S T A T E O F N E W Y O R K

5027

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. GALEF, PAULIN -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to limitation on issuance of title insurance in certain cases

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

Section 1. The general municipal law is amended by adding a new section 99-v to read as follows:

S 99-V. LIMITATION ON ISSUANCE OF TITLE INSURANCE IN CERTAIN CASES. 1. FOR PURPOSES OF THIS SECTION, "LOCAL GOVERNMENT" SHALL MEAN A COUNTY, CITY, TOWN, OR VILLAGE WHICH OPERATES A SEWAGE TREATMENT PLANT PURSUANT TO ARTICLE SEVENTEEN OF THE ENVIRONMENTAL CONSERVATION LAW OR, IF NO SUCH ENTITY OPERATES SUCH PLANT OR IF SUCH COUNTY, CITY, TOWN, OR VILLAGE DOES NOT HAVE JURISDICTION OVER AN AREA SERVED BY SUCH PLANT, THE COUNTY WHICH IS SERVED BY SUCH PLANT.

2. ANY LOCAL GOVERNMENT WHICH IS SERVED BY A SEWAGE TREATMENT PLANT OPERATING AT NINETY-NINE PERCENT OR MORE OF ITS PERMITTED AVERAGE DAILY FLOW FOR MORE THAN SIXTY DAYS IN A CALENDAR YEAR SHALL REQUIRE, BY LOCAL LAW OR ORDINANCE ADOPTED WITHIN FORTY-FIVE DAYS OF THE END OF SUCH CALENDAR YEAR, THAT:

A. NO TITLE INSURANCE SHALL BE ISSUED FOR ANY REAL PROPERTY SERVED BY SUCH SEWAGE TREATMENT PLANT WITHOUT CERTIFICATION BY THE PURCHASER OF SUCH POLICY THAT STORM WATER DRAINS ARE NOT CONNECTED TO MAIN SANITARY SEWER SYSTEMS WITHOUT LOCAL AUTHORIZATION;

B. A PENALTY OF A MAXIMUM OF ONE THOUSAND DOLLARS BE IMPOSED UPON A PURCHASER OF TITLE INSURANCE WHO KNOWINGLY FILES A FALSE CERTIFICATION FOR THE PURPOSE OF RECEIVING SUCH POLICY; AND

C. A PENALTY OF A MAXIMUM OF ONE THOUSAND DOLLARS BE IMPOSED UPON ANY SELLER OF TITLE INSURANCE WHO ALLOWS ISSUANCE OF SUCH POLICY WITHOUT SUBMISSION OF THE REQUIRED CERTIFICATION.

S 2. This act shall take effect immediately.

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

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