constitute no less than
38 fifty percent of the total number of dwelling units created or preserved
39 by such construction.

40 § 1714. Administration and collection of surcharge. 1. The surcharge
41 authorized by section seventeen hundred twelve of this article shall be
42 administered and collected in such manner as may be provided in local
43 laws with such amendments in respect to administration and collection as
44 may be enacted, including through the commencement of actions and issu-
45 ance of tax warrants in a manner consistent with the commencement of
46 actions and issuance of warrants pursuant to subdivisions a, b and d of
47 section 11-1614 of the administrative code of the city of New York.

48 2. Any local law enacted pursuant to this article shall require that
49 the surcharge be paid to the agency issuing the permit prior to the
50 issuance or renewal of such permit for the term of such permit, in a
51 form and manner determined by such agency.

52 3. Such surcharge shall not be refundable except where a reduction for
53 such surcharge is authorized pursuant to subdivision four of section
54 seventeen hundred twelve of this article and an application for such
55 reduction is filed with the department of transportation no later than:
56 (a) eighteen months after execution of: (i) an agreement with a federal,

1 state or local government entity, public benefit corporation or public
2 housing authority, relating to the creation or preservation of afforda-
3 ble housing units; or (ii) a similar instrument; or (b) eighteen months
4 after payment of such surcharge.

5 § 1715. Limitations on assessment of surcharge. Except in the case of
6 a willfully false or fraudulent permit application with intent to evade
7 the surcharge authorized by the provisions of this article, no assess-
8 ment of additional surcharge shall be made with respect to the surcharge
9 imposed under the authority of this article, after the expiration of
10 more than three years from the date of the permit application or renewal
11 thereof, provided, however, that where no such application has been
12 filed, or where there has been a change relating to the use of the
13 street or pedestrian plaza for which a permit has been issued that would
14 increase the amount of surcharge liability, as provided by law, the
15 surcharge may be assessed at any time. Where a person subject to the
16 surcharge authorized by the provisions of this article makes a change or
17 correction to a permit that has been issued, as provided by law, an
18 assessment may be made at any time within two years after the applica-
19 tion for such permit was filed. Any local law enacted pursuant to this
20 article shall authorize enforcement remedies, including but not limited
21 to the imposition of civil penalties in an amount no greater than ten
22 percent of such surcharge where a person subject to the surcharge
23 authorized by the provisions of this article fails to pay such surcharge
24 by failing to submit the required permit application.

25 § 1716. Judicial review. Any final determination of the amount of any
26 surcharge payable under this article shall be reviewable for error,
27 illegality or unconstitutionality or any other reason whatsoever by a
28 proceeding under article seventy-eight of the civil practice law and
29 rules if application therefor is made to the supreme court within four
30 months after the giving of the notice of such final determination,
31 provided, however, that any such proceeding under article seventy-eight
32 of the civil practice law and rules shall not be instituted by a person
33 liable for such surcharge unless: 1. the amount of any surcharge sought
34 to be reviewed, with such interest and penalties thereon as may be
35 provided for by local law or regulation, shall be first deposited and
36 there is filed an undertaking, issued by a surety company authorized to
37 transact business in this state and approved by the superintendent of
38 financial services of this state as to solvency and responsibility, in
39 such amount as a justice of the supreme court shall approve to the
40 effect that if such proceeding be dismissed or surcharge confirmed such
41 liable person will pay all costs and charges which may accrue in the
42 prosecution of such proceeding; or 2. at the option of such liable
43 person, such undertaking may be in a sum sufficient to cover the
44 surcharge, interest and penalties stated in such determination, plus the
45 costs and charges which may accrue against such liable person in the
46 prosecution of the proceeding, in which event the liable person shall
47 not be required to pay such surcharge, interest or penalties as a condi-
48 tion precedent to the application.

49 § 2. Title 11 of the administrative code of the city of New York is
50 amended by adding a new chapter 32 to read as follows:

51 CHAPTER 32

52 SURCHARGE ON ISSUANCE OF A PERMIT FOR OBSTRUCTING OR CLOSING THE
53 STREET FOR CONSTRUCTION PURPOSES

54 Section 11-3200 Applicability.

55 11-3201 Definitions.

11-3202 Surcharge for permit to obstruct or close the street for construction-related purposes.

11-3203 General powers of the commissioner of transportation.

11-3204 Presumption and burden of proof; payment of surcharge.

11-3205 Records to be kept.

11-3206 Exemptions.

11-3207 Determination of surcharge.

11-3208 Remedies exclusive.

11-3209 Proceedings to recover surcharge.

11-3210 Penalties and interest.

11-3211 Notices and limitations of time.

§ 11-3200 Applicability. The provisions of this chapter shall only apply during any period in which a local law implementing article forty-four-D of the vehicle and traffic law is not in effect, except that any provision of this chapter relating to the collection, administration, or enforcement of a surcharge imposed pursuant to this chapter shall continue to be in effect during such period as it relates to such surcharge.

§ 11-3201 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

(a) Affordable housing unit. The term "affordable housing unit" means a residential dwelling unit that must be affordable to residents at or below a specific income level, provided that such level does not exceed one hundred sixty-five percent of the area median income, pursuant to statute, regulation, restrictive covenant or declaration, or pursuant to a regulatory agreement with a federal, state, or local government entity, public benefit corporation or public housing authority.

(b) Area median income. The term "area median income" means the income limits as defined annually by the U.S. Department of Housing and Urban Development (HUD) for the New York, NY HUD Metro FMR Area (HMFA), as established in section three of the Housing Act of nineteen hundred thirty-seven, as amended.

(c) Central business district. The term "central business district" means the geographic area of the borough of Manhattan south of and inclusive of sixtieth street.

(d) Construction permit. The term "construction permit" means a permit issued by the department of transportation relating to the obstruction or closure of a street or pedestrian plaza for the purpose of construction that is required for:

(1) Placing construction material on a street during working hours;

(2) Placing construction equipment other than cranes or derricks on a street during working hours;

(3) Temporarily closing a sidewalk;

(4) Constructing a temporary pedestrian walk in a roadway;

(5) Temporarily closing a roadway;

(6) Placing a shanty or trailer on a street;

(7) Crossing a sidewalk;

(8) Placing a crane or derrick on a street during working hours;

(9) Storing construction material on a street during non-working hours;

(10) Storing construction equipment on a street during non-working hours; or

(11) Other construction activity that requires the issuance of a permit by the department of transportation for the obstruction or closure of a street or pedestrian plaza.

1 (e) Dwelling unit. The term "dwelling unit" has the meaning ascribed
2 to such term in the housing maintenance code.

3 (f) Full obstruction. The term "full obstruction" means the occupation
4 of the entire length of a curb lane, vehicular travel lane, or sidewalk
5 for construction-related activity where there is a permit issued to
6 close such length to motor vehicles, pedestrians, or bicyclists.

7 (g) Partial obstruction. The term "partial obstruction" means the
8 occupation of all or a portion of a length of a sidewalk for construc-
9 tion-related activity where there is a permit issued to provide a tempo-
10 rary pedestrian pathway, either in the curb lane, on the sidewalk, or
11 within the building envelope of an adjacent structure.

12 (h) Pedestrian plaza. The term "pedestrian plaza" means an area desig-
13 nated by the department of transportation as such for pedestrian circu-
14 lation, use and enjoyment on property under the jurisdiction of the
15 department including, but not limited to, property mapped as a public
16 place or property within the bed of a roadway, and which may contain
17 amenities such as tables, seating, trees, plants, lighting, bike racks,
18 or public art.

19 (i) Roadway. The term "roadway" means that portion of a street
20 designed, improved or ordinarily used for vehicular travel, exclusive of
21 the shoulder and slope.

22 (j) Sidewalk. The term "sidewalk" means that portion of a street
23 between the curb lines, or the lateral lines of a roadway, and the adja-
24 cent property lines, but not including the curb, intended for the use of
25 pedestrians.

26 § 11-3202 Surcharge for permit to obstruct or close the street for
27 construction-related purposes. (a) A surcharge is imposed on the issua-
28 nce of any construction permit.

29 (b) The rate of such surcharge shall be: (1) For a construction permit
30 for the partial obstruction of a sidewalk, five dollars for up to and
31 including ten linear feet of sidewalk per day, except for in the central
32 business district, where the rate shall be ten dollars for up to and
33 including ten linear feet of sidewalk per day;

34 (2) For a construction permit for the full obstruction of a sidewalk,
35 two hundred dollars for up to and including one hundred linear feet per
36 day, except for in the central business district where the rate shall be
37 four hundred dollars for up to and including one hundred linear feet per
38 day;

39 (3) For a construction permit for the full obstruction of a curb lane,
40 fifteen dollars for up to and including ten linear feet of curb lane per
41 day, except for in the central business district where the rate shall be
42 thirty-five dollars for up to and including ten linear feet per day;

43 (4) For a construction permit for the full obstruction of a vehicular
44 travel lane, three hundred dollars for up to and including one hundred
45 linear feet of vehicular travel lane per day, except for in the central
46 business district where the rate shall be seven hundred dollars for up
47 to and including one hundred linear feet of vehicular travel lane per
48 day; and

49 (5) For a construction permit for the full obstruction of any portion
50 of a pedestrian plaza, thirty cents for up to and including ten square
51 feet of vehicular travel lane per day, except for in the central busi-
52 ness district where the rate shall be sixty cents for up to and includ-
53 ing ten square feet of pedestrian plaza per day.

54 (c) Such rate shall be reduced for the initial three hundred sixty-
55 five days for which the construction permit has been issued as follows:

1 (1) sixty percent of the surcharge due for days one through ninety;
2 and
3 (2) forty percent of the surcharge due for days ninety-one through
4 three hundred sixty-five.

5 (d) Such rate shall be reduced in proportion to the percentage of
6 affordable housing units created or preserved.

7 § 11-3203 General powers of the commissioner of transportation. The
8 commissioner of transportation is hereby authorized and empowered:

9 (a) To make, adopt and amend rules and regulations appropriate to the
10 carrying out of this chapter and the purposes thereof;

11 (b) To prescribe methods for determining the construction permits
12 issued or the length or area of street or pedestrian plaza obstructed;

13 (c) To require construction contractors, construction managers, design
14 engineers, or other persons, as applicable, to maintain records with
15 respect to streets and pedestrian plazas obstructed, and to furnish any
16 information with respect thereto upon request to the commissioner of
17 transportation;

18 (d) To assess, determine and readjust the surcharge imposed under this
19 chapter;

20 (e) (1) To administer oaths and take affidavits, or to cause the
21 employees or officers of the department of transportation to administer
22 oaths and affidavits in relation to any matter or proceeding in the
23 exercise of their powers and duties under this chapter; and

24 (2) To subpoena and require the attendance of witnesses and the
25 production of books, papers and documents to secure information perti-
26 nent to the performance of such commissioner's duties pursuant to this
27 chapter and of the enforcement of this chapter and to examine them in
28 relation thereto, and to issue commissions for the examination of
29 witnesses who are out of the state or unable to attend before such
30 commissioner or excused from attendance;

31 (f) To remit penalties but not interest; and to compromise disputed
32 claims in connection with the surcharge hereby imposed; and

33 (g) To delegate the functions hereunder to an assistant commissioner
34 or deputy commissioner of transportation or to any employee or employees
35 of such commissioner.

36 § 11-3204 Presumption and burden of proof; payment of surcharge. (a)
37 If a street or pedestrian plaza is obstructed without the issuance of a
38 valid construction permit, or if a street or pedestrian plaza is
39 obstructed beyond the area or beyond the time period authorized in a
40 construction permit, in a manner that would subject such obstruction to
41 the surcharge described in section 11-3202 of this chapter, there shall
42 be a rebuttable presumption that such obstruction is subject to the
43 surcharge. If an obstruction is observed beyond the time period in which
44 such obstruction was authorized in a construction permit, there shall be
45 a rebuttable presumption that such obstruction occurred continuously
46 until such observation. If an obstruction is observed beyond the area in
47 which such obstruction was authorized in a construction permit, there
48 shall be a rebuttable presumption that such obstruction occurred contin-
49 uously from the point at which such construction permit authorized any
50 obstruction. Such presumption shall prevail until the contrary is estab-
51 lished and the burden of proving the contrary shall be upon the person
52 to whom the construction permit is issued. Such surcharge shall be due
53 against the person to whom the construction permit is issued, or if no
54 such permit was issued, against the person creating such obstruction.
55 Any person under contract with such person for the performance of work

1 or other activity creating such obstruction shall also be liable for
2 such surcharge.

3 (b) For the purpose of proper administration of this chapter and to
4 prevent evasion of the surcharge authorized under this chapter, the
5 surcharge authorized by this chapter shall be due prior to issuance of a
6 construction permit. The payment shall be made by the person to whom the
7 construction permit is issued and shall be paid to the department of
8 transportation in accordance with rules of such department.

9 (c) The surcharge shall not be refundable, except where a reduction
10 for such surcharge is authorized pursuant to subdivision (d) of section
11 11-3202 of this chapter and an application for such reduction is filed
12 with the department of transportation no later than: (1) eighteen months
13 after execution of: (i) an agreement with a federal, state or local
14 government entity, public benefit corporation, or public housing author-
15 ity, relating to the creation or preservation of affordable housing
16 units; or (ii) a similar instrument; or (2) eighteen months after
17 payment of such surcharge.

18 § 11-3205 Records to be kept. Every person to whom a construction
19 permit has been issued shall keep records in such form and manner as the
20 commissioner may by rule require. Such records shall be preserved for a
21 period of three years from the date of issuance of such construction
22 permit. Such records shall be available for inspection and examination
23 upon demand by the commissioner of transportation or the commissioner's
24 duly authorized agent or employee.

25 § 11-3206 Exemptions. The surcharge imposed pursuant to the authority
26 of section 11-3202 of this chapter shall not be imposed on any
27 construction permit issued to:

28 (a) The state of New York, or any of its agencies; instrumentalities,
29 public corporations or political subdivisions where it is the permittee;

30 (b) The United States of America, and any of its agencies and instru-
31 mentalities, insofar as it is immune from taxation where it is the
32 permittee; or

33 (c) Any person where the construction for which such permit is issued
34 relates to the creation or preservation of affordable housing units
35 provided that such affordable housing units constitute no less than
36 fifty percent of the total number of dwelling units created or preserved
37 by such construction.

38 § 11-3207 Determination of surcharge. If a surcharge required by
39 section 11-3202 of this chapter is not paid, or if the amount of the
40 surcharge that is paid is incorrect or insufficient, the amount of
41 surcharge due shall be determined by the commissioner of transportation
42 from such information as may be obtainable, and, if necessary, such
43 surcharge may be estimated on the basis of factors determined by the
44 commissioner of transportation, in accordance with the presumptions set
45 forth in subdivision (a) of section 11-3204 of this chapter. Notice of
46 such determination shall be given to the person liable for the payment
47 of the surcharge. Such determination shall finally and irrevocably fix
48 the surcharge unless the person against whom it is assessed, within
49 ninety days after giving notice of such determination, shall apply to
50 the hearing officer at the department of transportation for a hearing,
51 or unless the commissioner of transportation on their own motion shall
52 redetermine the same. After such hearing, the commissioner of transpor-
53 tation's determination shall be reviewable for error, illegality or
54 unconstitutionality or any other reason whatsoever by a proceeding under
55 article seventy-eight of the civil practice law and rules if application
56 therefor is made to the supreme court within four months after giving of

1 the notice of such determination. A proceeding under article seventy-
2 eight of the civil practice law and rules shall not be instituted
3 unless: (a) the amount of any surcharge sought to be reviewed, with
4 penalties and interest thereon, if any, shall be first deposited with
5 the commissioner of transportation and there shall be filed with the
6 commissioner of transportation an undertaking, issued by a surety compa-
7 ny authorized to transact business in this state, and approved by the
8 superintendent of insurance of this state as to solvency and responsi-
9 bility, in such amount as a justice of the supreme court shall approve
10 to the effect that if such proceeding be dismissed or the surcharge
11 confirmed, the petitioner will pay all costs and charges which may
12 accrue in the prosecution of the proceeding; or (b) at the option of the
13 applicant such undertaking filed with the commissioner of transportation
14 may be in a sum sufficient to cover the surcharges, penalties and inter-
15 est thereon stated in such determination plus the costs and charges
16 which may accrue against it in the prosecution of the proceeding, in
17 which event the applicant shall not be required to deposit such
18 surcharges, penalties and interest as a condition precedent to the
19 application.

20 § 11-3208 Remedies exclusive. The remedies provided by section 11-3207
21 of this chapter shall be the exclusive remedy available to any person
22 for the review of liability for the surcharge imposed by section 11-3202
23 of this chapter; and no determination or proposed determination of
24 surcharge shall be enjoined or reviewed by an action for declaratory
25 judgment, an action for money had and received or by any action or
26 proceeding other than a proceeding in the nature of a certiorari
27 proceeding under article seventy-eight of the civil practice law and
28 rules; provided, however, that such person may proceed by declaratory
29 judgment if such person institutes suit within thirty days after a defi-
30 ciency assessment is made and pays the amount of the deficiency assess-
31 ment to the commissioner of transportation prior to the institution of
32 such suit and posts a bond for costs as provided in section 11-3207 of
33 this chapter.

34 § 11-3209 Proceedings to recover surcharge. (a) Whenever any person to
35 whom a construction permit has been issued fails to pay the correct and
36 sufficient surcharge, penalty or interest imposed by this chapter as
37 therein provided, the commissioner of transportation shall notify the
38 commissioner of finance of all relevant records determined necessary by
39 the commissioner of finance to facilitate collection of such surcharge.
40 The corporation counsel shall, upon the request of the commissioner of
41 finance bring or cause to be brought an action to enforce the payment of
42 the same on behalf of the city of New York in any court of the state of
43 New York or of any other state or of the United States. If, however, the
44 commissioner of finance in their discretion believes that any such
45 person is about to cease business, leave the state or remove or dissi-
46 pate the assets out of which the surcharge, penalty or interest might be
47 satisfied, and that any such surcharge, penalty or interest will not be
48 paid when due, the commissioner of finance may declare such surcharge,
49 penalty or interest to be immediately due and payable and may issue a
50 warrant immediately.

51 (b) As an additional or alternate remedy, the commissioner of finance
52 may issue a warrant, directed to the city sheriff commanding the city
53 sheriff to levy upon and sell the real and personal property of the
54 person liable for the surcharge, which may be found within the city, for
55 the payment of the amount thereof, with any penalties and interest, and
56 the cost of executing the warrant, and to return such warrant to the

1 commissioner of finance and to pay to the commissioner of finance the
2 money collected by virtue thereof within sixty days after the receipt of
3 such warrant. The city sheriff shall within five days after the receipt
4 of the warrant file with the county clerk a copy thereof, and thereupon
5 such clerk shall enter in the judgment docket the name of the person
6 mentioned in the warrant and the amount of the surcharge, penalties and
7 interest for which the warrant is issued and the date when such copy is
8 filed. Thereupon the amount of such warrant so docketed shall become a
9 lien upon the title to and interest in real and personal property of the
10 person against whom the warrant is issued. The city sheriff shall then
11 proceed upon the warrant, in the same manner, and with like effect, as
12 that provided by law in respect to executions issued against property
13 upon judgments of a court of record, and for services in executing the
14 warrant the city sheriff shall be entitled to the same fees, which such
15 city sheriff may collect in the same manner. In the discretion of the
16 commissioner of finance a warrant of like terms, force and effect may be
17 issued and directed to any officer or employee of the department of
18 finance, and in the execution thereof such officer or employee shall
19 have all the powers conferred by law upon sheriffs, but shall be enti-
20 tled to no fee or compensation in excess of the actual expenses paid in
21 the performance of such duty. If a warrant is returned not satisfied in
22 full, the commissioner of finance may from time to time issue new
23 warrants and shall also have the same remedies to enforce the amount due
24 thereunder as if the city had recovered judgment therefore and execution
25 thereon had been returned unsatisfied.

26 (c) The commissioner of finance, if such commissioner finds that the
27 interests of the city will not thereby be jeopardized, and upon such
28 conditions as the commissioner of finance may require, may release any
29 property from the lien of any warrant or vacate such warrant for unpaid
30 surcharges, penalties and interest filed pursuant to subdivision (b) of
31 this section, and such release or vacating of the warrant may be
32 recorded in the office of any recording officer in which such warrant
33 has been filed. The clerk shall thereupon cancel and discharge as of the
34 original date of docketing the vacated warrant.

35 § 11-3210 Penalties and interest. (a) Any person failing to pay any
36 surcharge to the commissioner of transportation within the time required
37 by this chapter shall be subject to a penalty of five percent of the
38 amount of surcharge due; plus interest at the rate of one percent of
39 such surcharge for each month of delay excepting the first month after
40 such surcharge became due; but the commissioner of transportation if
41 satisfied that the delay was excusable, may remit all or any part of
42 such penalty, but not interest at the rate of six percent per year. Such
43 penalties and interest shall be paid and disposed of in the same manner
44 as other revenues from this chapter. Unpaid penalties and interest may
45 be enforced in the same manner as the surcharge imposed by this chapter.

46 (b) Any person failing to keep the records required by subdivision (c)
47 of section 11-3203 of this chapter, shall, in addition to the penalties
48 herein or elsewhere prescribed, be subject to a civil penalty in an
49 amount up to one hundred dollars per day from the date on which a deter-
50 mination has been made that any such person failed to keep any such
51 records until the date on which such records are provided, provided that
52 such period shall be no greater than three years. It shall not be any
53 defense to an action under this subdivision that the failure to keep the
54 records was unintentional or not willful.

55 (c) The certificate of the commissioner of transportation to the
56 effect that a surcharge has not been paid or that information has not

1 been supplied pursuant to the provisions of this chapter, shall be
2 presumptive evidence thereof.

3 (d) Any person failing to submit the required permit application for a
4 construction permit and who fails to pay the surcharge authorized by the
5 provisions of this chapter, shall, in addition to the penalties herein
6 or elsewhere prescribed, be subject to a civil penalty in an amount no
7 greater than ten percent of such surcharge.

8 § 11-3211 Notices and limitations of time. (a) Any notice authorized
9 or required under the provisions of this chapter may be given by mailing
10 the same to the person for whom it is intended in a postpaid envelope
11 addressed to such person at the address given in the construction permit
12 issued to such person pursuant to the rules of the city of New York or,
13 if no permit has been issued to such person, then to such address as may
14 be obtainable. The mailing of such notice shall be presumptive evidence
15 of the receipt of the same by the person to whom addressed. Any period
16 of time which is determined according to the provisions of this chapter
17 by the giving of notice shall commence to run from the date of mailing
18 of such notice.

19 (b) The provisions of the civil practice law and rules or any other
20 law relative to limitations of time for the enforcement of a civil reme-
21 dy shall not apply to any proceeding or action taken by the city to
22 levy, appraise, assess, determine or enforce the collection of any
23 surcharge or penalty provided by this chapter. However, except in the
24 case of a willfully false or fraudulently obtained construction permit
25 with intent to evade the surcharge, no assessment of additional
26 surcharge shall be made after the expiration of more than three years
27 from the date of the issuance of a construction permit or the renewal
28 thereof; provided, however, that where no construction permit has been
29 issued, or where there has been a change relating to the use of the
30 street for which a construction permit has been issued that would
31 increase the amount of the surcharge, any additional surcharge may be
32 assessed at any time.

33 § 3. Any local law enacted pursuant to the authority of section one of
34 this act shall designate an agency to adopt rules and regulations to
35 implement the provisions of such section.

36 § 4. This act shall take effect immediately, except that section two
37 of this act shall take effect January 1, 2028.

38 PART Q

39 Section 1. The section heading, paragraphs 1, 2, 4 and subparagraph
40 (i) of paragraph 6 of subdivision (a), subdivisions (b), (e), (f), (h),
41 (i), (j), paragraph 3 of subdivision (g) and the opening paragraph of
42 subdivision (m) of section 1180-e of the vehicle and traffic law, as
43 added by chapter 421 of the laws of 2021, are amended to read as
44 follows:

45 Owner liability for failure of operator to comply with certain posted
46 maximum speed limits; highway construction or maintenance work area.

47 1. Notwithstanding any other provision of law, the commissioner of
48 transportation is hereby authorized to establish a [~~demonstration~~]
49 program imposing monetary liability on the owner of a vehicle for fail-
50 ure of an operator thereof to comply with posted maximum speed limits in
51 a highway construction or maintenance work area located on a cont-
52 rolled-access highway (i) when highway construction or maintenance work
53 is occurring and a work area speed limit is in effect as provided in
54 paragraph two of subdivision (d) or subdivision (f) of section eleven

1 hundred eighty of this article or (ii) when highway construction or
2 maintenance work is occurring and other speed limits are in effect as
3 provided in subdivision (b) or (g) or paragraph one of subdivision (d)
4 of section eleven hundred eighty of this article. Such ~~demonstration~~
5 program shall empower the commissioner to install photo speed violation
6 monitoring systems within no more than twenty highway construction or
7 maintenance work areas located on controlled-access highways and to
8 operate such systems within such work areas (iii) when highway
9 construction or maintenance work is occurring and a work area speed
10 limit is in effect as provided in paragraph two of subdivision (d) or
11 subdivision (f) of section eleven hundred eighty of this article or (iv)
12 when highway construction or maintenance work is occurring and other
13 speed limits are in effect as provided in subdivision (b) or (g) or
14 paragraph one of subdivision (d) of section eleven hundred eighty of
15 this article. The commissioner, in consultation with the superintendent
16 of the division of state police, shall determine the location of the
17 highway construction or maintenance work areas located on a controlled-
18 access highway in which to install and operate photo speed violation
19 monitoring systems. In selecting a highway construction or maintenance
20 work area in which to install and operate a photo speed violation moni-
21 toring system, the commissioner shall consider criteria including, but
22 not limited to, the speed data, crash history, and roadway geometry
23 applicable to such highway construction or maintenance work area. A
24 photo speed violation monitoring system shall not be installed or oper-
25 ated on a controlled-access highway exit ramp.

26 2. Notwithstanding any other provision of law, ~~[after holding a public~~
27 ~~hearing in accordance with the public officers law and subsequent~~
28 ~~approval of the establishment of a demonstration program in accordance~~
29 ~~with this section by a majority of the members of the entire board of~~
30 ~~the thruway authority,]~~ the chair of the thruway authority is hereby
31 authorized to establish a ~~demonstration~~ program imposing monetary
32 liability on the owner of a vehicle for failure of an operator thereof
33 to comply with posted maximum speed limits in a highway construction or
34 maintenance work area located on the thruway (i) when highway
35 construction or maintenance work is occurring and a work area speed
36 limit is in effect as provided in paragraph two of subdivision (d) or
37 subdivision (f) of section eleven hundred eighty of this article or (ii)
38 when highway construction or maintenance work is occurring and other
39 speed limits are in effect as provided in subdivision (b) or (g) or
40 paragraph one of subdivision (d) of section eleven hundred eighty of
41 this article. Such ~~demonstration~~ program shall empower the chair to
42 install photo speed violation monitoring systems within no more than ten
43 highway construction or maintenance work areas located on the thruway
44 and to operate such systems within such work areas (iii) when highway
45 construction or maintenance work is occurring and a work area speed
46 limit is in effect as provided in paragraph two of subdivision (d) or
47 subdivision (f) of section eleven hundred eighty of this article or (iv)
48 when highway construction or maintenance work is occurring and other
49 speed limits are in effect as provided in subdivision (b) or (g) or
50 paragraph one of subdivision (d) of section eleven hundred eighty of
51 this article. The chair, in consultation with the superintendent of the
52 division of state police, shall determine the location of the highway
53 construction or maintenance work areas located on the thruway in which
54 to install and operate photo speed violation monitoring systems. In
55 selecting a highway construction or maintenance work area in which to
56 install and operate a photo speed violation monitoring system, the chair

1 shall consider criteria including, but not limited to, the speed data,
2 crash history, and roadway geometry applicable to such highway
3 construction or maintenance work area. A photo speed violation monitor-
4 ing system shall not be installed or operated on a thruway exit ramp.

5 4. Operators of photo speed violation monitoring systems shall have
6 completed training in the procedures for setting up, testing, and oper-
7 ating such systems. Each such operator shall complete and sign a daily
8 set-up log for each such system that ~~[he or she]~~ the operator operates
9 that (i) states the date and time when, and the location where, the
10 system was set up that day, and (ii) states that such operator success-
11 fully performed, and the system passed, the self-tests of such system
12 before producing a recorded image that day. The commissioner or the
13 chair, as applicable, shall retain each such daily log until the later
14 of the date on which the photo speed violation monitoring system to
15 which it applies has been permanently removed from use or the final
16 resolution of all cases involving notices of liability issued based on
17 photographs, microphotographs, video or other recorded images produced
18 by such system.

19 (i) Such ~~[demonstration]~~ program shall utilize necessary technologies
20 to ensure, to the extent practicable, that photographs, microphoto-
21 graphs, videotape or other recorded images produced by such photo speed
22 violation monitoring systems shall not include images that identify the
23 driver, the passengers, or the contents of the vehicle. Provided,
24 however, that no notice of liability issued pursuant to this section
25 shall be dismissed solely because such a photograph, microphotograph,
26 videotape or other recorded image allows for the identification of the
27 driver, the passengers, or the contents of vehicles where the commis-
28 sioner or the chair, as applicable, shows that they made reasonable
29 efforts to comply with the provisions of this paragraph in such case.

30 (b) If the commissioner or chair establishes a ~~[demonstration]~~ program
31 pursuant to subdivision (a) of this section, the owner of a vehicle
32 shall be liable for a penalty imposed pursuant to this section if such
33 vehicle was used or operated with the permission of the owner, express
34 or implied, within a highway construction or maintenance work area
35 located on a controlled-access highway or on the thruway in violation of
36 paragraph two of subdivision (d) or subdivision (f), or when other speed
37 limits are in effect in violation of subdivision (b) or (g) or paragraph
38 one of subdivision (d), of section eleven hundred eighty of this arti-
39 cle, such vehicle was traveling at a speed of more than ten miles per
40 hour above the posted speed limit in effect within such highway
41 construction or maintenance work area, and such violation is evidenced
42 by information obtained from a photo speed violation monitoring system;
43 provided however that no owner of a vehicle shall be liable for a penal-
44 ty imposed pursuant to this section where the operator of such vehicle
45 has been convicted of the underlying violation of subdivision (b), (d),
46 (f) or (g) of section eleven hundred eighty of this article.

47 (e) An owner liable for a violation of subdivision (b), (d), (f) or
48 (g) of section eleven hundred eighty of this article pursuant to a
49 ~~[demonstration]~~ program established pursuant to this section shall be
50 liable for monetary penalties not to exceed fifty dollars for a first
51 violation, ~~[seventy-five]~~ one hundred twenty-five dollars for a second
52 violation both of which were committed within a period of eighteen
53 months, and one hundred seventy-five dollars for a third or subsequent
54 violation all of which were committed within a period of eighteen
55 months; provided, however, that an additional penalty not in excess of

1 twenty-five dollars for each violation may be imposed for the failure to
2 respond to a notice of liability within the prescribed time period.

3 (f) An imposition of liability under the ~~[demonstration]~~ program
4 established pursuant to this section shall not be deemed a conviction as
5 an operator and shall not be made part of the operating record of the
6 person upon whom such liability is imposed nor shall it be used for
7 insurance purposes in the provision of motor vehicle insurance coverage.

8 3. The notice of liability shall contain information advising the
9 person charged of the manner and the time in which ~~[he or she]~~ the owner
10 may contest the liability alleged in the notice. Such notice of liabil-
11 ity shall also contain a prominent warning to advise the person charged
12 that failure to contest in the manner and time provided shall be deemed
13 an admission of liability and that a default judgment may be entered
14 thereon.

15 (h) Adjudication of the liability imposed upon owners of this section
16 shall be by a traffic violations bureau established pursuant to section
17 three hundred seventy of the general municipal law where the violation
18 occurred or, if there be none, by ~~[the court having jurisdiction over~~
19 ~~traffic infractions where the violation occurred, except that if a city~~
20 ~~has established an administrative tribunal to hear and determine~~
21 ~~complaints of traffic infractions constituting parking, standing or~~
22 ~~stopping violations such city may, by local law, authorize such adjudi-~~
23 ~~cation by such tribunal]~~, a hearing officer designated by the commis-
24 sioner of motor vehicles provided, however, if a city with a population
25 of one million or more has established an administrative tribunal to
26 hear and determine complaints of traffic infractions constituting park-
27 ing, standing or stopping violations, such tribunal shall adjudicate
28 liability pursuant to this section.

29 (i) If an owner receives a notice of liability pursuant to this
30 section for any time period during which the vehicle or the number plate
31 or plates of such vehicle was reported to the police department as
32 having been stolen, it shall be a valid defense to an allegation of
33 liability for a violation of subdivision (b), (d), (f) or (g) of section
34 eleven hundred eighty of this article pursuant to this section that the
35 vehicle or the number plate or plates of such vehicle had been reported
36 to the police as stolen prior to the time the violation occurred and had
37 not been recovered by such time. For purposes of asserting the defense
38 provided by this subdivision, it shall be sufficient that a certified
39 copy of the police report on the stolen vehicle or number plate or
40 plates of such vehicle be sent by first class mail to the ~~[traffic~~
41 ~~violations bureau, court having jurisdiction or parking violations~~
42 ~~bureau]~~ department of transportation or thruway authority as applicable.

43 (j) 1. ~~[Where the adjudication of liability imposed upon owners pursu-~~
44 ~~ant to this section is by a traffic violations bureau or a court having~~
45 ~~jurisdiction, an]~~ An owner who is a lessor of a vehicle to which a
46 notice of liability was issued pursuant to subdivision (g) of this
47 section shall not be liable for the violation of subdivision (b), (d),
48 (f) or (g) of section eleven hundred eighty of this article pursuant to
49 this section, provided that ~~[he or she]~~ the owner sends to the ~~[traffic~~
50 ~~violations bureau or court having jurisdiction]~~ commissioner or chair as
51 applicable a copy of the rental, lease or other such contract document
52 covering such vehicle on the date of the violation, with the name and
53 address of the lessee clearly legible, within thirty-seven days after
54 receiving notice from the ~~[bureau or court]~~ commissioner or chair as
55 applicable of the date and time of such violation, together with the
56 other information contained in the original notice of liability. Failure

1 to send such information within such thirty-seven day time period shall
2 render the owner liable for the penalty prescribed by this section.
3 Where the lessor complies with the provisions of this paragraph, the
4 lessee of such vehicle on the date of such violation shall be deemed to
5 be the owner of such vehicle for purposes of this section, shall be
6 subject to liability for the violation of subdivision (b), (d), (f) or
7 (g) of section eleven hundred eighty of this article pursuant to this
8 section and shall be sent a notice of liability pursuant to subdivision
9 (g) of this section.

10 2. ~~[(i)]~~ In a city which, by local law, has authorized the adjudi-
11 cation of liability imposed upon owners by this section by a parking
12 violations bureau, an owner who is a lessor of a vehicle to which a
13 notice of liability was issued pursuant to subdivision (g) of this
14 section shall not be liable for the violation of subdivision (b), (d),
15 (f) or (g) of section eleven hundred eighty of this article, provided
16 that:

17 ~~[(A)]~~ (i) prior to the violation, the lessor has filed with the bureau
18 in accordance with the provisions of section two hundred thirty-nine of
19 this chapter; and

20 ~~[(B)]~~ (ii) within thirty-seven days after receiving notice from the
21 ~~[bureau]~~ chair or commissioner as applicable of the date and time of a
22 liability, together with the other information contained in the original
23 notice of liability, the lessor submits to the bureau the correct name
24 and address of the lessee of the vehicle identified in the notice of
25 liability at the time of such violation, together with such other addi-
26 tional information contained in the rental, lease or other contract
27 document, as may be reasonably required by the ~~[bureau]~~ chair or commis-
28 sioner as applicable pursuant to regulations that may be promulgated for
29 such purpose.

30 ~~[(ii)]~~ 3. Failure to comply with ~~[clause (B) of subparagraph (i) of]~~
31 this ~~[paragraph]~~ subdivision shall render the owner liable for the
32 penalty prescribed in this section.

33 ~~[(iii)]~~ 4. Where the lessor complies with the provisions of this
34 ~~[paragraph]~~ subdivision, the lessee of such vehicle on the date of such
35 violation shall be deemed to be the owner of such vehicle for purposes
36 of this section, shall be subject to liability for such violation pursu-
37 ant to this section and shall be sent a notice of liability pursuant to
38 subdivision (g) of this section.

39 If the commissioner or chair adopts a ~~[demonstration]~~ program pursuant
40 to subdivision (a) of this section the commissioner or chair, as appli-
41 cable, shall ~~[conduct a study and]~~ submit a report on or before ~~[May~~
42 ~~first, two thousand twenty four and a report on or before]~~ May first,
43 two thousand twenty-six on the results of the use of photo devices to
44 the governor, the temporary president of the senate and the speaker of
45 the assembly. The commissioner or chair shall also make such reports
46 available on their public-facing websites, provided that they may
47 provide aggregate data from paragraph one of this subdivision if the
48 commissioner or chair finds that publishing specific location data would
49 jeopardize public safety. Such report shall include:

50 § 2. The vehicle and traffic law is amended by adding a new section
51 1180-h to read as follows:

52 § 1180-h. Owner liability for failure of operator to comply with
53 certain posted maximum speed limits; Triborough bridge and tunnel
54 project highway construction or maintenance work area. (a) 1. Notwith-
55 standing any other provision of law, the Triborough bridge and tunnel
56 authority, a body corporate and politic constituting a public benefit

1 corporation created and constituted pursuant to title three of article
2 three of the public authorities law, is hereby authorized to establish a
3 program imposing monetary liability on the owner of a vehicle for fail-
4 ure of an operator thereof to comply with posted maximum speed limits in
5 a construction or maintenance work area located at any Triborough bridge
6 and tunnel authority project referred to in subdivision nine of section
7 five hundred fifty-three of the public authorities law, or as otherwise
8 provided in an applicable interagency agreement, (i) when construction
9 or maintenance work is occurring and a work area speed limit is in
10 effect as provided in paragraph two of subdivision (d) or subdivision
11 (f) of section eleven hundred eighty of this article or (ii) when
12 construction or maintenance work is occurring and other speed limits are
13 in effect as provided in subdivision (b) or (g) or paragraph one of
14 subdivision (d) of section eleven hundred eighty of this article. Such
15 program shall empower the Triborough bridge and tunnel authority to
16 install photo speed violation monitoring systems within construction or
17 maintenance work areas located at Triborough bridge and tunnel authority
18 projects and to operate such systems within such work areas (iii) when
19 construction or maintenance work is occurring and a work area speed
20 limit is in effect as provided in paragraph two of subdivision (d) or
21 subdivision (f) of section eleven hundred eighty of this article or (iv)
22 when construction or maintenance work is occurring and other speed
23 limits are in effect as provided in subdivision (b) or (g) or paragraph
24 one of subdivision (d) of section eleven hundred eighty of this article.
25 The Triborough bridge and tunnel authority shall determine the location
26 of the construction or maintenance work areas located at a Triborough
27 bridge and tunnel authority project in which to install and operate
28 photo speed violation monitoring systems. In selecting a construction or
29 maintenance work area in which to install and operate a photo speed
30 violation monitoring system, the Triborough bridge and tunnel authority
31 shall consider criteria including, but not limited to, the speed data,
32 crash history, and roadway geometry applicable to such construction or
33 maintenance work area.

34 2. No photo speed violation monitoring system shall be used in a
35 construction or maintenance work area unless (i) on the day it is to be
36 used it has successfully passed a self-test of its functions; and (ii)
37 it has undergone an annual calibration check performed pursuant to para-
38 graph four of this subdivision. The Triborough bridge and tunnel author-
39 ity shall install signs giving notice that a photo speed violation moni-
40 toring system is in use, in conformance with standards established in
41 the MUTCD.

42 3. Operators of photo speed violation monitoring systems shall have
43 completed training in the procedures for setting up, testing, and oper-
44 ating such systems. Each such operator shall complete and sign a daily
45 set-up log for each such system that the operator operates that (i)
46 states the date and time when, and the location where, the system was
47 set up that day, and (ii) states that such operator successfully
48 performed, and the system passed, the self-tests of such system before
49 producing a recorded image that day. The Triborough bridge and tunnel
50 authority shall retain each such daily log until the later of the date
51 on which the photo speed violation monitoring system to which it applies
52 has been permanently removed from use or the final resolution of all
53 cases involving notices of liability issued based on photographs, micro-
54 photographs, video or other recorded images produced by such system.

55 4. Each photo speed violation monitoring system shall undergo an annu-
56 al calibration check performed by an independent calibration laboratory

1 which shall issue a signed certificate of calibration. The Triborough
2 bridge and tunnel authority shall keep each such annual certificate of
3 calibration on file until the final resolution of all cases involving a
4 notice of liability issued during such year which were based on photo-
5 graphs, microphotographs, videotape or other recorded images produced by
6 such photo speed violation monitoring system.

7 5. (i) Such program shall utilize necessary technologies to ensure, to
8 the extent practicable, that photographs, microphotographs, videotape or
9 other recorded images produced by such photo speed violation monitoring
10 systems shall not include images that identify the driver, the passen-
11 gers, or the contents of the vehicle. Provided, however, that no notice
12 of liability issued pursuant to this section shall be dismissed solely
13 because such a photograph, microphotograph, videotape or other recorded
14 image allows for the identification of the driver, the passengers, or
15 the contents of vehicles where the Triborough bridge and tunnel authori-
16 ty shows that it made reasonable efforts to comply with the provisions
17 of this paragraph in such case.

18 (ii) Photographs, microphotographs, videotape or any other recorded
19 image from a photo speed violation monitoring system shall be for the
20 exclusive use of the Triborough bridge and tunnel authority for the
21 purpose of the adjudication of liability imposed pursuant to this
22 section and of the owner receiving a notice of liability pursuant to
23 this section, and shall be destroyed by the Triborough bridge and tunnel
24 authority upon the final resolution of the notice of liability to which
25 such photographs, microphotographs, videotape or other recorded images
26 relate, or one year following the date of issuance of such notice of
27 liability, whichever is later. Notwithstanding the provisions of any
28 other law, rule or regulation to the contrary, photographs, microphoto-
29 graphs, videotape or any other recorded image from a photo speed
30 violation monitoring system shall not be open to the public, nor subject
31 to civil or criminal process or discovery, nor used by any court or
32 administrative or adjudicatory body in any action or proceeding therein
33 except that which is necessary for the adjudication of a notice of
34 liability issued pursuant to this section, and no public entity or
35 employee, officer or agent thereof shall disclose such information,
36 except that such photographs, microphotographs, videotape or any other
37 recorded images from such systems:

38 (A) shall be available for inspection and copying and use by the motor
39 vehicle owner and operator for so long as such photographs, microphoto-
40 graphs, videotape or other recorded images are required to be maintained
41 or are maintained by such public entity, employee, officer or agent; and

42 (B) (1) shall be furnished when described in a search warrant issued
43 by a court authorized to issue such a search warrant pursuant to article
44 six hundred ninety of the criminal procedure law or a federal court
45 authorized to issue such a search warrant under federal law, where such
46 search warrant states that there is reasonable cause to believe such
47 information constitutes evidence of, or tends to demonstrate that, a
48 misdemeanor or felony offense was committed in this state or another
49 state, or that a particular person participated in the commission of a
50 misdemeanor or felony offense in this state or another state, provided,
51 however, that if such offense was against the laws of another state, the
52 court shall only issue a warrant if the conduct comprising such offense
53 would, if occurring in this state, constitute a misdemeanor or felony
54 against the laws of this state; and

55 (2) shall be furnished in response to a subpoena duces tecum signed by
56 a judge of competent jurisdiction and issued pursuant to article six

1 hundred ten of the criminal procedure law or a judge or magistrate of a
2 federal court authorized to issue such a subpoena duces tecum under
3 federal law, where the judge finds and the subpoena states that there is
4 reasonable cause to believe such information is relevant and material to
5 the prosecution, or the defense, or the investigation by an authorized
6 law enforcement official, of the alleged commission of a misdemeanor or
7 felony in this state or another state, provided, however, that if such
8 offense was against the laws of another state, such judge or magistrate
9 shall only issue such subpoena if the conduct comprising such offense
10 would, if occurring in this state, constitute a misdemeanor or felony in
11 this state; and

12 (3) may, if lawfully obtained pursuant to this clause and clause (A)
13 of this subparagraph and otherwise admissible, be used in such criminal
14 action or proceeding.

15 (b) The owner of a vehicle shall be liable for a penalty imposed
16 pursuant to this section if such vehicle was used or operated with the
17 permission of the owner, express or implied, within a construction or
18 maintenance work area located at a Triborough bridge and tunnel authori-
19 ty project in violation of paragraph two of subdivision (d) or subdivi-
20 sion (f), or when other speed limits are in effect in violation of
21 subdivision (b) or (g) or paragraph one of subdivision (d) of section
22 eleven hundred eighty of this article, such vehicle was traveling at a
23 speed of more than ten miles per hour above the posted speed limit in
24 effect within such construction or maintenance work area, and such
25 violation is evidenced by information obtained from a photo speed
26 violation monitoring system; provided however that no owner of a vehicle
27 shall be liable for a penalty imposed pursuant to this section where the
28 operator of such vehicle has been convicted of the underlying violation
29 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
30 this article.

31 (c) For purposes of this section, the following terms shall have the
32 following meanings:

33 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
34 the manual and specifications for a uniform system of traffic control
35 devices maintained by the commissioner of transportation pursuant to
36 section sixteen hundred eighty of this chapter;

37 2. "owner" shall have the meaning provided in article two-B of this
38 chapter;

39 3. "photo speed violation monitoring system" shall mean a vehicle
40 sensor installed to work in conjunction with a speed measuring device
41 which automatically produces two or more photographs, two or more micro-
42 photographs, a videotape or other recorded images of each vehicle at the
43 time it is used or operated in a construction or maintenance work area
44 located at a Triborough bridge and tunnel authority project in violation
45 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
46 this article in accordance with the provisions of this section;

47 4. "Triborough bridge and tunnel authority projects" shall mean the
48 projects referred to in subdivision nine of section five hundred fifty-
49 three of the public authorities law, or as otherwise provided in an
50 applicable interagency agreement.

51 (d) A certificate, sworn to or affirmed by a technician employed by
52 the Triborough bridge and tunnel authority or its agent as applicable,
53 or a facsimile thereof, based upon inspection of photographs, micropho-
54 tographs, videotape or other recorded images produced by a photo speed
55 violation monitoring system, shall be prima facie evidence of the facts
56 contained therein. Any photographs, microphotographs, videotape or other

1 recorded images evidencing such a violation shall include at least two
2 date and time stamped images of the rear of the motor vehicle that
3 include the same stationary object near the motor vehicle to the extent
4 practicable and shall be available for inspection reasonably in advance
5 of and at any proceeding to adjudicate the liability for such violation
6 pursuant to this section.

7 (e) An owner liable for a violation of subdivision (b), (d), (f) or
8 (g) of section eleven hundred eighty of this article pursuant to a
9 program established pursuant to this section shall be liable for mone-
10 tary penalties not to exceed fifty dollars for a first violation, one
11 hundred twenty-five dollars for a second violation both of which were
12 committed within a period of eighteen months, and one hundred seventy-
13 five dollars for a third or subsequent violation all of which were
14 committed within a period of eighteen months; provided, however, that an
15 additional penalty not in excess of twenty-five dollars for each
16 violation may be imposed for the failure to respond to a notice of
17 liability within the prescribed time period.

18 (f) An imposition of liability under the program established pursuant
19 to this section shall not be deemed a conviction as an operator and
20 shall not be made part of the operating record of the person upon whom
21 such liability is imposed nor shall it be used for insurance purposes in
22 the provision of motor vehicle insurance coverage.

23 (g) 1. A notice of liability shall be sent by first class mail to each
24 person alleged to be liable as an owner for a violation of subdivision
25 (b), (d), (f) or (g) of section eleven hundred eighty of this article
26 pursuant to this section, within fourteen business days if such owner is
27 a resident of this state and within forty-five business days if such
28 owner is a non-resident. Personal delivery on the owner shall not be
29 required. A manual or automatic record of mailing prepared in the ordi-
30 nary course of business shall be prima facie evidence of the facts
31 contained therein.

32 2. A notice of liability shall contain the name and address of the
33 person alleged to be liable as an owner for a violation of subdivision
34 (b), (d), (f) or (g) of section eleven hundred eighty of this article
35 pursuant to this section, the registration number of the vehicle
36 involved in such violation, the location where such violation took
37 place, the date and time of such violation, the identification number of
38 the camera which recorded the violation or other document locator
39 number, at least two date and time stamped images of the rear of the
40 motor vehicle that include the same stationary object near the motor
41 vehicle to the extent practicable, and the certificate charging the
42 liability.

43 3. The notice of liability shall contain information advising the
44 person charged of the manner and the time in which such person may
45 contest the liability alleged in the notice. Such notice of liability
46 shall also contain a prominent warning to advise the person charged that
47 failure to contest in the manner and time provided shall be deemed an
48 admission of liability and that a default judgment may be entered there-
49 on.

50 4. The notice of liability shall be prepared and mailed by the Tribor-
51 ough bridge and tunnel authority or by any other entity authorized by
52 the Triborough bridge and tunnel authority to prepare and mail such
53 notice of liability.

54 (h) Adjudication of the liability imposed upon owners of this section
55 shall be by the New York city parking violations bureau.

1 (i) If an owner receives a notice of liability pursuant to this
2 section for any time period during which the vehicle or the number plate
3 or plates of such vehicle was reported to the police department as
4 having been stolen, it shall be a valid defense to an allegation of
5 liability for a violation of subdivision (b), (d), (f) or (g) of section
6 eleven hundred eighty of this article pursuant to this section that the
7 vehicle or the number plate or plates of such vehicle had been reported
8 to the police as stolen prior to the time the violation occurred and had
9 not been recovered by such time. For purposes of asserting the defense
10 provided by this subdivision, it shall be sufficient that a certified
11 copy of the police report on the stolen vehicle or number plate or
12 plates of such vehicle be sent by first class mail to the Triborough
13 bridge and tunnel authority.

14 (j) 1. An owner who is a lessor of a vehicle to which a notice of
15 liability was issued pursuant to subdivision (g) of this section shall
16 not be liable for the violation of subdivision (b), (d), (f) or (g) of
17 section eleven hundred eighty of this article pursuant to this section,
18 provided that the owner sends to the Triborough Bridge and tunnel
19 authority a copy of the rental, lease or other such contract document
20 covering such vehicle on the date of the violation, with the name and
21 address of the lessee clearly legible, within thirty-seven days after
22 receiving notice from the Triborough bridge and tunnel authority of the
23 date and time of such violation, together with the other information
24 contained in the original notice of liability. Failure to send such
25 information within such thirty-seven-day time period shall render the
26 owner liable for the penalty prescribed by this section. Where the
27 lessor complies with the provisions of this paragraph, the lessee of
28 such vehicle on the date of such violation shall be deemed to be the
29 owner of such vehicle for purposes of this section, shall be subject to
30 liability for the violation of subdivision (b), (d), (f) or (g) of
31 section eleven hundred eighty of this article pursuant to this section
32 and shall be sent a notice of liability pursuant to subdivision (g) of
33 this section.

34 2. An owner who is a lessor of a vehicle to which a notice of liabil-
35 ity was issued pursuant to subdivision (g) of this section shall not be
36 liable for the violation of subdivision (b), (d), (f) or (g) of section
37 eleven hundred eighty of this article, provided that:

38 (i) prior to the violation, the lessor has filed with the bureau in
39 accordance with the provisions of section two hundred thirty-nine of
40 this chapter; and

41 (ii) within thirty-seven days after receiving notice from the Tribor-
42 ough bridge and tunnel authority of the date and time of a liability,
43 together with the other information contained in the original notice of
44 liability, the lessor submits to the Triborough bridge and tunnel
45 authority the correct name and address of the lessee of the vehicle
46 identified in the notice of liability at the time of such violation,
47 together with such other additional information contained in the rental,
48 lease or other contract document, as may be reasonably required by the
49 Triborough bridge and tunnel authority pursuant to regulations that may
50 be promulgated for such purpose.

51 3. Failure to comply with this subdivision shall render the owner
52 liable for the penalty prescribed in this section.

53 4. Where the lessor complies with the provisions of this subdivision,
54 the lessee of such vehicle on the date of such violation shall be deemed
55 to be the owner of such vehicle for purposes of this section, shall be
56 subject to liability for such violation pursuant to this section and

1 shall be sent a notice of liability pursuant to subdivision (g) of this
2 section.

3 (k) 1. If the owner liable for a violation of subdivision (b), (d),
4 (f) or (g) of section eleven hundred eighty of this article pursuant to
5 this section was not the operator of the vehicle at the time of the
6 violation, the owner may maintain an action for indemnification against
7 the operator.

8 2. Notwithstanding any other provision of this section, no owner of a
9 vehicle shall be subject to a monetary fine imposed pursuant to this
10 section if the operator of such vehicle was operating such vehicle with-
11 out the consent of the owner at the time such operator operated such
12 vehicle in violation of subdivision (b), (d), (f) or (g) of section
13 eleven hundred eighty of this article. For purposes of this subdivision
14 there shall be a presumption that the operator of such vehicle was oper-
15 ating such vehicle with the consent of the owner at the time such opera-
16 tor operated such vehicle in violation of subdivision (b), (d), (f) or
17 (g) of section eleven hundred eighty of this article.

18 (l) Nothing in this section shall be construed to limit the liability
19 of an operator of a vehicle for any violation of subdivision (b), (d),
20 (f) or (g) of section eleven hundred eighty of this article.

21 (m) It shall be a defense to any prosecution for a violation of subdivi-
22 vision (b), (d), (f) or (g) of section eleven hundred eighty of this
23 article pursuant to this section that such photo speed violation moni-
24 toring system was malfunctioning at the time of the alleged violation.

25 § 3. The vehicle and traffic law is amended by adding a new section
26 1180-i to read as follows:

27 § 1180-i. Owner liability for failure of operator to comply with
28 certain posted maximum speed limits; New York state bridge authority
29 project highway construction or maintenance work area. (a) 1. Notwith-
30 standing any other provision of law, the New York state bridge authority
31 "bridge authority", a body corporate and politic constituting a public
32 benefit corporation created and constituted pursuant to title two of
33 article three of the public authorities law, is hereby authorized to
34 establish a program imposing monetary liability on the owner of a vehi-
35 cle for failure of an operator thereof to comply with posted maximum
36 speed limits in a construction or maintenance work area located at any
37 bridge authority project referred to in subdivision ten or ten-a of
38 section five hundred twenty-eight of the public authorities law, or as
39 otherwise provided in an applicable interagency agreement, (i) when
40 construction or maintenance work is occurring and a work area speed
41 limit is in effect as provided in paragraph two of subdivision (d) or
42 subdivision (f) of section eleven hundred eighty of this article or (ii)
43 when construction or maintenance work is occurring and other speed
44 limits are in effect as provided in subdivision (b) or (g) or paragraph
45 one of subdivision (d) of section eleven hundred eighty of this article.
46 Such program shall empower the bridge authority to install photo speed
47 violation monitoring systems within construction or maintenance work
48 areas located at bridge authority projects and to operate such systems
49 within such work areas (iii) when construction or maintenance work is
50 occurring and a work area speed limit is in effect as provided in para-
51 graph two of subdivision (d) or subdivision (f) of section eleven
52 hundred eighty of this article or (iv) when construction or maintenance
53 work is occurring and other speed limits are in effect as provided in
54 subdivision (b) or (g) or paragraph one of subdivision (d) of section
55 eleven hundred eighty of this article. The bridge authority shall deter-
56 mine the location of the construction or maintenance work areas located

1 at a bridge authority project in which to install and operate photo
2 speed violation monitoring systems. In selecting a construction or main-
3 tenance work area in which to install and operate a photo speed
4 violation monitoring system, the bridge authority shall consider crite-
5 ria including, but not limited to, the speed data, crash history, and
6 roadway geometry applicable to such construction or maintenance work
7 area.

8 2. No photo speed violation monitoring system shall be used in a
9 construction or maintenance work area unless (i) on the day it is to be
10 used it has successfully passed a self-test of its functions; and (ii)
11 it has undergone an annual calibration check performed pursuant to para-
12 graph four of this subdivision. The bridge authority shall install signs
13 giving notice that a photo speed violation monitoring system is in use,
14 in conformance with standards established in the MUTCD.

15 3. Operators of photo speed violation monitoring systems shall have
16 completed training in the procedures for setting up, testing, and oper-
17 ating such systems. Each such operator shall complete and sign a daily
18 set-up log for each such system that the operator operates that (i)
19 states the date and time when, and the location where, the system was
20 set up that day, and (ii) states that such operator successfully
21 performed, and the system passed, the self-tests of such system before
22 producing a recorded image that day. The bridge authority shall retain
23 each such daily log until the later of the date on which the photo speed
24 violation monitoring system to which it applies has been permanently
25 removed from use or the final resolution of all cases involving notices
26 of liability issued based on photographs, microphotographs, video or
27 other recorded images produced by such system.

28 4. Each photo speed violation monitoring system shall undergo an annu-
29 al calibration check performed by an independent calibration laboratory
30 which shall issue a signed certificate of calibration. The bridge
31 authority shall keep each such annual certificate of calibration on file
32 until the final resolution of all cases involving a notice of liability
33 issued during such year which were based on photographs, microphoto-
34 graphs, videotape or other recorded images produced by such photo speed
35 violation monitoring system.

36 5. (i) Such program shall utilize necessary technologies to ensure, to
37 the extent practicable, that photographs, microphotographs, videotape or
38 other recorded images produced by such photo speed violation monitoring
39 systems shall not include images that identify the driver, the passen-
40 gers, or the contents of the vehicle. Provided, however, that no notice
41 of liability issued pursuant to this section shall be dismissed solely
42 because such a photograph, microphotograph, videotape or other recorded
43 image allows for the identification of the driver, the passengers, or
44 the contents of vehicles where the bridge authority shows that it made
45 reasonable efforts to comply with the provisions of this paragraph in
46 such case.

47 (ii) Photographs, microphotographs, videotape or any other recorded
48 image from a photo speed violation monitoring system shall be for the
49 exclusive use of the bridge authority for the purpose of the adjudi-
50 cation of liability imposed pursuant to this section and of the owner
51 receiving a notice of liability pursuant to this section, and shall be
52 destroyed by the bridge authority upon the final resolution of the
53 notice of liability to which such photographs, microphotographs, vide-
54 otape or other recorded images relate, or one year following the date of
55 issuance of such notice of liability, whichever is later. Notwithstand-
56 ing the provisions of any other law, rule or regulation to the contrary,

photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

(A) shall be available for inspection and copying and use by the motor vehicle owner and operator for so long as such photographs, microphotographs, videotape or other recorded images are required to be maintained or are maintained by such public entity, employee, officer or agent; and

(B) (1) shall be furnished when described in a search warrant issued by a court authorized to issue such a search warrant pursuant to article six hundred ninety of the criminal procedure law or a federal court authorized to issue such a search warrant under federal law, where such search warrant states that there is reasonable cause to believe such information constitutes evidence of, or tends to demonstrate that, a misdemeanor or felony offense was committed in this state or another state, or that a particular person participated in the commission of a misdemeanor or felony offense in this state or another state, provided, however, that if such offense was against the laws of another state, the court shall only issue a warrant if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony against the laws of this state; and

(2) shall be furnished in response to a subpoena duces tecum signed by a judge of competent jurisdiction and issued pursuant to article six hundred ten of the criminal procedure law or a judge or magistrate of a federal court authorized to issue such a subpoena duces tecum under federal law, where the judge finds and the subpoena states that there is reasonable cause to believe such information is relevant and material to the prosecution, or the defense, or the investigation by an authorized law enforcement official, of the alleged commission of a misdemeanor or felony in this state or another state, provided, however, that if such offense was against the laws of another state, such judge or magistrate shall only issue such subpoena if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony in this state; and

(3) may, if lawfully obtained pursuant to this clause and clause (A) of this subparagraph and otherwise admissible, be used in such criminal action or proceeding.

(b) The owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a construction or maintenance work area located at a bridge authority project in violation of paragraph two of subdivision (d) or subdivision (f), or when other speed limits are in effect in violation of subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such construction or maintenance work area, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle

1 has been convicted of the underlying violation of subdivision (b), (d),
2 (f) or (g) of section eleven hundred eighty of this article.

3 (c) For purposes of this section, the following terms shall have the
4 following meanings:

5 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
6 the manual and specifications for a uniform system of traffic control
7 devices maintained by the commissioner of transportation pursuant to
8 section sixteen hundred eighty of this chapter;

9 2. "owner" shall have the meaning provided in article two-B of this
10 chapter;

11 3. "photo speed violation monitoring system" shall mean a vehicle
12 sensor installed to work in conjunction with a speed measuring device
13 which automatically produces two or more photographs, two or more micro-
14 photographs, a videotape or other recorded images of each vehicle at the
15 time it is used or operated in a construction or maintenance work area
16 located at a bridge authority project in violation of subdivision (b),
17 (d), (f) or (g) of section eleven hundred eighty of this article in
18 accordance with the provisions of this section; and

19 4. "bridge authority projects" shall mean the projects referred to in
20 subdivision ten or ten-a of section five hundred twenty-eight of the
21 public authorities law, or as otherwise provided in an applicable inter-
22 agency agreement.

23 (d) A certificate, sworn to or affirmed by a technician employed by
24 the bridge authority or its agent as applicable, or a facsimile thereof,
25 based upon inspection of photographs, microphotographs, videotape or
26 other recorded images produced by a photo speed violation monitoring
27 system, shall be prima facie evidence of the facts contained therein.
28 Any photographs, microphotographs, videotape or other recorded images
29 evidencing such a violation shall include at least two date and time
30 stamped images of the rear of the motor vehicle that include the same
31 stationary object near the motor vehicle to the extent practicable and
32 shall be available for inspection reasonably in advance of and at any
33 proceeding to adjudicate the liability for such violation pursuant to
34 this section.

35 (e) An owner liable for a violation of subdivision (b), (d), (f) or
36 (g) of section eleven hundred eighty of this article pursuant to a
37 program established pursuant to this section shall be liable for mone-
38 tary penalties not to exceed fifty dollars for a first violation, one
39 hundred twenty-five dollars for a second violation both of which were
40 committed within a period of eighteen months, and one hundred seventy-
41 five dollars for a third or subsequent violation all of which were
42 committed within a period of eighteen months; provided, however, that an
43 additional penalty not in excess of twenty-five dollars for each
44 violation may be imposed for the failure to respond to a notice of
45 liability within the prescribed time period.

46 (f) An imposition of liability under the program established pursuant
47 to this section shall not be deemed a conviction as an operator and
48 shall not be made part of the operating record of the person upon whom
49 such liability is imposed nor shall it be used for insurance purposes in
50 the provision of motor vehicle insurance coverage.

51 (g) 1. A notice of liability shall be sent by first class mail to each
52 person alleged to be liable as an owner for a violation of subdivision
53 (b), (d), (f) or (g) of section eleven hundred eighty of this article
54 pursuant to this section, within fourteen business days if such owner is
55 a resident of this state and within forty-five business days if such
56 owner is a non-resident. Personal delivery on the owner shall not be

1 required. A manual or automatic record of mailing prepared in the ordi-
2 nary course of business shall be prima facie evidence of the facts
3 contained therein.

4 2. A notice of liability shall contain the name and address of the
5 person alleged to be liable as an owner for a violation of subdivision
6 (b), (d), (f) or (g) of section eleven hundred eighty of this article
7 pursuant to this section, the registration number of the vehicle
8 involved in such violation, the location where such violation took
9 place, the date and time of such violation, the identification number of
10 the camera which recorded the violation or other document locator
11 number, at least two date and time stamped images of the rear of the
12 motor vehicle that include the same stationary object near the motor
13 vehicle to the extent practicable, and the certificate charging the
14 liability.

15 3. The notice of liability shall contain information advising the
16 person charged of the manner and the time in which such person may
17 contest the liability alleged in the notice. Such notice of liability
18 shall also contain a prominent warning to advise the person charged that
19 failure to contest in the manner and time provided shall be deemed an
20 admission of liability and that a default judgment may be entered there-
21 on.

22 4. The notice of liability shall be prepared and mailed by the bridge
23 authority or by any other entity authorized by the bridge authority to
24 prepare and mail such notice of liability.

25 (h) Adjudication of the liability imposed upon owners of this section
26 shall be by a traffic violations bureau established pursuant to section
27 three hundred seventy of the general municipal law where the violation
28 occurred or, if there be none, by a hearing officer designated by the
29 commissioner of motor vehicles.

30 (i) If an owner receives a notice of liability pursuant to this
31 section for any time period during which the vehicle or the number plate
32 or plates of such vehicle was reported to the police department as
33 having been stolen, it shall be a valid defense to an allegation of
34 liability for a violation of subdivision (b), (d), (f) or (g) of section
35 eleven hundred eighty of this article pursuant to this section that the
36 vehicle or the number plate or plates of such vehicle had been reported
37 to the police as stolen prior to the time the violation occurred and had
38 not been recovered by such time. For purposes of asserting the defense
39 provided by this subdivision, it shall be sufficient that a certified
40 copy of the police report on the stolen vehicle or number plate or
41 plates of such vehicle be sent by first class mail to the bridge author-
42 ity.

43 (j) 1. An owner who is a lessor of a vehicle to which a notice of
44 liability was issued pursuant to subdivision (g) of this section shall
45 not be liable for the violation of subdivision (b), (d), (f) or (g) of
46 section eleven hundred eighty of this article pursuant to this section,
47 provided that the owner sends to the bridge authority a copy of the
48 rental, lease or other such contract document covering such vehicle on
49 the date of the violation, with the name and address of the lessee
50 clearly legible, within thirty-seven days after receiving notice from
51 the bridge authority of the date and time of such violation, together
52 with the other information contained in the original notice of liabil-
53 ity. Failure to send such information within such thirty-seven-day time
54 period shall render the owner liable for the penalty prescribed by this
55 section. Where the lessor complies with the provisions of this para-
56 graph, the lessee of such vehicle on the date of such violation shall be

1 deemed to be the owner of such vehicle for purposes of this section,
2 shall be subject to liability for the violation of subdivision (b), (d),
3 (f) or (g) of section eleven hundred eighty of this article pursuant to
4 this section and shall be sent a notice of liability pursuant to subdivi-
5 vision (g) of this section.

6 2. In a city which, by local law, has authorized the adjudication of
7 liability imposed upon owners by this section by a parking violations
8 bureau, an owner who is a lessor of a vehicle to which a notice of
9 liability was issued pursuant to subdivision (g) of this section shall
10 not be liable for the violation of subdivision (b), (d), (f) or (g) of
11 section eleven hundred eighty of this article, provided that:

12 (i) prior to the violation, the lessor has filed with the bureau in
13 accordance with the provisions of section two hundred thirty-nine of
14 this chapter; and

15 (ii) within thirty-seven days after receiving notice from the bridge
16 authority of the date and time of a liability, together with the other
17 information contained in the original notice of liability, the lessor
18 submits to the bridge authority the correct name and address of the
19 lessee of the vehicle identified in the notice of liability at the time
20 of such violation, together with such other additional information
21 contained in the rental, lease or other contract document, as may be
22 reasonably required by the bridge authority pursuant to regulations that
23 may be promulgated for such purpose.

24 3. Failure to comply with this subdivision shall render the owner
25 liable for the penalty prescribed in this section.

26 4. Where the lessor complies with the provisions of this subdivision,
27 the lessee of such vehicle on the date of such violation shall be deemed
28 to be the owner of such vehicle for purposes of this section, shall be
29 subject to liability for such violation pursuant to this section and
30 shall be sent a notice of liability pursuant to subdivision (g) of this
31 section.

32 (k) 1. If the owner liable for a violation of subdivision (b), (d),
33 (f) or (g) of section eleven hundred eighty of this article pursuant to
34 this section was not the operator of the vehicle at the time of the
35 violation, the owner may maintain an action for indemnification against
36 the operator.

37 2. Notwithstanding any other provision of this section, no owner of a
38 vehicle shall be subject to a monetary fine imposed pursuant to this
39 section if the operator of such vehicle was operating such vehicle with-
40 out the consent of the owner at the time such operator operated such
41 vehicle in violation of subdivision (b), (d), (f) or (g) of section
42 eleven hundred eighty of this article. For purposes of this subdivision
43 there shall be a presumption that the operator of such vehicle was oper-
44 ating such vehicle with the consent of the owner at the time such opera-
45 tor operated such vehicle in violation of subdivision (b), (d), (f) or
46 (g) of section eleven hundred eighty of this article.

47 (l) Nothing in this section shall be construed to limit the liability
48 of an operator of a vehicle for any violation of subdivision (b), (d),
49 (f) or (g) of section eleven hundred eighty of this article.

50 (m) It shall be a defense to any prosecution for a violation of subdivi-
51 vision (b), (d), (f) or (g) of section eleven hundred eighty of this
52 article pursuant to this section that such photo speed violation moni-
53 toring system was malfunctioning at the time of the alleged violation.

54 § 4. Subdivisions 11 and 12 of section 1803 of the vehicle and traffic
55 law, as amended by chapter 557 of the laws of 2023, are amended and two
56 new subdivisions 13 and 14 are added to read as follows:

11. Where the commissioner of transportation has established a [~~demonstration~~] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. Notwithstanding the provisions of subdivision five of this section, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent of any such fine or penalty shall be paid to the city, town or village in which the violation giving rise to the liability occurred, provided, however, that (a) within a county that has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law and such liability is disposed of by such agency, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent of any such fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred; or (b) where collected by a hearing officer appointed by the commissioner, eighty percent of any such fine or penalty imposed for such liability shall be paid to the general fund, and twenty percent shall be deposited in the work zone speed camera administration fund established pursuant to section ninety-nine-ss of the state finance law. With respect to the percentage of fines or penalties paid to the general fund, no less than sixty percent shall be dedicated to department of transportation work zone safety projects after deducting the expenses necessary to administer such [~~demonstration~~] program, provided, however, that except as provided pursuant to section ninety-nine-ss of the state finance law, such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the department of transportation and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. All fines, penalties and forfeitures paid to a county, city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such county, city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

12. Where the chair of the New York state thruway authority has established a [~~demonstration~~] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten

1 days of the month following collection, except as otherwise provided in
2 subdivision three of section ninety-nine-a of the state finance law.
3 Every such payment shall be accompanied by a statement in such form and
4 detail as the comptroller shall provide. Notwithstanding the provisions
5 of subdivision five of this section, eighty percent of any such fine or
6 penalty imposed for such liability shall be paid to the thruway authori-
7 ty, and twenty percent of any such fine or penalty shall be paid to the
8 city, town or village in which the violation giving rise to the liabil-
9 ity occurred, provided, however, that (a) within a county that has
10 established a traffic and parking violations agency pursuant to section
11 three hundred seventy of the general municipal law and such liability is
12 disposed of by such agency, eighty percent of any such fine or penalty
13 imposed for such liability shall be paid to the thruway authority, and
14 twenty percent of any such fine or penalty shall be paid to the county
15 in which the violation giving rise to the liability occurred; or (b)
16 where collected by a hearing officer appointed by the commissioner,
17 eighty percent of any such fine or penalty imposed for such liability
18 shall be paid to the thruway authority, and twenty percent shall be
19 deposited in the work zone speed camera administration fund established
20 pursuant to section ninety-nine-ss of the state finance law. With
21 respect to the percentage of fines or penalties paid to the thruway
22 authority, no less than sixty percent shall be dedicated to thruway
23 authority work zone safety projects after deducting the expenses neces-
24 sary to administer such [demonstration] program, provided, however, that
25 except as provided pursuant to section ninety-nine-ss of the state
26 finance law, such funds provided pursuant to this subdivision shall be
27 payable on the audit and warrant of the comptroller and shall only be
28 used to supplement and not supplant current expenditures of state funds
29 on work zone safety projects. For the purposes of this subdivision,
30 "work zone safety projects" shall apply to work zones under the juris-
31 diction of the thruway authority and shall include, but not be limited
32 to, inspection and implementation of work zone design, maintenance,
33 traffic plans and markings, worker safety training, contractor outreach,
34 enforcement efforts, radar speed display signs at major active work
35 zones and police presence at major active work zones, as provided in
36 section twenty-two of the transportation law. For the purposes of this
37 subdivision, the term "thruway authority" shall mean the New York state
38 thruway authority, a body corporate and politic constituting a public
39 corporation created and constituted pursuant to title nine of article
40 two of the public authorities law. All fines, penalties and forfeitures
41 paid to a county, city, town or village pursuant to the provisions of
42 this subdivision shall be credited to the general fund of such county,
43 city, town or village, unless a different disposition is prescribed by
44 charter, special law, local law or ordinance.

45 13. Where the Triborough bridge and tunnel authority has established a
46 program imposing monetary liability on the owner of a vehicle for fail-
47 ure of an operator thereof to comply with subdivision (b), (d), (f) or
48 (g) of section eleven hundred eighty of this chapter in accordance with
49 section eleven hundred eighty-h of this chapter, any fine or penalty
50 collected by the New York city parking violations bureau for an imposi-
51 tion of liability which occurs pursuant to such program shall be paid to
52 the state comptroller within the first ten days of the month following
53 collection, except as otherwise provided in subdivision three of section
54 ninety-nine-a of the state finance law. Every such payment shall be
55 accompanied by a statement in such form and detail as the comptroller
56 shall provide. Notwithstanding the provisions of subdivision five of

1 this section, eighty percent of any such fine or penalty imposed for
2 such liability shall be paid to the Triborough bridge and tunnel author-
3 ity, and twenty percent of any such fine or penalty shall be paid to the
4 New York city parking violations bureau. With respect to the percentage
5 of fines or penalties paid to the Triborough bridge and tunnel authori-
6 ty, no less than sixty percent shall be dedicated to Triborough bridge
7 and tunnel authority work zone safety projects after deducting the
8 expenses necessary to administer such program, provided, however, that
9 such funds provided pursuant to this subdivision shall be payable on the
10 audit and warrant of the comptroller and shall only be used to supple-
11 ment and not supplant current expenditures of state funds on work zone
12 safety projects. For the purposes of this subdivision, "work zone safety
13 projects" shall apply to work zones under the jurisdiction of the
14 Triborough bridge and tunnel authority and shall include, but not be
15 limited to, inspection and implementation of work zone design, mainte-
16 nance, traffic plans and markings, worker safety training, contractor
17 outreach, enforcement efforts, radar speed display signs at major active
18 work zones and police presence at major active work zones, as provided
19 in section twenty-two of the transportation law. For the purposes of
20 this subdivision, the term "Triborough bridge and tunnel authority"
21 shall mean the New York state Triborough bridge and tunnel authority, a
22 body corporate and politic constituting a public benefit corporation
23 created and constituted pursuant to title three of article three of the
24 public authorities law. All fines, penalties and forfeitures paid to a
25 county, city, town or village pursuant to the provisions of this subdi-
26 vision shall be credited to the general fund of such county, city, town
27 or village, unless a different disposition is prescribed by charter,
28 special law, local law or ordinance.

29 14. Where the New York state bridge authority has established a
30 program imposing monetary liability on the owner of a vehicle for fail-
31 ure of an operator thereof to comply with subdivision (b), (d), (f) or
32 (g) of section eleven hundred eighty of this chapter in accordance with
33 section eleven hundred eighty-i of this chapter, any fine or penalty
34 collected by a court, judge, magistrate or other officer for an imposi-
35 tion of liability which occurs pursuant to such program shall be paid to
36 the state comptroller within the first ten days of the month following
37 collection, except as otherwise provided in subdivision three of section
38 ninety-nine-a of the state finance law. Every such payment shall be
39 accompanied by a statement in such form and detail as the comptroller
40 shall provide. Notwithstanding the provisions of subdivision five of
41 this section, eighty percent of any such fine or penalty imposed for
42 such liability shall be paid to the bridge authority, and twenty percent
43 of any such fine or penalty shall be paid to the city, town or village
44 in which the violation giving rise to the liability occurred, provided,
45 however, that (a) within a county that has established a traffic and
46 parking violations agency pursuant to section three hundred seventy of
47 the general municipal law and such liability is disposed of by such
48 agency, eighty percent of any such fine or penalty imposed for such
49 liability shall be paid to the bridge authority, and twenty percent of
50 any such fine or penalty shall be paid to the county in which the
51 violation giving rise to the liability occurred; or (b) where collected
52 by a hearing officer appointed by the commissioner, eighty percent of
53 any such fine or penalty imposed for such liability shall be paid to the
54 bridge authority, and twenty percent shall be deposited in the work zone
55 speed camera administration fund established pursuant to section nine-
56 ty-nine-ss of the state finance law. With respect to the percentage of

1 fines or penalties paid to the bridge authority, no less than sixty
2 percent shall be dedicated to bridge authority work zone safety projects
3 after deducting the expenses necessary to administer such program,
4 provided, however, that except as provided pursuant to section ninety-
5 nine-ss of the state finance law, such funds provided pursuant to this
6 subdivision shall be payable on the audit and warrant of the comptroller
7 and shall only be used to supplement and not supplant current expendi-
8 tures of state funds on work zone safety projects. For the purposes of
9 this subdivision, "work zone safety projects" shall apply to work zones
10 under the jurisdiction of the bridge authority and shall include, but
11 not be limited to, inspection and implementation of work zone design,
12 maintenance, traffic plans and markings, worker safety training,
13 contractor outreach, enforcement efforts, radar speed display signs at
14 major active work zones and police presence at major active work zones,
15 as provided in section twenty-two of the transportation law. For the
16 purposes of this subdivision, the term "bridge authority" shall mean the
17 New York state bridge authority, a body corporate and politic constitut-
18 ing a public benefit corporation created and constituted pursuant to
19 title two of article three of the public authorities law. All fines,
20 penalties and forfeitures paid to a county, city, town or village pursu-
21 ant to the provisions of this subdivision shall be credited to the
22 general fund of such county, city, town or village, unless a different
23 disposition is prescribed by charter, special law, local law or ordi-
24 nance.

25 § 5. The state finance law is amended by adding a new section 99-ss to
26 read as follows:

27 § 99-ss. Work zone speed camera administration fund. 1. There is here-
28 by established in the joint custody of the commissioner of taxation and
29 finance and the comptroller a special fund to be known as the "work zone
30 speed camera administration fund".

31 2. The fund shall consist of fines or penalties collected by the
32 commissioner of motor vehicles for violations of sections eleven hundred
33 eighty-e and eleven hundred eighty-i of the vehicle and traffic law and
34 pursuant to subdivisions eleven, twelve and fourteen of section eighteen
35 hundred and three of the vehicle and traffic law.

36 3. Moneys of the fund shall be made available to the department of
37 motor vehicles only for the costs incurred by the department in adjudi-
38 cating liabilities and hearing administrative appeals regarding
39 violations of sections eleven hundred eighty-e and eleven hundred eight-
40 y-i of the vehicle and traffic law.

41 4. The moneys of the fund shall be paid out on the audit and warrant
42 of the comptroller on vouchers certified or approved by the commissioner
43 of motor vehicles. At the end of each year any moneys remaining in the
44 fund shall be retained in the fund and shall not revert to the general
45 fund. The interest and income earned on money in the fund, after
46 deducting any applicable charges, shall be credited to the fund.

47 § 6. Subdivision 2 of section 87 of the public officers law is amended
48 by adding two new paragraphs (v) and (w) to read as follows:

49 (v) are photographs, microphotographs, videotape or other recorded
50 images prepared under authority of section eleven hundred eleven-h of
51 the vehicle and traffic law.

52 (w) are photographs, microphotographs, videotape or other recorded
53 images prepared under authority of section eleven hundred eleven-i of
54 the vehicle and traffic law.

§ 7. Section 16 of chapter 421 of the laws of 2021 amending the vehicle and traffic law and the general municipal law relating to certain notices of liability, is amended to read as follows:

§ 16. This act shall take effect on the thirtieth day after it shall have become a law; ~~[provided, however, that sections twelve, thirteen, fourteen and fifteen of this act shall expire and be deemed repealed 5 years after such effective date when upon such date the provisions of such sections shall be deemed repealed;]~~ provided that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date~~[- and provided further, that:~~

~~(a) the amendments to the opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law made by section eight of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight a of this act shall take effect;~~

~~(b) the amendments to the opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law made by section eight a of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight b of this act shall take effect;~~

~~(c) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight b of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight c of this act shall take effect;~~

~~(d) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight c of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight d of this act shall take effect;~~

~~(e) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight d of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight e of this act shall take effect;~~

~~(f) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight e of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight f of this act shall take effect;~~

~~(g) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight f of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight g of this act shall take effect; and~~

~~(h) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight g of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section eight h of this act shall take effect].~~

§ 8. For the purpose of informing and educating owners of motor vehicles in this state, an agency or authority authorized to issue notices of liability pursuant to the provisions of this act shall, during the first thirty-day period in which the photo violation monitoring systems

1 are in operation pursuant to the provisions of this act, issue a written
2 warning in lieu of a notice of liability to all owners of motor vehicles
3 who would be held liable for failure of operators thereof to comply with
4 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the
5 vehicle and traffic law in accordance with sections eleven hundred
6 eighty-h and eleven hundred eighty-i of the vehicle and traffic law.

7 § 9. This act shall take effect immediately; provided however, that
8 sections one, two, three, four, five and six of this act shall take
9 effect on the thirtieth day after it shall have become a law. Effective
10 immediately, the addition, amendment and/or repeal of any rule or regu-
11 lation necessary for the implementation of this act on its effective
12 date are authorized to be made and completed on or before such effective
13 date.

14 PART R

15 Section 1. Subdivision 11 of section 120.05 of the penal law, as
16 amended by section 2 of part Z of chapter 55 of the laws of 2024, is
17 amended to read as follows:

18 11. With intent to cause physical injury to a train operator, ticket
19 inspector, conductor, signalperson, bus operator, station agent, station
20 cleaner, terminal cleaner, station customer assistant, traffic checker;
21 person whose official duties include the sale or collection of tickets,
22 passes, vouchers, or other revenue payment media for use on a train,
23 bus, or ferry the collection or handling of revenues therefrom; a person
24 whose official duties include the construction, maintenance, repair,
25 inspection, troubleshooting, testing or cleaning of buses or ferries, a
26 transit signal system, elevated or underground subway tracks, transit
27 station or transportation structure, including fare equipment, esca-
28 lators, elevators and other equipment necessary to passenger service,
29 commuter rail tracks or stations, train yard, revenue train in passenger
30 service, a ferry station, or a train or bus station or terminal, or any
31 roadways, walkways, tunnels, bridges, tolling facilities or their
32 supporting systems, building or structures; or a supervisor of such
33 personnel, employed by any transit or commuter rail agency, authority or
34 company, public or private, whose operation is authorized or established
35 by New York state or any of its political subdivisions, a city marshal,
36 a school crossing guard appointed pursuant to section two hundred
37 eight-a of the general municipal law, a traffic enforcement officer,
38 traffic enforcement agent, motor vehicle license examiner, motor vehicle
39 representative, highway worker as defined in section one hundred eigh-
40 teen-a of the vehicle and traffic law, motor carrier investigator as
41 defined in section one hundred eighteen-b of the vehicle and traffic
42 law, motor vehicle inspector as defined in section one hundred eigh-
43 teen-c of the vehicle and traffic law, prosecutor as defined in subdivi-
44 sion thirty-one of section 1.20 of the criminal procedure law, sanita-
45 tion enforcement agent, New York city sanitation worker, public health
46 sanitarian, New York city public health sanitarian, registered nurse,
47 licensed practical nurse, emergency medical service paramedic, or emer-
48 gency medical service technician, [~~he or she~~] such person causes phys-
49 ical injury to such train operator, ticket inspector, conductor, signal-
50 person, bus operator, station agent, station cleaner, terminal cleaner,
51 station customer assistant, traffic checker; person whose official
52 duties include the sale or collection of tickets, passes, vouchers or
53 other revenue payment media for use on a train, bus, or ferry or the
54 collection or handling of revenues therefrom; a person whose official

duties include the construction, maintenance, repair, inspection, troubleshooting, testing or cleaning of buses or ferries, a transit signal system, elevated or underground subway tracks, transit station or transportation structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard, revenue train in passenger service, a ferry station, or a train or bus station or terminal, or any roadways, walkways, tunnels, bridges, tolling facilities or their supporting systems, buildings or structures; or a supervisor of such personnel, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing ~~[an assigned duty on, or directly related to,]~~ a lawful act related, directly or indirectly, to an employment responsibility, including but not limited to the operation of a train or bus, cleaning of a train or bus station or terminal, assisting customers, checking traffic, the sale or collection of tickets, passes, vouchers, or other revenue media for use on a train, bus, or ferry or maintenance or cleaning of a train, a bus, a ferry, or bus station or terminal, signal system, elevated or underground subway tracks, transit station or transportation structure, including fare equipment, escalators, elevators and other equipment necessary to passenger service, commuter rail tracks or stations, train yard or revenue train in passenger service, a ferry station, or such city marshal, school crossing guard, traffic enforcement officer, traffic enforcement agent, motor vehicle license examiner, motor vehicle representative, highway worker as defined in section one hundred eighteen-a of the vehicle and traffic law, motor carrier investigator as defined in section one hundred eighteen-b of the vehicle and traffic law, motor vehicle inspector as defined in section one hundred eighteen-c of the vehicle and traffic law, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician is performing an assigned duty; or

§ 2. The vehicle and traffic law is amended by adding three new sections 118-a, 118-b and 118-c to read as follows:

§ 118-a. Highway worker. Any person employed by or on behalf of the state, a county, city, town, village, a public authority, local authority, public utility company, or an agent or contractor of any such entity, or a flagperson as defined in section one hundred fifteen-b of this article, who has been assigned to perform work on a highway, public highway, roadway, access highway, or qualifying highway, or within the highway right of way. Such work may include, but shall not be limited to, construction, reconstruction, maintenance, improvement, flagging, utility installation, or the operation of equipment. For purposes of

this section, the term "highway right of way" shall mean the entire width between the boundary line of all property which has been purchased, appropriated, or designated by the state, a municipal entity, or a public benefit corporation for highway purposes, all property over which the commissioner of transportation, any municipal entity, or public benefit corporation has assumed jurisdiction for highway purposes, and all property that has become part of a highway system through dedication or use, including any property deemed necessary for the maintenance, construction, reconstruction, or improvement of any highway. Such work may include, but shall not be limited to construction, reconstruction, maintenance, improvement, flagging, utility installation, or the operation of equipment.

§ 118-b. Motor carrier investigator. Any person employed by the department of transportation who has been assigned to perform investigations of any motor carriers regulated by the commissioner of transportation.

§ 118-c. Motor vehicle inspector. Any person employed by the department of transportation who has been assigned to perform inspections of any motor vehicles regulated by the commissioner of transportation.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.

PART S

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 1 of part BB of chapter 58 of the laws of 2024, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, ~~2025~~ 2026 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subdivision 7 of section 2611 of the public authorities law, as amended by section 1 of part NN of chapter 58 of the laws of 2019, is amended to read as follows:

7. To enter into contracts, leases and subleases and to execute all instruments necessary or convenient for the conduct of authority business, including agreements with the park district and any state agency which administers, owns or supervises any olympic facility or Belleayre Mountain ski center, as provided in sections twenty-six hundred twelve and twenty-six hundred fourteen of this title~~[, and including contracts or other agreements to plan, prepare for and host the two thousand twenty-three World University Games to be held in Lake Placid, New York where such contracts or agreements would obligate the authority to defend, indemnify and/or insure third parties in connection with, arising out of, or relating to such games, such authority to be limited by the amount of any lawful appropriation or other funding such as a performance bond surety, or other collateral instrument for that purpose. With respect to the two thousand twenty-three World University~~

~~Games, the amount of such appropriation shall be no more than sixteen million dollars].~~ This shall include the power to enter into contracts or other agreements to join reciprocal ski pass programs with other ski areas, where the members of such reciprocal pass program are required to defend and/or indemnify one or more other members of such program for claims or causes of action arising out of, or relating to, such contract or agreement. This power shall be limited by the amount of the authority's discretionary funds, any lawful appropriation, or other funding, up to a limit of two hundred fifty thousand dollars per such claim or cause of action;

§ 2. This act shall take effect immediately.

PART U

Section 1. The general business law is amended by adding a new article 47 to read as follows:

ARTICLE 47

ARTIFICIAL INTELLIGENCE COMPANION MODELS

Section. 1700. Definitions.

1701. Prohibitions and requirements.

1702. Notifications.

1703. Enforcement.

1704. Severability.

§ 1700. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Artificial intelligence", "artificial intelligence technology", or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, and that uses machine- and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis in an automated manner, and use model inference to formulate options for information or action.

2. "Generative artificial intelligence" means a class of AI models that are self-supervised and emulate the structure and characteristics of input data to generate derived synthetic content, including, but not limited to, images, videos, audio, text, and other digital content.

3. "AI model" means a component of an information system that implements artificial intelligence technology and uses computational, statistical, or machine-learning techniques to produce outputs from a given set of inputs.

4. "AI companion" means a system using artificial intelligence, generative artificial intelligence, and/or emotional recognition algorithms to simulate social human interaction, by retaining information on prior interactions and user preference, asking questions, providing advice, and engaging in simulated conversation on matters of personal well-being.

5. "Operator" means any person, partnership, association, firm, or business entity, or any member, affiliate, subsidiary or beneficial owner of any partnership, association, firm, or business entity who operates or provides an AI companion.

6. "Person" means any natural person.

7. "Emotional recognition algorithms" means artificial intelligence that detects and interprets human emotional signals in text (using natural language processing and sentiment analysis), audio (using voice emotion AI), video (using facial movement analysis, gait analysis, or physiological signals), or a combination thereof.

1 8. "User" means any person who uses an AI companion within the state
2 and who is not an operator or agent or affiliate of the operator of the
3 AI companion.

4 § 1701. Prohibitions and requirements. It shall be unlawful for any
5 operator to operate or provide an AI companion to a user unless such AI
6 companion contains a protocol for addressing possible suicidal ideation
7 or self-harm expressed by a user to the AI companion, that includes but
8 is not limited to, a notification to the user that refers them to crisis
9 service providers such as a suicide hotline, crisis text line, or other
10 appropriate crisis services.

11 § 1702. Notifications. An operator shall provide a notification to a
12 user at the beginning of any AI companion interaction and at least every
13 three hours for continuing AI companion interactions thereafter, which
14 states either verbally or in bold and capitalized letters of at least
15 sixteen point type, the following:

16 "THE AI COMPANION (OR NAME OF THE AI COMPANION) IS A COMPUTER PROGRAM
17 AND NOT A HUMAN BEING. IT IS UNABLE TO FEEL HUMAN EMOTION".

18 § 1703. Enforcement. Any person aggrieved by a violation of section
19 seventeen hundred one or seventeen hundred two of this article may bring
20 an action in a court of competent jurisdiction for damages, equitable
21 relief, and such other remedies as the court may deem appropriate.

22 § 1704. Severability. If any clause, sentence, paragraph, subdivision,
23 section or part of this act shall be adjudged by any court of competent
24 jurisdiction to be invalid, such judgment shall not affect, impair, or
25 invalidate the remainder thereof, but shall be confined in its operation
26 to the clause, sentence, paragraph, subdivision, section or part thereof
27 directly involved in the controversy in which such judgment shall have
28 been rendered. It is hereby declared to be the intent of the legislature
29 that this act would have been enacted even if such invalid provisions
30 had not been included herein.

31 § 2. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law.

33 PART V

34 Section 1. The article heading of article 12-B of the general business
35 law, as added by chapter 1005 of the laws of 1960, is amended to read as
36 follows:

37 **RETAIL SALES AND MERCANTILE ESTABLISHMENTS**

38 § 2. The section heading and subdivision 1 of section 217 of the
39 general business law, as amended by chapter 278 of the laws of 2009, are
40 amended and two new subdivisions 3 and 4 are added to read as follows:

41 **[Definition] Definitions.**

42 1. "Retail mercantile establishment" shall mean a place where goods,
43 wares or merchandise are offered to the public for sale, but does not
44 include any retail seller as defined in subdivision three of this
45 section.

46 3. "Retail seller" shall mean any association, partnership, firm,
47 corporation, limited liability company or other business entity that:
48 (a) is comprised of five hundred or more employees statewide or that has
49 annual gross revenues from sales in New York of five hundred thousand
50 dollars or more; and (b) that is engaged in the retail sale of goods,
51 wares, or merchandise to the public in New York state through any phys-
52 ical or virtual medium, including but not limited to ecommerce, mobile
53 app, social media or any other virtual marketplace. A "retail seller"
54 shall not include a platform or business that facilitates transactions

1 between independent sellers or businesses and consumers by, for example,
2 providing infrastructure to advertise and market such independent sell-
3 ers' or businesses' products and facilitating payment processing.

4 4. "Retail sale" shall mean a sale of commodities or goods to the
5 ultimate consumer primarily for personal, family or household purposes.
6 As used in this section, the term "retail sale" does not include the
7 sale of used goods.

8 § 3. The section heading of section 218-a of the general business law,
9 as amended by chapter 278 of the laws of 2009, is amended to read as
10 follows:

11 Disclosure of refund policies by retail mercantile establishments.

12 § 4. The general business law is amended by adding a new section 218-
13 aaa to read as follows:

14 § 218-aaa. Minimum standards for refund policies and disclosure by
15 retail sellers. 1. (a) Every retail seller shall offer full cash or
16 credit refunds, equal exchanges, or store credit, at the discretion of
17 the seller and subject to the exclusions outlined in subdivision two of
18 this section, for at least thirty days following purchase of the goods.

19 (b) Every retail seller shall set forth its refund policy on the
20 receipt or proof of purchase.

21 (c) Every retail seller shall conspicuously post its refund policy on
22 a sign or notice attached to or near the item itself, a display of the
23 item or a description of the item, on a sign affixed to or clearly visi-
24 ble from each cash register or point of sale at which such goods are
25 offered, or on a retail seller's order forms, if any.

26 2. This section does not apply to food, plants, flowers, perishable
27 goods, goods marked "as is," "no returns accepted," "all sales final,"
28 or with similar language, goods used or damaged after purchase, custom-
29 ized goods received as ordered, goods not returned with their original
30 package, and goods which cannot be resold due to health considerations.

31 3. Any retail seller who violates any provision of this section shall
32 be liable to the buyer for a cash or credit refund for the total amount
33 of the original purchase, provided the buyer can verify the date of
34 purchase with a receipt or any other purchase verification method
35 utilized by the retail seller.

36 4. This section does not relieve any retail seller subject to the
37 provisions of this section from complying with any law, ordinance, rule
38 or regulation of any locality relating to the posting of refund policies
39 which affords the buyer greater protection than do the provisions of
40 this section.

41 § 5. This act shall take effect on the ninetieth day after it shall
42 have become a law.

43 PART W

44 Section 1. Subdivisions 2 and 3 of section 527 of the general business
45 law, as added by chapter 267 of the laws of 2020, are amended to read as
46 follows:

47 ~~2. ["Automatic renewal offer terms" means the following clear and~~
48 ~~conspicuous disclosures:-~~

49 ~~a. that the subscription or purchasing agreement will continue until~~
50 ~~the consumer cancels;~~

51 ~~b. the description of the cancellation policy that applies to the~~
52 ~~offer;~~

53 ~~c. the recurring charges that will be charged to the consumer's credit~~
54 ~~or debit card or payment account with a third party as part of the auto-~~

~~matic renewal plan or arrangement, and that the amount of the charge may change, if that is the case, and the amount to which the charge will change, if known;~~

~~d. the length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer; and~~

~~e. the minimum purchase obligation, if any]~~ "Knowing" means that a person, with respect to information:

a. has actual knowledge of the information;

b. acts in deliberate ignorance of the truth or falsity of the information; or

c. acts in reckless disregard of the truth or falsity of the information.

3. ~~"Clear and conspicuous" means [in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, "clear and conspicuous" means in a volume and cadence sufficient to be readily audible and understandable]~~ that a required disclosure is easily noticeable (i.e., difficult to miss) and easily understandable by ordinary consumers, including in all of the following ways:

a. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure is made in only one means;

b. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood;

c. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it;

d. In any communication using the internet, mobile application, or software, the disclosure must be unavoidable;

e. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears;

f. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications;

g. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication; and

h. When the representation or sales practice targets a specific audience, such as children, older adults, or the terminally ill, "ordinary consumers" includes members of that group.

§ 2. Section 527-a of the general business law, as added by chapter 267 of the laws of 2020, subdivisions 3 and 8 as amended by chapter 728 of the laws of 2023, is amended to read as follows:

§ 527-a. Unlawful practices. 1. It shall be unlawful for any business making an automatic renewal or continuous service offer to a consumer in this state to ~~[do any of the following]:~~

a. fail to present to the consumer, in a clear and conspicuous manner, the material terms of any automatic renewal offer [terms] or continuous

1 service offer ~~[terms in a clear and conspicuous manner]~~, including but
2 not limited to the amount of the costs that will be charged, the
3 frequency of charges, and the deadline by date or frequency by which the
4 consumer must act to prevent or stop further charges, before consent to
5 the [subscription or purchasing agreement is fulfilled] offer or billing
6 information has been requested and in visual proximity, or in the case
7 of an offer conveyed by voice, in temporal proximity, to the request for
8 consent to the offer. If the offer ~~[also includes a free gift or trial]~~
9 price is temporary, the offer shall include a clear and conspicuous
10 explanation of how and when the price will change and the price or prices
11 that will subsequently be charged [after the trial ends or the manner
12 in which the subscription or purchasing agreement pricing will change
13 upon conclusion of the trial] to the consumer;

14 b. charge the consumer's credit or debit card or the consumer's
15 account with a third party for an automatic renewal or continuous
16 service, or for any previously undisclosed increased price relating to
17 an automatic renewal or continuous service offer to which the consumer
18 previously consented, without first obtaining the consumer's express
19 affirmative consent to ~~[the agreement containing]~~ the automatic renewal
20 offer terms or continuous service offer terms, including the terms of an
21 automatic renewal offer or continuous service offer that is made at a
22 promotional or discounted price for a limited period of time; ~~[or]~~

23 c. fail to provide an acknowledgment ~~[that includes the automatic~~
24 ~~renewal or continuous service offer terms, cancellation policy, and~~
25 ~~information regarding how to cancel]~~ of the terms of the automatic
26 renewal, continuous service offer, or increased price at or immediately
27 following acceptance in a manner ~~[that is]~~ capable of being retained by
28 the consumer~~[. If the offer includes a free gift or trial, the business~~
29 ~~shall also disclose in the acknowledgment how to cancel and allow the~~
30 ~~consumer to cancel before the consumer pays for the goods or services.]~~
31 that includes:

32 (i) a clear and conspicuous disclosure to the consumer of the mech-
33 anism by which the automatic renewal or continuous service offer may be
34 cancelled, provided that any cancellation mechanism must be at least as
35 easy to access and use as the mechanism by which the consumer provided
36 consent; and

37 (ii) contact information for the business, including a toll-free tele-
38 phone number, email address, and web address, if a website is main-
39 tained;

40 d. fail to provide the consumer with the option to cancel at any time
41 through the same medium by which the consumer accepted the automatic
42 renewal, continuous service offer, or any price increase, which may
43 include but not be limited to:

44 (i) a direct connection to a live or automated process for cancelling
45 the service through the toll-free number provided to the consumer;

46 (ii) an option to cancel through a business email address provided to
47 the consumer; and

48 (iii) a "cancel" button or link clearly and conspicuously displayed on
49 the header of the business website;

50 e. impose unreasonable or unlawful conditions upon, refuse to acknowl-
51 edge, or delay cancellation requested by a consumer;

52 ~~[2. A business that makes an automatic renewal offer or continuous~~
53 ~~service offer shall provide a toll-free telephone number, electronic~~
54 ~~mail address, a postal address only when the seller directly bills the~~
55 ~~consumer, or another cost-effective, timely, and easy-to-use mechanism~~

~~for cancellation that shall be described in the acknowledgment specified in paragraph c of subdivision one of this section.~~

~~3. a. In addition to the requirements of subdivision two of this section, a consumer who accepts an automatic renewal or continuous service offer online shall be allowed to terminate the automatic renewal or continuous service exclusively online, which may include a termination email formatted and provided by the business that a consumer can send to the business without additional information.~~

~~b. A business that allows a consumer to accept an automatic renewal or continuous service offer for an initial paid term of one year or longer, provided that such automatic renewal or continuous service renews for a paid term of six months or longer, shall]~~ f. fail to notify [such] a consumer of [such-upcoming] an automatic renewal or continuous service charge [to such consumer's account] for an automatic renewal or continuous service offer with an initial paid term of one year or longer at least fifteen days before, but not more than forty-five days before, the [cancellation deadline for such] date of the automatic renewal~~]. Such notice shall include instructions on how to cancel such renewal charge.~~

~~c. The provisions of paragraph b of this subdivision shall not apply to any business, or subsidiary or affiliate thereof, regulated by the public service commission or the federal communications commission.~~

~~4. In the case of a material change in the terms of the automatic renewal or continuous service offer that has been accepted by a consumer in this state, the business shall]~~ in the manner selected by the consumer, including text, email, app notification or any other notification channel offered by the business; or

g. fail to provide [the] a consumer who has accepted an automatic renewal or continuous service offer with a clear and conspicuous notice of [the] any material change [and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.

~~5. The requirements of this article shall apply only prior to the completion of the initial order for the automatic renewal or continuous service, except as follows:~~

~~a. The requirement in paragraph c of subdivision one of this section may be fulfilled after completion of the initial order.~~

~~b. The requirement in subdivision four of this section shall be fulfilled prior to implementation of the material change.~~

~~6.]~~ to the terms of the automatic renewal or continuous service offer, including any previously undisclosed price increases, at least five business days prior to the date of the change, in the same manner as required by paragraph f of this subdivision.

2. In any case in which a business sends any goods, wares, merchandise, or products to a consumer, under a continuous service agreement or automatic renewal of a purchase, without first obtaining the consumer's affirmative consent, the goods, wares, merchandise, or products shall for all purposes be deemed an unconditional gift to the consumer, who may use or dispose of the same in any manner [he or she] such consumer sees fit without any obligation whatsoever on the consumer's part to the business, including, but not limited to, bearing the cost of, or responsibility for, shipping any goods, wares, merchandise, or products to the business.

~~[7.]~~ 3. Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if

1 it shall appear to the satisfaction of the court or justice that the
2 defendant has in fact, violated this section, an injunction may be
3 issued by such court or justice, enjoining and restraining any further
4 violation, without requiring proof that any person has, in fact, been
5 injured or damaged thereby. In any such proceeding the court may make
6 allowances to the attorney general as provided in section eighty-three
7 hundred three of the civil practice law and rules, and direct restitu-
8 tion. In connection with any such proposed application, the attorney
9 general is authorized to take proof and make a determination of the
10 relevant facts and to issue subpoenas in accordance with the civil prac-
11 tice law and rules. Whenever the court shall determine that a violation
12 of this section has occurred, the court may impose a civil penalty of
13 not more than one hundred dollars for a single violation and not more
14 than five hundred dollars for multiple violations resulting from a
15 single act or incident. A knowing violation of this section shall be
16 punishable by a civil penalty of not more than five hundred dollars for
17 a single violation and not more than one thousand dollars for multiple
18 violations resulting from a single act or incident. No business shall be
19 deemed to have violated the provisions of this section if such business
20 shows, by a preponderance of the evidence, that the violation was not
21 intentional and resulted from a bona fide error made notwithstanding the
22 maintenance of procedures reasonably adopted to avoid such error.

23 ~~[8-]~~ 4. The following are exempt from the requirements of this arti-
24 cle:

25 a. any service provided by a business or its affiliate where either
26 the business or its affiliate is doing business pursuant to a franchise
27 issued by a political subdivision of the state;

28 b. any entity, or subsidiary or affiliate thereof, regulated by the
29 department of financial services;

30 c. security system alarm operators;

31 d. banks, bank holding companies, or the subsidiary or affiliate of
32 either, or credit unions or other financial institutions, licensed under
33 state or federal law; ~~[and]~~

34 e. sellers and administrators of a service contract, as defined pursu-
35 ant to section seven thousand nine hundred two of the insurance law~~[-]~~;
36 and

37 f. any business, or subsidiary or affiliate thereof, regulated by the
38 public service commission, the federal communications commission, or any
39 other preemptive federal law or regulation.

40 § 3. This act shall take effect on the sixtieth day after it shall
41 have become a law.

42 PART X

43 Section 1. Section 349-a of the general business law is renumbered
44 349-h and a new section 349-a is added to read as follows:

45 § 349-a. Pricing. 1. As used in this section, the following terms
46 shall have the following meanings:

47 (a) "Algorithm" means a computational process that uses a set of rules
48 to define a sequence of operations.

49 (b) "Clear and conspicuous disclosure" means disclosure in the same
50 medium as, and provided on, at, or near and contemporaneous with every
51 advertisement, display, image, offer or announcement of a price for
52 which notice is required, using lettering and wording that is easily
53 visible and understandable to the average consumer.

1 (c) "Consumer" means a natural person who is seeking or solicited to
2 purchase, lease or receive a good or service for personal, family or
3 household use.

4 (d) "Consumer data" means any data that identifies or could reasonably
5 be linked, directly or indirectly, with a specific natural person or
6 device, excluding location data.

7 (e) "Dynamic pricing" means pricing that fluctuates dependent on
8 conditions.

9 (f) "Personalized algorithmic pricing" means dynamic pricing derived
10 from or set by an algorithm that uses consumer data as defined in this
11 section, which may vary among individual consumers or consumer popu-
12 lations.

13 (g) "Person" means any natural person, firm, organization, partner-
14 ship, association, corporation, or any other entity domiciled or doing
15 business in New York state.

16 2. It shall constitute a deceptive act or practice in violation of
17 section three hundred forty-nine of this article for any person to know-
18 ingly advertise, promote, label or publish a statement, display, image,
19 offer or announcement of personalized algorithmic pricing using consumer
20 data specific to a particular individual without a clear and conspicuous
21 disclosure that states:

22 "THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA".

23 § 2. Subdivision 3 of section 396 of the general business law is
24 renumbered subdivision 4 and a new subdivision 3 is added to read as
25 follows:

26 3. a. For purposes of this subdivision, "protected class data" means
27 information about an individual person or groups of people that direct-
28 ly, in combination, or by implication identifies a characteristic that
29 is legally protected from discrimination under the laws of this state or
30 under federal law, including but not limited to ethnicity, national
31 origin, age, disability, sex, sexual orientation, gender identity and
32 expression, pregnancy outcomes and reproductive health care.

33 b. No person, firm, partnership, association or corporation, or agent
34 or employee thereof, shall use protected class data in setting a price
35 for, offering, marketing, or selling any good or service if (1) the use
36 of that data has the effect of withholding or denying any of the accom-
37 modations, advantages, and privileges accorded to others, or (2) the
38 price for such good or service is different from the price offered to
39 other individuals or groups based in whole or in part on the use of
40 protected class data.

41 § 3. Paragraph d of subdivision 4 of section 396 of the general busi-
42 ness law, as added by chapter 689 of the laws of 2022 and as renumbered
43 by section two of this act, is amended to read as follows:

44 d. In addition to any other remedies provided in this section, any
45 person aggrieved by a violation of subdivision three of this section may
46 file an action in accordance with section two hundred ninety-seven of
47 the executive law. Nothing in this section shall in any way limit rights
48 or remedies which are otherwise available under law to the attorney
49 general or any other person authorized to bring an action under this
50 section.

51 § 4. This act shall take effect on the sixtieth day after it shall
52 have become a law.

1 Section 1. The banking law is amended by adding a new article 14-B to
2 read as follows:

3 ARTICLE 14-B
4 BUY-NOW-PAY-LATER LENDERS

5 Section 735. Short title.

6 736. Definitions.

7 737. License.

8 738. Conditions precedent to issuing a license; procedure where
9 application is denied.

10 739. License provisions and posting.

11 740. Application for acquisition of control of buy-now-pay-later
12 lender by purchase of stock.

13 741. Grounds for revocation or suspension of license; procedure.

14 742. Superintendent authorized to examine.

15 743. Licensee's books and records; reports.

16 744. Acts prohibited.

17 745. Interest and other charges.

18 746. Consumer protections.

19 747. Authority of superintendent.

20 748. Penalties.

21 749. Severability.

22 § 735. Short title. This article shall be known and may be cited as
23 the "buy-now-pay-later act".

24 § 736. Definitions. As used in this article, the following terms shall
25 have the following meanings:

26 1. "Consumer" means an individual who is a resident of the state of
27 New York.

28 2. "Buy-now-pay-later loan" means closed-end credit provided to a
29 consumer in connection with such consumer's particular purchase of goods
30 and/or services, other than a motor vehicle as defined under section one
31 hundred twenty-five of the vehicle and traffic law. A "buy-now-pay-later
32 loan" does not include credit where the creditor is the seller of such
33 goods and/or services, unless it is credit pursuant to an agreement
34 whereby, at a consumer's request, the creditor purchases a specific good
35 and/or service from a seller and resells such specific good and/or
36 service to such consumer on closed-end credit.

37 3. "Buy-now-pay-later lender" means a person who offers buy-now-pay-
38 later loans in this state. For purposes of the preceding sentence,
39 "offer" means offering to make a buy-now-pay-later loan by extending
40 credit directly to a consumer or operating a platform, software or
41 system with which a consumer interacts and the primary purpose of which
42 is to allow third parties to offer buy-now-pay-later loans, or both. A
43 person shall not be considered a buy-now-pay-later lender on the basis
44 of isolated, incidental or occasional transactions which otherwise meet
45 the definitions of this section.

46 4. "Exempt organization" means any banking organization or foreign
47 banking corporation licensed by the superintendent or the comptroller of
48 the currency to transact business in this state or originating buy-now-
49 pay-later loans from a branch in this state subject to article five-C of
50 this chapter, licensed lender licensed by the superintendent under arti-
51 cle nine of this chapter, national bank, federal savings bank, federal
52 savings and loan association, federal credit union, or state depository
53 institution or state credit union as defined in 12 U.S.C. §§ 1813(c)(5)
54 and 1752(6) respectively.

55 5. "Licensee" means a person who has been issued a license under this
56 article.

1 6. "Person" means an individual, partnership, corporation, association
2 or any other business organization.

3 § 737. License. 1. No person or other entity, except an exempt organ-
4 ization as defined in this article, shall act as a buy-now-pay-later
5 lender without first obtaining a license from the superintendent under
6 this article.

7 2. An application for a license shall be in writing, under oath, and
8 in the form and containing such information as the superintendent may
9 require.

10 3. At the time of filing an application for a license, the applicant
11 shall pay to the superintendent a fee as prescribed pursuant to section
12 eighteen-a of this chapter.

13 4. A license granted under this article shall be valid unless revoked
14 or suspended by the superintendent or unless surrendered by the licensee
15 and accepted by the superintendent.

16 5. In connection with an application for a license, the applicant
17 shall submit an affidavit of financial solvency, including financial
18 statements, noting such capitalization requirements and access to such
19 credit or such other affirmation or information as may be prescribed by
20 the regulations of the superintendent.

21 § 738. Conditions precedent to issuing a license; procedure where
22 application is denied. 1. After the filing of an application for a
23 license accompanied by payment of the fee pursuant to subdivision three
24 of section seven hundred thirty-seven of this article, it shall be
25 substantively reviewed. After the application is deemed sufficient and
26 complete, if the superintendent finds that the financial responsibility,
27 including meeting any capital requirements as established pursuant to
28 subdivision three of this section, experience, character and general
29 fitness of the applicant or any person associated with the applicant are
30 such as to command the confidence of the community and to warrant the
31 belief that the business will be conducted honestly, fairly and effi-
32 ciently within the purposes and intent of this article, the superinten-
33 dent shall issue the license. For the purpose of this subdivision, the
34 applicant shall be deemed to include all the members of the applicant if
35 it is a partnership or unincorporated association or organization, and
36 all the stockholders, officers and directors of the applicant if it is a
37 corporation.

38 2. If the superintendent refuses to issue a license, the superinten-
39 dent shall notify the applicant of the denial and retain the fee paid
40 pursuant to subdivision three of section seven hundred thirty-seven of
41 this article.

42 3. The superintendent may promulgate rules and regulations setting
43 capital requirements to ensure the solvency and financial integrity of
44 licensees and their ongoing operations, taking into account the risks,
45 volume of business, complexity, and other relevant factors regarding
46 such licensees. Further, the superintendent may promulgate rules and
47 regulations prescribing a methodology to calculate capital requirements
48 with respect to licensees or categories thereof.

49 § 739. License provisions and posting. 1. A license issued under this
50 article shall state the name and address of the licensee, and if the
51 licensee be a co-partnership or association, the names of the members
52 thereof, and if a corporation the date and place of its incorporation.

53 2. Such license shall be kept conspicuously posted on the mobile
54 application, website, or other consumer interface of the licensee, as
55 well as listed in the terms and conditions of any buy-now-pay-later loan

1 offered or entered into by the licensee. The superintendent may provide
2 by regulation an alternative form of notice of licensure.

3 3. A license issued under this article shall not be transferable or
4 assignable.

5 § 740. Application for acquisition of control of buy-now-pay-later
6 lender by purchase of stock. 1. It shall be unlawful except with the
7 prior approval of the superintendent for any action to be taken which
8 results in a change of control of the business of a licensee. Prior to
9 any change of control, the person desirous of acquiring control of the
10 business of a licensee shall make written application to the superinten-
11 dent and pay an investigation fee as prescribed pursuant to section
12 eighteen-a of this chapter to the superintendent. The application shall
13 contain such information as the superintendent, by regulation, may
14 prescribe as necessary or appropriate for the purpose of making the
15 determination required by subdivision two of this section.

16 2. The superintendent shall approve or disapprove the proposed change
17 of control of a licensee in accordance with the provisions of section
18 seven hundred thirty-eight of this article.

19 3. For a period of six months from the date of qualification thereof
20 and for such additional period of time as the superintendent may
21 prescribe, in writing, the provisions of subdivisions one and two of
22 this section shall not apply to a transfer of control by operation of
23 law to the legal representative, as hereinafter defined, of one who has
24 control of a licensee. Thereafter, such legal representative shall
25 comply with the provisions of subdivisions one and two of this section.
26 The provisions of subdivisions one and two of this section shall be
27 applicable to an application made under such section by a legal repre-
28 sentative.

29 4. The term "legal representative," for the purposes of this section,
30 shall mean one duly appointed by a court of competent jurisdiction to
31 act as executor, administrator, trustee, committee, conservator or
32 receiver, including one who succeeds a legal representative and one
33 acting in an ancillary capacity thereto in accordance with the
34 provisions of such court appointment.

35 5. As used in this section, the term "control" means the possession,
36 directly or indirectly, of the power to direct or cause the direction of
37 the management and policies of a licensee, whether through the ownership
38 of voting stock of such licensee, the ownership of voting stock of any
39 person which possesses such power or otherwise. Control shall be
40 presumed to exist if any person, directly or indirectly, owns, controls
41 or holds with power to vote ten per centum or more of the voting stock
42 of any licensee or of any person which owns, controls or holds with
43 power to vote ten per centum or more of the voting stock of any licen-
44 see, but no person shall be deemed to control a licensee solely by
45 reason of being an officer or director of such licensee or person. The
46 superintendent may in the superintendent's discretion, upon the applica-
47 tion of a licensee or any person who, directly or indirectly, owns,
48 controls or holds with power to vote or seeks to own, control or hold
49 with power to vote any voting stock of such licensee, determine whether
50 or not the ownership, control or holding of such voting stock consti-
51 tutes or would constitute control of such licensee for purposes of this
52 section.

53 § 741. Grounds for revocation or suspension of license; procedure. 1.
54 A license granted under this article may be revoked or suspended by the
55 superintendent upon a finding that:

56 (a) the licensee has violated any applicable law or regulation;

1 (b) any fact or condition exists which, if it had existed at the time
2 of the original application for such license, clearly would have
3 warranted the superintendent's refusal to issue such license; or

4 (c) the licensee has failed to pay any sum of money lawfully demanded
5 by the superintendent or to comply with any demand, ruling or require-
6 ment of the superintendent.

7 2. Any licensee may surrender any license by delivering to the super-
8 intendent written notice that the licensee thereby surrenders such
9 license. Such surrender shall be effective upon its acceptance by the
10 superintendent, and shall not affect such licensee's civil or criminal
11 liability for acts committed prior to such surrender.

12 3. Every license issued under this article shall remain in force and
13 effect until the same shall have been surrendered, revoked or suspended,
14 in accordance with the provisions of this article, but the superinten-
15 dent shall have authority to reinstate suspended licenses or to issue a
16 new license to a licensee whose license has been revoked if no fact or
17 condition then exists which clearly would have warranted the superinten-
18 dent's refusal to issue such license.

19 4. Whenever the superintendent shall revoke or suspend a license
20 issued under this article, the superintendent shall forthwith execute a
21 written order to that effect, which order may be reviewed in the manner
22 provided by article seventy-eight of the civil practice law and rules.
23 Such special proceeding for review as authorized by this section must be
24 commenced within thirty days from the date of such order of suspension
25 or revocation.

26 5. The superintendent may, for good cause, without notice and a hear-
27 ing, suspend any license issued under this article for a period not
28 exceeding thirty days, pending investigation. "Good cause," as used in
29 this subdivision, shall exist only when the licensee has engaged in or
30 is likely to engage in a practice prohibited by this article or the
31 rules and regulations promulgated thereunder or engages in dishonest or
32 inequitable practices which may cause substantial harm to the public.

33 6. No revocation, suspension or surrender of any license shall impair
34 or affect any pre-existing lawful contracts between the licensee and any
35 borrower.

36 § 742. Superintendent authorized to examine. 1. The superintendent
37 shall have the power to make such investigations as the superintendent
38 shall deem necessary to determine whether any buy-now-pay-later lender
39 or any other person has violated any of the provisions of this article
40 or any other applicable law, or whether any licensee has conducted
41 itself in such manner as would justify the revocation of its license,
42 and to the extent necessary therefor, the superintendent may require the
43 attendance of and examine any person under oath, and shall have the
44 power to compel the production of all relevant books, records, accounts,
45 and documents.

46 2. The superintendent shall have the power to make such examinations
47 of the books, records, accounts and documents used in the business of
48 any licensee as the superintendent shall deem necessary to determine
49 whether any such licensee has violated any of the provisions of this
50 chapter or any other applicable law or to secure information lawfully
51 required by the superintendent.

52 § 743. Licensee's books and records; reports. 1. A buy-now-pay-later
53 lender shall keep and use in its business such books, accounts and
54 records as will enable the superintendent to determine whether such
55 buy-now-pay-later lender is complying with the provisions of this arti-
56 cle and with the rules and regulations promulgated by the superintendent

1 thereunder. Every buy-now-pay-later lender shall preserve such books,
2 accounts and records for at least six years after making the final entry
3 in respect to any buy-now-pay-later loan recorded therein; provided,
4 however, the preservation of photographic or digital reproductions ther-
5 eof or records in photographic or digital form shall constitute compli-
6 ance with this requirement.

7 2. By a date to be set by the superintendent, each licensee shall
8 annually file a report with the superintendent giving such information
9 as the superintendent may require concerning the licensee's business and
10 operations during the preceding calendar year within the state under the
11 authority of this article. Such report shall be subscribed and affirmed
12 as true by the licensee under the penalties of perjury and be in the
13 form prescribed by the superintendent. In addition to such annual
14 reports, the superintendent may require of licensees such additional
15 regular or special reports as the superintendent may deem necessary to
16 the proper supervision of licensees under this article. Such additional
17 reports shall be in the form prescribed by the superintendent and shall
18 be subscribed and affirmed as true under the penalties of perjury.

19 § 744. Acts prohibited. 1. No buy-now-pay-later lender shall take or
20 cause to be taken any confession of judgment or any power of attorney to
21 confess judgment or to appear for the consumer in a judicial proceeding.

22 2. No buy-now-pay-later lender shall:

23 (a) employ any scheme, device, or artifice to defraud or mislead a
24 borrower;

25 (b) engage in any deceptive or unfair practice toward any person or
26 misrepresent or omit any material information in connection with the
27 buy-now-pay-later loans, including, but not limited to, misrepresenting
28 the amount, nature or terms of any fee or payment due or claimed to be
29 due on the loan, the terms and conditions of the loan agreement or the
30 borrower's obligations under the loan;

31 (c) misapply payments to the outstanding balance of any buy-now-pay-
32 later loan or to any related fees;

33 (d) provide inaccurate information to a consumer reporting agency; or

34 (e) make any false statement or make any omission of a material fact
35 in connection with any information or reports filed with a governmental
36 agency or in connection with any investigation conducted by the super-
37 intendent or another governmental agency.

38 § 745. Interest and other charges. 1. Subject to applicable federal
39 law, no buy-now-pay-later lender shall charge, contract for, or other-
40 wise receive from a consumer any interest, discount, or other consider-
41 ation in connection with a buy-now-pay-later loan, whether directly or
42 indirectly, greater than the rate permitted by section 5-501 of the
43 general obligations law.

44 2. The superintendent may establish a standard amount or percentage
45 for total maximum charge or fee in connection with late payment, default
46 or any other violation of the buy-now-pay-later loan agreement that a
47 buy-now-pay-later lender can charge a consumer. Such fee or charge shall
48 not be collected more than once for a single such late payment, default,
49 or other violation of the buy-now-pay-later loan agreement.

50 3. The superintendent may promulgate rules and regulations regarding
51 the manner of charging interest and fees described in this section.

52 § 746. Consumer protections. 1. A buy-now-pay-later lender shall
53 disclose or cause to be disclosed to consumers the terms of buy-now-pay-
54 later loans, including the cost, such as interest and fees, repayment
55 schedule, whether the transaction will or will not be reported to a
56 credit reporting agency, and other material conditions, in a clear and

1 conspicuous manner. Disclosures shall comply with applicable federal
2 regulations, including but not limited to regulation Z of title I of the
3 Consumer Credit Protection Act.

4 2. Subject to regulations to be promulgated by the superintendent, a
5 buy-now-pay-later lender shall, before providing or causing to be
6 provided a buy-now-pay-later loan to a consumer, make, or cause to be
7 made, a reasonable determination that such consumer has the ability to
8 repay the buy-now-pay-later loan. No licensee shall collect, evaluate,
9 report, or maintain in the file on a borrower the credit worthiness,
10 credit standing, or credit capacity of members of the borrower's social
11 network for purposes of determining the credit worthiness of the borrow-
12 er; the average credit worthiness, credit standing, or credit capacity
13 of members of the borrower's social network; or any group score that is
14 not the borrower's own credit worthiness, credit standing, or credit
15 capacity.

16 3. A buy-now-pay-later lender shall maintain or cause to be maintained
17 policies and procedures for maintaining accurate data that may be
18 reported to credit reporting agencies. The superintendent may promulgate
19 rules and regulations requiring that buy-now-pay-later lenders report or
20 cause to be reported data on buy-now-pay-later loans to credit reporting
21 agencies, requiring that such reporting occur in a particular manner, or
22 prohibiting such reporting.

23 4. A buy-now-pay-later lender shall provide or cause to be provided
24 refunds or credits for goods or services purchased in connection with a
25 buy-now-pay-later loan, upon consumer request, in a manner that is fair,
26 transparent, and not unduly burdensome to consumers. A buy-now-pay-later
27 lender shall maintain or cause to be maintained policies and procedures
28 to provide such refunds or credits. Such policies and procedures shall
29 be fair, transparent, and not unduly burdensome to the consumer. A buy-
30 now-pay-later lender shall disclose or cause to be disclosed to consum-
31 ers, in a clear and conspicuous manner, the process by which they can
32 obtain refunds or credits for goods or services they have purchased in
33 connection with a buy-now-pay-later loan.

34 5. A buy-now-pay-later lender shall resolve or cause to be resolved
35 disputes in a manner that is fair and transparent to consumers. A buy-
36 now-pay-later lender shall create or cause to be created a readily
37 available and prominently disclosed method for consumers to bring a
38 dispute to the buy-now-pay-later lender. A buy-now-pay-later lender
39 shall maintain policies and procedures for handling consumer disputes.
40 The superintendent may promulgate rules and regulations regarding treat-
41 ment of unauthorized use, so that consumers are liable for use of buy-
42 now-pay-later loans in their name only under circumstances where such
43 liability would be fair and reasonable. A buy-now-pay-later lender shall
44 apply to buy-now-pay-later loans the dispute rights and unauthorized
45 charges requirements that apply to credit cards under the Truth in Lend-
46 ing Act, 15 U.S.C. § 1643, 1666, 1666a, 1666i, regardless of whether
47 such law applies to buy-now-pay-later loans or whether the buy-now-pay-
48 later lender offers a credit card within the scope of such law.

49 6. A buy-now-pay-later lender may use, sell, or share the data of a
50 consumer, other than in connection with the making of a particular buy-
51 now-pay-later loan to the consumer, only with the consumer's consent. A
52 buy-now-pay-later lender shall disclose or cause to be disclosed to a
53 consumer in a clear and conspicuous manner how such consumer's data may
54 be used, shared, or sold by the buy-now-pay-later lender before obtain-
55 ing such consumer's consent and also shall disclose or cause to be
56 disclosed to such consumer in a clear and conspicuous manner how such

1 consumer may subsequently withdraw consent to such use, sharing, or
2 sale. The superintendent, in their discretion, may by regulation prohib-
3 it certain uses of consumer data. A buy-now-pay-later lender shall main-
4 tain policies and procedures regarding its use, sale, and sharing of
5 consumers' data.

6 7. Any buy-now-pay-later loan made by a person not licensed under this
7 article, other than an exempt organization, shall be void, and such
8 person shall have no right to collect or receive any principal, interest
9 or charge whatsoever.

10 § 747. Authority of superintendent. 1. The superintendent is author-
11 ized to promulgate such general rules and regulations as may be appro-
12 priate to implement the provisions of this article, protect consumers,
13 and ensure the solvency and financial integrity of buy-now-pay-later
14 lenders. The superintendent is further authorized to make such specific
15 rulings, demands, and findings as may be necessary for the proper
16 conduct of the business authorized and licensed under and for the
17 enforcement of this article, in addition hereto and not inconsistent
18 herewith.

19 2. In addition to such powers as may otherwise be prescribed by law,
20 the superintendent is hereby authorized and empowered to promulgate such
21 rules and regulations as may in the judgment of the superintendent be
22 consistent with the purposes of this article, or appropriate for the
23 effective administration of this article, including, but not limited to:

24 (a) such rules and regulations in connection with the activities of
25 buy-now-pay-later lenders as may be necessary and appropriate for the
26 protection of borrowers in this state;

27 (b) such rules and regulations as may be necessary and appropriate to
28 define deceptive or unfair practices in connection with the activities
29 of buy-now-pay-later lenders;

30 (c) such rules and regulations as may define the terms used in this
31 article and as may be necessary and appropriate to interpret and imple-
32 ment the provisions of this article; and

33 (d) such rules and regulations as may be necessary for the enforcement
34 of this article.

35 § 748. Penalties. 1. Any person, including any member, officer, direc-
36 tor or employee of a buy-now-pay-later lender, who violates or partic-
37 ipates in the violation of section seven hundred thirty-seven of this
38 article, or who knowingly makes any incorrect statement of a material
39 fact in any application, report or statement filed pursuant to this
40 article, or who knowingly omits to state any material fact necessary to
41 give the superintendent any information lawfully required by the super-
42 intendent or refuses to permit any lawful investigation or examination,
43 shall be guilty of a misdemeanor and, upon conviction, shall be fined
44 not more than five hundred dollars or imprisoned for not more than six
45 months or both, in the discretion of the court.

46 2. Without limiting any power granted to the superintendent under any
47 other provision of this chapter, the superintendent may, in a proceeding
48 after notice and a hearing require a buy-now-pay-later lender, whether
49 or not a licensee, to pay to the people of this state a penalty for any
50 violation of this chapter, any rule or regulation promulgated there-
51 under, any final or temporary order issued pursuant to section thirty-
52 nine of this chapter, any condition imposed in writing by the super-
53 intendent in connection with the grant of any application or request, or
54 any written agreement entered into with the superintendent, and for
55 knowingly making any incorrect statement of a material fact in any
56 application, report or statement filed pursuant to this article, or

knowingly omitting to state any material fact necessary to give the superintendent any information lawfully required by the superintendent or refusing to permit any lawful investigation or examination. As to any buy-now-pay-later lender that is not a licensee or an exempt organization, the superintendent is authorized to impose a penalty in the same amount authorized in section forty-four of this chapter for a violation of this chapter by any person licensed, certified, registered, authorized, chartered, accredited, incorporated or otherwise approved by the superintendent under this chapter.

3. No person except a buy-now-pay-later lender licensed under this article shall make, directly or indirectly, orally or in writing, or by any method, practice or device, a representation that such person is licensed under this article.

§ 749. Severability. If any provision of this article or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

§ 2. Subdivision 1 of section 36 of the banking law, as amended by chapter 146 of the laws of 1961, is amended to read as follows:

1. The superintendent shall have the power to examine every banking organization, every bank holding company and any non-banking subsidiary thereof (as such terms "bank holding company" and "non-banking subsidiary" are defined in article three-A of this chapter) and every licensed lender and licensed buy-now-pay-later lender at any time prior to its dissolution whenever in ~~his~~ the superintendent's judgment such examination is necessary or advisable.

§ 3. Subdivision 10 of section 36 of the banking law, as amended by section 2 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

10. All reports of examinations and investigations, correspondence and memoranda concerning or arising out of such examination and investigations, including any duly authenticated copy or copies thereof in the possession of any banking organization, bank holding company or any subsidiary thereof (as such terms "bank holding company" and "subsidiary" are defined in article three-A of this chapter), any corporation or any other entity affiliated with a banking organization within the meaning of subdivision six of this section and any non-banking subsidiary of a corporation or any other entity which is an affiliate of a banking organization within the meaning of subdivision six-a of this section, foreign banking corporation, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed mortgage banker, registered mortgage broker, licensed mortgage loan originator, licensed sales finance company, registered mortgage loan servicer, licensed student loan servicer, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, any other person or entity subject to supervision under this chapter, or the department, shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof, in which event the superintendent may publish or authorize the publication of a copy of any such report or any part thereof in such manner as may be deemed proper or unless such laws specifically authorize such disclosure. For the purposes of this subdivision, "reports of examinations and investigations, and any correspond-

1 ence and memoranda concerning or arising out of such examinations and
2 investigations", includes any such materials of a bank, insurance or
3 securities regulatory agency or any unit of the federal government or
4 that of this state any other state or that of any foreign government
5 which are considered confidential by such agency or unit and which are
6 in the possession of the department or which are otherwise confidential
7 materials that have been shared by the department with any such agency
8 or unit and are in the possession of such agency or unit.

9 § 4. Subdivisions 3 and 5 of section 37 of the banking law, as amended
10 by chapter 360 of the laws of 1984, are amended to read as follows:

11 3. In addition to any reports expressly required by this chapter to be
12 made, the superintendent may require any banking organization, licensed
13 lender, licensed buy-now-pay-later lender, licensed casher of checks,
14 licensed mortgage banker, foreign banking corporation licensed by the
15 superintendent to do business in this state, bank holding company and
16 any non-banking subsidiary thereof, corporate affiliate of a corporate
17 banking organization within the meaning of subdivision six of section
18 thirty-six of this article and any non-banking subsidiary of a corpo-
19 ration which is an affiliate of a corporate banking organization within
20 the meaning of subdivision six-a of section thirty-six of this article
21 to make special reports to [~~him~~] the superintendent at such times as
22 [~~he~~] the superintendent may prescribe.

23 5. The superintendent may extend at [~~his~~] the superintendent's
24 discretion the time within which a banking organization, foreign banking
25 corporation licensed by the superintendent to do business in this state,
26 bank holding company or any non-banking subsidiary thereof, licensed
27 casher of checks, licensed mortgage banker, private banker, licensed
28 buy-now-pay-later lender or licensed lender is required to make and file
29 any report to the superintendent.

30 § 5. Section 39 of the banking law, as amended by section 3 of part L
31 of chapter 58 of the laws of 2019, is amended to read as follows:

32 § 39. Orders of superintendent. 1. To appear and explain an apparent
33 violation. Whenever it shall appear to the superintendent that any bank-
34 ing organization, bank holding company, registered mortgage broker,
35 licensed mortgage banker, licensed student loan servicer, registered
36 mortgage loan servicer, licensed mortgage loan originator, licensed
37 lender, licensed buy-now-pay-later lender, licensed casher of checks,
38 licensed sales finance company, licensed insurance premium finance agen-
39 cy, licensed transmitter of money, licensed budget planner, out-of-state
40 state bank that maintains a branch or branches or representative or
41 other offices in this state, or foreign banking corporation licensed by
42 the superintendent to do business or maintain a representative office in
43 this state has violated any law or regulation, [~~he or she~~] the super-
44 intendent may, in [~~his or her~~] the superintendent's discretion, issue an
45 order describing such apparent violation and requiring such banking
46 organization, bank holding company, registered mortgage broker, licensed
47 mortgage banker, licensed student loan servicer, licensed mortgage loan
48 originator, licensed lender, licensed buy-now-pay-later lender, licensed
49 casher of checks, licensed sales finance company, licensed insurance
50 premium finance agency, licensed transmitter of money, licensed budget
51 planner, out-of-state state bank that maintains a branch or branches or
52 representative or other offices in this state, or foreign banking corpo-
53 ration to appear before [~~him or her~~] the superintendent, at a time and
54 place fixed in said order, to present an explanation of such apparent
55 violation.

2. To discontinue unauthorized or unsafe and unsound practices. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business in this state is conducting business in an unauthorized or unsafe and unsound manner, ~~[he or she]~~ the superintendent may, in ~~[his or her]~~ the superintendent's discretion, issue an order directing the discontinuance of such unauthorized or unsafe and unsound practices, and fixing a time and place at which such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation may voluntarily appear before ~~[him or her]~~ the superintendent to present any explanation in defense of the practices directed in said order to be discontinued.

3. To make good impairment of capital or to ensure compliance with financial requirements. Whenever it shall appear to the superintendent that the capital or capital stock of any banking organization, bank holding company or any subsidiary thereof which is organized, licensed or registered pursuant to this chapter, is impaired, or the financial requirements imposed by subdivision one of section two hundred two-b of this chapter or any regulation of the superintendent on any branch or agency of a foreign banking corporation or the financial requirements imposed by this chapter or any regulation of the superintendent on any licensed lender, licensed buy-now-pay-later lender, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner or private banker are not satisfied, the superintendent may, in the superintendent's discretion, issue an order directing that such banking organization, bank holding company, branch or agency of a foreign banking corporation, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or private banker make good such deficiency forthwith or within a time specified in such order.

4. To make good encroachments on reserves. Whenever it shall appear to the superintendent that either the total reserves or reserves on hand of any banking organization, branch or agency of a foreign banking corporation are below the amount required by or pursuant to this chapter or any other applicable provision of law or regulation to be maintained, or that such banking organization, branch or agency of a foreign banking corporation is not keeping its reserves on hand as required by this

chapter or any other applicable provision of law or regulation, ~~[he or she]~~ the superintendent may, in ~~[his or her]~~ the superintendent's discretion, issue an order directing that such banking organization, branch or agency of a foreign banking corporation make good such reserves forthwith or within a time specified in such order, or that it keep its reserves on hand as required by this chapter.

5. To keep books and accounts as prescribed. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, agency or branch of a foreign banking corporation licensed by the superintendent to do business in this state, does not keep its books and accounts in such manner as to enable ~~[him or her]~~ the superintendent to readily ascertain its true condition, ~~[he or she]~~ the superintendent may, in ~~[his or her]~~ the superintendent's discretion, issue an order requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or foreign banking corporation, or the officers or agents thereof, or any of them, to open and keep such books or accounts as ~~[he or she]~~ the superintendent may, in ~~[his or her]~~ the superintendent's discretion, determine and prescribe for the purpose of keeping accurate and convenient records of its transactions and accounts.

6. As used in this section, "bank holding company" shall have the same meaning as that term is defined in section one hundred forty-one of this chapter.

§ 6. Subdivision 1 of section 42 of the banking law, as amended by chapter 65 of the laws of 1948, is amended to read as follows:

1. The name and the location of the principal office of every proposed corporation, private banker, licensed lender, licensed buy-now-pay-later lender and licensed casher of checks, the organization certificate, private banker's certificate or application for license of which has been filed for examination, and the date of such filing.

§ 7. Subdivision 2 of section 42 of the banking law, as amended by chapter 553 of the laws of 1960, is amended to read as follows:

2. The name and location of every licensed lender, licensed buy-now-pay-later lender and licensed casher of checks, and the name, location, amount of capital stock or permanent capital and amount of surplus of every corporation and private banker and the minimum assets required of every branch of a foreign banking corporation authorized to commence business, and the date of authorization or licensing.

§ 8. Subdivision 3 of section 42 of the banking law, as amended by chapter 553 of the laws of 1960, is amended to read as follows:

3. The name of every proposed corporation, private banker, branch of a foreign banking corporation, licensed lender, licensed buy-now-pay-later lender and licensed casher of checks to which a certificate of authorization or a license has been refused and the date of notice of refusal.

§ 9. Subdivision 4 of section 42 of the banking law, as amended by chapter 60 of the laws of 1957, is amended to read as follows:

1 4. The name and location of every private banker, licensed lender,
2 licensed casher of checks, sales finance company, licensed buy-now-pay-
3 later lender and foreign corporation the authorization certificate or
4 license of which has been revoked, and the date of such revocation.

5 § 10. Subdivision 5 of section 42 of the banking law, as amended by
6 chapter 249 of the laws of 1968, is amended to read as follows:

7 5. The name of every banking organization, licensed lender, licensed
8 casher of checks, licensed buy-now-pay-later lender and foreign corpo-
9 ration which has applied for leave to change its place or one of its
10 places of business and the places from and to which the change is
11 proposed to be made; the name of every banking organization which has
12 applied to change the designation of its principal office to a branch
13 office and to change the designation of one of its branch offices to its
14 principal office, and the location of the principal office which is
15 proposed to be redesignated as a branch office and of the branch office
16 which is proposed to be redesignated as the principal office.

17 § 11. Subdivision 6 of section 42 of the banking law, as amended by
18 chapter 249 of the laws of 1968, is amended to read as follows:

19 6. The name of every banking organization, licensed lender, licensed
20 casher of checks, licensed buy-now-pay-later lender and foreign corpo-
21 ration authorized to change its place or one of its places of business
22 and the date when and the places from and to which the change is author-
23 ized to be made; the name of every banking organization authorized to
24 change the designation of its principal office to a branch office and to
25 change the designation of a branch office to its principal office, the
26 location of the redesignated principal office and of the redesignated
27 branch office, and the date of such change.

28 § 12. Paragraph (a) of subdivision 1 of section 44 of the banking law,
29 as amended by section 4 of part L of chapter 58 of the laws of 2019, is
30 amended to read as follows:

31 (a) Without limiting any power granted to the superintendent under any
32 other provision of this chapter, the superintendent may, in a proceeding
33 after notice and a hearing, require any safe deposit company, licensed
34 lender, licensed buy-now-pay-later lender, licensed casher of checks,
35 licensed sales finance company, licensed insurance premium finance agen-
36 cy, licensed transmitter of money, licensed mortgage banker, licensed
37 student loan servicer, registered mortgage broker, licensed mortgage
38 loan originator, registered mortgage loan servicer or licensed budget
39 planner to pay to the people of this state a penalty for any violation
40 of this chapter, any regulation promulgated thereunder, any final or
41 temporary order issued pursuant to section thirty-nine of this article,
42 any condition imposed in writing by the superintendent in connection
43 with the grant of any application or request, or any written agreement
44 entered into with the superintendent.

45 § 13. This act shall take effect on the one hundred eightieth day
46 after the department of financial services shall have promulgated rules
47 and/or regulations to effectuate the provisions of this act; provided
48 that the department of financial services shall notify the legislative
49 bill drafting commission upon the occurrence of the promulgation of the
50 rules and regulations necessary to effectuate and enforce the provisions
51 of section two of this act, in order that the commission may maintain an
52 accurate and timely effective data base of the official text of the laws
53 of the state of New York in furtherance of effectuating the provisions
54 of section 44 of the legislative law and section 70-b of the public
55 officers law. Effective immediately, the addition, amendment and/or
56 repeal of any rule or regulation authorized to be made by the super-

1 intendent pursuant to this act is authorized to be made and completed on
2 or before such effective date.

3 PART Z

4 Section 1. Section 2911 of the insurance law is amended by adding a
5 new subsection (d) to read as follows:

6 (d) (1) Not later than July first of each year, a pharmacy benefit
7 manager required to be licensed under this article shall publish a
8 report on its website which contains, for the immediately preceding
9 calendar year, the following information:

10 (A) the aggregated dollar amount of rebates, fees, price protection
11 payments and any other payments the pharmacy benefit manager received
12 from drug manufacturers through a rebate contract;

13 (B) the portions of the amount in subparagraph (A) of this paragraph
14 which were:

15 (i) passed on to health plans; or

16 (ii) retained by the pharmacy benefit manager; and

17 (C) for each rebate contract in effect during the reporting period:

18 (i) the names of the contracting parties;

19 (ii) the execution date and the term of the contract, including exten-
20 sions;

21 (iii) the name of the drugs and the associated national drug codes
22 covered by the rebate contract, and for each drug:

23 (I) a summary of the contract terms regarding formulary placement,
24 formulary exclusion, or prior authorization requirements or step edits,
25 of any drugs considered to compete with each drug;

26 (II) a summary of all terms requiring or incentivizing volume or
27 market share for each drug, including base rebate amounts, bundled
28 rebates and incremental rebates, stated separately, and price conces-
29 sion, stated separately for each drug; and

30 (III) the total number of prescriptions filled and units dispensed for
31 which a rebate, discount, price concession or other consideration was
32 received by the pharmacy benefit manager for each drug;

33 (iv) the rebate percentage and dollar amount retained by the pharmacy
34 benefit manager for every rebate, discount, price concession or other
35 consideration under each rebate contract; and

36 (v) the dollar amount of any other compensation paid by a drug
37 manufacturer to a pharmacy benefit manager for services including
38 distribution management services, data or data services, marketing or
39 promotional services, research programs, or other ancillary services,
40 under each rebate contract.

41 (D) For the purposes of this subsection, the term "rebate contract"
42 means any agreement entered into by a pharmacy benefit manager with any
43 drug manufacturer or agent or affiliate of a drug manufacturer that
44 determines any rebate, discount, administrative or other fee, price
45 concession, or other consideration related to the dispensing of
46 prescription drugs for a health plan.

47 (E) A copy of the report required by this subsection shall be filed
48 with the superintendent and with the department of health no later than
49 July first each year.

50 § 2. Severability. If any provision of this act, or any application of
51 any provision of this act, is held to be invalid, that shall not affect
52 the validity or effectiveness of any other provision of this act, or of
53 any other application of any provision of this act.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART AA

Section 1. The general business law is amended by adding a new section 352-m to read as follows:

§ 352-m. Protecting eligible adults from exploitation. 1. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Adult protective services" means the division of the New York city human resources administration and each county agency responsible for providing adult protective services pursuant to section four hundred seventy-three of the social services law.

(b) "Eligible adult" means an individual who is: sixty years of age or older; or at least the age of eighteen and who, because of mental or physical impairment, is unable to manage their own resources or protect themselves from financial exploitation without assistance from others.

(c) "Financial exploitation" means: (i) the improper use of an eligible adult's funds, property, income or assets; or (ii) any act or omission by a person, including through the use of a power of attorney, guardianship or any other authority regarding an eligible adult to: (A) obtain control, through deception, intimidation, threats or undue influence over the eligible adult's money, assets, income or property; or

(B) convert the eligible adult's money, assets, income or property.

(d) "Law enforcement agency" means any agency, which is empowered by law to make an arrest for a felony, and any agency which is authorized by law to prosecute a felony and including any police officer as defined by subdivision thirty-four of section 1.20 of the criminal procedure law and any prosecutor.

(e) "Qualified individual" means any agent, investment adviser representative or person who serves in a supervisory, compliance, legal, or senior or vulnerable adult protection capacity for a broker-dealer or investment adviser.

2. Notification. If a broker-dealer, investment adviser, or qualified individual reasonably believes financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, such broker-dealer, investment adviser, or qualified individual may promptly notify the adult protective services and/or law enforcement.

3. Application of transaction hold. (a) If a broker-dealer, investment adviser, or qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then such broker-dealer, investment adviser, or qualified individual may place a transaction hold on such transaction.

(b) A broker-dealer, investment adviser, or qualified individual shall hold a transaction if adult protective services or a law enforcement agency notifies such broker-dealer, investment adviser, or qualified individual that it reasonably believes that the transaction is the subject of or related to financial exploitation of an eligible adult.

(c) A broker-dealer, investment adviser, or qualified individual that applies a transaction hold shall: (i) provide notice of such hold, in writing, to all parties authorized to transact business on the account that is the subject of a transaction hold, as well as any designated third party, no later than two business day after the application of the transaction hold; (ii) if the transaction hold has been applied pursuant

1 to paragraph (a) of this subdivision, no later than two business days
2 after application of the transaction hold, notify adult protective
3 services and/or a law enforcement agency of the belief of financial
4 exploitation and the transaction hold; and (iii) at the request of adult
5 protective services or a law enforcement agency, provide any information
6 and documents relating to the transaction hold within three business
7 days after the request for such information or documents.

8 4. Duration of transaction hold. A transaction hold shall expire
9 fifteen business days after its application except that (i) a trans-
10 action hold may be extended for up to forty additional business days if
11 there is a continued reasonable belief of exploitation, unless sooner
12 terminated or further extended by adult protective services, law
13 enforcement, any agency of competent jurisdiction or a court of compe-
14 tent jurisdiction; (ii) if a broker-dealer, investment adviser, or qual-
15 ified individual no longer reasonably believes that a transaction is the
16 subject of or related to financial exploitation, it shall release such
17 transaction, provided that adult protective services or the law enforce-
18 ment agency that the broker-dealer, investment adviser, or qualified
19 individual has notified of such hold pursuant to subparagraph (i) of
20 paragraph (c) of subdivision three of this section does not object.

21 5. Records. A broker-dealer or investment adviser shall provide access
22 to or copies of records that are relevant to the suspected or attempted
23 financial exploitation of an eligible adult to adult protective
24 services, an agency of competent jurisdiction, and law enforcement,
25 either as part of a notification or at the request of adult protective
26 services, a law enforcement agency, or an agency of competent jurisdic-
27 tion. All records made available to adult protective services, an agency
28 of competent jurisdiction, or law enforcement shall be considered confi-
29 dential records and shall not be available for examination by the
30 public.

31 6. Trainings and written procedures. Before placing a delay on a
32 disbursement or transaction pursuant to this section, a broker-dealer,
33 investment adviser, or qualified individual must do all of the follow-
34 ing: (a) develop training policies or programs reasonably designed to
35 educate employees who perform or approve transactions on behalf of
36 customers on issues pertaining to financial exploitation of specified
37 adults; (b) conduct training for employees described in paragraph (a) of
38 this subdivision as soon as reasonably practicable and maintain a writ-
39 ten record of all trainings conducted. With respect to an individual
40 who begins employment with covered broker-dealer, investment adviser, or
41 qualified individual after July first, two thousand twenty-four, such
42 training must be conducted within one year after the date on which the
43 individual becomes employed by or affiliated or associated with the
44 covered broker-dealer, investment adviser, or qualified individual; and
45 (c) develop, maintain, and enforce written procedures regarding the
46 manner in which suspected financial exploitation is reviewed internally,
47 including, if applicable, the manner in which suspected financial
48 exploitation is required to be reported to supervisory personnel.

49 7. Immunity. A broker-dealer, investment adviser, or a qualified indi-
50 vidual shall be immune from civil and administrative liability for good
51 faith actions in relation to the application of this section.

52 8. Regulations. The attorney general may promulgate regulations to
53 effectuate the purposes of this section, including setting forth factors
54 that a broker-dealer, investment adviser, or qualified individual may
55 consider in determining whether to apply a transaction hold to a trans-
56 action pursuant to paragraph (a) of subdivision one of this section, the

1 form and manner of any notification mandated by subdivision one of this
2 section, and the implementation of training programs for a broker-deal-
3 er, investment adviser, or qualified individual relating to recognizing
4 financial exploitation.

5 9. Communication with reporters. Notwithstanding any other law to the
6 contrary, adult protective services, law enforcement or any agency of
7 competent jurisdiction may provide a general case status or final dispo-
8 sition to a broker-dealer, investment adviser, or qualified individual
9 that reported such a case to an agency.

10 10. Alteration of obligations. Absent a reasonable belief of finan-
11 cial exploitation as provided in this section, this section does not
12 otherwise alter a broker-dealer, investment adviser, or qualified indi-
13 vidual's obligations to all parties authorized to transact business on
14 an account and any trusted contact named on such account.

15 § 2. The banking law is amended by adding a new section 4-d to read as
16 follows:

17 § 4-d. Protecting eligible adults from financial exploitation. 1.
18 Definitions. As used in this section the following terms shall have the
19 following meanings:

20 (a) "Adult protective services" means the division of the New York
21 city human resources administration and each county agency responsible
22 for providing adult protective services pursuant to section four hundred
23 seventy-three of the social services law.

24 (b) "Banking institution" means any bank, trust company, savings bank,
25 savings and loan association, credit union or branch of a foreign bank-
26 ing corporation that is chartered, organized or licensed under the laws
27 of this state or any other state or the United States, and, in the ordi-
28 nary course of business offers deposit accounts in this state.

29 (c) "Financial exploitation" means: (i) the improper use of an eligi-
30 ble adult's funds, property, income or assets; or (ii) any act or omis-
31 sion by a person, including through the use of a power of attorney,
32 guardianship or any other authority regarding an eligible adult to: (A)
33 obtain control, through deception, intimidation, threats or undue influ-
34 ence over the eligible adult's money, assets, income or property; or

35 (B) convert the eligible adult's money, assets, income or property.

36 (d) "Law enforcement agency" means any agency, which is empowered by
37 law to make an arrest for a felony, and any agency which is authorized
38 by law to prosecute a felony and including any police officer as defined
39 by subdivision thirty-four of section 1.20 of the criminal procedure law
40 and any prosecutor.

41 (e) "Eligible adult" means an individual who is: sixty years of age or
42 older; or at least the age of eighteen and who, because of mental or
43 physical impairment, is unable to manage their own resources or protect
44 themselves from financial exploitation without assistance from others.

45 2. Application of transaction hold. (a) If a banking institution or
46 an employee of a banking institution reasonably believes that a finan-
47 cial exploitation of an eligible adult may have occurred, may have been
48 attempted, or is being attempted, then the banking institution may place
49 a transaction hold on such transaction.

50 (b) A banking institution shall apply a transaction hold to a trans-
51 action if adult protective services or a law enforcement agency notifies
52 the banking institution that it reasonably believes that the transaction
53 is the subject of or related to financial exploitation of an eligible
54 adult.

55 (c) A banking institution that applies a transaction hold shall: (i)
56 provide notice of such hold, in writing, to all parties authorized to

1 transact business on the account that is the subject of a transaction
2 hold, as well any designated third party, no later than two business
3 days after the application of the transaction hold; (ii) if the trans-
4 action hold has been applied pursuant to paragraph (a) of this subdivi-
5 sion, no later than two business days after application of the trans-
6 action hold, notify adult protective services and/or a law enforcement
7 agency of the belief of financial exploitation and the transaction hold;
8 and (iii) at the request of adult protective services or a law enforce-
9 ment agency, provide any information and documents relating to the tran-
10 saction hold within three business days after the request for such
11 information or documents.

12 3. Trainings and written procedures. Before placing a delay on a
13 disbursement or transaction pursuant to this section, a financial
14 institution must do all of the following:

15 (a) Develop training policies or programs reasonably designed to
16 educate employees who perform or approve transactions on behalf of
17 customers on issues pertaining to financial exploitation of specified
18 adults.

19 (b) Conduct training for employees described in paragraph (a) of this
20 subdivision as soon as reasonably practicable and maintain a written
21 record of all trainings conducted. With respect to an individual who
22 begins employment with a covered financial institution after July first,
23 two thousand twenty-four, such training must be conducted within one
24 year after the date on which the individual becomes employed by or
25 affiliated or associated with the covered financial institution.

26 (c) Develop, maintain, and enforce written procedures regarding the
27 manner in which suspected financial exploitation is reviewed internally,
28 including, if applicable, the manner in which suspected financial
29 exploitation is required to be reported to supervisory personnel.

30 4. Notification. If a banking institution reasonably believes finan-
31 cial exploitation of an eligible adult has occurred, has been attempted,
32 or is being attempted, the banking institution may promptly notify the
33 adult protective services and law enforcement.

34 5. Duration of transaction hold. A transaction hold shall expire
35 fifteen business days after its application except that (i) a trans-
36 action hold may be extended for up to forty additional business days
37 upon request if there is a continued reasonable belief of exploitation,
38 unless sooner terminated or further extended by adult protective
39 services, law enforcement, any agency of competent jurisdiction or a
40 court of competent jurisdiction; (ii) if a banking institution no longer
41 reasonably believes that a transaction is the subject of or related to
42 financial exploitation, it shall release such transaction, provided that
43 adult protective services or the law enforcement agency that the banking
44 institution has notified of such hold pursuant to subparagraph (i) of
45 paragraph (c) of subdivision two of this section does not object.

46 6. Records. A banking institution shall provide access to or copies of
47 records that are relevant to the suspected or attempted financial
48 exploitation of an eligible adult to adult protective services, an agen-
49 cy of competent jurisdiction, and law enforcement, either as part of a
50 notification or at the request of adult protective services, a law
51 enforcement agency, or an agency of competent jurisdiction. All records
52 made available to adult protective services, an agency of competent
53 jurisdiction, or law enforcement shall be considered confidential
54 records and shall not be available for examination by the public.

55 7. Regulations. The superintendent may promulgate regulations to
56 effectuate the purposes of this section, including setting forth factors

1 that a banking institution may consider in determining whether to apply
2 a transaction hold to a transaction pursuant to paragraph (a) of subdi-
3 vision two of this section, the form and manner of any notification
4 mandated by subdivision two of this section, and the implementation of
5 training programs for banking institution staff relating to recognizing
6 financial exploitation.

7 8. Immunity. A banking institution or an employee of a banking insti-
8 tution shall be immune from civil and administrative liability for good
9 faith actions in relation to the application of this section.

10 9. Communication with reporters. Notwithstanding any other law to the
11 contrary, adult protective services, law enforcement or any agency of
12 competent jurisdiction may provide a general case status or final dispo-
13 sition to a banking institution that reported such a case to an agency.

14 10. Absent a reasonable belief of financial exploitation as provided
15 in this section, this section does not otherwise alter a financial
16 institution's obligations to all parties authorized to transact business
17 on an account and any trusted contact named on such account.

18 § 3. Section 473 of the social services law is amended by adding a new
19 subdivision 5-a to read as follows:

20 5-a. Whenever a social services official, or their designee authorized
21 or required to determine the need for, or to provide or arrange for the
22 provision of protective services to adults in accordance with the
23 provisions of this title has a reason to believe that financial exploi-
24 tation of an eligible adult has occurred, has been attempted, or is
25 being attempted, the social services official or their designee must
26 report this information to the appropriate law enforcement agency and
27 notify any broker-dealer, investment adviser, or banking institution
28 involved in the relevant financial transactions of the need to hold a
29 transaction.

30 § 4. Paragraph (g) of subdivision 6 of section 473 of the social
31 services law, as added by chapter 395 of the laws of 1995, is amended to
32 read as follows:

33 (g) "Financial exploitation" means:

34 (i) the improper use of an adult's funds, property, income or
35 [resources by another individual, including but not limited to, fraud,
36 false pretenses, embezzlement, conspiracy, forgery, falsifying records,
37 coerced property transfers or denial of access to assets] assets; or

38 (ii) any act or omission by a person, including through the use of a
39 power of attorney, guardianship or any other authority regarding an
40 adult to: (A) obtain control, through deception, intimidation, threats
41 or undue influence over the adult's money, assets, income or property;
42 or (B) convert the adult's money, assets, income or property.

43 § 5. This act shall take effect on the one hundred eightieth day after
44 it shall have become a law.

45 PART BB

46 Section 1. The section heading of section 3457 of the insurance law,
47 as amended by chapter 85 of the laws of 2021, is amended to read as
48 follows:

49 Group insurance policies for ~~[certain]~~ insuring for hire motor vehi-
50 cles.

51 § 2. Paragraph 2 of subsection (a) of section 3457 of the insurance
52 law, as amended by chapter 85 of the laws of 2021, is amended to read as
53 follows:

(2) "For hire motor vehicle" or "vehicle" means a motor vehicle engaged in the business of carrying or transporting passengers for hire~~[, having a seating capacity of not less than eight passengers, excluding the driver]~~.

§ 3. This act shall take effect immediately.

PART CC

Section 1. Paragraph 2 of subsection (b) of section 2305 of the insurance law, as amended by chapter 129 of the laws of 2022, is amended to read as follows:

(2) motor vehicle insurance, or surety bonds, required by section three hundred seventy of the vehicle and traffic law ~~[or]~~, except as provided in section two thousand three hundred twenty-eight of this article, article forty-four-B of the vehicle and traffic law, or article forty of the general business law;

§ 2. Section 2328 of the insurance law, as amended by section 1 of part NN of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2328. ~~[Certain]~~ For hire motor vehicle insurance rates~~[-; prior approval. No changes in rates, rating plans, rating rules and rate manuals applicable to motor vehicle insurance, including no fault coverages under article fifty-one of this chapter, shall be made effective until approved by the superintendent, notwithstanding any inconsistent provisions of this article]~~. (a) Overall average (for all coverages combined) rate level increases above an insurer's rates in effect that are up to a percentage specified in a regulation promulgated by the superintendent but not to exceed five percent, may take effect without the superintendent's prior approval. An insurer shall not implement more than two rate increases pursuant to this section, the total of which shall not exceed the limitation specified in a regulation, during any twelve-month period. An insurer also shall not implement a rate increase within the limitation specified in a regulation until the onset of the new policy period.

(b) This section shall apply only to policies covering losses or liabilities arising out of ownership of a motor vehicle used principally for the transportation of persons for hire, ~~[including]~~ other than a bus or a school bus as defined in sections one hundred four and one hundred forty-two of the vehicle and traffic law.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART DD

Section 1. Section 2328 of the insurance law, as amended by section 1 of part NN of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2328. ~~[Certain]~~ For hire motor vehicle insurance rates~~[-; prior approval]~~. (a) An insurer shall submit to the superintendent, for the superintendent's prior approval, its rates, rating plans, rating rules, and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, by August first, two thousand twenty-five and at least every three years thereafter.

er, unless the superintendent requests the rates, rating plans, rating rules, or rating manuals more frequently. For rates submitted on or before August first, two thousand twenty-five, the superintendent may approve the phasing in of rates that meet the standards set forth in section two thousand three hundred three of this article if the superintendent determines that it would be in the best interests of the people of this state.

(b) No changes in rates, rating plans, rating rules and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, shall be made effective until approved by the superintendent, notwithstanding any inconsistent provisions of this article.

(c) This section shall apply only to policies covering losses or liabilities arising out of ownership of a motor vehicle used principally for the transportation of persons for hire, ~~including~~ other than a bus or a school bus as defined in sections one hundred four and one hundred forty-two of the vehicle and traffic law.

§ 2. This act shall take effect immediately.

PART EE

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part Z of chapter 58 of the laws of 2024, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, ~~2025~~ 2028.

§ 2. This act shall take effect immediately.

PART FF

Section 1. Section 2 of 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, as amended by section 1 of part AA of chapter 58 of the laws of 2024, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, ~~2025~~ 2028, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately.

PART GG

Section 1. Section 2 of part BB of 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, as amended by section 1 of part LL of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, ~~2025~~ 2027.

§ 2. The dormitory authority of the state of New York shall provide a report providing information regarding any project undertaken pursuant to a design and construction management agreement, as authorized by part BB of chapter 58 of the laws of 2012, between the dormitory authority of the state of New York and the department of environmental conservation and/or the office of parks, recreation and historic preservation to the governor, the temporary president of the senate and speaker of the assembly. Such report shall include but not be limited to a description of each such project, the project identification number of each such project, if applicable, the projected date of completion, the status of the project, the total cost or projected cost of each such project, and the location, including the names of any county, town, village or city, where each such project is located or proposed. In addition, such a report shall be provided to the aforementioned parties by the first day of March of each year that the authority to enter into such agreements pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2025.

PART HH

Section 1. Short title. This act shall be known and may be cited as the "private activity bond allocation act of 2025".

§ 2. Legislative findings and declaration. The legislature hereby finds and declares that the federal tax reform act of 1986 established a statewide bond volume ceiling on the issuance of certain tax exempt private activity bonds and notes and, under certain circumstances, governmental use bonds and notes issued by the state and its public authorities, local governments, agencies which issue on behalf of local governments, and certain other issuers. The federal tax reform act establishes a formula for the allocation of the bond volume ceiling which was subject to temporary modification by gubernatorial executive order until December 31, 1987. That act also permits state legislatures to establish, by statute, an alternative formula for allocating the volume ceiling. Bonds and notes subject to the volume ceiling require an allocation from the state's annual volume ceiling in order to qualify for federal tax exemption.

It is hereby declared to be the policy of the state to maximize the public benefit through the issuance of private activity bonds for the purposes of, among other things, allocating a fair share of the bond volume ceiling upon initial allocation and from a bond reserve to local agencies and for needs identified by local governments; providing housing and promoting economic development; job creation; an economical energy supply; and resource recovery and to provide for an orderly and efficient volume ceiling allocation process for state and local agencies by establishing an alternative formula for making such allocations.

§ 3. Definitions. As used in this act, unless the context requires otherwise:

1. "Bonds" means bonds, notes or other obligations.

2. "Carryforward" means an amount of unused private activity bond ceiling available to an issuer pursuant to an election filed with the internal revenue service pursuant to section 146(f) of the code.

3. "Code" means the internal revenue code of 1986, as amended.

4. "Commissioner" means the commissioner of the New York state department of economic development.

5. "Covered bonds" means those tax exempt private activity bonds and that portion of the non-qualified amount of an issue of governmental use bonds for which an allocation of the statewide ceiling is required for the interest earned by holders of such bonds to be excluded from the gross income of such holders for federal income tax purposes under the code.

6. "Director" means the director of the New York state division of the budget.

7. "Issuer" means a local agency, state agency or other issuer.

8. "Local agency" means an industrial development agency established or operating pursuant to article 18-A of the general municipal law, the Troy industrial development authority and the Auburn industrial development authority.

9. "Other issuer" means any agency, political subdivision or other entity, other than a local agency or state agency, that is authorized to issue covered bonds.

10. "Qualified small issue bonds" means qualified small issue bonds, as defined in section 144(a) of the code.

11. "State agency" means the state of New York, the New York state energy research and development authority, the New York job development authority, the New York state environmental facilities corporation, the New York state urban development corporation and its subsidiaries, the Battery Park city authority, the port authority of New York and New Jersey, the power authority of the state of New York, the dormitory authority of the state of New York, the New York state housing finance agency, the state of New York mortgage agency, and any other public benefit corporation or public authority designated by the governor for the purposes of this act.

12. "Statewide ceiling" means for any calendar year the highest state ceiling (as such term is used in section 146 of the code) applicable to New York state.

13. "Future allocations" means allocations of statewide ceiling for up to two future years.

14. "Multi-year housing development project" means a project (a) which qualifies for covered bonds; (b) which is to be constructed over two or more years and (c) in which at least twenty percent of the dwelling units will be occupied by persons and families of low income.

§ 4. Local agency set-aside. A set-aside of statewide ceiling for local agencies for any calendar year shall be an amount which bears the same ratio to one-third of the statewide ceiling as the population of the jurisdiction of such local agency bears to the population of the entire state. The commissioner shall administer allocations of such set-aside to local agencies.

§ 5. State agency set-aside. A set-aside of statewide ceiling for all state agencies for any calendar year shall be one-third of the statewide ceiling. The director shall administer allocations of such set-aside to state agencies and may grant an allocation to any state agency upon receipt of an application in such form as the director shall require.

§ 6. Statewide bond reserve. One-third of the statewide ceiling is hereby set aside as a statewide bond reserve to be administered by the director.

1. Allocation of the statewide bond reserve among state agencies, local agencies and other issuers. The director shall transfer a portion of the statewide bond reserve to the commissioner for allocation to and use by local agencies and other issuers in accordance with the terms of this section. The remainder of the statewide bond reserve may be allo-

1 cated by the director to state agencies in accordance with the terms of
2 this section.

3 2. Allocation of statewide bond reserve to local agencies or other
4 issuers.

5 (a) Local agencies or other issuers may at any time apply to the
6 commissioner for an allocation from the statewide bond reserve. Such
7 application shall demonstrate:

8 (i) that the requested allocation is required under the code for the
9 interest earned on the bonds to be excluded from the gross income of
10 bondholders for federal income tax purposes;

11 (ii) that the local agency's remaining unused allocation provided
12 pursuant to section four of this act, and other issuer's remaining
13 unused allocation, or any available carryforward will be insufficient
14 for the specific project or projects for which the reserve allocation is
15 requested; and

16 (iii) that, except for those allocations made pursuant to section
17 thirteen of this act to enable carryforward elections, the requested
18 allocation is reasonably expected to be used during the calendar year,
19 and the requested future allocation is reasonably expected to be used in
20 the calendar year to which the future allocation relates.

21 (b) In reviewing and approving or disapproving applications, the
22 commissioner shall exercise discretion to ensure an equitable distrib-
23 ution of allocations from the statewide bond reserve to local agencies
24 and other issuers. Prior to making a determination on such applications,
25 the commissioner shall notify and seek the recommendation of the presi-
26 dent and chief executive officer of the New York state housing finance
27 agency in the case of an application related to the issuance of multi-
28 family housing or mortgage revenue bonds, and in the case of other
29 requests, such state officers, departments, divisions and agencies as
30 the commissioner deems appropriate.

31 (c) Applications for allocations shall be made in such form and
32 contain such information and reports as the commissioner shall require.

33 (d) On or before September fifteenth of each year, the commissioner
34 shall publish the total amount of local agency set-aside that has been
35 recaptured pursuant to section twelve of this act for that year on the
36 department of economic development's website.

37 3. Allocation of statewide bond reserve to state agencies. The direc-
38 tor may make an allocation from the statewide bond reserve to any state
39 agency. Before making any allocation of statewide bond reserve to state
40 agencies the director shall be satisfied:

41 (a) that the allocation is required under the code for the interest
42 earned on the bonds to be excluded from the gross income of bondholders
43 for federal income tax purposes;

44 (b) that the state agency's remaining unused allocation provided
45 pursuant to section five of this act or any available carryforward will
46 be insufficient to accommodate the specific bond issue or issues for
47 which the reserve allocation is requested; and

48 (c) that, except for those allocations made pursuant to section thir-
49 teen of this act to enable carryforward elections, the requested allo-
50 cation is reasonably expected to be used during the calendar year, and
51 the requested future allocation is reasonably expected to be used in the
52 calendar year to which the future allocation relates.

53 § 7. Access to employment opportunities. 1. All issuers shall require
54 that any new employment opportunities created in connection with indus-
55 trial or manufacturing projects financed through the issuance of quali-
56 fied small issue bonds shall be listed with the New York state depart-

1 ment of labor and with the one-stop career center established pursuant
2 to the federal Workforce Innovation and Opportunity Act (Pub. L. No.
3 113-128) serving the locality in which the employment opportunities are
4 being created. Such listing shall be in a manner and form prescribed by
5 the commissioner. All issuers shall further require that for any new
6 employment opportunities created in connection with an industrial or
7 manufacturing project financed through the issuance of qualified small
8 issue bonds by such issuer, industrial or manufacturing firms shall
9 first consider persons eligible to participate in the Workforce Inno-
10 vation and Opportunity Act (Pub. L. No. 113-128) programs who shall be
11 referred to the industrial or manufacturing firm by one-stop centers in
12 local workforce investment areas or by the department of labor. Issuers
13 of qualified small issue bonds are required to monitor compliance with
14 the provisions of this section as prescribed by the commissioner.

15 2. Nothing in this section shall be construed to require users of
16 qualified small issue bonds to violate any existing collective bargain-
17 ing agreement with respect to the hiring of new employees. Failure on
18 the part of any user of qualified small issue bonds to comply with the
19 requirements of this section shall not affect the allocation of bonding
20 authority to the issuer of the bonds or the validity or tax exempt
21 status of such bonds.

22 § 8. Overlapping jurisdictions. In a geographic area represented by a
23 county local agency and one or more sub-county local agencies, the allo-
24 cation granted by section four of this act with respect to such area of
25 overlapping jurisdiction shall be apportioned one-half to the county
26 local agency and one-half to the sub-county local agency or agencies.
27 Where there is a local agency for the benefit of a village within the
28 geographic area of a town for the benefit of which there is a local
29 agency, the allocation of the village local agency shall be based on the
30 population of the geographic area of the village, and the allocation of
31 the town local agency shall be based upon the population of the
32 geographic area of the town outside of the village. Notwithstanding the
33 foregoing, a local agency may surrender all or part of its allocation
34 for such calendar year to another local agency with an overlapping
35 jurisdiction. Such surrender shall be made at such time and in such
36 manner as the commissioner shall prescribe.

37 § 9. Ineligible local agencies. To the extent that any allocation of
38 the local agency set-aside would be made by this act to a local agency
39 which is ineligible to receive such allocation under the code or under
40 regulations interpreting the state volume ceiling provisions of the
41 code, such allocation shall instead be made to the political subdivision
42 for whose benefit that local agency was created.

43 § 10. Municipal reallocation. The chief executive officer of any poli-
44 tical subdivision or, if such political subdivision has no chief execu-
45 tive officer, the governing board of the political subdivision for the
46 benefit of which a local agency has been established, may withdraw all
47 or any portion of the allocation granted by section four of this act to
48 such local agency. The political subdivision may then reallocate all or
49 any portion of such allocation, as well as all or any portion of the
50 allocation received pursuant to section nine of this act, to itself or
51 any other issuer established for the benefit of that political subdivi-
52 sion or may assign all or any portion of the allocation received pursu-
53 ant to section nine of this act to the local agency created for its
54 benefit. The chief executive officer or governing board of the political
55 subdivision, as the case may be, shall notify the commissioner of any
56 such reallocation.

§ 11. Future allocations for multi-year housing development projects.

1. In addition to other powers granted under this act, the commissioner is authorized to make the following future allocations of statewide ceiling for any multi-year housing development project for which the commissioner also makes an allocation of statewide ceiling for the current year under this act or for which, in the event of expiration of provisions of this act described in section eighteen of this act, an allocation of volume cap for a calendar year subsequent to such expiration shall have been made under section 146 of the code: (a) to local agencies from the local agency set-aside (but only with the approval of the chief executive officer of the political subdivision to which the local agency set-aside relates or the governing body of a political subdivision having no chief executive officer) and (b) to other issuers from that portion, if any, of the statewide bond reserve transferred to the commissioner by the director. Any future allocation made by the commissioner shall constitute an allocation of statewide ceiling for the future year specified by the commissioner and shall be deemed to have been made on the first day of the future year so specified.

2. In addition to other powers granted under this act, the director is authorized to make future allocations of statewide ceiling from the state agency set-aside or from the statewide bond reserve to state agencies for any multi-year housing development project for which the director also makes an allocation of statewide ceiling from the current year under this act or for which, in the event of expiration of provisions of this act described in section eighteen of this act, an allocation of volume cap for a calendar year subsequent to such expiration shall have been made under section 146 of the code, and is authorized to make transfers of the statewide bond reserve to the commissioner for future allocations to other issuers for multi-year housing development projects for which the commissioner has made an allocation of statewide ceiling for the current year. Any such future allocation or transfer of the statewide bond reserve for future allocation made by the director shall constitute an allocation of statewide ceiling or transfer of the statewide bond reserve for the future years specified by the director and shall be deemed to have been made on the first day of the future year so specified.

3. (a) If an allocation made with respect to a multi-year housing development project is not used by September fifteenth of the year to which the allocation relates, the allocation with respect to the then current year shall be subject to recapture in accordance with the provisions of section twelve of this act, and in the event of such a recapture, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, all future allocations made with respect to such project pursuant to subdivision one or two of this section shall be canceled.

(b) The commissioner and the director shall have the authority to make future allocations from recaptured current year allocations and canceled future allocations to multi-year housing development projects in a manner consistent with the provisions of this act. Any such future allocation shall, unless a carryforward election by another issuer shall have been approved by the commissioner or a carryforward election by a state agency shall have been approved by the director, be canceled if the current year allocation for the project is not used by December 31, 2026.

1 (c) The commissioner and the director shall establish procedures
2 consistent with the provisions of this act relating to carryforward of
3 future allocations.

4 4. The aggregate future allocations from either of the two succeeding
5 years shall not exceed six hundred fifty million dollars for each such
6 year.

7 § 12. Year end allocation recapture. On or before September first of
8 each year, each state agency shall report to the director and each local
9 agency and each other issuer shall report to the commissioner the amount
10 of bonds subject to allocation under this act that will be issued prior
11 to the end of the then current calendar year, and the amount of the
12 issuer's then total allocation that will remain unused. As of September
13 fifteenth of each year, the unused portion of each local agency's and
14 other issuer's then total allocation as reported and the unallocated
15 portion of the set-aside for state agencies shall be recaptured and
16 added to the statewide bond reserve and shall no longer be available to
17 covered bond issuers except as otherwise provided herein. From September
18 fifteenth through the end of the year, each local agency or other issuer
19 having an allocation shall immediately report to the commissioner and
20 each state agency having an allocation shall immediately report to the
21 director any changes to the status of its allocation or the status of
22 projects for which allocations have been made which should affect the
23 timing or likelihood of the issuance of covered bonds therefor. If the
24 commissioner determines that a local agency or other issuer has overes-
25 timated the amount of covered bonds subject to allocation that will be
26 issued prior to the end of the calendar year, the commissioner may
27 recapture the amount of the allocation to such local agency or other
28 issuer represented by such overestimation by notice to the local agency
29 or other issuer, and add such allocation to the statewide bond reserve.
30 The director may likewise make such determination and recapture with
31 respect to state agency allocations.

32 § 13. Allocation carryforward. 1. No local agency or other issuer
33 shall make a carryforward election utilizing any unused allocation
34 (pursuant to section 146(f) of the code) without the prior approval of
35 the commissioner. Likewise no state agency shall make or file such an
36 election, or elect to issue or carryforward mortgage credit certif-
37 icates, without the prior approval of the director.

38 2. On or before November fifteenth of each year, each state agency
39 seeking unused statewide ceiling for use in future years shall make a
40 request for an allocation for a carryforward to the director, whose
41 approval shall be required before a carryforward election is filed by or
42 on behalf of any state agency. A later request may also be considered by
43 the director, who may file a carryforward election for any state agency
44 with the consent of such agency.

45 3. On or before November fifteenth of each year, each local agency or
46 other issuer seeking unused statewide ceiling for use in future years
47 shall make a request for an allocation for a carryforward to the commis-
48 sioner, whose approval shall be required before a carryforward election
49 is filed by or on behalf of any local or other agency. A later request
50 may also be considered by the commissioner.

51 4. On or before January fifteenth of each year, the director shall
52 publish the total amount of unused statewide ceiling from the prior year
53 on the division of budget's website.

54 § 14. New York state bond allocation policy advisory panel. 1. There
55 is hereby created a policy advisory panel and process to provide policy

1 advice regarding the priorities for distribution of the statewide ceil-
2 ing.

3 2. The panel shall consist of five members, one designee being
4 appointed by each of the following: the governor, the temporary presi-
5 dent of the senate, the speaker of the assembly, the minority leader of
6 the senate and the minority leader of the assembly. The designee of the
7 governor shall chair the panel. The panel shall monitor the allocation
8 process through the year, and in that regard, the division of the budget
9 and the department of economic development shall assist and cooperate
10 with the panel as provided in this section. The advisory process shall
11 operate through the issuance of advisory opinions by members of the
12 panel as provided in subdivisions six and seven of this section. A meet-
13 ing may be held at the call of the chair with the unanimous consent of
14 the members.

15 3. (a) Upon receipt of a request for allocation or a request for
16 approval of a carryforward election from the statewide reserve from a
17 local agency or other issuer, the commissioner shall, within five work-
18 ing days, notify the panel of such request and provide the panel with
19 copies of all application materials submitted by the applicant.

20 (b) Upon receipt of a request for allocation or a request for approval
21 of carryforward election from the statewide reserve from a state agency,
22 the director shall, within five working days, notify the panel of such
23 request and provide the panel with copies of all application materials
24 submitted by the applicant.

25 4. (a) Following receipt of a request for allocation from a local
26 agency or other issuer, the commissioner shall notify the panel of a
27 decision to approve or exclude from further consideration such request,
28 and the commissioner shall state the reasons. Such notification shall be
29 made with or after the transmittal of the information specified in
30 subdivision three of this section and at least five working days before
31 formal notification is made to the applicant.

32 (b) Following receipt of a request for allocation from a state agency,
33 the director shall notify the panel of a decision to approve or exclude
34 from further consideration such request, and shall state the reasons.
35 Such notification shall be made with or after the transmission of the
36 information specified in subdivision three of this section and at least
37 five working days before formal notification is made to the state agen-
38 cy.

39 5. The requirements of subdivisions three and four of this section
40 shall not apply to adjustments to allocations due to bond sizing chang-
41 es.

42 6. In the event that any decision to approve or to exclude from
43 further consideration a request for allocation is made within ten work-
44 ing days of the end of the calendar year and in the case of all requests
45 for consent to a carryforward election, the commissioner or director, as
46 is appropriate, shall provide the panel with the longest possible
47 advance notification of the action, consistent with the requirements of
48 the code, and shall, wherever possible, solicit the opinions of the
49 members of the panel before formally notifying any applicant of the
50 action. Such notification may be made by means of telephone communi-
51 cation to the members or by written notice delivered to the Albany
52 office of the appointing authority of the respective members.

53 7. Upon notification by the director or the commissioner, any member
54 of the panel may, within five working days, notify the commissioner or
55 the director of any policy objection concerning the expected action. If
56 three or more members of the panel shall submit policy objections in

1 writing to the intended action, the commissioner or the director shall
2 respond in writing to the objection prior to taking the intended action
3 unless exigent circumstances make it necessary to respond after the
4 action has been taken.

5 8. On or before the first day of July, in any year, the director shall
6 report to the members of the New York state bond allocation policy advisory
7 panel on the actual utilization of volume cap for the issuance of
8 bonds during the prior calendar year and the amount of such cap allocated
9 for carryforwards for future bond issuance. The report shall
10 include, for each local agency or other issuer and each state agency the
11 initial allocation, the amount of bonds issued subject to the allocation,
12 the amount of the issuer's allocation that remained unused, the
13 allocation of the statewide bond reserve, carryforward allocations and
14 recapture of allocations. Further, the report shall include projections
15 regarding private activity bond issuance for state and local issuers for
16 the calendar year, as well as any recommendations for legislative
17 action. The director shall publish the report on the division of budget's
18 website concurrently with the release of the report to the panel.

19 § 15. Severability. If any clause, sentence, paragraph, section, or
20 item of this part shall be adjudged by any court of competent jurisdiction
21 to be invalid, such judgment shall not affect, impair, or invalidate the
22 remainder thereof, but shall be confined in its operation to the clause,
23 sentence, paragraph, section, or item thereof directly involved in the
24 controversy in which such judgment shall have been rendered.
25

26 § 16. Notwithstanding any provisions of this act to the contrary (1)
27 provided that a local agency or other issuer certifies to the commissioner
28 on or before October 1, 2025 that it has issued private activity bonds
29 described in this act and the amount thereof which used statewide ceiling,
30 a commitment or allocation of statewide ceiling to a local agency or other
31 issuer made to or so used by such local agency or other issuer pursuant
32 to the federal tax reform act of 1986 on or after January 1, 2025 and prior
33 to the effective date of this act, in an amount which exceeds the local
34 agency set-aside established by section four of this act, shall be first
35 chargeable to the statewide bond reserve established pursuant to section six
36 of this act, and (2) a commitment or allocation of statewide ceiling to a
37 state agency made to or used by such agency pursuant to the internal revenue
38 code, as amended, on or after January 1, 2025 and prior to the effective
39 date of this act, shall be first chargeable to the state agency set-aside
40 established pursuant to section five of this act, and, thereafter, to the
41 statewide bond reserve established by section six of this act.
42

43 § 17. Nothing contained in this act shall be deemed to supersede,
44 alter or impair any allocation used by or committed by the director or
45 commissioner to a state or local agency or other issuer pursuant to the
46 federal tax reform act of 1986 and prior to the effective date of this
47 act.

48 § 18. This act shall take effect immediately; provided, however, that
49 sections three, four, five, six, seven, eight, nine, ten, twelve, thirteen
50 and fourteen of this act shall expire July 1, 2028 when upon such date
51 the provisions of such sections shall be deemed repealed; except that the
52 provisions of subdivisions two and three of section thirteen of this act
53 shall expire and be deemed repealed February 15, 2028.

1 Section 1. Subdivision 32 of section 1676 of the public authorities
2 law, as added by chapter 672 of the laws of 1993, is amended to read as
3 follows:

4 32. The term "public library" shall mean [~~those libraries set forth in~~
5 ~~section five of the chapter of the laws of nineteen hundred ninety-three~~
6 ~~which added this subdivision, as defined as~~] any library chartered by
7 the state board of regents, created by an act of the legislature, or
8 incorporated under the not-for-profit corporation law constituting a
9 public library [~~or as~~], an association library [~~pursuant to~~] or a free
10 library as defined in section two hundred fifty-three of the education
11 law.

12 § 2. This act shall not affect the status as a "public library" for
13 purposes of title 4 of article 8 of the public authorities law of those
14 libraries set forth in section 5 of chapter 672 of the laws of 1993, as
15 amended from time to time prior to the effective date of this act, nor
16 shall this act impair the validity of bonds heretofore issued by the
17 dormitory authority for the benefit of any such library.

18 § 3. This act shall take effect immediately.

19 PART JJ

20 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the
21 public authorities law is amended by adding a new undesignated paragraph
22 to read as follows:

23 Any county, city, town, and village, for the construction, recon-
24 struction, development, improvement, expansion and/or equipping of a
25 facility or facilities and necessary ancillary and related facilities;
26 provided, however, that any alternative delivery authorization derived
27 pursuant to the Infrastructure Investment Act, part F of chapter 60 of
28 the laws of 2015, as amended by part DD of chapter 58 the laws of 2020,
29 shall not be applicable to any project undertaken by the authority on
30 behalf of any county, city, town, and village pursuant to this section
31 and further providing that nothing in this section shall result in the:
32 (1) displacement of any currently employed worker or loss of position
33 (including partial displacement such as a reduction in the hours of
34 non-overtime work, wages or employment benefits), or result in the
35 impairment of existing collective bargaining agreements; and (2) trans-
36 fer of existing duties and functions currently performed by existing
37 public employees for a public employer that becomes eligible to utilize
38 the dormitory authority pursuant to this section.

39 § 2. Subdivision 1 of section 1680 of the public authorities law is
40 amended by adding a new undesignated paragraph to read as follows:

41 Any county, city, town, and village, for the construction, recon-
42 struction, development, improvement, expansion and/or equipping of a
43 facility or facilities and necessary ancillary and related facilities;
44 provided, however, that any alternative delivery authorization derived
45 pursuant to the Infrastructure Investment Act, part F of chapter 60 of
46 the laws of 2015, as amended by part DD of chapter 58 the laws of 2020
47 shall not be applicable to any project undertaken by the authority on
48 behalf of any county, city, town, and village pursuant to this section
49 and that nothing in this section shall result in the: (1) displacement
50 of any currently employed worker or loss of position (including partial
51 displacement such as a reduction in the hours of non-overtime work,
52 wages or employment benefits), or result in the impairment of existing
53 collective bargaining agreements; and (2) transfer of existing duties
54 and functions currently performed by existing public employees for a

1 public employer that becomes eligible to utilize the dormitory authority
2 pursuant to this section.

3 § 3. Subdivision 26 of section 1678 of the public authorities law, as
4 added by section 1 of part BB of chapter 58 of the laws of 2012, is
5 amended to read as follows:

6 26. To enter into a design and construction management agreement or
7 other agreements with the department of environmental conservation,
8 pursuant to which one or more grants may be administered or pursuant to
9 which one or more facilities are to be designed, constructed, recon-
10 structed, rehabilitated, improved, furnished or equipped for such
11 department. Any such design and construction management agreement or
12 other agreements entered into pursuant to this subdivision shall provide
13 for the following: the scope of design and construction management
14 services or other services to be provided by the authority, the manner
15 in which those services will be provided, the fees to be charged by the
16 authority and the sources of funds for the projects. No design-build
17 contract as defined in chapter fifty-six of the laws of two thousand
18 eleven shall be awarded pursuant to this subdivision.

19 § 4. This act shall take effect immediately; provided, however, that
20 the amendments to subdivision 26 of section 1678 of the public authori-
21 ties law made by section three of this act shall not affect the expira-
22 tion and repeal of such section and shall be deemed repealed therewith.

23 PART KK

24 Section 1. The opening paragraph of subdivision (h) of section 121 of
25 chapter 261 of the laws of 1988, amending the state finance law and
26 other laws relating to the New York state infrastructure trust fund, as
27 amended by section 1 of part Y of chapter 58 of the laws of 2024, is
28 amended to read as follows:

29 The provisions of sections sixty-two through sixty-six of this act
30 shall expire and be deemed repealed on July first, two thousand [~~twen-~~
31 ~~ty-five~~] twenty-seven, except that:

32 § 2. This act shall take effect immediately.

33 PART LL

34 Section 1. Section 214 of the state finance law, as amended by section
35 1 of part P of chapter 59 of the laws of 2007, is amended to read as
36 follows:

37 § 214. Establishment and purpose; linked deposit program authori-
38 zation. The excelsior linked deposit program is hereby created. The
39 purpose of the program is to encourage and assist eligible businesses
40 within the state to undertake eligible projects that will materially
41 contribute to improving their performance and competitiveness. The comp-
42 troller is hereby authorized to use any moneys of the state the comp-
43 troller is authorized to invest pursuant to section ninety-eight-a of
44 this chapter as linked deposits for the program. Not more than [~~four~~
45 ~~hundred sixty million~~] one billion dollars of such moneys shall be on
46 deposit pursuant to the program at any given time. The commissioner of
47 taxation and finance is hereby authorized to use funds in the linked
48 deposit program fund established pursuant to section ninety-two-v of
49 this chapter as linked deposits for the program. [~~Not more than one~~
50 ~~hundred million dollars from the linked deposit program fund shall be on~~
51 ~~deposit pursuant to the program at any given time.~~]

52 § 2. This act shall take effect immediately.

1

PART MM

2 Section 1. Paragraph (d) of subdivision 6 of section 163 of the state
3 finance law, as amended by chapter 110 of the laws of 2024, is amended
4 to read as follows:

5 (d) state agencies may purchase commodities or services from those
6 certified pursuant to article fifteen-A of the executive law and article
7 three of the veterans' services law in an amount not exceeding [~~seven~~]
8 one million five hundred [~~fifty~~] thousand dollars without a formal
9 competitive process; and

10 § 2. Subparagraph (i) of paragraph (b) of subdivision 3 of section
11 2879 of the public authorities law, as amended by chapter 96 of the laws
12 of 2019, is amended to read as follows:

13 (i) for the selection of such contractors on a competitive basis, and
14 provisions relating to the circumstances under which the board may by
15 resolution waive competition, including, notwithstanding any other
16 provision of law requiring competition, the purchase of goods or
17 services from: (A) small business concerns [~~those certified as minority~~
18 ~~or women-owned business enterprises,~~] or goods or technology that are
19 recycled or remanufactured, in an amount not to exceed five hundred
20 thousand dollars without a formal competitive process, and (B) those
21 certified as minority- or women-owned business enterprises or service-
22 disabled veteran-owned businesses, in an amount not to exceed one
23 million five hundred thousand dollars without a formal competitive proc-
24 ess;

25 § 3. This act shall take effect immediately.

26

PART NN

27 Section 1. Subsections (e) and (g) of section 7002 of the insurance
28 law, as amended by chapter 193 of the laws of 2022, are amended to read
29 as follows:

30 (e) "Industrial insured" means an insured:

31 (1) whose net worth exceeds one hundred million dollars;

32 (2) who is a member of a holding company system whose net worth
33 exceeds one hundred million dollars;

34 (3) who is the metropolitan transportation authority and its statutory
35 subsidiaries. When filing an application to form a pure captive insur-
36 ance company the metropolitan transportation authority shall submit
37 written notice of such filing to the governor, the temporary president
38 of the senate and the speaker of the assembly;

39 (4) who is the power authority of the state of New York and any statu-
40 tory subsidiary thereof. When filing an application to form a pure
41 captive insurance company the power authority shall submit written
42 notice of such filing to the governor, the temporary president of the
43 senate and the speaker of the assembly; [~~or~~]

44 (5) who is a state or local authority identified in section twenty-
45 eight hundred fifty-nine of the public authorities law and established
46 in statute, or any statutory subsidiary thereof, and is authorized by
47 statute to form a pure or group captive insurance company. When filing
48 an application to form either a pure or group captive insurance company,
49 the state or local authority or authorities shall submit written notice
50 of such filing to the governor, the temporary president of the senate
51 and the speaker of the assembly; or

52 (6) who is a city with a population of one million or more. When
53 filing an application to form a pure captive insurance company, a city

1 with a population of one million or more shall submit written notice of
2 such filing to the governor, the temporary president of the senate and
3 the speaker of the assembly.

4 (g) "Industrial insured group" means any group of unaffiliated indus-
5 trial insureds that are engaged in similar or related businesses or
6 activities or that are state or local authorities identified in section
7 twenty-eight hundred fifty-nine of the public authorities law and estab-
8 lished in statute, or any subsidiary of the authority, provided, howev-
9 er, the metropolitan transportation authority, the power authority of
10 the state of New York and any statutory subsidiary thereof and cities
11 with a population of one million or more shall not be a member of an
12 industrial insured group, and that collectively:

13 (1) own, control or hold with power to vote all of the outstanding
14 voting shares of stock of a group captive insurance company incorporated
15 as a stock insurer; or

16 (2) represent one hundred percent of the voting members of a group
17 captive insurance company organized as a mutual insurer.

18 § 2. Subsection (b) of section 7005 of the insurance law, as added by
19 section 146 of part A of chapter 389 of the laws of 1997, is amended to
20 read as follows:

21 (b) A group captive insurance company may be incorporated:

22 (1) as a stock insurer with its capital divided into shares and held
23 by the stockholders~~[, or];~~;

24 (2) as a mutual insurer without capital stock, the governing body of
25 which is elected by the member organizations of the industrial insured
26 group; or

27 (3) in the case of a public benefit corporation, public authority, or
28 other public entity, as the applicable state law may require.

29 § 3. The public authorities law is amended by adding a new section
30 2859 to read as follows:

31 § 2859. Captive insurance company. 1. Formation of a captive insurance
32 company. The Battery Park city authority, New York convention center
33 operating corporation, New York state energy research and development
34 authority, New York state Olympic region development authority, and
35 Roosevelt Island operating corporation, individually or in some combina-
36 tion with each other, may establish either a pure or group captive
37 insurance company as provided in section seven thousand two of the
38 insurance law.

39 2. Pure captive. Each authority under this section may establish its
40 own subsidiary corporation for the purpose of forming a pure captive
41 insurance company.

42 3. Group captive. For the purposes of forming a group captive insur-
43 ance company: (a) any authority under this section may establish a
44 subsidiary corporation containing no fewer than three board members; (b)
45 each group captive participating authority being an equal part share-
46 holder in the subsidiary with board of directors representation; (c) the
47 shareholders shall agree among themselves the total number of board
48 members, the allocation of those seats among the shareholders, and such
49 other governance steps to ensure the efficient operation of the subsid-
50 iary; (d) each shareholder shall select their board representative to
51 fill their designated seats in their discretion, except that such member
52 must be an employee or board member of the shareholder; and (e) any
53 action taken by the directors of such subsidiary shall be taken by a
54 majority vote of such directors then in office.

1 4. Employees. The employees of any such pure or group captive insur-
2 ance company, except those who are also employees of the member authori-
3 ties, shall not be deemed employees of the member authorities.

4 § 4. Subdivision (a) of section 1500 of the tax law, as amended by
5 chapter 193 of the laws of 2022, is amended to read as follows:

6 (a) The term "insurance corporation" includes a corporation, associ-
7 ation, joint stock company or association, person, society, aggregation
8 or partnership, by whatever name known, doing an insurance business,
9 and, notwithstanding the provisions of section fifteen hundred twelve of
10 this article, shall include (1) a risk retention group as defined in
11 subsection (n) of section five thousand nine hundred two of the insur-
12 ance law, (2) the state insurance fund and (3) a corporation, associ-
13 ation, joint stock company or association, person, society, aggregation
14 or partnership doing an insurance business as a member of the New York
15 insurance exchange described in section six thousand two hundred one of
16 the insurance law. The definition of the "state insurance fund"
17 contained in this subdivision shall be limited in its effect to the
18 provisions of this article and the related provisions of this chapter
19 and shall have no force and effect other than with respect to such
20 provisions. The term "insurance corporation" shall also include a
21 captive insurance company doing a captive insurance business, as defined
22 in subsections (c) and (b), respectively, of section seven thousand two
23 of the insurance law; provided, however, "insurance corporation" shall
24 not include the metropolitan transportation authority, the power author-
25 ity of New York or any statutory subsidiary thereof, the public authori-
26 ties identified in section twenty-eight hundred fifty-nine of the public
27 authorities law or any statutory subsidiary thereof, or a public benefit
28 corporation or not-for-profit corporation formed by a city with a popu-
29 lation of one million or more pursuant to subsection (a) of section
30 seven thousand five of the insurance law, each of which is expressly
31 exempt from the payment of fees, taxes or assessments, whether state or
32 local; and provided further "insurance corporation" does not include any
33 combinable captive insurance company. The term "insurance corporation"
34 shall also include an unauthorized insurer operating from an office
35 within the state, pursuant to paragraph five of subsection (b) of
36 section one thousand one hundred one and subsection (i) of section two
37 thousand one hundred seventeen of the insurance law. The term "insurance
38 corporation" also includes a health maintenance organization required to
39 obtain a certificate of authority under article forty-four of the public
40 health law.

41 § 5. Subdivision (a) of section 1502-b of the tax law, as amended by
42 chapter 193 of the laws of 2022, is amended to read as follows:

43 (a) In lieu of the taxes and tax surcharge imposed by sections fifteen
44 hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen
45 hundred ten of this article, every captive insurance company licensed by
46 the superintendent of financial services pursuant to the provisions of
47 article seventy of the insurance law, other than the metropolitan trans-
48 portation authority, the power authority of New York or any statutory
49 subsidiary thereof, the public authorities identified in section twen-
50 ty-eight hundred fifty-nine of the public authorities law or any statu-
51 tory subsidiary thereof, and a public benefit corporation or not-for-
52 profit corporation formed by a city with a population of one million or
53 more pursuant to subsection (a) of section seven thousand five of the
54 insurance law, each of which is expressly exempt from the payment of
55 fees, taxes or assessments whether state or local, and other than
56 combinable captive insurance company, shall, for the privilege of exer-

cising its corporate franchise, pay a tax on (1) all gross direct premiums, less return premiums thereon, written on risks located or resident in this state and (2) all assumed reinsurance premiums, less return premiums thereon, written on risks located or resident in this state. The rate of the tax imposed on gross direct premiums shall be four-tenths of one percent on all or any part of the first twenty million dollars of premiums, three-tenths of one percent on all or any part of the second twenty million dollars of premiums, two-tenths of one percent on all or any part of the third twenty million dollars of premiums, and seventy-five thousandths of one percent on each dollar of premiums thereafter. The rate of the tax on assumed reinsurance premiums shall be two hundred twenty-five thousandths of one percent on all or any part of the first twenty million dollars of premiums, one hundred and fifty thousandths of one percent on all or any part of the second twenty million dollars of premiums, fifty thousandths of one percent on all or any part of the third twenty million dollars of premiums and twenty-five thousandths of one percent on each dollar of premiums thereafter. The tax imposed by this section shall be equal to the greater of (i) the sum of the tax imposed on gross direct premiums and the tax imposed on assumed reinsurance premiums or (ii) five thousand dollars.

§ 6. This act shall take effect immediately.

PART 00

Section 1. Section 321 of the agriculture and markets law, as amended by chapter 158 of the laws of 2018, is amended to read as follows:

§ 321. Statement of legislative findings and intent. It is hereby found and declared that agricultural lands are irreplaceable state assets. In an effort to maintain the economic viability, and environmental and landscape preservation values associated with agriculture, the state must explore ways to sustain the state's valuable farm economy ~~[and to protect]~~ by protecting farm operations and the associated land base ~~[associated with it]~~ and supporting local and regional food systems. External pressures on farm stability such as population growth ~~[in non-metropolitan areas]~~, climate change, lack of access to affordable farmland, and public infrastructure development pose a significant threat to farm operations, yet are the pressures over which farmers have the least control. Local initiatives in agricultural protection policy, facilitated by the agricultural districts program established in article twenty-five-AA of this chapter, have proved effective as a basic step in addressing these pressures. In an effort to encourage further development of agricultural and farmland protection programs, and to recognize both the crucial role that local government plays in developing these strategies, plus the state constitutional directive to the legislature to provide for the protection of agricultural lands, it is therefore declared the policy of the state to promote local initiatives for agricultural and farmland protection.

§ 2. Subdivision 1 of section 322 of the agriculture and markets law, as amended by chapter 158 of the laws of 2018, is amended to read as follows:

1. "Agricultural and farmland protection" means ~~[the preservation]~~ local government initiatives to: preserve, ~~[conservation]~~ conserve, ~~[management]~~ manage or ~~[improvement of]~~ improve lands which are part of viable farming operations, for the purpose of encouraging such lands to remain in agricultural production~~[. Such preservation efforts include]~~ including the use of farmland protection conservation easements ~~[and~~

~~purchase of development rights.~~; and activities which support local and regional food systems.

§ 3. Subdivisions 6 and 7 of section 322 of the agriculture and markets law, as added by chapter 158 of the laws of 2018, are amended to read as follows:

6. "Farmer-purchaser farmland protection agreement" means preemptive purchase rights or other provisions that are part of or linked to a farmland protection conservation easement providing the easement holder the preferential right to purchase protected farmland at its agricultural use value in the event the landowner intends to sell such farmland to a purchaser who does not intend to maintain the land in ~~[commercial]~~ agricultural production and who does not have the requisite farming experience and farming income to demonstrate, in a manner acceptable to the department, a good faith plan to maintain the land in ~~[commercial]~~ agricultural production. The purpose of such provisions is to ensure that farmer-purchasers who would maintain protected farmland in ~~[commercial]~~ agricultural production can afford such farmland that might otherwise be sold at a higher price to other purchasers.

7. "Agricultural use value" means the fair market value of a property that is restricted by an easement to its productive ~~[commercial]~~ agricultural use value rather than the highest and/or best potential use value for residential or other non-agricultural purposes.

§ 4. Section 322 of the agriculture and markets law is amended by adding three new subdivisions 8, 9 and 10 to read as follows:

8. "Local and regional food systems" means a collaborative network that integrates sustainable production, processing, distribution, and consumption of human food, and the associated management of wastes originating from within this network, in order to enhance the environmental, economic, and social health of a particular area.

9. "Local food supply chain" means all processes involved in the local movement of human foods from the farm to the consumer, including marketing, markets, distribution, aggregation, processing, packaging, purchasing, preparation, resource recovery, and waste disposal.

10. "Urban agriculture" means the production, processing, distribution, and marketing of food within urban, suburban, and peri-urban (i.e., on the perimeter of urban areas) areas for commercial, non-commercial, educational, or not-for-profit purposes.

§ 5. Section 324 of the agriculture and markets law, as added by chapter 797 of the laws of 1992 and paragraph (c) of subdivision 1 as amended by chapter 248 of the laws of 2015, is amended to read as follows:

§ 324. County agricultural and farmland protection plans. 1. County agricultural and farmland protection boards may develop plans, in cooperation with the local soil and water conservation district and soil conservation service, which shall include, but not be limited to:

(a) the location of any land or areas proposed to be protected;
(b) an analysis of the following factors concerning any areas and lands proposed to be protected:

(i) value to the agricultural economy of the county;
(ii) open space value;
(iii) consequences of possible conversion; ~~and~~
(iv) level of conversion pressure on the lands or areas proposed to be protected; and

(v) the degree to which the lands or areas proposed to be protected serve as a buffer for a significant public resource; and

(c) a description of the activities, programs and strategies, including efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and beginning farmers, intended to be used by the county to promote continued agricultural use, and to sustain a resilient local food supply chain within local and regional food systems, which may include but not be limited to revisions to the county's comprehensive plan pursuant to section two hundred thirty-nine-d or two hundred thirty-nine-i of the general municipal law[-]; and

(d) identification of potential funding sources for each of the activities, programs and strategies identified in the plan, which shall include public and private sources.

2. The county agricultural and farmland protection board shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the county legislative body for its approval.

3. The county agricultural protection plan must be submitted by the county to the commissioner for approval.

4. (a) Subject to the availability of funds, state assistance payments shall be made available for counties to conduct agricultural and farmland protection planning activities. State assistance payments for planning shall not exceed fifty thousand dollars to each county or one hundred thousand dollars to two such counties applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan.

(b) A county which has an approved agricultural and farmland protection plan may after sixty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new agricultural and farmland protection plan. Such additional state assistance payments shall not exceed fifty thousand dollars to each county whether applying individually or if two or more counties are applying jointly, and shall not exceed fifty percent of the cost of preparing an agricultural and farmland protection plan.

(c) A county or two or more counties acting jointly shall apply for state assistance payments for agricultural and farmland protection planning activities in such manner as the commissioner may prescribe.

§ 6. Section 324-a of the agriculture and markets law, as added by chapter 527 of the laws of 2005 and paragraph (c) of subdivision 1 as amended by chapter 248 of the laws of 2015, is amended to read as follows:

§ 324-a. Municipal agricultural and farmland protection plans. 1. Municipalities may develop agricultural and farmland protection plans, in cooperation with cooperative extension and other organizations, including local farmers. These plans shall include, but not be limited to:

- (a) the location of any land or areas proposed to be protected;
- (b) an analysis of the following factors concerning any areas and lands proposed to be protected:
 - (i) value to the agricultural economy of the municipality;
 - (ii) open space value;
 - (iii) consequences of possible conversion; ~~and~~
 - (iv) level of conversion pressure on the lands or areas proposed to be protected; and

(v) the degree to which the lands or areas proposed to be protected serve as a buffer for a significant public resource; and

(c) a description of activities, programs and strategies, including efforts to support the successful transfer of agricultural land from existing owners to new owners and operators, especially new and beginning farmers, intended to be used by the municipality to promote continued agricultural use, and to sustain a resilient local food supply chain within local and regional food systems, which may include but not be limited to revisions to the municipality's comprehensive plan pursuant to section two hundred seventy-two-a of the town law, section twenty-eight-a of the general city law, or section 7-722 of the village law as appropriate[-]; and

(d) identification of potential funding sources for each of the activities, programs and strategies identified in the plan, which shall include public and private sources.

2. The municipality shall conduct at least one public hearing for public input regarding such agricultural and farmland protection plan, and shall thereafter submit such plan to the municipal legislative body and the county agricultural farmland protection board for approval if such board exists in the county where the municipality is located.

3. The municipal agricultural and farmland protection plan must be submitted by the municipality to the commissioner for approval.

4. (a) Subject to the availability of funds, state assistance payments shall be made available for municipalities to conduct agricultural and farmland protection planning activities. State assistance payments for planning activities shall not exceed forty thousand dollars to each municipality other than a county whether applying individually or if two or more municipalities are applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments for planning activities conducted by the city of New York shall not exceed two hundred thousand dollars, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan.

(b) A municipality which has an approved agricultural and farmland protection plan may after sixty months from the date of such approval by the commissioner apply for additional state assistance payments for planning activities related to the updating of their current plan or development of a new agricultural and farmland protection plan. Such additional state assistance payments shall not exceed forty thousand dollars to each municipality other than a county whether applying individually or if two or more municipalities are applying jointly, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan. State assistance payments to the city of New York for planning activities to update an agricultural and farmland protection plan shall not exceed two hundred thousand dollars, and shall not exceed seventy-five percent of the cost of preparing an agricultural and farmland protection plan.

(c) A municipality or two or more municipalities acting jointly shall apply for state assistance payments for agricultural and farmland protection planning activities in such manner as the commissioner may prescribe.

§ 7. Section 325 of the agriculture and markets law, as amended by chapter 413 of the laws of 1996, subdivision 1 as amended, paragraph (c) of subdivision 2 as added, and paragraphs (d) and (e) of subdivision 2 as relettered by chapter 150 of the laws of 2013, subdivision 2 as amended by chapter 93 of the laws of 2010, paragraphs (b) and (d) of subdivision 2 as amended by chapter 234 of the laws of 2010, paragraph (f) of subdivision 2 as added by chapter 355 of the laws of 2014, and

1 paragraph (g) of subdivision 2 as added by chapter 158 of the laws of
2 2018, is amended to read as follows:

3 § 325. [Agricultural] State assistance payments for agricultural and
4 farmland protection projects. 1. Subject to the availability of funds,
5 a program is hereby established to finance through state assistance
6 payments the state share of the costs of locally-led agricultural and
7 farmland protection [activities] projects. ~~[State assistance payments~~
8 ~~for planning activities shall not exceed fifty thousand dollars to each~~
9 ~~county agricultural and farmland protection board or one hundred thou-~~
10 ~~sand dollars to two such boards applying jointly, and shall not exceed~~
11 ~~fifty percent of the cost of preparing an agricultural and farmland~~
12 ~~protection plan. State assistance payments for planning activities shall~~
13 ~~not exceed twenty five thousand dollars to each municipality other than~~
14 ~~a county or fifty thousand dollars to two such municipalities applying~~
15 ~~jointly, and shall not exceed seventy five percent of the cost of~~
16 ~~preparing an agricultural and farmland protection plan. A county which~~
17 ~~has an approved farmland protection plan may after one hundred twenty~~
18 ~~months from the date of such approval by the commissioner apply for~~
19 ~~additional state assistance payments for planning activities related to~~
20 ~~the updating of their current plan or development of a new farmland~~
21 ~~protection plan. Such additional state assistance payments shall not~~
22 ~~exceed fifty thousand dollars to each county agricultural and farmland~~
23 ~~protection board or one hundred thousand dollars to two such boards~~
24 ~~applying jointly, and shall not exceed fifty percent of the cost of~~
25 ~~preparing an agricultural and farmland protection plan. State assistance~~
26 ~~payments for implementation of approved agricultural and farmland~~
27 ~~protection plans may fund up to seventy five percent of the cost of~~
28 ~~implementing the county plan or portion of the plan for which state~~
29 ~~assistance payments are requested. State assistance payments to such~~
30 ~~counties shall not exceed seventy five percent of the cost of implement-~~
31 ~~ing the local plan or portion of the plan for which state assistance has~~
32 ~~been requested. Such maximum shall be increased by a percentage equal to~~
33 ~~the percentage of the total eligible costs for such specified projects~~
34 ~~that are contributed by the owner of the agricultural land for which the~~
35 ~~project is being funded, provided, however, that in no event shall the~~
36 ~~total of such state assistance payments exceed eighty seven and one half~~
37 ~~percent of such eligible costs for any specified project.]~~

38 2. (a) ~~[A county agricultural and farmland protection board, two such~~
39 ~~boards acting jointly, a municipality or two such municipalities acting~~
40 ~~jointly shall make application to the commissioner in such manner as the~~
41 ~~commissioner may prescribe. Application for state assistance payments~~
42 ~~for planning activities may be made at any time after the county agri-~~
43 ~~cultural and farmland protection board has formed and has elected a~~
44 ~~chairperson.]~~ A county ~~[agricultural and farmland protection board]~~ may
45 make application for state assistance payments for plan implementation
46 at any time after the commissioner has approved a county agricultural
47 and farmland protection plan pursuant to section three hundred twenty-
48 four of this article. Application made jointly by two ~~[county agricul-~~
49 ~~tural and farmland protection boards]~~ or more counties may be made after
50 such agricultural and farmland protection plan is approved by each coun-
51 ty pursuant to the provisions of section three hundred twenty-four of
52 this article. State assistance payments to such counties shall not
53 exceed seventy-five percent of the cost of implementing the county agri-
54 cultural and farmland protection plan or portion of the plan for which
55 state assistance has been requested. Such maximum shall be increased by
56 a percentage equal to the percentage of the total eligible costs for

1 agricultural and farmland protection projects that are contributed by
2 the owner of the agricultural land for which the project is being fund-
3 ed; provided, however, that in no event shall the total of such state
4 assistance payments exceed eighty-seven and one-half percent of such
5 eligible costs for any agricultural and farmland protection project. The
6 commissioner may require such information or additional planning as [~~he~~
7 ~~or she deems~~] they deem necessary to evaluate such a request for state
8 assistance.

9 (b) Within a county, a municipality which has in place a local agri-
10 cultural and farmland protection plan may apply and shall be eligible
11 for [~~agricultural protection~~] state assistance payments to implement its
12 plan, or a portion of its plan, provided the proposed project is
13 endorsed for funding by the agricultural and farmland protection board
14 for the county in which the municipality is located [~~and that any~~]. Any
15 plan developed on or after January first, two thousand six [~~complies~~]
16 must comply with section three hundred twenty-four-a of this article.
17 State assistance payments to such municipalities shall not exceed seven-
18 ty-five percent of the cost of implementing the local plan or portion of
19 the plan for which state assistance has been requested. Such maximum
20 shall be increased by a percentage equal to the percentage of the total
21 eligible costs for [~~such specified~~] agricultural and farmland protection
22 projects that are contributed by the owner of the agricultural land for
23 which the project is being funded; provided, however, that in no event
24 shall the total of such state assistance payments exceed eighty-seven
25 and one-half percent of such eligible costs for any [~~specified~~] agricul-
26 tural and farmland protection project. The commissioner may require such
27 information or additional planning as [~~he or she deems~~] they deem neces-
28 sary to evaluate such a request for state assistance.

29 (c) A soil and water conservation district may apply and shall be
30 eligible for agricultural protection state assistance payments to imple-
31 ment a county or municipal agricultural and farmland protection plan
32 approved by the commissioner provided that the proposed project is
33 endorsed for funding by the county agricultural and farmland protection
34 board for the county in which the proposed project is located. A soil
35 and water conservation district, two such soil and water conservation
36 districts acting jointly, a soil and water conservation district and a
37 municipality acting jointly, or a soil and water conservation district
38 and a not-for-profit conservation organization acting jointly shall make
39 application to the commissioner in such manner as the commissioner may
40 prescribe. The proposed project must also be endorsed for funding by the
41 municipality in which the proposed project is located if the soil and
42 water conservation district is seeking agricultural protection state
43 assistance payments to implement an approved municipal agricultural and
44 farmland protection plan. Any soil and water conservation district
45 proposing a project located within the city of New York must have its
46 project endorsed for funding by the city council or by any board so
47 delegated by its city council. State assistance payments to such soil
48 and water conservation districts shall not exceed seventy-five percent
49 of the cost of implementing the local plan or portion of the plan for
50 which state assistance has been requested. Such maximum shall be
51 increased by a percentage equal to the percentage of the total eligible
52 costs for [~~such specified~~] agricultural and farmland protection projects
53 that are contributed by the owner of the agricultural land for which the
54 project is being funded; provided, however, that in no event shall the
55 total of such state assistance payments exceed eighty-seven and one-half
56 percent of such eligible costs for any [~~specified~~] agricultural and

1 farmland protection project. The commissioner may require such informa-
2 tion or additional planning as [~~he or she deems~~] they deem necessary to
3 evaluate such a request for state assistance.

4 (d) A not-for-profit conservation organization may apply and shall be
5 eligible for agricultural protection state assistance payments to imple-
6 ment a county or municipal agricultural and farmland protection plan
7 approved by the commissioner provided that the proposed project is
8 endorsed for funding by the [~~county agricultural and farmland protection~~
9 ~~board~~] legislative body for the [~~county~~] municipality in which the
10 proposed project is located[~~, The proposed project must also be endorsed~~
11 ~~for funding by the municipality in which the proposed project is~~
12 ~~located~~] if the not-for-profit conservation organization is seeking
13 [~~agricultural protection state assistance payments to implement~~]
14 payments for an agricultural and farmland protection project consistent
15 with an approved municipal agricultural and farmland protection plan.
16 Any not-for-profit conservation organization proposing a project located
17 within the city of New York must have its project endorsed for funding
18 by the city council or by any board so delegated by its city council.
19 State assistance payments to such not-for-profit organizations shall not
20 exceed seventy-five percent of the cost of implementing the [~~local plan~~
21 ~~or portion of the plan~~] agricultural and farmland protection project for
22 which state assistance has been requested. Such maximum shall be
23 increased by a percentage equal to the percentage of the total eligible
24 costs for [~~such specified~~] agricultural and farmland protection projects
25 that are contributed by the owner of the agricultural land for which the
26 project is being funded; provided, however, that in no event shall the
27 total of such state assistance payments exceed eighty-seven and one-half
28 percent of such eligible costs for any [~~specified~~] agricultural and
29 farmland protection project. The commissioner may require such informa-
30 tion or additional planning as [~~he or she deems~~] they deem necessary to
31 evaluate such a request for state assistance.

32 (e) In evaluating applications for funding, the commissioner shall
33 give priority to projects intended to preserve viable agricultural land
34 as defined in section three hundred one of this chapter; that are in
35 areas facing significant development pressure; and that serve as a buff-
36 er for a significant natural public resource containing important
37 ecosystem or habitat characteristics.

38 (f) In evaluating applications for funding, the commissioner shall
39 consider whether future physical climate risk due to sea level rise,
40 and/or storm surges and/or flooding, based on available data predicting
41 the likelihood of future extreme weather events, including hazard risk
42 analysis data if applicable, has been considered.

43 (g) In evaluating applications for funding, projects for protecting
44 agricultural land that include farmer-purchaser farmland protection
45 agreements are eligible for state assistance payments.

46 3. Upon receipt of a request for state assistance, the commissioner
47 shall review the request, consult with the advisory council on agricul-
48 ture and, within ninety days from the receipt of a complete application,
49 shall make a determination as to whether or not such projects shall
50 receive state assistance.

51 § 8. Subdivisions 2 and 6 of section 325-a of the agriculture and
52 markets law, as added by chapter 268 of the laws of 2008, are amended to
53 read as follows:

54 2. Awards of state assistance payments shall be made on a competitive
55 basis through a request for proposal process which shall set forth the
56 standards for the selection process, the required proposal format, the

costs which are eligible for funding, reporting requirements, and such other provisions as the commissioner may deem necessary, proper or desirable to achieve the purposes of this section. Applications for state assistance payments for activities to assist counties and municipalities outside the city of New York must be endorsed by the agricultural and farmland protection board for the county or counties in which the funded activities would be implemented. Any application associated with activities occurring within the city of New York must be endorsed for funding by the city council or by any board so delegated by its city council.

6. State assistance payments awarded pursuant to this section shall not exceed [~~fifty~~] seventy-five thousand dollars to any applicant in any fiscal year[, ~~and shall not exceed five hundred thousand dollars to all applicants in any fiscal year~~].

§ 9. The agriculture and markets law is amended by adding two new sections 325-b and 325-c to read as follows:

§ 325-b. State assistance payments to counties. 1. Subject to the availability of funds, a program is hereby established for the purpose of awarding state assistance payments to counties to implement activities of their approved agricultural and farmland protection plans other than agricultural and farmland protection projects funded pursuant to section three hundred twenty-five of this article. State assistance payments to such counties shall not exceed seventy-five percent of the cost of implementing the activities for which state assistance has been requested. The commissioner may require such information deemed necessary to evaluate such a request for state assistance. Eligible activities shall include, but not be limited to:

(a) audit a municipality's land use and subdivision regulations, zoning, or site plan requirements to assess potential hardship or unreasonable restrictions to agricultural land and farm operations;

(b) audit a municipality's zoning to assess opportunities and challenges to recruiting and retaining agriculture support service providers;

(c) incorporate local and regional food system planning into existing emergency management and disaster plans of county and municipal governments;

(d) compile and disseminate planning guide or guides that help identify existing and emerging constraints for urban agriculture and suggested strategies for municipalities to encourage and sustain urban agriculture;

(e) compile and disseminate planning guide or guides in support of agricultural economic development, such as opportunities to incorporate agricultural tourism or other value-added enterprises to farm operations in a manner compatible with agricultural land use; and

(f) compile and disseminate planning guide(s) that help identify emerging land use conflicts with agriculture and suggested strategies for municipalities to avoid or mitigate potential harm to local farm operations.

§ 325-c. State assistance payments for agricultural and farmland protection capacity building initiatives. 1. Subject to the availability of funds, state assistance payments may be awarded to counties, municipalities, soil and water conservation districts, and not-for-profit conservation organizations to increase staff capacity to accelerate locally-led agricultural and farmland protection projects. State assistance payments may provide up to one hundred percent of the cost of each awarded staff capacity initiative. The commissioner may require

1 such information as such commissioner deems necessary to evaluate such a
2 request for state assistance. Any county, municipality, soil and water
3 conservation district, or not-for-profit conservation organization which
4 has previously received state assistance from an award from this program
5 may, after one hundred twenty months from the date of the final payment
6 associated with such prior award, apply for additional state assistance
7 payments for agricultural and farmland protection capacity building.

8 2. Subject to the availability of funds, state assistance payments may
9 be awarded to recently established not-for-profit conservation organiza-
10 tions to specifically carry out locally led agricultural and farmland
11 protection projects. State assistance payments may provide up to one
12 hundred percent of qualified five-year start-up costs for such not-for-
13 profit conservation organizations. The commissioner may require such
14 information as they deem necessary to evaluate such a request for state
15 assistance.

16 § 10. This act shall take effect immediately.

17 PART PP

18 Section 1. Subdivision 11 of section 27-1901 of the environmental
19 conservation law, as added by section 3 of part V1 of chapter 62 of the
20 laws of 2003, is amended to read as follows:

21 11. "Tire service" means any person or business ~~[in New York state]~~
22 who sells or installs new tires for use on any vehicle and any person or
23 business who engages in the retail sale of new motor vehicles. ~~[A person~~
24 ~~who is not the end point of sale and any governmental agency or poli-~~
25 ~~tical subdivision are excluded from this term]~~ The United States of
26 America and any of its agencies and instrumentalities, and New York
27 state and any of its agencies, instrumentalities, public corporations,
28 or political subdivisions are excluded from this term.

29 § 2. Subdivision 1 and the opening paragraph of subdivision 2 of
30 section 27-1905 of the environmental conservation law, as amended by
31 section 1 of part MM of chapter 58 of the laws of 2022, are amended to
32 read as follows:

33 1. Until December thirty-first, two thousand ~~[twenty-five]~~ thirty,
34 accept from a customer, waste tires of approximately the same size and
35 in a quantity equal to the number of new tires purchased or installed by
36 the customer; and

37 Until December thirty-first, two thousand ~~[twenty-five]~~ thirty, post
38 written notice in a prominent location, which must be at least eight and
39 one-half inches by fourteen inches in size and contain the following
40 language:

41 § 3. Subdivisions 1, 2 and 3 of section 27-1913 of the environmental
42 conservation law, subdivisions 1 and 2 as amended by section 2 and
43 subdivision 3 as amended by section 3 of part MM of chapter 58 of the
44 laws of 2022, are amended to read as follows:

45 1. Until December thirty-first, two thousand ~~[twenty-five]~~ thirty, a
46 waste tire management and recycling fee of two dollars and fifty cents
47 shall be charged on each new tire sold. The fee shall be paid by the
48 purchaser to the tire service at the time the new tire or new motor
49 vehicle is purchased; provided, however, that the fee shall be paid by a
50 purchaser to a tire service upon installation of new tires unless the
51 purchaser can demonstrate that the fee was previously paid to the
52 seller.

53 The waste tire management and recycling fee does not apply to[÷

54 ~~(a)]~~ recapped ~~[or resold]~~ tires[÷

~~(b) mail order sales; or~~
~~(c) the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to such fee].~~

2. Until December thirty-first, two thousand ~~[twenty-five]~~ thirty, the tire service shall collect the waste tire management and recycling fee from the purchaser at the time of the sale and shall remit such fee to the department of taxation and finance with the quarterly report filed pursuant to subdivision three of this section.

(a) The fee imposed shall be stated as an invoice item separate and distinct from the selling price of the tire.

(b) The tire service shall be entitled to retain an allowance of twenty-five cents per tire from fees collected.

3. Each tire service ~~[maintaining a place of business in this state]~~ that is a "person required to collect tax" as defined in section eleven hundred thirty-one of the tax law shall make a return to the department of taxation and finance on such form and including such information as the commissioner of taxation and finance may require. Such returns shall be due at the same time and for the same periods as the sales tax return of such tire service, in accordance with section eleven hundred thirty-six of the tax law, and payment of all fees due for such periods shall be remitted with such returns.

§ 4. Paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, as amended by section 2 of part MM of chapter 58 of the laws of 2022, is amended to read as follows:

(a) Until December thirty-first, two thousand ~~[twenty-five]~~ thirty, any additional waste tire management and recycling costs of the tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

§ 5. This act shall take effect September 1, 2025.

PART QQ

Section 1. Section 2 of part ZZ of chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, as amended by section 2 of part RR of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect June 1, 2021 and shall expire and be deemed repealed December 31, ~~[2025]~~ 2030.

§ 2. This act shall take effect immediately.

PART RR

Section 1. Section 27-1301 of the environmental conservation law is amended by adding four new subdivisions 8, 9, 10 and 11 to read as follows:

1 8. "Natural resource damages" means the amount of money sought as
2 compensation for injury to, destruction of, or loss of natural
3 resources, including the reasonable costs of assessing such injury,
4 destruction, or loss resulting from the disposal of hazardous waste at
5 an inactive hazardous waste disposal site, and including administrative
6 and legal costs. Damages may also include the value of the natural
7 resource services lost for the time period from the disposal until the
8 attainment of such restoration, rehabilitation, replacement, and/or
9 acquisition of equivalent natural resources.

10 9. "Natural resources" means land, fish, wildlife, biota, air, water,
11 and other such resources belonging to, managed by, held in trust by,
12 appertaining to, or otherwise controlled by the state or a municipality.

13 10. "Response costs" means the state's costs of developing, implement-
14 ing, and/or overseeing an inactive hazardous waste disposal site remedi-
15 al program.

16 11. "Responsible person" or "person responsible" for the disposal of
17 hazardous waste at a site means:

18 (a) any person who currently owns or operates a site or any portion
19 thereof;

20 (b) any person who owned or operated a site or any portion thereof at
21 the time of disposal of the hazardous waste;

22 (c) any person who generated any hazardous waste disposed at a site;

23 (d) any person who transported any hazardous waste to a site selected
24 by such person;

25 (e) any person who disposed of any hazardous waste at a site;

26 (f) any person who arranged for:

27 (i) the transportation of any hazardous waste to a site; or

28 (ii) the disposal of any hazardous waste at a site; and

29 (g) any other person who is responsible according to the applicable
30 principles of statutory or common law liability pursuant to subdivision
31 four of section 27-1313 of this title and/or the Comprehensive Environ-
32 mental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §
33 9601 et seq.

34 § 2. Paragraph b of subdivision 2 of section 27-1305 of the environ-
35 mental conservation law, as amended by section 3 of part E of chapter 1
36 of the laws of 2003, is amended to read as follows:

37 b. The department shall, as part of the registry, assess and, based
38 upon new information received, reassess by March thirty-first of each
39 year, in cooperation with the department of health, the relative need
40 for action at each site to remedy environmental and health problems
41 resulting from the presence of hazardous wastes at such sites including
42 in such assessment whether sites shall be prioritized under paragraph b
43 of subdivision five of section 27-1313 of this title due to site
44 location in areas identified as a disadvantaged community pursuant to
45 subdivision five of section 75-0101 of this chapter; provided, however,
46 that if at the time of such assessment or reassessment, the department
47 has not placed a site in classification 1 or 2, as described in subpara-
48 graphs one and two of this paragraph, and such site is the subject of
49 negotiations for, or implementation of, a brownfield site cleanup agree-
50 ment pursuant to title fourteen of this article, obligating the person
51 subject to such agreement to, at a minimum, eliminate or mitigate all
52 significant threats to the public health and environment posed by the
53 hazardous waste pursuant to such agreement, the department shall defer
54 its assessment or reassessment during the period such person is engaged
55 in good faith negotiations to enter into such an agreement and, follow-
56 ing its execution, is in compliance with the terms of such agreement,

1 and shall assess or reassess such site upon completion of remediation to
2 the department's satisfaction. In making its assessments, the department
3 shall place every site in one of the following classifications:

4 (1) Causing or presenting an imminent danger of causing irreversible
5 or irreparable damage to the public health or environment--immediate
6 action required;

7 (2) Significant threat to the public health or environment--action
8 required;

9 (3) Does not present a significant threat to the public health or
10 environment--action may be deferred;

11 (4) Site properly closed--requires continued management;

12 (5) Site properly closed, no evidence of present or potential adverse
13 impact--no further action required. The department shall prioritize
14 remedial programs at sites placed in classification 1 or 2, as described
15 in subparagraphs one and two of this paragraph, that are located in
16 disadvantaged communities as identified pursuant to subdivision five of
17 section 75-0101 of this chapter, consistent with the protection of
18 public health and the environment.

19 § 3. Paragraph b of subdivision 5 of section 27-1313 of the environ-
20 mental conservation law, as amended by chapter 857 of the laws of 1982,
21 is amended to read as follows:

22 b. In the event that the commissioner has found that hazardous wastes
23 at a site constitute a significant threat to the environment, but after
24 a reasonable attempt to determine who may be responsible is either
25 unable to determine who may be responsible, or is unable to locate a
26 person who may be responsible, the department may develop and implement
27 an inactive hazardous waste disposal site remedial program for such
28 site. The department shall prioritize implementation of remedial
29 programs at sites located in disadvantaged communities as identified
30 pursuant to subdivision five of section 75-0101 of this chapter. The
31 commissioner shall make every effort, in accordance with the require-
32 ments for notice, hearing and review provided for in this title, to
33 secure appropriate relief from any person subsequently identified or
34 located who is responsible for the disposal of hazardous waste at such
35 site, including, but not limited to, development and implementation of
36 an inactive hazardous waste disposal site remedial program, payment of
37 the cost of such a program, recovery of any reasonable expenses incurred
38 by the state, money damages and penalties.

39 § 4. Section 27-1315 of the environmental conservation law, as amended
40 by section 7 of part E of chapter 1 of the laws of 2003 and subdivision
41 1 as amended by section 50 of part D of chapter 60 of the laws of 2012,
42 is amended to read as follows:

43 § 27-1315. Rules and regulations.

44 1. The commissioner shall have the power to promulgate rules and regu-
45 lations necessary and appropriate to carry out the purposes of this
46 title. ~~[Any regulations shall include provisions which establish the~~
47 ~~procedures for a hearing pursuant to subdivision four of section 27-1313~~
48 ~~of this title and shall ensure a division of functions between the~~
49 ~~commissioner, the staff who present the case, and any hearing officers~~
50 ~~appointed. In addition, any regulations shall set forth findings to be~~
51 ~~based on a factual record, which must be made before the commissioner~~
52 ~~determines that a significant threat to the environment exists.]~~

53 2. Any regulations concerning a hearing pursuant to subdivision four
54 of section 27-1313 of this title shall include provisions which estab-
55 lish the procedures for such hearing and shall ensure a division of
56 functions between the commissioner, the staff who present the case, and

any hearing officers appointed. In addition, any regulations shall set forth findings to be based on a factual record, which shall be made before the commissioner determines that a significant threat to the environment exists.

3. Such rules and regulations of the department as shall be in effect on the effective date of this subdivision that shall have been promulgated to carry out the purposes of this title shall be deemed to be revised, as of the effective date of this subdivision, to include the definition of "hazardous waste" as it appears in section 27-1301 of this title.

§ 5. Subdivision 2 of section 27-1323 of the environmental conservation law, as added by section 9 of part E of chapter 1 of the laws of 2003, is amended to read as follows:

2. Municipal exemption. (a) For the purposes of this title no municipality or public corporation shall incur any liability ~~[from any statutory claims of the state as an owner or operator of a site, or a person responsible for the disposal of a hazardous waste at such site, if such public corporation acquired such site involuntarily, and such public corporation retained such site without participating in the development of such site]~~ as a responsible person.

(b) This exemption shall not apply to any municipality or public corporation that ~~[has caused or contributed to the release or threatened release of a hazardous waste from or onto the site, or to any public corporation that generated, transported, or disposed of, arranged for, or that caused the generation, transportation, or disposal of hazardous waste, from or onto the site]~~ through action or inaction, intentionally or recklessly caused or contributed to contamination, outside of its performance of governmental functions, which threatens public health or the environment, at real property it owns or operates.

(c) When used in this section:

(1) "Public corporation" means a public corporation as defined in section sixty-five of the general construction law, a local public authority, supervisory district, improvement district within a county, city, town, or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, or any combination thereof.

(2) "Involuntary acquisition of ownership or control" includes but is not limited to the following:

(i) Acquisitions by a public corporation in its sovereign capacity, including but not limited to acquisitions pursuant to abandonment proceedings or bequest;

(ii) Acquisitions by a public corporation, or its agent, acting as a conservator or receiver pursuant to a clear and direct statutory mandate or regulatory authority;

(iii) Acquisitions of assets through foreclosure and its equivalents, or otherwise, by a public corporation in the course of administering a loan, loan guarantee, tax lien, or tax forbearance agreement, or loan insurance program; or

(iv) Acquisitions by a public corporation pursuant to seizure, injunction, condemnation, or forfeiture authority; provided that such ownership or control is not retained primarily for investment purposes.

(d) For the purpose of this section, the terms "foreclosure" and "foreclose" mean, respectively, acquiring or to acquire a brownfield site through:

(1) purchase at sale under a judgment or decree, power of sale, or non-judicial foreclosure sale;

(2) a deed in lieu of foreclosure, or similar conveyance, or abandonment from a person or trustee;

(3) conveyance pursuant to an extension of credit or tax forbearance previously contracted; or

(4) any other formal or informal manner by which a person acquires, for subsequent disposition, title to or possession of a site in order to protect the security interest of the public corporation or lender.

(e) ~~["Participating in development" means the carrying out, or causing or permitting the carrying out, of any above-grade improvements to the site or any other environmental investigation or remediation, except for those improvements which are part of a site remedial program pursuant to this article or in furtherance of site safety, such as fencing or lighting, but does not include licensing, regulatory oversight, or the mere capacity to regulate or influence, or the unexercised right to control the operation of the property. For purposes of this section, participating in development does not include:~~

~~(1) having the capacity to influence management of a site;~~

~~(2) having the unexercised right to control or to regulate the site or operations thereof;~~

~~(3) holding, abandoning, or releasing a security interest or tax lien on such site;~~

~~(4) including a condition relating to environmental compliance in a contract, permit, license, or security agreement;~~

~~(5) monitoring or enforcing the terms and conditions of an agreement or tax forbearance agreement;~~

~~(6) monitoring or undertaking one or more inspections of a site including, but not limited to, boring test wells;~~

~~(7) exercising other remedies available under applicable laws;~~

~~(8) licensing, permitting, or granting permits, certificates of occupancy and variances as allowed by law and/or regulation;~~

~~(9) applying for or participating in federal or state statutory programs or benefits; or~~

~~(10) declining to take any of the actions described in subparagraphs one through nine of this paragraph.~~

(f) Any public corporation that has taken possession of a site shall notify the department of any release of hazardous waste within ten days of obtaining actual knowledge of such release, unless a shorter notice period is required under any other provision of law, in which case the shorter notice period controls. Failure to notify the department within the ten day or shorter notification period shall result in the loss of the exemption set forth in this section.

§ 6. The environmental conservation law is amended by adding a new section 27-1325 to read as follows:

§ 27-1325. Financial responsibility provisions.

1. The department may promulgate regulations regarding financial responsibility for the implementation of an inactive hazardous waste disposal site remedial program.

2. Financial responsibility required by subdivision one of this section may be established in accordance with regulations promulgated by the commissioner by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the commissioner is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this article.

1 3. In any case where the responsible party is in bankruptcy, reorgan-
2 ization, or arrangement pursuant to the Federal Bankruptcy Code or
3 where, with reasonable diligence, jurisdiction in any state or federal
4 court within the state cannot be obtained over a responsible party like-
5 ly to be solvent at the time of judgment, any claim arising from conduct
6 for which evidence of financial responsibility shall be provided under
7 this section may be asserted directly against the guarantor providing
8 such evidence of financial responsibility. In the case of any action
9 pursuant to this subdivision, such guarantor shall be entitled to invoke
10 all rights and defenses which would have been available to the responsi-
11 ble party if any action had been brought against the responsible party
12 by the claimant and which would have been available to the guarantor if
13 an action had been brought against the guarantor by the responsible
14 party.

15 4. The total liability of any guarantor shall be limited to the aggre-
16 gate amount which the guarantor has provided as evidence of financial
17 responsibility to the responsible party under this chapter. Nothing in
18 this subdivision shall be construed to limit any other state or federal
19 statutory, contractual or common law liability of a guarantor to its
20 responsible party including, but not limited to, the liability of such
21 guarantor for bad faith either in negotiating or in failing to negotiate
22 the settlement of any claim. Nothing in this subdivision shall be
23 construed to diminish the liability of any person under section 27-1313
24 of this article or other applicable law.

25 5. For the purpose of this section, the term "guarantor" means any
26 person, other than the responsible party, who provides evidence of
27 financial responsibility for a responsible party under this section.

28 § 7. The environmental conservation law is amended by adding a new
29 section 27-1327 to read as follows:

30 § 27-1327. Recovery of response costs and natural resource damages.

31 1. Each responsible person as defined in section 27-1313 of this title
32 shall be strictly liable, jointly and severally, for all response costs
33 and for all natural resource damages resulting from the disposal of
34 hazardous waste at an inactive hazardous waste disposal site. The
35 commissioner may commence an action in a court of competent jurisdiction
36 to recover the response costs and/or natural resource damages. The
37 commissioner shall prioritize securing relief or other action at sites
38 placed in classification 1 or 2, as described in subparagraphs one and
39 two of paragraph b of subdivision two of section 27-1305 of this title,
40 that are located in disadvantaged communities as identified pursuant to
41 subdivision five of section 75-0101 of this chapter.

42 2. A determination or assessment of natural resource damages for the
43 purposes of this section made or adopted by the commissioner in accord-
44 ance with any applicable regulations promulgated under section 27-1315
45 of this title or under section 9651(c) of title 42 of the United States
46 Code shall have the force and effect of a rebuttable presumption on
47 behalf of the commissioner in any judicial proceeding.

48 3. In an action to recover response costs and/or natural resource
49 damages, the commissioner may also seek civil penalties under section
50 71-2705 of this chapter.

51 4. All amounts received to satisfy liability for natural resource
52 damages shall be credited to the department's natural resource damages
53 fund to be used exclusively to pay or reimburse costs of assessing
54 natural resource damages and restore, replace, and/or acquire the equiv-
55 alent of the affected natural resources. The measure of compensation for
56 injury to, destruction of, or loss of natural resources is the cost of:

1 (a) restoration or rehabilitation of the injured natural resources to
2 a condition where they can provide the level of services available had
3 the disposal of hazardous waste not occurred; or

4 (b) the replacement and/or acquisition of equivalent natural
5 resources capable of providing such services.

6 5. The state shall have a lien for all response costs incurred by the
7 state and for all natural resource damages for which a judicial determi-
8 nation of liability has been made upon such real property located within
9 the state:

10 (a) owned by a person liable to the state for such response costs
11 and/or natural resource damages under this title at the time a notice of
12 environmental lien is filed; and

13 (b) upon which the disposal of hazardous wastes occurred.

14 6. An environmental lien shall attach when:

15 (a) response costs are incurred by the state and/or a judicial judg-
16 ment of liability for natural resource damages is entered;

17 (b) the responsible person fails to pay such costs within ninety days
18 after a written demand therefor by the state is mailed by certified or
19 registered mail, return receipt requested, and/or fails to pay such
20 natural resource damages within ninety days after entry of judgment; and

21 (c) a notice of environmental lien is filed by the department as
22 provided in paragraph (a) of subdivision ten of this section; provided,
23 however, that a copy of the notice of environmental lien is served upon
24 the owner of the real property subject to the environmental lien within
25 thirty days of such filing in accordance with the provisions of section
26 eleven of the lien law.

27 7. (a) An environmental lien shall continue against the real property
28 until:

29 (i) the claim or judgment against the person referred to in subdivi-
30 sion one of this section for response costs and/or natural resource
31 damages is satisfied or becomes unenforceable;

32 (ii) the lien is released by the commissioner pursuant to this subdivi-
33 vision;

34 (iii) the lien is discharged by payment of monies into court; or

35 (iv) the lien is otherwise vacated by court order.

36 (b) Upon the occurrence of any event under subparagraphs (i) through
37 (iv) of paragraph (a) of this subdivision, except where the lien is
38 vacated by court order, the commissioner shall execute the release of an
39 environmental lien and file the release as provided in subdivision nine
40 of this section. The commissioner may release an environmental lien
41 where:

42 (i) a legally enforceable agreement satisfactory to the commissioner
43 has been executed relating to the response costs and/or natural resource
44 damages that are the subject of the lien or reimbursing the state for
45 such response costs and/or natural resource damages; or an owner or
46 operator of the site subject to the lien agrees to perform remedial
47 work, site management, or other in-kind services of sufficient value to
48 the commissioner; or

49 (ii) the attachment or enforcement of the environmental lien is deter-
50 mined by the commissioner not to be in the public interest.

51 8. An environmental lien is subject to the rights of any other person,
52 including an owner, purchaser, holder of a mortgage or security inter-
53 est, or judgment lien creditor, whose interest is perfected before a
54 lien notice has been filed as provided in subdivision ten of this
55 section.

56 9. A notice of environmental lien shall state:

1 (a) that the lienor is the state of New York;
2 (b) the name of the record owner of the real property on which the
3 environmental lien has attached;
4 (c) the real property subject to the lien, with a description thereof
5 sufficient for identification;
6 (d) that the real property described in the notice is the property
7 upon which a disposal of hazardous wastes occurred and that response
8 costs have been incurred by the lienor and/or that natural resource
9 damages have been judicially determined to be due to the lienor as a
10 result of such disposal;
11 (e) that the owner is potentially liable for response costs and/or
12 subject to a judgment for natural resource damages pursuant to this
13 title; and
14 (f) that an environmental lien has attached to the described real
15 property.

16 10. (a) A notice of environmental lien shall be filed in the clerk's
17 office of the county where the property is situated. If such property is
18 situated in two or more counties, the notice of environmental lien shall
19 be filed in the office of the clerk of each of such counties. The notice
20 of lien shall be indexed by the county clerk in accordance with the
21 provisions of section ten of the lien law. The notice of lien shall be
22 served upon the owner of the real property subject to the lien in
23 accordance with the provisions of section eleven of the lien law.

24 (b) A release of an environmental lien shall be filed in the clerk's
25 office of each county where the notice of environmental lien was filed
26 and shall be indexed in the manner prescribed for indexing environmental
27 liens.

28 11. An environmental lien may be enforced against the property speci-
29 fied in the notice of environmental lien, and an environmental lien may
30 be vacated or discharged, as prescribed in article three of the lien
31 law; provided, however, that nothing in this article or in article three
32 of the lien law shall affect the right of the state to bring an action
33 to recover response costs and/or natural resource damages under section
34 one hundred seven of the federal comprehensive environmental recovery,
35 compensation and liability act (42 U.S.C. § 9601 et seq).

36 12. Amounts received by the administrator to satisfy all or part of an
37 environmental lien for response costs shall be deposited in the depart-
38 ment's hazardous waste remedial fund, and amounts received to satisfy
39 all or part of an environmental lien for natural resource damages shall
40 be deposited in the department's natural resource damages fund.

41 13. (a) An owner or operator of an inactive hazardous waste disposal
42 site whose liability under this title and/or 42 U.S.C. § 9607 et seq.
43 arises solely from being considered an owner or operator of such site
44 shall not be liable as long as it can demonstrate that one or more of
45 the affirmative defenses in paragraph (a) of subdivision four of section
46 27-1323 of this title applies, and the owner or operator does not impede
47 the performance of a response action or natural resource restoration.

48 (b) If there are unrecovered response costs incurred by the department
49 at an inactive hazardous waste disposal site for which an owner or oper-
50 ator of the site is not liable by reason of paragraph (a) of this subdivi-
51 sion, and if each of the conditions described in paragraph (c) of this
52 subdivision is met, the department shall have a lien on the facility, or
53 may by agreement with the owner or operator, obtain from the owner or
54 operator a lien on any other property or other assurance of payment
55 satisfactory to the department, for the unrecovered response costs.

(c) The conditions referred to in paragraph (b) of this subdivision are the following:

(i) A response action for which there are unrecovered costs of the department is carried out at the inactive hazardous waste disposal site.

(ii) The response action increases the fair market value of the site above the fair market value of the site that existed before the response action was initiated.

(d) A lien under paragraph (b) of this subdivision:

(i) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

(ii) shall arise at the time at which costs are first incurred by the department with respect to a response action at the site;

(iii) shall be subject to the requirements of subdivisions seven, eight, and nine of this section; and

(iv) shall continue until the earlier of:

(A) satisfaction of the lien by sale or other means; or

(B) recovery of all response costs incurred at the site.

§ 8. The environmental conservation law is amended by adding a new section 27-1329 to read as follows:

§ 27-1329. Abatement actions.

1. Maintenance, jurisdiction, etc. When the commissioner determines that there may be an imminent danger or significant threat to the health or welfare of the people of the state or the environment, or results in or is likely to result in irreversible or irreparable damage to natural resources because of an actual or threatened release of a hazardous substance from an inactive hazardous waste disposal site, the commissioner may request the attorney general to secure such relief as may be necessary to abate such danger or threat and to grant such relief as the public interest and the equities of the case may require. The commissioner may also take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

2. Fines; reimbursement. (a) Any person who, without sufficient cause, fails or refuses to comply with, any order of the commissioner under subdivision one of this section may, in an action brought in the appropriate court of competent jurisdiction to enforce such order, be fined not more than thirty-seven thousand five hundred dollars for each day in which such violation occurs or such failure to comply continues.

(b) (i) Any person who receives and complies with the terms of any order issued under subdivision one of this section may, within sixty days after completion of the required action, petition the commissioner for reimbursement from the hazardous waste remedial fund pursuant to section ninety-seven-b of the state finance law for the reasonable costs of such action, plus interest. Any interest payable under this subparagraph shall accrue on the amounts expended from the date of expenditure at the same rate as specified for interest on investments of the hazardous substance superfund established under subchapter A of chapter 98 of title 26 of the federal comprehensive environmental response, compensation, and liability act.

(ii) If the commissioner refuses to grant all or part of a petition made under this paragraph, the petitioner may within thirty days of receipt of such refusal file an action against the department pursuant to article seventy-eight of the civil practice law and rules.

(iii) Except as provided in subparagraph (iv) of this paragraph, to obtain reimbursement, the petitioner shall establish by a preponderance

1 of the evidence that such petitioner is not liable for response costs
2 under section 27-1313 of this title and that costs for which such peti-
3 tioner seeks reimbursement are reasonable in light of the action
4 required by the relevant order.

5 (iv) A petitioner under subparagraph (i) of this paragraph may also
6 recover its reasonable costs of response to the extent that such peti-
7 tioner can demonstrate, on the administrative record, that the commis-
8 sioner's decision in selecting the response action ordered was arbitrary
9 and capricious or was otherwise not in accordance with law. Reimburse-
10 ment awarded under this subparagraph shall include all reasonable
11 response costs incurred by the petitioner pursuant to the portions of
12 the order found to be arbitrary and capricious or otherwise not in
13 accordance with law.

14 (v) Reimbursement awarded by a court under subparagraph (iii) or (iv)
15 of this paragraph may include appropriate costs, fees, and other
16 expenses in accordance with section eighty-six hundred one of the civil
17 practice law and rules.

18 § 9. Subdivisions 1 and 4 of section 97-b of the state finance law,
19 subdivision 1 as amended by section 3 of part AA of chapter 58 of the
20 laws of 2018 and subdivision 4 as amended by chapter 38 of the laws of
21 1985, are amended to read as follows:

22 1. There is hereby established in the custody of the state comptroller
23 a nonlapsing revolving fund to be known as the "hazardous waste remedial
24 fund", which shall consist of a "site investigation and construction
25 account", an "industry fee transfer account", an "environmental restora-
26 tion project account", a "hazardous waste cleanup account", and a
27 "hazardous waste remediation oversight and assistance account".

28 4. ~~[No]~~ With respect to moneys in the hazardous waste cleanup account,
29 no moneys shall be available from the fund pursuant to paragraph (a) of
30 subdivision three of this section unless the commissioner of environ-
31 mental conservation finds that all reasonable efforts to secure volun-
32 tary agreement to pay the costs of necessary remedial actions from
33 owners or operators of inactive hazardous waste sites or other responsi-
34 ble persons have been made except where the commissioner of environ-
35 mental conservation has made findings pursuant to paragraph b of subdi-
36 vision three of section 27-1313 of the environmental conservation law
37 [or where]; the commissioner of health has declared a condition danger-
38 ous to life or health and made findings pursuant to paragraph (b) of
39 subdivision three of section one thousand three hundred eighty-nine-b of
40 the public health law; the commissioner of health or the commissioner of
41 environmental conservation has determined that immediate action in the
42 form of a remedial investigation and/or an interim remedial measure is
43 necessary to abate a threat to the public health or the environment; or
44 the site is owned by the state or the state is a responsible person.

45 § 10. Paragraphs (a) and (j) of subdivision 3 of section 97-b of the
46 state finance law, paragraph (a) as amended by section 4 of part I of
47 chapter 1 of the laws of 2003 and paragraph (j) as amended by section 5
48 of part T of chapter 57 of the laws of 2017, are amended and a new para-
49 graph (k) is added to read as follows:

50 (a) inactive hazardous waste disposal site remedial programs pursuant
51 to section 27-1313 of the environmental conservation law and section
52 thirteen hundred eighty-nine-b of the public health law, including sites
53 that are owned by the state;

54 (j) with respect to moneys in the hazardous waste remediation over-
55 sight and assistance account, technical assistance grants pursuant to

1 titles thirteen and fourteen of article twenty-seven of the environ-
2 mental conservation law; and

3 (k) with respect to moneys in the hazardous waste remediation over-
4 sight and assistance account, oversight expenditures for ensuring the
5 continued maintenance and operation of engineering controls pursuant to
6 subdivision seven of section 27-1415 of the environmental conservation
7 law.

8 § 11. Subdivision 3 of section 1285-q of the public authorities law,
9 as amended by section 43 of part BB of chapter 56 of the laws of 2015,
10 is amended to read as follows:

11 3. The maximum amount of bonds that may be issued for the purpose of
12 financing hazardous waste site remediation projects and environmental
13 restoration projects authorized by this section shall not exceed [~~two~~]
14 three billion [~~two~~] four hundred fifty million dollars [~~and shall not~~
15 ~~exceed one hundred million dollars for appropriations enacted for any~~
16 ~~state fiscal year~~], provided that the bonds not issued for such appro-
17 priations may be issued pursuant to reappropriation in subsequent fiscal
18 years. No bonds shall be issued for the repayment of any new appropri-
19 ation enacted after March thirty-first, two thousand [~~twenty-six~~] thir-
20 ty-six for hazardous waste site remediation projects authorized by this
21 section. Amounts authorized to be issued by this section shall be exclu-
22 sive of bonds issued to fund any debt service reserve funds, pay costs
23 of issuance of such bonds, and bonds or notes issued to refund or other-
24 wise repay bonds or notes previously issued. Such bonds and notes of the
25 corporation shall not be a debt of the state, and the state shall not be
26 liable thereon, nor shall they be payable out of any funds other than
27 those appropriated by this state to the corporation for debt service and
28 related expenses pursuant to any service contracts executed pursuant to
29 subdivision one of this section, and such bonds and notes shall contain
30 on the face thereof a statement to such effect.

31 § 12. This act shall take effect immediately.

32 PART SS

33 Section 1. Subdivision 1 of section 391-u of the general business law,
34 as added by chapter 88 of the laws of 2020, is amended by adding a new
35 paragraph (h) to read as follows:

36 (h) "Intentionally added" shall have the same meaning as "inten-
37 tionally added chemical" in subdivision four of section 37-0121 of the
38 environmental conservation law.

39 § 2. Paragraph (b) of subdivision 4 of section 391-u of the general
40 business law, as added by chapter 88 of the laws of 2020, is amended to
41 read as follows:

42 (b) A manufacturer that produces, sells, or distributes a class B
43 firefighting foam prohibited under subdivision three of this section
44 shall recall [~~the~~] such product, which [~~includes~~] at any time has been
45 manufactured, sold, offered for sale, or distributed for sale or use.
46 Such recall shall include collection, transport, treatment, storage, and
47 safe [~~disposal, after the implementation date of the restrictions set~~
48 ~~forth in subdivision three of this section~~] destruction of PFAS chemi-
49 cals through or by a method approved by the department of environmental
50 conservation and [~~reimburse~~] reimbursement of the retailer or any other
51 purchaser for the product.

52 § 3. Subdivision 5 of section 391-u of the general business law, as
53 added by chapter 88 of the laws of 2020, is amended by adding a new
54 paragraph (c) to read as follows:

(c) Beginning January first, two thousand twenty-eight, a manufacturer or other person that sells firefighting personal protective equipment to a person, local government, or state agency shall not manufacture, knowingly sell, offer for sale, distribute for sale or distribute for use in the state any firefighting personal protective equipment containing intentionally added PFAS chemicals.

§ 4. This act shall take effect immediately.

PART TT

Section 1. This act enacts into law major components of legislation necessary for related land acquisition for conservation purposes. Each component is wholly contained within a Subpart identified as Subparts A through B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Subdivision 1 of section 3-0305 of the environmental conservation law, as added by chapter 727 of the laws of 1978, is amended to read as follows:

1. The commissioner when moneys therefor have been appropriated by the legislature or are otherwise available, may acquire any real property which ~~he~~ such commissioner deems necessary for any of the purposes or functions of the department, by purchase or as provided in the eminent domain procedure law. Title to such real property shall be taken in the name of and be vested in the people of the state of New York. No real property, except conservation easements, shall be so acquired by purchase unless the title thereto is approved by the attorney general. The attorney general may accept a title policy from any title company licensed by the State of New York that names people of the State of New York as insured. In the event the attorney general specifically identifies a title objection that renders the title unmarketable, upon the Commissioner's request the attorney general shall accept a title policy from any title company licensed by the State of New York that names the people of the State of New York as insured and does not include any exceptions from coverage that would otherwise render the title unmarketable. The terms "property" or "real property" as used in this section shall mean "real property" as defined by section one hundred three of the eminent domain procedure law.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Section 1405 of the tax law is amended by adding a new subdivision (c) to read as follows:

(c) Conveyances of real property for open space, parks, or historic preservation purposes to any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation

purposes shall be exempt from payment of additional taxes imposed pursuant to section fourteen hundred five-A of this article.

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section, subpart or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, subpart or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A through B of this act shall be as specifically set forth in the last section of such Subpart.

PART UU

Section 1. Subdivision 7 of section 13-0331 of the environmental conservation law, as amended by chapter 243 of the laws of 2022, is amended to read as follows:

7. The department may, until December thirty-first, two thousand ~~twenty-four~~ twenty-nine, fix by regulation measures for the management of crabs of any kind including horseshoe crabs (*Limulus* sp.), including minimum and maximum size limits, catch and possession limits, open and closed seasons including lunar closures, closed areas, restrictions on the manner of taking and landing including a prohibition on the harvest of crabs in amplexus, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. § 1800 et seq.).

§ 2. This act shall take effect immediately.

PART VV

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, and the Fuel NY program 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 in an amount not to exceed \$35,725,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of \$500,000 in the preceding calendar year, and the total amount assessed shall be allocated to each electric corporation and gas corporation in proportion

1 to its intrastate electricity and gas revenues in the calendar year
2 2023. Such amounts shall be excluded from the general assessment
3 provisions of subdivision 2 of section 18-a of the public service law.
4 The chair of the public service commission shall bill such gas and/or
5 electric corporations for such amounts on or before August 10, 2025 and
6 such amounts shall be paid to the New York state energy research and
7 development authority on or before September 10, 2025. Upon receipt,
8 the New York state energy research and development authority shall
9 deposit such funds in the energy research and development operating fund
10 established pursuant to section 1859 of the public authorities law. The
11 New York state energy research and development authority is authorized
12 and directed to: (1) transfer up to \$4 million to the state general fund
13 for climate change related services and expenses of the department of
14 environmental conservation from the funds received; and (2) commencing
15 in 2016, provide to the chair of the public service commission and the
16 director of the budget and the chairs and secretaries of the legislative
17 fiscal committees, on or before August first of each year, an itemized
18 record, certified by the president and chief executive officer of the
19 authority, or such chief executive officer's designee, detailing any and
20 all expenditures and commitments ascribable to moneys received as a
21 result of this assessment by the chair of the department of public
22 service pursuant to section 18-a of the public service law. This item-
23 ized record shall include an itemized breakdown of the programs being
24 funded by this section and the amount committed to each program. The
25 authority shall not commit for any expenditure, any moneys derived from
26 the assessment provided for in this section, until the chair of such
27 authority shall have submitted, and the director of the budget shall
28 have approved, a comprehensive financial plan encompassing all moneys
29 available to and all anticipated commitments and expenditures by such
30 authority from any source for the operations of such authority. Copies
31 of the approved comprehensive financial plan shall be immediately
32 submitted by the chair to the chairs and secretaries of the legislative
33 fiscal committees. Any such amount not committed by such authority to
34 contracts or contracts to be awarded or otherwise expended by the
35 authority during the fiscal year shall be refunded by such authority on
36 a pro-rata basis to such gas and/or electric corporations, in a manner
37 to be determined by the department of public service, and any refund
38 amounts must be explicitly lined out in the itemized record described
39 above.

40 § 2. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after April 1, 2025.

42 PART WW

43 Section 1. Section 103 of the abandoned property law is amended by
44 adding a new subdivision (j) to read as follows:

45 (j) "Energy services company" or "ESCO" shall mean an entity eligible
46 to sell energy services to end-use customers using the transmission or
47 distribution system of a utility.

48 § 2. Subdivision (f) of section 103 of the abandoned property law, as
49 amended by chapter 498 of the laws of 1944 and relettered by chapter 908
50 of the laws of 1974, is amended to read as follows:

51 (f) "Utility services" means gas, electricity or steam supplied by a
52 gas, electric, gas and electric or district steam corporation or an
53 energy services company, telephone, telegraph or other service furnished
54 by a telephone, telegraph or telegraph and telephone corporation, water

1 supplied by a waterworks corporation, or appliances, equipment, instal-
2 lations, fixtures or appurtenances rented by any such corporation or
3 company.

4 § 3. Section 400 of the abandoned property law, the opening paragraph
5 of subdivision 1 as amended by chapter 498 of the laws of 1944, para-
6 graphs (a) and (b) of subdivision 1 as amended by chapter 78 of the laws
7 of 1976, and paragraph (c) of subdivision 1 as amended by chapter 833 of
8 the laws of 1963, is amended to read as follows:

9 § 400. Unclaimed deposits and refunds for utility services. 1. The
10 following unclaimed moneys held or owing by a gas corporation, an elec-
11 tric corporation, a gas and electric corporation, a district steam
12 corporation, an energy services company, a telegraph corporation, a
13 telephone corporation, a telegraph and telephone corporation, or a
14 waterworks corporation, shall be deemed abandoned property:

15 (a) Any deposit made by a consumer or subscriber with such a corpo-
16 ration or company to secure the payment for utility services furnished
17 by such corporation or company, or the amount of such deposit after
18 deducting any sums due to such corporation or company by such consumer
19 or subscriber, together with any interest due thereon, which shall have
20 remained unclaimed by the person or persons appearing to be entitled
21 thereto for two years after the termination of the utility services to
22 secure the payment of which such deposit was made, or, if during such
23 two year period utility services are furnished by such corporation or
24 company to such consumer or subscriber and such deposit is held by such
25 corporation or company to secure payment therefor, for two years after
26 the termination of such utility services.

27 (b) Any amount paid by a consumer or subscriber to such a corporation
28 or company in advance or in anticipation of utility services furnished
29 or to be furnished by such corporation or company which in fact is not
30 furnished, after deducting any sums due to such corporation or company
31 by such consumer or subscriber for utility services in fact furnished,
32 which shall have remained unclaimed by the person or persons appearing
33 to be entitled thereto for two years after the termination of the utili-
34 ty services for which such amount was paid in advance or in antic-
35 ipation, or, if during such period utility services are furnished by
36 such corporation or company to such consumer or subscriber and such
37 amount is applied to the payment in advance or in anticipation of such
38 utility services, for two years after the termination of such utility
39 services.

40 (c) The amount of any refund of excess or increased rates or charges
41 heretofore or hereafter collected by any such corporation or company for
42 utility services lawfully furnished by such corporation or company which
43 has been or shall hereafter lawfully be ordered refunded to a consumer
44 or other person or persons entitled thereto, together with any interest
45 due thereon, less any lawful deductions, which shall have remained
46 unclaimed by the person or persons entitled thereto for two years from
47 the date it became payable in accordance with the final determination or
48 order providing for such refund.

49 2. Any such abandoned property held or owing by such a corporation or
50 company to which the right to receive the same is established to the
51 satisfaction of such corporation or company shall cease to be deemed
52 abandoned.

53 § 4. Subdivision 1 of section 402 of the abandoned property law, as
54 amended by section 11 of part A of chapter 61 of the laws of 2011, is
55 amended to read as follows:

1 1. Every such corporation or company shall cause to be published, on
2 or before the first day of September in each year, a notice entitled:
3 "NOTICE OF CERTAIN UNCLAIMED PROPERTY HELD BY (name of corporation or
4 company)."

5 § 5. Paragraph (a) of subdivision 3 of section 402 of the abandoned
6 property law is amended to read as follows:

7 (a) that a report of unclaimed amounts of money or other property held
8 or owing by it has been made to the state comptroller and that a list of
9 the names of the person or persons appearing from the records of such
10 corporation or company to be entitled thereto is on file and open to
11 public inspection at its principal office or place of business in any
12 city, village or county where any such abandoned property is payable;

13 § 6. Subdivision 4 of section 402 of the abandoned property law is
14 amended to read as follows:

15 4. Such corporation or company shall file with the state comptroller
16 on or before the tenth day of September in each year proof by affidavit
17 of such publication.

18 § 7. Section 403 of the abandoned property law, as amended by section
19 12 of part A of chapter 61 of the laws of 2011, is amended to read as
20 follows:

21 § 403. Payment of abandoned property. 1. In such succeeding month of
22 October, and on or before the tenth day thereof, every such corporation
23 or company shall pay to the state comptroller all property which, as of
24 the first day of July next preceding, was deemed abandoned pursuant to
25 section four hundred of this article, held or owing by such corporation
26 or company.

27 2. Such payment shall be accompanied by a true and accurate report
28 setting forth such information as the state comptroller may require
29 relating to such abandoned property including:

30 (a) as to abandoned property specified in paragraphs (a) and (b) of
31 subdivision one of section four hundred of this article:

32 (i) the name and last known address of each depositor or subscriber
33 appearing from the records of such corporation or company to be entitled
34 to receive any such abandoned property;

35 (ii) the date when the deposit was made or amount paid;

36 (iii) the amount of such deposit or payment;

37 (iv) the date when utility services furnished to such consumer or
38 subscriber ceased;

39 (v) any sums due and unpaid to the corporation or company by such
40 consumer or subscriber, with interest thereon from the date of termi-
41 nation of service;

42 (vi) the amount of interest due upon such deposit or payment on any
43 balance thereof that has remained with such corporation or company and
44 not been credited to such consumer's or subscriber's account;

45 (vii) the amount of such abandoned property; and

46 (viii) such other identifying information as the state comptroller may
47 require.

48 (b) as to abandoned property specified in paragraph (c) of subdivision
49 one of section four hundred of this article:

50 (i) the name and last known address of each person appearing from the
51 records of such corporation or company to be entitled to receive the
52 same;

53 (ii) the amount appearing from such records to be due each such
54 person;

55 (iii) the date payment became due; and

1 (iv) such other identifying information as the state comptroller may
2 require.
3 3. Such report shall be in such form and the abandoned property listed
4 shall be classified in such manner as the state comptroller may
5 prescribe. Names of persons entitled to such abandoned property appear-
6 ing in such report shall be listed in alphabetical order within each
7 such classification.
8 § 8. This act shall take effect immediately.

9 PART XX

10 Section 1. Expenditures of moneys appropriated to the department of
11 agriculture and markets from the special revenue funds-other/state oper-
12 ations, miscellaneous special revenue fund-339, public service account
13 shall be subject to the provisions of this section. Notwithstanding any
14 other provision of law to the contrary, direct and indirect expenses
15 relating to the department of agriculture and markets' participation in
16 general ratemaking proceedings pursuant to section 65 of the public
17 service law or certification proceedings or permits issued pursuant to
18 article 7, 8, or 10 of the public service law, shall be deemed expenses
19 of the department of public service within the meaning of section 18-a
20 of the public service law.

21 § 2. Expenditures of moneys appropriated to the department of state
22 from the special revenue funds-other/state operations, miscellaneous
23 special revenue fund-339, public service account shall be subject to the
24 provisions of this section. Notwithstanding any other provision of law
25 to the contrary, direct and indirect expenses relating to the activities
26 of the department of state's utility intervention unit pursuant to
27 subdivision 4 of section 94-a of the executive law, including, but not
28 limited to participation in general ratemaking proceedings pursuant to
29 section 65 of the public service law or certification proceedings or
30 permits issued pursuant to article 7, 8, or 10 of the public service
31 law, shall be deemed expenses of the department of public service within
32 the meaning of section 18-a of the public service law.

33 § 3. Expenditures of moneys appropriated to the office of parks,
34 recreation and historic preservation from the special revenue funds-
35 other/state operations, miscellaneous special revenue fund-339, public
36 service account shall be subject to the provisions of this section.
37 Notwithstanding any other provision of law to the contrary, direct and
38 indirect expenses relating to the office of parks, recreation and
39 historic preservation's participation in general ratemaking proceedings
40 pursuant to section 65 of the public service law or certification
41 proceedings or permits issued pursuant to article 7, 8, or 10 of the
42 public service law, shall be deemed expenses of the department of public
43 service within the meaning of section 18-a of the public service law.

44 § 4. Expenditures of moneys appropriated to the department of environ-
45 mental conservation from the special revenue funds-other/state oper-
46 ations, environmental conservation special revenue fund-301, utility
47 environmental regulation account shall be subject to the provisions of
48 this section. Notwithstanding any other provision of law to the contra-
49 ry, direct and indirect expenses relating to the department of environ-
50 mental conservation's participation in state energy policy proceedings,
51 or certification proceedings or permits issued pursuant to article 7, 8,
52 or 10 of the public service law, shall be deemed expenses of the depart-
53 ment of public service within the meaning of section 18-a of the public
54 service law.

§ 5. 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.

§ 6. Any expense deemed to be expenses of the department of public service pursuant to sections one through four of this act shall not be recovered through assessments imposed upon telephone corporations as defined in subdivision 17 of section 2 of the public service law.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2025 and shall expire and be deemed repealed April 1, 2030.

PART YY

Section 1. Paragraph a of subdivision 1 of section 765 of the general business law, as amended by section 6 of part X of chapter 57 of the laws of 2013, is amended to read as follows:

a. Failure to comply with any provision of this article shall subject an excavator or an operator to a civil penalty of up to [~~two thousand five hundred~~] five thousand dollars for the first violation and up to an additional [~~ten~~] twenty thousand dollars for each succeeding violation that occurs within a twelve month period.

§ 2. Paragraph c of subdivision 1 of section 765 of the general business law, as amended by chapter 445 of the laws of 1995, is amended to read as follows:

c. An action to recover a penalty under this article may be brought in the supreme court in the judicial district in which the violation was alleged to have occurred which shall be commenced and prosecuted by the attorney general. The public service commission shall, pursuant to section one hundred nineteen-b of the public service law, forward to the attorney general its determination of the amount of the penalty for violations or rules and regulations adopted to implement the requirements of this article. Upon receipt of such determination, the attorney general may commence an action to recover such penalty. All moneys recovered in any such action, together with the costs thereof, and all moneys recovered as the result of any such public service commission determination shall be paid into the [~~state treasury to the credit of the general fund~~] environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 3. Subdivision 3 of section 92-s of the state finance law, as amended by chapter 734 of the laws of 2021, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-n of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be

1 deposited from the Northville settlement pursuant to section one hundred
2 twenty-four of chapter three hundred nine of the laws of nineteen
3 hundred ninety-six, provided however, that such moneys shall only be
4 used for the cost of the purchase of private lands in the core area of
5 the central Suffolk pine barrens pursuant to a consent order with the
6 Northville industries signed on October thirteenth, nineteen hundred
7 ninety-four and the related resource restoration and replacement plan,
8 the amount of penalties required to be deposited therein by section
9 71-2724 of the environmental conservation law, all moneys required to be
10 deposited pursuant to article thirty-three of the environmental conser-
11 vation law, all fees collected pursuant to subdivision eight of section
12 70-0117 of the environmental conservation law, all moneys collected
13 pursuant to title thirty-three of article fifteen of the environmental
14 conservation law, beginning with the fiscal year commencing on April
15 first, two thousand thirteen, nineteen million dollars, and all fiscal
16 years thereafter, twenty-three million dollars plus all funds received
17 by the state each fiscal year in excess of the greater of the amount
18 received from April first, two thousand twelve through March thirty-
19 first, two thousand thirteen or one hundred twenty-two million two
20 hundred thousand dollars, from the payments collected pursuant to subdi-
21 vision four of section 27-1012 of the environmental conservation law and
22 all funds collected pursuant to section 27-1015 of the environmental
23 conservation law, all moneys required to be deposited pursuant to
24 sections 27-2805 and 27-2807 of the environmental conservation law, all
25 moneys collected pursuant to section 71-2730 of the environmental
26 conservation law, all moneys required to be deposited pursuant to
27 section seven hundred sixty-five of the general business law, all moneys
28 required to be deposited pursuant to section 27-3205 of the environ-
29 mental conservation law, and all other moneys credited or transferred
30 thereto from any other fund or source pursuant to law. All such revenue
31 shall be initially deposited into the environmental protection fund, for
32 application as provided in subdivision five of this section.

33 § 4. This act shall take effect immediately; provided, however, that
34 the amendments to paragraph c of subdivision 1 of section 765 of the
35 general business law made by section two of this act shall take effect
36 on the same date as the reversion of such paragraph as provided in
37 section 4 of chapter 522 of the laws of 2000, as amended.

38

PART ZZ

39 Section 1. Subdivision (a) of section 314 of the tax law, as amended
40 by chapter 190 of the laws of 1990, is amended to read as follows:

41 (a) General.--Except in accordance with proper judicial order or as
42 otherwise provided by law, it shall be unlawful for any tax commission-
43 er, any officer or employee of the department of taxation and finance,
44 or any person who, pursuant to this section, is permitted to inspect any
45 return, or to whom any information contained in any return is furnished,
46 or any person engaged or retained by such department on an independent
47 contract basis, or any person who in any manner may acquire knowledge of
48 the contents of a return filed pursuant to this article, to divulge or
49 make known in any manner the amount of income or gross receipts or any
50 particulars set forth or disclosed in any return under this article. The
51 officers charged with the custody of such returns shall not be required
52 to produce any of them or evidence of anything contained in them in any
53 action or proceeding in any court, except on behalf of the state or the
54 commissioner of taxation and finance in an action or proceeding under

1 the provisions of this chapter or in any other action or proceeding
2 involving the collection of a tax due under this chapter to which the
3 state or the commissioner is a party or a claimant, or on behalf of any
4 party to any action or proceeding under the provisions of this article
5 when the returns or facts shown thereby are directly involved in such
6 action or proceeding, in any of which events the court may require the
7 production of, and may admit in evidence, so much of said returns or
8 the facts shown thereby as are pertinent to the action or proceeding and
9 no more. The commissioner may, nevertheless, publish a copy or a summary
10 of any determination or decision rendered after the formal hearing
11 provided for in this chapter. Nothing herein shall be construed to
12 prohibit the delivery to a petroleum business or its duly authorized
13 representative of a copy of any return filed by it, nor to prohibit the
14 publication of statistics so classified as to prevent the identification
15 of particular returns and the items thereof, or the disclosure of data
16 other than taxpayer identity information from a return or returns of one
17 or more petroleum or fossil fuel businesses to the department of envi-
18 ronmental conservation or the New York state energy research and devel-
19 opment authority for the purpose of implementing the climate leadership
20 and community protection act, chapter one hundred six of the laws of two
21 thousand nineteen, promulgation of regulations thereunder, and achieve-
22 ment of the statewide greenhouse gas emission limits, as defined and
23 established in article seventy-five of the environmental conservation
24 law, or the publication of delinquent lists showing the names of petro-
25 leum businesses who have failed to pay their taxes at the time and in
26 the manner provided by section three hundred eight of this article
27 together with any relevant information which in the opinion of the
28 commissioner may assist in the collection of such delinquent taxes; or
29 the inspection by the attorney general or other legal representatives of
30 the state of the return of any petroleum business which shall bring
31 action to set aside or review the tax based thereon, or against whom an
32 action or proceeding under this chapter has been recommended by the
33 commissioner or the attorney general or has been instituted; or the
34 inspection of the returns of any petroleum business by the comptroller
35 or duly designated officer or employee of the state department of audit
36 and control, for purposes of the audit of a refund of any tax paid by
37 such petroleum business under this article. Provided, further, nothing
38 herein shall be construed to prohibit the disclosure of taxpayer identi-
39 ty information, including name, mailing address and taxpayer identifying
40 number (social security account number, or such other number as has been
41 assigned by the secretary of the United States treasury or ~~his~~ such
42 secretary's delegate, or by the commissioner of taxation and finance),
43 with respect to persons who are registered as residual petroleum product
44 or aviation fuel businesses under this article or as distributors of
45 motor fuel or diesel motor fuel or kero-jet fuel only for the purpose of
46 article twelve-A of this chapter or this article, whose registration as
47 a residual petroleum product business or as such distributor has been
48 cancelled or suspended pursuant to this article or such article twelve-A
49 or whose application for registration as a residual petroleum product
50 business or as such distributor has been refused pursuant to this arti-
51 cle or such article twelve-A. In addition, the commissioner may disclose
52 the fact that a person is not registered as a residual petroleum busi-
53 ness under this article or as a distributor of motor fuel, diesel motor
54 fuel or kero-jet fuel only under article twelve-A of this chapter.
55 Information disclosed pursuant to this subdivision shall not, by itself,

1 be construed as proof of compliance or noncompliance with the provisions
2 of this chapter.

3 § 2. This act shall take effect immediately.

4 PART AAA

5 Section 1. The vehicle and traffic law is amended by adding a new
6 section 404-ii to read as follows:

7 § 404-ii. Distinctive plates for gold star families. 1. Any gold star
8 family recipient or the spouse of a gold star family recipient residing
9 in this state shall, upon request, be issued a license plate bearing the
10 words "gold star family". If a distinctive plate is issued to a gold
11 star family recipient pursuant to this section, additional distinctive
12 plates may be issued for every vehicle registered in the name of the
13 gold star family recipient residing in this state or the spouse of such
14 gold star family recipient. Application for said license plate shall be
15 filed with the commissioner in such form and detail as the commissioner
16 shall prescribe.

17 2. The distinctive plate authorized herein shall be issued upon proof,
18 satisfactory to the commissioner, that the applicant or the spouse of
19 the applicant is a gold star family recipient.

20 3. A distinctive plate issued pursuant to this section shall be issued
21 in the same manner as other number plates upon payment of the regular
22 registration fee prescribed by section four hundred one of this article,
23 provided, however, that no service charge shall be charged for such
24 plate, as well as no bond requirement to offset costs associated with
25 the production of such license plate.

26 § 2. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law.

28 PART BBB

29 Section 1. Legislative intent. Pursuant to 2 U.S.C. § 2131, every
30 state is invited to provide and furnish to the United States Capitol two
31 statues, in marble or bronze, of deceased persons who were distinguished
32 and prominent citizens of the state for placement in the National Statu-
33 ary Hall Collection. New York is currently represented in the National
34 Statuary Hall Collection at the United States Capitol by Robert R.
35 Livingston and George Clinton, statues which were placed there in the
36 1870s.

37 Pursuant to 2 U.S.C. § 2132, a state has the option to replace statues
38 in the National Statuary Hall, that have been displayed for at least 10
39 years, by making a request to the Joint Committee on the Library of
40 Congress.

41 The Legislature recognizes that Harriet Tubman was a distinguished and
42 prominent New Yorker who meets the high standards required to represent
43 the great state of New York in the United States Capitol. One of Ameri-
44 ca's most famous abolitionists, Harriet Tubman was born enslaved in
45 Maryland in 1822 before escaping to freedom. She became a leading figure
46 of the Underground Railroad and she risked her life to help free dozens
47 of enslaved people. During the Civil War she became one of the first
48 African American woman to serve in the military. In 1859, Harriet Tubman
49 purchased property in Auburn, NY, where she would live until her death
50 in 1913.

51 § 2. Commission. (a) A commission is hereby established to replace the
52 statue of Robert R. Livingston with a statue of Harriet Tubman in the

1 National Statuary Hall of the United States Capitol. The commission
2 shall consist of the following appointees: the Governor, or a designee,
3 the Temporary President of the Senate, or a designee, the Speaker of the
4 Assembly, or a designee, the Executive director of the council on the
5 arts, or a designee, and the Commissioner of the office of general
6 services, or a designee.

7 (b) The commission shall be responsible for selecting the design of
8 the statue of Harriet Tubman. The statue shall be designed and created
9 in accordance with the published guidelines set forth by the Architect
10 of the United States Capitol.

11 (c) The Governor, along with the commission, shall submit an official,
12 written request, along with a copy of this act to the Joint Committee on
13 the Library of Congress, the Architect of the Capitol, the Speaker of
14 the United States House of Representatives, and the Presiding Officer of
15 the United States Senate. The request shall include a description of the
16 location in the state where the replaced statue of Robert R. Livingston
17 will be displayed after it is transferred.

18 (d) Upon approval for replacement of the statue of Robert R. Living-
19 ston by the Architect of the Capitol with a statue of Harriet Tubman,
20 the Governor shall formalize an agreement between the Architect of the
21 Capitol and the State of New York to complete the process.

22 § 3. This act shall take effect September 1, 2025.

23 § 2. This act shall take effect immediately.

24 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
25 sion, section or part of this act shall be adjudged by any court of
26 competent jurisdiction to be invalid, such judgment shall not affect,
27 impair, or invalidate the remainder thereof, but shall be confined in
28 its operation to the clause, sentence, paragraph, subdivision, section
29 or part thereof directly involved in the controversy in which such judg-
30 ment shall have been rendered. It is hereby declared to be the intent of
31 the legislature that this act would have been enacted even if such
32 invalid provisions had not been included herein.

33 § 3. This act shall take effect immediately provided, however, that
34 the applicable effective date of Parts A through BBB of this act shall
35 be as specifically set forth in the last section of such Parts.