

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

S. 2008

A. 3008

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

January 21, 2015

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

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

AN ACT to amend part U1 of chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to permanently authorizing payment of department of motor vehicle costs from the dedicated highway and bridge trust fund (Part A); to amend the infrastructure investment act, in relation to expanding the definition of authorized state entity and increasing the threshold amounts for projects utilizing design-build contracts (Part B); to amend the transportation law, in relation to fees for motor carriers; and to repeal certain provisions of such law relating thereto (Part C); to amend chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to including Ontario county to the Rochester-Genesee Regional Transportation District (Part D); to amend the state finance law, in relation to creating a transit assistance for capital investments fund (Part E); authorizing the department of transportation to defer reductions in service payments for two years (Part F); to amend the public authorities law, the highway law, and the public officers law, in relation to authorizing shared services agreements between the department of transportation and the New York state thruway authority (Part G); to amend the vehicle and traffic law, in relation to overweight permits (Part H); to amend the vehicle and traffic law, the criminal procedure law and the transportation law, in relation to the issuance of commercial learner's permits and the disqualification of commercial driver's licenses and commercial learner's permits (Part I); to amend public authorities law, in relation to decreasing state responsibility for certain costs incurred by the New York state thruway authority (Part J); to amend the public authorities law, in relation to toll

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

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collection regulations; to amend the public officers law, in relation to electronic toll collection data; to amend the vehicle and traffic law, in relation to liability of vehicle owners for toll collection violations; and to amend chapter 774 of the laws of 1950, relating to agreeing with the state of New Jersey with respect to rules and regulations governing traffic on vehicular crossings operated by the port of New York authority, in relation to tolls and other charges (Part K); to amend the public authorities law, in relation to procurements by the New York city transit authority and the metropolitan transportation authority (Part L); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part M); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part N); to authorize and direct the New York state energy research and development authority to make a payment to the general fund of up to \$913,000 (Part O); to authorize the energy research and development authority to finance a portion of its research, development and demonstration and policy and planning programs, and to finance the department of environmental conservation's climate change program, from an assessment on gas and electric corporations (Part P); to amend the executive law, in relation to extending certain provisions relating to the minority- and women-owned business enterprise disparity study; and to amend chapter 261 of the laws of 1988 amending the state finance law and other laws relating to the New York infrastructure trust fund, in relation to the effectiveness of article 15-A of the executive law (Part Q); to authorize the department of health to finance certain activities with revenues generated from an assessment on cable television companies (Part R); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending certain authority of the dormitory authority of the state of New York (Part S); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part T); to amend the real property law, in relation to eliminating certain fees charged for an apartment information vendor license (Part U); to amend the agriculture and markets law, in relation to eliminating certain license fees (Part V); to amend part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, in relation to the issuance of securitized restructuring bonds to refinance outstanding debt of the Long Island power authority (Part W); to amend the navigation law and the state finance law, in relation to license fees and surcharges for the transfer of petroleum between vessels, between facilities and vessels, and between facilities, whether onshore or offshore (Part X); to amend the environmental conservation law, in relation to operating permit program fees, state air quality control fees and state pollutant discharge elimination system program fees (Part Y); to amend the environmental conservation law, in relation to eliminating the registration fee for water well driller certification (Part Z); to amend the state finance law and the

environmental conservation law, in relation to establishing a habitat conservation and access account; and to repeal certain provisions of the state finance law relating thereto (Part AA); and to amend the local finance law, in relation to establishing a ten year period of probable usefulness for municipally owned omnibus or surface transit motor vehicles (Part BB)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2015-2016
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through BB. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003
14 amending the vehicle and traffic law and other laws relating to increas-
15 ing certain motor vehicle transaction fees, as amended by section 1 of
16 part C of chapter 57 of the laws of 2014, is amended to read as follows:

17 S 13. This act shall take effect immediately; [provided however that
18 sections one through seven of this act, the amendments to subdivision 2
19 of section 205 of the tax law made by section eight of this act, and
20 section nine of this act shall expire and be deemed repealed on April 1,
21 2015;] provided [further,] however, that the amendments to subdivision 3
22 of section 205 of the tax law made by section eight of this act shall
23 expire and be deemed repealed on March 31, 2018; provided further,
24 however, that the provisions of section eleven of this act shall take
25 effect April 1, 2004 [and shall expire and be deemed repealed on April
26 1, 2015].

27 S 2. Section 2 of part B of chapter 84 of the laws of 2002, amending
28 the state finance law relating to the costs of the department of motor
29 vehicles, as amended by section 2 of part C of chapter 57 of the laws of
30 2014, is amended to read as follows:

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

36 S 3. This act shall take effect immediately.

37 PART B

38 Section 1. Paragraph (e) of subdivision 6 of section 2 of part F of
39 chapter 56 of the laws of 2011, constituting the infrastructure invest-
40 ment act, is amended to read as follows:

(e) assist the use of the most efficient and effective procurement and project management for infrastructure projects in the transportation, energy, environment, public facilities, PUBLIC BUILDING and economic development sectors.

S 2. Paragraph (a) of section 3 of part F of chapter 56 of the laws of 2011, constituting the infrastructure investment act, is amended to read as follows:

(a) "authorized state entity" shall mean [the New York state thruway authority, the department of transportation, the office of parks, recreation and historic preservation, the department of environmental conservation and the New York state bridge authority] ANY STATE AGENCY AS SUCH TERM IS DEFINED IN SECTION 160 OF THE STATE FINANCE LAW, ANY STATE AUTHORITY AS SUCH TERM IS DEFINED IN SECTION 2 OF THE PUBLIC AUTHORITIES LAW, THE CITY UNIVERSITY OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK, AND ANY AND ALL AFFILIATES OR SUBSIDIARIES OF SUCH ENTITIES.

S 3. Section 4 of part F of chapter 56 of the laws of 2011, constituting the infrastructure investment act, is amended to read as follows:

S 4. Notwithstanding the provisions of section 38 of the highway law, section 136-a of the state finance law, [section] SECTIONS 359, 1678, 1680 AND 1680-A of the public authorities law, [section] SECTIONS 407-A, 6281 AND 7210 of the education law, SECTIONS 8 AND 9 OF THE PUBLIC BUILDINGS LAW, SECTION 11 OF CHAPTER 795 OF THE LAWS OF 1967, SECTIONS 8 AND 9 OF SECTION 1 OF CHAPTER 359 OF THE LAWS OF 1968 AS AMENDED, SECTION 29 OF CHAPTER 337 OF THE LAWS OF 1972, SECTION 21 OF CHAPTER 464 OF THE LAWS OF 1972, and the provisions of any other law to the contrary, and in conformity with the requirements of this act, an authorized state entity may utilize the alternative delivery method referred to as design-build contracts for capital projects related to the state's physical infrastructure, including, but not limited to, the state's highways, bridges, BUILDINGS, dams, flood control projects, canals, and parks, including, but not limited to, to repair damage caused by natural disaster, to correct health and safety defects, to comply with federal and state laws, standards, and regulations, to extend the useful life of or replace the state's highways, bridges, BUILDINGS, dams, flood control projects, canals, and parks or to improve or add to the state's highways, bridges, BUILDINGS, dams, flood control projects, canals, and parks; provided that for the contracts executed by [the department of transportation, the office of parks, recreation and historic preservation, or the department of environmental conservation] ANY AUTHORIZED STATE AGENCY, the total cost of each such project shall not be less than [one million two hundred thousand dollars (\$1,200,000)] FIVE MILLION DOLLARS (\$5,000,000).

S 4. Section 8 of part F of chapter 56 of the laws of 2011, constituting the infrastructure investment act, is amended to read as follows:

S 8. If otherwise applicable, capital projects undertaken by the authorized state entity pursuant to this act shall be subject to section 135 of the state finance law and section 222 of the labor law; PROVIDED, HOWEVER, THAT AN AUTHORIZED STATE ENTITY THAT REQUIRES THE CONTRACTOR TO PREPARE SEPARATE SPECIFICATIONS IN ACCORDANCE WITH SECTION 135 OF THE STATE FINANCE LAW SHALL BE DEEMED TO BE IN COMPLIANCE WITH PROVISIONS OF SUCH LAW. FOR ALL CAPITAL PROJECTS USING A DESIGN-BUILD CONTRACT THAT ARE ESTIMATED TO COST IN EXCESS OF \$50 MILLION, A PROJECT LABOR AGREEMENT, AS DEFINED IN SECTION 222 OF THE LABOR LAW, SHALL BE INCLUDED IN THE REQUEST FOR PROPOSALS FOR THE CAPITAL PROJECT UNLESS, BASED UPON A FEASIBILITY STUDY EXAMINING THE POTENTIAL COST SAVING AND EFFICIENCIES OF A PROJECT LABOR AGREEMENT, THE AUTHORIZED STATE ENTITY CANNOT DETER-

MINE THAT A PROJECT LABOR AGREEMENT WOULD RESULT IN LABOR COST SAVINGS OF AT LEAST FIVE PERCENT AND THAT ITS INTEREST IN OBTAINING THE BEST WORK AT THE LOWEST POSSIBLE PRICE, PREVENTING FAVORITISM, FRAUD AND CORRUPTION, AND OTHER CONSIDERATIONS SUCH AS THE IMPACT OF DELAY, THE POSSIBILITY OF COST SAVINGS ADVANTAGES, AND ANY HISTORY OF LABOR UNREST, ARE BEST MET BY REQUIRING A PROJECT LABOR AGREEMENT.

S 5. Section 17 of part F of chapter 56 of the laws of 2011, constituting the infrastructure investment act, is amended to read as follows:

S 17. ANY CONTRACT AWARDED PURSUANT TO THIS ACT SHALL BE DEEMED TO BE AWARDED PURSUANT TO A COMPETITIVE PROCUREMENT FOR PURPOSES OF PUBLIC AUTHORITIES LAW SECTION 2879-A.

S 18. This act shall take effect immediately [and shall expire and be deemed repealed 3 years after such date, provided that, projects with requests for qualifications issued prior to such repeal shall be permitted to continue under this act notwithstanding such repeal].

S 6. Notwithstanding the provisions of article 5 of the general construction law, the provisions of part F of chapter 56 of the laws of 2011, as amended by sections one, two, three, four and five of this act, are hereby revived and shall continue in full force and effect as such provisions existed on December 8, 2014.

S 7. This act shall take effect immediately.

PART C

Section 1. Section 144 of the transportation law is REPEALED and a new section 144 is added to read as follows:

S 144. FEES AND CHARGES. THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL CHARGE AND COLLECT THE FOLLOWING FEES:

1. ONE HUNDRED DOLLARS FOR THE INSPECTION OR RE-INSPECTION OF ALL MOTOR VEHICLES TRANSPORTING PASSENGERS SUBJECT TO THE DEPARTMENT'S INSPECTION REQUIREMENTS PURSUANT TO SECTION ONE HUNDRED FORTY OF THIS ARTICLE AND THE COMMISSIONER'S REGULATIONS, EXCEPT SUCH MOTOR VEHICLES OPERATED UNDER CONTRACT WITH A MUNICIPALITY TO PROVIDE STATEWIDE MASS TRANSPORTATION OPERATING ASSISTANCE ELIGIBLE SERVICE OR MOTOR VEHICLES USED PRIMARILY TO TRANSPORT PASSENGERS PURSUANT TO SUBPARAGRAPHS (I), (III) AND (V) OF PARAGRAPH A OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF THIS ARTICLE. THE DEPARTMENT MAY DENY FUTURE INSPECTION OF ANY MOTOR VEHICLE TRANSPORTING PASSENGERS SUBJECT TO THE DEPARTMENT'S INSPECTION REQUIREMENTS AS WELL AS ISSUANCE OF A CERTIFICATE OF INSPECTION, IF SUCH FEE IS NOT PAID WITHIN NINETY DAYS OF RECEIPT OF AN INVOICE.

2. ALL FEES CHARGED AND COLLECTED BY THE COMMISSIONER UNDER SUBDIVISION ONE OF THIS SECTION SHALL BE DEPOSITED BY THE COMPTROLLER INTO THE DEDICATED HIGHWAY AND BRIDGE TRUST FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW.

S 2. Subdivision 1 of section 153 of the transportation law is REPEALED and subdivisions 2, 3, 4, 5, 6, 7, 8 and 9 are renumbered subdivisions 1, 2, 3, 4, 5, 6, 7 and 8.

S 3. Subdivisions 1 and 6 of section 154 of the transportation law, as added by chapter 635 of the laws of 1983, are amended to read as follows:

1. The commissioner may issue a permanent certificate of public convenience and necessity to operate as a common carrier of passengers to an applicant with or without hearing, except as provided in subdivisions two and seven of this section, but upon notice to all interested parties. If any application for authority to operate a bus line through

1 a county, city, village or town or in or through a territory or district
2 served by a bus line or a public transportation authority created pursu-
3 ant to titles nine, eleven, eleven-A, eleven-B, eleven-C and eleven-D of
4 article five of the public authorities law is protested by any such
5 municipality, bus line, or public transportation authority, and hearing
6 on such application is requested then no permanent authority shall be
7 granted prior to a hearing held on such application. The commissioner
8 shall consider any reasonable conditions required of the applicant by
9 such municipality regarding routing and franchise requirements and, in
10 cities having a population of over one million persons the commissioner
11 shall adopt the intracity routing requirements to the proposed destina-
12 tion point or points that are established by any such city, provided
13 that such city furnishes the routing requirements to the commissioner
14 within sixty days of the filing of the application with the department.
15 In addition the commissioner shall adopt insurance requirements provided
16 for by any such city. Except for the routing and insurance requirements
17 in cities having a population of over one million persons, the commis-
18 sioner shall impose requirements on the applicant deemed to be reason-
19 able and in the public interest as a condition to any authority granted.
20 [Applications for a permanent certificate shall be accompanied by a
21 filing fee as prescribed in section one hundred forty-four of this chap-
22 ter.] The application for a permanent certificate shall be granted if
23 the commissioner finds that:

24 (a) the applicant is fit, willing and able to provide the transporta-
25 tion to be authorized by the certificate and to comply with this chapter
26 and the regulations of the commissioner; and

27 (b) the service proposed will be required by the present or future
28 public convenience and necessity.

29 6. Any person holding a permanent certificate to provide bus line
30 service shall not discontinue service on any route unless an application
31 is made to the commissioner and the commissioner approves such applica-
32 tion upon a finding that the public convenience and necessity no longer
33 requires such bus line service. [Applications for discontinuance shall
34 be accompanied by a filing fee as prescribed in section one hundred
35 forty-four of this chapter.]

36 S 4. Subdivision 1 of section 155 of the transportation law, as added
37 by chapter 635 of the laws of 1983, is amended to read as follows:

38 1. A permanent permit to operate as a contract carrier of passengers
39 may be issued by the commissioner to an applicant with or without a
40 hearing, but upon notice to all interested parties, authorizing such
41 applicant to provide transportation as a contract carrier of passengers.
42 [Applications for a permanent permit shall be accompanied by a filing
43 fee as prescribed in section one hundred forty-four of this chapter.]
44 The application for a permanent permit shall be granted if the commis-
45 sioner finds that:

46 (a) the applicant is fit, willing and able to provide the transporta-
47 tion to be authorized by the permit and to comply with this chapter and
48 the regulations of the commissioner; and

49 (b) the proposed service is or will be consistent with the public
50 interest and the policy declared in section one hundred thirty-seven of
51 this chapter.

52 S 5. Subdivision 3 of section 156 of the transportation law, as added
53 by chapter 635 of the laws of 1983, is amended to read as follows:

54 3. Certificates or permits shall not be assigned or transferred, in
55 any manner, nor shall the right to operate under any certificate or
56 permit be leased without prior approval of the commissioner upon such

1 notice as the commissioner shall deem appropriate. The assignment,
2 transfer or lease of certificates or permits or the right to operate
3 under any certificate or permit, shall not be approved unless the
4 commissioner shall find that it is in the public interest to do so. All
5 applications for transfer or lease must be in such form as prescribed by
6 the commissioner [and be accompanied by a filing fee as prescribed in
7 section one hundred forty-four of this chapter].

8 S 6. Subdivision 1 of section 173 of the transportation law, as added
9 by chapter 635 of the laws of 1983, is amended to read as follows:

10 1. A temporary certificate or permit to operate as a common or
11 contract carrier of property may be issued by the commissioner to a
12 qualified applicant with or without a hearing for the purpose of provid-
13 ing a service for which there is an immediate or urgent need from or to
14 a point or points or within a territory. Applications for temporary
15 authority shall contain such information as the commissioner by regu-
16 lation may prescribe [and shall be accompanied by a filing fee as
17 prescribed in section one hundred forty-four of this chapter].

18 S 7. Subdivision 1 of section 174 of the transportation law, as added
19 by chapter 635 of the laws of 1983, is amended to read as follows:

20 1. A permanent certificate to operate as a common carrier of property
21 may be issued by the commissioner to a qualified applicant with or with-
22 out hearing, but upon notice to all interested parties, authorizing such
23 applicant to provide transportation as a common carrier of property.
24 Applications for a permanent certificate shall contain such information
25 as the commissioner by regulation may prescribe [and shall be accompa-
26 nied by a filing fee as prescribed in section one hundred forty-four of
27 this chapter]. The application for a permanent certificate shall be
28 granted if the commissioner finds that:

29 (a) the applicant is fit, willing and able to provide the transporta-
30 tion to be authorized by the certificate and to comply with this chapter
31 and the regulations of the commissioner; and

32 (b) that the service proposed will be required by the present or
33 future public convenience and necessity.

34 S 8. Subdivision 1 of section 175 of the transportation law, as added
35 by chapter 635 of the laws of 1983, is amended to read as follows:

36 1. A permanent permit to operate as a contract carrier of property may
37 be issued by the commissioner to an applicant with or without hearing,
38 but upon notice to all interested parties authorizing such applicant to
39 provide transportation as a contract carrier of property. [Applications
40 for a permanent permit shall be accompanied by a filing fee as
41 prescribed in section one hundred forty-four of this chapter.] The
42 application for a permanent permit shall be granted if the commissioner
43 finds that:

44 (a) the applicant is fit, willing and able to provide the transporta-
45 tion to be authorized and to comply with this chapter and the regu-
46 lations of the commissioner; and

47 (b) the proposed service to the extent authorized will be consistent
48 with the public interest and the policy declared in section one hundred
49 thirty-seven of this chapter.

50 S 9. Subdivision 3 of section 177 of the transportation law, as added
51 by chapter 635 of the laws of 1983, is amended to read as follows:

52 3. Certificates or permits shall not be assigned, transferred or
53 leased in any manner nor shall the right to operate under any certif-
54 icate or permit be leased without prior approval of the commissioner,
55 upon such notice as the commissioner shall deem appropriate. The assign-
56 ment, transfer or lease of a certificate, or the right to operate under

any certificate, shall not be approved unless the commissioner shall find that it is in the public interest to do so. All applications for assignment, transfer or lease must be in such form as prescribed by the commissioner [and shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter].

S 10. Subdivision 1 of section 192 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

1. A probationary certificate to operate as a common carrier of household goods by motor vehicle may be issued by the commissioner to a qualified applicant after public notice and with or without hearing. The application shall contain such information as the commissioner by regulation shall prescribe [and the application shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter]. A probationary certificate shall:

(a) create no presumption that a corresponding permanent certificate will be granted;

(b) confer no proprietary or property rights in the use of the highways;

(c) be granted for a period not to exceed one year, which may be renewed for an additional one year period by the commissioner; and

(d) be subject to any conditions deemed appropriate by the commissioner to be in the public interest.

S 11. Subdivision 6 of section 193 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

6. Permanent certificates issued pursuant to subdivision one of this section shall have no application fee. [Applications for permanent certificates issued pursuant to subdivision four of this section shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter.]

S 12. Subdivision 3 of section 195 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

3. Permanent certificates shall not be assigned, transferred or leased in any manner nor shall the right to operate under any such certificate be leased without prior approval of the commissioner upon such notice as the commissioner shall deem appropriate. The assignment, transfer or lease of a permanent certificate, shall not be approved unless the commissioner shall find that it is in the public interest to do so. All applications for transfer or lease must be in such form as prescribed by the commissioner [and shall be accompanied by a filing fee as prescribed in section one hundred forty-four of this chapter].

S 13. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART D

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 L of chapter 59 of the laws of 2006, 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

1 may combine and/or take into consideration those formulas used to
 2 distribute mass transportation operating assistance payments authorized
 3 by separate appropriations in order to facilitate program administration
 4 and to ensure an orderly distribution of such funds.

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

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

16 Percentage of matching payment required to be provided:

17	Percentage	
18	of Matching	
19	Payment	
20	-----	-----
21		Local Jurisdiction
22		In the Metropolitan Commuter
23		Transportation District:
24	6.40	New York City
25	1.30	Dutchess
26	39.60	Nassau
27	0.50	Orange
28	1.30	Putnam
29	0.10	Rockland
30	25.70	Suffolk
31	25.10	Westchester
32		In the Capital District Trans-
33		portation District:
34	56.10	Albany
35	23.30	Rensselaer
36	4.10	Saratoga
37	16.50	Schenectady
38		In the Central New York Re-
39		gional Transportation Dis-
40		trict:
41	5.11	Cayuga
42	75.83	Onondaga
43	2.85	Oswego
44	16.21	Oneida
45		In the Rochester-Genesee Re-
46		gional Transportation Dis-
47		trict:
48	[1.43]	Genesee
49	[0.94]	Livingston
50	[94.58]	Monroe
51	[1.03]	Wayne
52	[0.54]	Wyoming
53	[0.67]	Seneca
54	[0.81]	Orleans
55		ONTARIO
	1.36	
	.90	
	90.14	
	.98	
	.51	
	.64	
	.77	
	4.69	
		In the Niagara Frontier Trans-

1	portation District: Erie	89.20
2	Niagara	10.80

3 Notwithstanding any other inconsistent provisions of section 18-b of
4 the transportation law or any other law, any moneys provided to a public
5 benefit corporation constituting a transportation authority or to other
6 public transportation systems in payment of state operating assistance
7 or such lesser amount as the authority or public transportation system
8 shall make application for, shall be paid by the commissioner of trans-
9 portation to such authority or public transportation system in lieu, and
10 in full satisfaction, of any amounts which the authority would otherwise
11 be entitled to receive under section 18-b of the transportation law.

12 Notwithstanding the reporting date provision of section 17-a of the
13 transportation law, the reports of each regional transportation authori-
14 ty and other major public transportation systems receiving mass trans-
15 portation operating assistance shall be submitted on or before July 15
16 of each year in the format prescribed by the commissioner of transporta-
17 tion. Copies of such reports shall also be filed with the chairpersons
18 of the senate finance committee and the assembly ways and means commit-
19 tee and the director of the budget. The commissioner of transportation
20 may withhold future state operating assistance payments to public trans-
21 portation systems or private operators that do not provide such reports.

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

33 The commissioner of transportation shall be required to annually eval-
34 uate the operating and financial performance of each major public trans-
35 portation system. Where the commissioner's evaluation process has iden-
36 tified a problem related to system performance, the commissioner may
37 request the system to develop plans to address the performance deficien-
38 cies. The commissioner of transportation may withhold future state oper-
39 ating assistance payments to public transportation systems or private
40 operators that do not provide such operating, financial, or other infor-
41 mation as may be required by the commissioner to conduct the evaluation
42 process.

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

53 Counties, municipalities or Indian tribes that propose to allocate
54 service payments to operators on a basis other than the amount earned by
55 the service payment formula shall be required to describe the proposed

1 method of distributing governmental operating aid and submit it one
2 month prior to the start of the operator's fiscal year to the commis-
3 sioner of transportation in writing for review and approval prior to the
4 distribution of state aid. The commissioner of transportation shall only
5 approve alternate distribution methods which are consistent with the
6 transportation needs of the people to be served and ensure that the
7 system of private operators does not exceed established maximum service
8 payment limits. Copies of such approvals shall be submitted to the
9 chairpersons of the senate finance and assembly ways and means commit-
10 tees.

11 Notwithstanding the provisions of subdivision 4 of section 18-b of the
12 transportation law, the commissioner of transportation is authorized to
13 continue to use prior quarter statistics to determine current quarter
14 payment amounts, as initiated in the April to June quarter of 1981. In
15 the event that actual revenue passengers and actual total number of
16 vehicle, nautical or car miles are not available for the preceding quar-
17 ter, estimated statistics may be used as the basis of payment upon
18 approval by the commissioner of transportation. In such event, the
19 succeeding payment shall be adjusted to reflect the difference between
20 the actual and estimated total number of revenue passengers and vehicle,
21 nautical or car miles used as the basis of the estimated payment. The
22 chief executive officer may apply for less aid than the system is eligi-
23 ble to receive. Each quarterly payment shall be attributable to operat-
24 ing expenses incurred during the quarter in which it is received, unless
25 otherwise specified by such commissioner. In the event that a public
26 transportation system ceases to participate in the program, operating
27 assistance due for the final quarter that service is provided shall be
28 based upon the actual total number of revenue passengers and the actual
29 total number of vehicle, nautical or car miles carried during that quar-
30 ter.

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

33 In the event that an audit of a public transportation system or
34 private operator receiving funds discloses the existence of an overpay-
35 ment of state operating assistance, regardless of whether such an over-
36 payment results from an audit of revenue passengers and the actual
37 number of revenue vehicle miles statistics, or an audit of private oper-
38 ators in cases where more than a reasonable return based on equity or
39 operating revenues and expenses has resulted, the commissioner of trans-
40 portation, in addition to recovering the amount of state operating
41 assistance overpaid, shall also recover interest, as defined by the
42 department of taxation and finance, on the amount of the overpayment.

43 Notwithstanding any other law, rule or regulation to the contrary,
44 whenever the commissioner of transportation is notified by the comp-
45 troller that the amount of revenues available for payment from an
46 account is less than the total amount of money for which the public mass
47 transportation systems are eligible pursuant to the provisions of
48 section 88-a of the state finance law and any appropriations enacted for
49 these purposes, the commissioner of transportation shall establish a
50 maximum payment limit which is proportionally lower than the amounts set
51 forth in appropriations.

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

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART E

Section 1. The state finance law is amended by adding a new section 99-w to read as follows:

S 99-W. TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL CAPITAL FUND TO BE KNOWN AS THE "TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND."

2. THE COMPTROLLER SHALL ESTABLISH THE FOLLOWING SEPARATE AND DISTINCT ACCOUNT WITHIN THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND:

METROPOLITAN TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS ACCOUNT

3. THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL CONSIST OF ALL MONEYS COLLECTED THEREFOR OR CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND, ACCOUNT OR SOURCE. ANY INTEREST RECEIVED BY THE COMPTROLLER ON MONEYS ON DEPOSIT IN THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL BE RETAINED IN AND BECOME A PART OF SUCH FUND.

4. MONEYS IN THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL, FOLLOWING APPROPRIATION BY THE LEGISLATURE, BE UTILIZED FOR CAPITAL PURPOSES, INCLUDING, BUT NOT LIMITED TO THE PLANNING AND DESIGN, ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, IMPROVEMENT, RECONDITIONING, REHABILITATION AND PRESERVATION OF MASS TRANSIT FACILITIES, VEHICLES, RELATED EQUIPMENT AND ROLLING STOCK WITH AN AVERAGE SERVICE LIFE OF NO LESS THAN FIVE YEARS.

5. MONEYS DEPOSITED INTO THE METROPOLITAN TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS ACCOUNT SHALL BE AVAILABLE TO THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) AND TO ALL OTHER PUBLIC TRANSPORTATION SYSTEMS SERVING PRIMARILY WITHIN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT, AS DEFINED IN SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW, ELIGIBLE TO RECEIVE OPERATING ASSISTANCE UNDER THE PROVISIONS OF SECTION EIGHTEEN-B OF THE TRANSPORTATION LAW CONSISTENT WITH THE USES OUTLINED IN SUBDIVISION FOUR OF THIS SECTION.

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO CAPITAL ASSISTANCE PAYMENT AUTHORIZED UNDER THIS SECTION MAY BE APPLIED TO OPERATING EXPENSES.

7. ALL PAYMENTS OF MONEY FROM THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL BE MADE IN ACCORDANCE WITH A FORMULA TO BE ESTABLISHED BY THE COMMISSIONER OF TRANSPORTATION WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

8. ALL PAYMENTS OF MONEYS FROM THE TRANSIT ASSISTANCE FOR CAPITAL INVESTMENTS FUND SHALL BE MADE ON THE AUDIT AND WARRANT OF THE COMPTROLLER.

S 2. This act shall take effect immediately.

PART F

Section 1. Notwithstanding any other law, rule or regulation to the contrary, the commissioner of transportation may approve the deferral of any required reductions in service payments to unspecified public transportation systems, pursuant to the hold-harmless provision of the State-wide Mass Transportation Operating Assistance (STOA) program provided in 17 N.Y.C.R.R. 975.18, on an annual basis for a period of no more than two years.

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

3 PART G

4 Section 1. Section 351 of the public authorities law is amended by
5 adding a new subdivision 14 to read as follows:

6 14. THE TERM "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF TRANSPORTATION.

7 S 2. The public authorities law is amended by adding two new sections
8 357-b and 357-c to read as follows:

9 S 357-B. SHARING EMPLOYEES, SERVICES AND RESOURCES. A SHARED SERVICES
10 AGREEMENT MAY BE EXECUTED BETWEEN THE AUTHORITY AND THE DEPARTMENT TO
11 SHARE EMPLOYEES, SERVICES OR RESOURCES AS DEEMED APPROPRIATE INCLUDING,
12 BUT NOT LIMITED TO, FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE
13 DEPARTMENT ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE
14 AUTHORITY, AND FOR THE PERFORMANCE OF WORK AND ACTIVITIES BY THE AUTHOR-
15 ITY ON THE FACILITIES AND PROPERTY UNDER THE JURISDICTION OF THE DEPART-
16 MENT. SUCH AGREEMENT OR ANY PROJECT UNDERTAKEN PURSUANT TO SUCH AGREE-
17 MENT SHALL NOT BE DEEMED TO IMPAIR THE RIGHTS OF BONDHOLDERS AND MAY
18 PROVIDE FOR, BUT NOT BE LIMITED TO, THE MANAGEMENT, SUPERVISION AND
19 DIRECTION OF SUCH EMPLOYEES' PERFORMANCE OF SUCH SERVICES.

20 S 357-C. INDEMNIFICATION AND DEFENSE UNDER SHARED SERVICES AGREEMENT.
21 1. THE AUTHORITY SHALL DEFEND ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF
22 THE DEPARTMENT, USING THE FORCES OF THE DEPARTMENT OF LAW PURSUANT TO
23 SECTION THREE HUNDRED SIXTY-TWO OF THIS TITLE IN ANY ACTION, PROCEEDING,
24 CLAIM, DEMAND OR THE PROSECUTION OF ANY APPEAL ARISING FROM OR OCCA-
25 SIONED BY THE ACTS OR OMISSIONS TO ACT IN THE PERFORMANCE OF THE FUNC-
26 TIONS OF THE AUTHORITY PURSUANT TO A SHARED SERVICES AGREEMENT.

27 2. DEFENSE PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE CONDI-
28 TIONED UPON THE FULL COOPERATION OF THE DEPARTMENT.

29 3. THE AUTHORITY SHALL INDEMNIFY AND HOLD HARMLESS ANY UNIT, ENTITY,
30 OFFICER OR EMPLOYEE OF THE DEPARTMENT IN THE AMOUNT OF ANY JUDGMENT
31 OBTAINED AGAINST THE DEPARTMENT OR IN THE AMOUNT OF ANY SETTLEMENT THE
32 DEPARTMENT ENTERS INTO WITH THE CONSENT OF THE AUTHORITY FOR ANY AND ALL
33 CLAIMS, DAMAGES OR LIABILITIES ARISING FROM OR OCCASIONED BY THE ACTS OR
34 OMISSIONS TO ACT OF THE AUTHORITY OR ITS SUBSIDIARIES PURSUANT TO A
35 SHARED SERVICES AGREEMENT; PROVIDED, HOWEVER, THAT THE ACT OR OMISSION
36 FROM WHICH SUCH JUDGMENT OR SETTLEMENT AROSE OCCURRED WHILE THE AUTHORI-
37 TY OR ITS SUBSIDIARIES WAS ACTING WITHIN THE SCOPE OF ITS FUNCTIONS
38 PURSUANT TO A SHARED SERVICES AGREEMENT. NO SUCH SETTLEMENT OF ANY SUCH
39 ACTION, PROCEEDING, CLAIM OR DEMAND SHALL BE MADE WITHOUT THE APPROVAL
40 OF THE BOARD OR ITS DESIGNEE.

41 4. ANY CLAIM OR PROCEEDING COMMENCED AGAINST ANY UNIT, ENTITY, OFFICER
42 OR EMPLOYEE OF THE AUTHORITY THAT ARISES PURSUANT TO ANY SHARED SERVICES
43 AGREEMENT SHALL NOT BE CONSTRUED IN ANY WAY TO IMPAIR, ALTER, LIMIT,
44 MODIFY, ABROGATE OR RESTRICT ANY IMMUNITY AVAILABLE TO OR CONFERRED UPON
45 ANY UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE AUTHORITY, OR TO IMPAIR,
46 ALTER, LIMIT, MODIFY, ABROGATE OR RESTRICT ANY RIGHT TO DEFENSE AND
47 INDEMNIFICATION PROVIDED FOR ANY GOVERNMENTAL OFFICER OR EMPLOYEE BY, IN
48 ACCORDANCE WITH, OR BY REASON OF, ANY OTHER PROVISION OF STATE OR FEDER-
49 AL STATUTORY OR COMMON LAW.

50 5. THIS SECTION SHALL NOT IN ANY WAY AFFECT THE OBLIGATION OF ANY
51 CLAIMANT TO GIVE NOTICE TO THE STATE AND THE AUTHORITY UNDER SECTION TEN
52 AND SECTION ELEVEN OF THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF
53 LAW.

1 6. THE PROVISIONS OF THIS SECTION SHALL NOT BE CONSTRUED TO IMPAIR,
2 ALTER, LIMIT OR MODIFY THE RIGHTS AND OBLIGATIONS OF ANY INSURER UNDER
3 ANY INSURANCE AGREEMENT.

4 7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN EMPLOYED PURSUANT
5 TO A SHARED SERVICES AGREEMENT, EMPLOYEES OF THE AUTHORITY, AND ITS
6 SUBSIDIARIES AND THE DEPARTMENT SHALL BE DEEMED EMPLOYEES OF ALL SUCH
7 ENTITIES AND THE STATE FOR PURPOSES OF THE WORKERS' COMPENSATION LAW.

8 S 3. Section 10-a of the highway law is amended by adding a new subdi-
9 vision 13 to read as follows:

10 13. (A) THE STATE SHALL DEFEND ANY UNIT, ENTITY, OFFICER OR EMPLOYEE
11 OF THE NEW YORK STATE THRUWAY AUTHORITY USING THE FORCES OF THE DEPART-
12 MENT OF LAW IN ANY ACTION, PROCEEDING, CLAIM, DEMAND OR THE PROSECUTION
13 OF ANY APPEAL ARISING FROM OR OCCASIONED BY THE ACTS OR OMISSIONS TO ACT
14 IN THE PERFORMANCE OF THE FUNCTIONS OF THE DEPARTMENT PURSUANT TO A
15 SHARED SERVICES AGREEMENT.

16 (B) DEFENSE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE
17 CONDITIONED UPON THE FULL COOPERATION OF THE NEW YORK STATE THRUWAY
18 AUTHORITY.

19 (C) THE STATE SHALL INDEMNIFY AND HOLD HARMLESS ANY UNIT, ENTITY,
20 OFFICER OR EMPLOYEE OF THE NEW YORK STATE THRUWAY AUTHORITY IN THE
21 AMOUNT OF ANY JUDGMENT OBTAINED AGAINST THE NEW YORK STATE THRUWAY
22 AUTHORITY OR IN THE AMOUNT OF ANY SETTLEMENT THE NEW YORK STATE THRUWAY
23 AUTHORITY ENTERS INTO WITH THE CONSENT OF THE STATE FOR ANY AND ALL
24 CLAIMS, DAMAGES OR LIABILITIES ARISING FROM OR OCCASIONED BY THE ACTS OR
25 OMISSIONS TO ACT OF THE DEPARTMENT PURSUANT TO A SHARED SERVICES AGREE-
26 MENT, PROVIDED, HOWEVER, THAT THE ACT OR OMISSION FROM WHICH SUCH JUDG-
27 MENT OR SETTLEMENT AROSE OCCURRED WHILE THE DEPARTMENT WAS ACTING WITHIN
28 THE SCOPE OF ITS FUNCTIONS PURSUANT TO A SHARED SERVICES AGREEMENT. ANY
29 SUCH SETTLEMENT SHALL BE EXECUTED PURSUANT TO SECTION TWENTY-A OF THE
30 COURT OF CLAIMS ACT.

31 (D) ANY CLAIM OR PROCEEDING COMMENCED AGAINST ANY UNIT, ENTITY, OFFI-
32 CER OR EMPLOYEE OF THE DEPARTMENT PURSUANT TO ANY SHARED SERVICES AGREE-
33 MENT SHALL NOT BE CONSTRUED IN ANY WAY TO IMPAIR, ALTER, LIMIT, MODIFY,
34 ABROGATE OR RESTRICT ANY IMMUNITY AVAILABLE TO OR CONFERRED UPON ANY
35 UNIT, ENTITY, OFFICER OR EMPLOYEE OF THE DEPARTMENT, OR TO IMPAIR,
36 ALTER, LIMIT, MODIFY, ABROGATE OR RESTRICT ANY RIGHT TO DEFENSE AND
37 INDEMNIFICATION PROVIDED FOR ANY GOVERNMENTAL OFFICER OR EMPLOYEE BY, IN
38 ACCORDANCE WITH, OR BY REASON OF, ANY OTHER PROVISION OF STATE OR FEDER-
39 AL STATUTORY OR COMMON LAW.

40 (E) THIS SUBDIVISION SHALL NOT IN ANY WAY AFFECT THE OBLIGATION OF ANY
41 CLAIMANT TO GIVE NOTICE TO THE STATE UNDER SECTIONS TEN AND ELEVEN OF
42 THE COURT OF CLAIMS ACT OR ANY OTHER PROVISION OF LAW.

43 (F) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE CONSTRUED TO
44 IMPAIR, ALTER, LIMIT OR MODIFY THE RIGHTS AND OBLIGATIONS OF ANY INSURER
45 UNDER ANY INSURANCE AGREEMENT.

46 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EMPLOYEES OF THE THRU-
47 WAY AUTHORITY, ITS SUBSIDIARIES AND THE DEPARTMENT SHALL BE DEEMED
48 EMPLOYEES OF ALL SUCH ENTITIES AND THE STATE FOR PURPOSES OF THE WORK-
49 ERS' COMPENSATION LAW.

50 (H) ANY PAYMENT MADE PURSUANT TO THIS SUBDIVISION OR ANY MONIES PAID
51 FOR A CLAIM AGAINST OR SETTLEMENT WITH THE DEPARTMENT OR THE NEW YORK
52 STATE THRUWAY AUTHORITY PURSUANT TO THIS SECTION AND PURSUANT TO A
53 SHARED SERVICES AGREEMENT SHALL BE PAID FROM APPROPRIATIONS FOR PAYMENT
54 BY THE STATE PURSUANT TO THE COURT OF CLAIMS ACT.

55 S 4. Subdivision 1 of section 17 of the public officers law is amended
56 by adding a new paragraph (y) to read as follows:

(Y) FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE MEMBERS OF THE BOARD, OFFICERS AND EMPLOYEES OF THE NEW YORK STATE THRU-WAY AUTHORITY OR ITS SUBSIDIARIES.

S 5. This act, being necessary for the prosperity of the state and its inhabitants, shall be liberally construed to effect the purposes and secure the beneficial intents hereof.

S 6. If any provision of any section of this act or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section of this act or the application thereof to any other person or circumstance and to this end the provisions of each section of this act are hereby declared to be severable.

S 7. This act shall take effect immediately.

PART H

Section 1. Subdivision 15 of section 385 of the vehicle and traffic law is amended by adding a new paragraph (l) to read as follows:

(L) WHEN AN ANNUAL PERMIT IS ISSUED, PURSUANT TO THIS SUBDIVISION, FOR THE OPERATION OF A VEHICLE WITH A MAXIMUM GROSS WEIGHT IN EXCESS OF EIGHTY THOUSAND POUNDS, SUCH PERMIT SHALL SERVE AS PROOF OF THE MAXIMUM GROSS WEIGHT ALLOWED FOR SUCH VEHICLE NOTWITHSTANDING THE MAXIMUM GROSS WEIGHT FOR SUCH VEHICLE AS STATED ON THE APPLICATION FOR REGISTRATION PROVIDED THAT THE OPERATION OF SUCH VEHICLE IS IN COMPLIANCE WITH THE TERMS OF THE ANNUAL PERMIT ISSUED AND ANY REQUIREMENTS OR CONDITIONS APPLICABLE THERETO.

S 2. Paragraph (b) of schedule F of subdivision 7 of section 401 of the vehicle and traffic law, as amended by chapter 55 of the laws of 1992, is amended to read as follows:

(b) As used in this schedule, the term "snow plow" shall not include farm type tractors used exclusively for agricultural purposes, or for snow plowing other than for hire, as defined in section one hundred twenty-five of this chapter, when used for plowing or removing snow, provided such plowing or snow removal is not done for hire.

No person shall operate or move, or cause or knowingly permit to be operated or moved on any public highway in this state any auto truck, agricultural truck or light delivery car, registered in this state, having a combined weight of vehicle and load in excess of the maximum gross weight for such vehicle as stated on the application for registration. Such maximum gross weight [cannot] SHALL NOT be more than the weight permitted under section three hundred eighty-five of this chapter or the weight permitted by the rules or regulations of the department of transportation of any city not wholly included within one county or under permits that may be issued pursuant to such section, rules or regulations whichever is the least restrictive.

S 3. Paragraph b of subdivision 9 of section 401 of the vehicle and traffic law, as amended by chapter 847 of the laws of 1968, is amended to read as follows:

b. Where a vehicle registered under the provisions of subdivisions seven or eight of this section on the basis of maximum gross weight requires a corrected registration because of a load in excess of the maximum load as certified in the application for registration, or the registrant desires to register the vehicle at a lower gross maximum weight, an application shall be made for correct registration; PROVIDED,

1 HOWEVER, THAT WHEN AN ANNUAL PERMIT IS ISSUED PURSUANT TO SUBDIVISION
2 FIFTEEN OF SECTION THREE HUNDRED EIGHTY-FIVE OF THIS CHAPTER FOR THE
3 OPERATION OF A VEHICLE WITH A MAXIMUM GROSS WEIGHT IN EXCESS OF EIGHTY
4 THOUSAND POUNDS, A CORRECTED REGISTRATION SHALL NOT BE REQUIRED PURSUANT
5 TO THIS PARAGRAPH. Upon the surrendering of the certificate of registra-
6 tion and the payment of a fee of two dollars together with the balance
7 of the annual fee for the correct registration over the fee as previous-
8 ly registered, such corrected registration may be issued. No return of
9 any part of the fee paid for the previous registration shall be made in
10 case of a reduction of maximum gross weight certified in the application
11 for a corrected registration.

12 S 4. This act shall take effect on the ninetieth day after it shall
13 have become a law.

14

PART I

15 Section 1. Item 1 of clause (A) of subparagraph (ii) of paragraph (i)
16 of subdivision 1 of section 201 of the vehicle and traffic law, as
17 amended by section 1 of part CC of chapter 58 of the laws of 2011, is
18 amended to read as follows:

19 (1) fifty-five years where the conviction and suspension or revocation
20 order relates to a conviction, suspension or revocation by the holder of
21 any driver's license when operating a commercial motor vehicle, as
22 defined in subdivision four of section five hundred one-a of this chap-
23 ter, or by the holder of a commercial driver's license OR COMMERCIAL
24 LEARNER'S PERMIT when operating any motor vehicle, who: has refused to
25 submit to a chemical test pursuant to section eleven hundred ninety-four
26 of this chapter or has been convicted of any of the following offenses:
27 any violation of subdivision ONE, two, TWO-A, three [or], four OR FOUR-A
28 of section eleven hundred ninety-two of this chapter, any violation of
29 subdivision one or two of section six hundred of this chapter, any felo-
30 ny involving the use of a motor vehicle, other than the use of a motor
31 vehicle in the commission of a felony involving manufacturing, distrib-
32 uting, dispensing a controlled substance; or the conviction, suspension
33 or revocation involves any of the following offenses while operating a
34 commercial motor vehicle: any violation of subdivision five or six of
35 section eleven hundred ninety-two of this chapter, driving a commercial
36 motor vehicle when as a result of prior violations committed while oper-
37 ating a commercial motor vehicle, the driver's commercial driver's
38 license OR COMMERCIAL LEARNER'S PERMIT is suspended or revoked, or has
39 been convicted of causing a fatality through the negligent operation of
40 a commercial motor vehicle, including but not limited to the crimes of
41 vehicular manslaughter and criminally negligent homicide as set forth in
42 article one hundred twenty-five of the penal law;

43 S 2. Subdivision 6 of section 501-a of the vehicle and traffic law, as
44 added by chapter 173 of the laws of 1990, is amended to read as follows:

45 6. Tank vehicle. Any commercial motor vehicle designed to transport
46 any liquid or gaseous material within [a]: (I) A tank that is either
47 permanently or temporarily attached to the vehicle or the chassis AND
48 HAS A RATED CAPACITY OF ONE THOUSAND GALLONS OR MORE; OR (II) MULTIPLE
49 TANKS EITHER PERMANENTLY OR TEMPORARILY ATTACHED OR SECURED, WHEN THE
50 AGGREGATE RATED CAPACITY OF THOSE TANKS IS ONE THOUSAND GALLONS OR MORE,
51 AS DETERMINED BY ADDING THE CAPACITY OF EACH INDIVIDUAL TANK WITH A
52 CAPACITY OF MORE THAN ONE HUNDRED NINETEEN GALLONS. [Such vehicles
53 include, but are not limited to, cargo and portable tanks, as defined in
54 49 CFR part 171. However, this definition does not include portable

tanks having a rated capacity under one thousand gallons.] PROVIDED, HOWEVER, IF A COMMERCIAL MOTOR VEHICLE TRANSPORTS ONE OR MORE TANKS THAT ARE MANIFESTED EITHER AS EMPTY OR AS RESIDUE AND THAT ARE ACTUALLY EMPTY OR CONTAIN ONLY RESIDUE, THOSE TANKS SHALL NOT BE CONSIDERED IN DETERMINING WHETHER THE VEHICLE IS A TANK VEHICLE.

S 3. Paragraph (b) of subdivision 1 of section 503 of the vehicle and traffic law, as amended by section 2 of part D of chapter 58 of the laws of 2012, is amended to read as follows:

(b) An application for a license shall be valid for a period of time specified by regulation of the commissioner not to exceed five years. A learner's permit shall be valid from its issuance until the expiration of the application for a driver's license for which it was issued. PROVIDED, HOWEVER, A COMMERCIAL LEARNER'S PERMIT SHALL BE VALID FOR NO MORE THAN ONE HUNDRED EIGHTY DAYS, EXCEPT THAT SUCH PERMIT MAY BE RENEWED, IN THE COMMISSIONER'S DISCRETION, FOR AN ADDITIONAL ONE HUNDRED EIGHTY DAYS. Provided, however, that a COMMERCIAL learner's permit issued by the commissioner in connection with an application for a commercial driver's license shall be cancelled within sixty days of the holder's medical certification status becoming "not-certified" based upon: (i) the expiration of the holder's medical certification or medical variance documentation required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations; (ii) the holder's failure to submit such medical certification or medical variance documentation at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations and in a manner prescribed by the commissioner; or (iii) the receipt by the commissioner of information from the issuing medical examiner or the federal motor carrier safety administration that a medical certification or medical variance was issued in error or rescinded. The commissioner shall, upon a holder's status becoming "not-certified", notify the holder of such COMMERCIAL learner's permit issued in connection with a commercial driver's license application by first class mail to the address of such person on file with the department or at the current address provided by the United States postal service of his or her "not-certified" medical certification status and that the commercial motor vehicle privileges of such COMMERCIAL learner's permit will be cancelled unless he or she submits a current medical certificate and/or medical variance in accordance with Part 383.71(h) of title 49 of the code of federal regulations or changes his or her self-certification to driving only in excepted [or intrastate] commerce in accordance with Part 383.71(b)[(ii)(B), (C) or (D)](1) of title 49 of the code of federal regulations.

S 4. Subdivision 6 of section 510 of the vehicle and traffic law is amended by adding a new paragraph o to read as follows:

O. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION, WHERE REVOCATION IS MANDATORY PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION INVOLVING A VIOLATION OF SECTION THREE HUNDRED NINETY-TWO OF THIS CHAPTER IN RELATION TO AN APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE OR A COMMERCIAL LEARNER'S PERMIT, NO NEW COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL LEARNER'S PERMIT SHALL BE ISSUED FOR AT LEAST ONE YEAR, NOR THEREAFTER EXCEPT IN THE DISCRETION OF THE COMMISSIONER.

S 5. Paragraph (b) of subdivision 3 of section 510-a of the vehicle and traffic law, as amended by section 7 of part K of chapter 59 of the

1 laws of 2009, is amended, and two new subdivisions 9 and 10 are added to
2 read as follows:

3 (b) A commercial driver's license shall be suspended by the commis-
4 sioner for a period of one hundred twenty days where the holder is
5 convicted of three serious traffic violations as defined in subdivision
6 four of this section committed within a three year period, in separate
7 incidents whether such convictions occurred within or outside of this
8 state. [Such suspension shall take effect upon the termination of any
9 other suspension already in effect pursuant to paragraph (a) of this
10 subdivision or this paragraph.]

11 9. APPLICATION OF DISQUALIFICATIONS TO HOLDERS OF A COMMERCIAL
12 LEARNER'S PERMIT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
13 PROVISION OF THIS CHAPTER RELATING TO THE REVOCATION, SUSPENSION, DOWN-
14 GRADING, DISQUALIFICATION OR CANCELLATION OF A COMMERCIAL DRIVER'S
15 LICENSE SHALL APPLY IN THE SAME MANNER TO A COMMERCIAL LEARNER'S PERMIT.

16 10. CONSECUTIVE DISQUALIFICATION PERIODS. NOTWITHSTANDING ANY OTHER
17 PROVISION OF LAW, ANY SUSPENSION, REVOCATION OR DISQUALIFICATION APPLI-
18 CABLE TO THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL
19 LEARNER'S PERMIT THAT IS REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE
20 OF FEDERAL REGULATIONS AND BY THE PROVISIONS OF THIS CHAPTER SHALL TAKE
21 EFFECT UPON THE EXPIRATION OF THE MINIMUM PERIOD OF ANY OTHER SUSPEN-
22 SION, REVOCATION OR DISQUALIFICATION OF SUCH LICENSE OR PERMIT THAT IS
23 REQUIRED BY PART 383.51 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS
24 AND BY THE PROVISIONS OF THIS CHAPTER.

25 S 6. Paragraph (d) of subdivision 1 of section 514 of the vehicle and
26 traffic law, as added by section 7 of part CC of chapter 58 of the laws
27 of 2011, is amended to read as follows:

28 (d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of
29 this subdivision, upon a judgment of conviction for a violation of any
30 provisions of this chapter or of any local law, rule, ordinance or regu-
31 lation relating to traffic (except one related to parking, stopping or
32 standing), the court or the clerk thereof shall, within ninety-six hours
33 of the imposition of the sentence, file the certificate required by
34 paragraph (a) of this subdivision, if the person convicted: (i) is the
35 holder of a COMMERCIAL LEARNER'S PERMIT OR A commercial driver's license
36 issued by another state; or (ii) does not hold a COMMERCIAL LEARNER'S
37 PERMIT OR A commercial driver's license, but has been issued a license
38 by another state and is convicted of a violation that was committed in a
39 commercial motor vehicle, as defined in subdivision four of section five
40 hundred one-a of this title.

41 S 7. Subdivisions 1 and 2 of section 514-a of the vehicle and traffic
42 law, as added by chapter 173 of the laws of 1990, are amended to read as
43 follows:

44 1. Each person who operates a commercial motor vehicle for a New York
45 state employer who is convicted of violating within or outside of this
46 state, in any type of motor vehicle, a state or local law relating to
47 motor vehicle traffic control (other than a parking violation), shall
48 notify his/her current employer of such conviction. [Any person who
49 holds a commercial driver's license issued by the commissioner who does
50 not operate a commercial motor vehicle for a New York state employer or
51 who operates a commercial motor vehicle while self-employed who is
52 convicted in any other state, the District of Columbia or a Canadian
53 province of violating any law relating to motor vehicle traffic control
54 (other than a parking violation) while operating a commercial motor
55 vehicle shall notify the commissioner of such conviction.] Such notifi-
56 cation must be made within thirty days after the date that the person

1 has been convicted except that if a person is a bus driver as defined in
2 section five hundred nine-a of this chapter, such notification must be
3 made within five days after the date the person has been convicted as
4 required by section five hundred nine-i of this chapter. The above
5 notification must be made in writing and contain the following informa-
6 tion: (a) driver's full name; (b) driver's license number; (c) date of
7 conviction; (d) the specific criminal or other offense(s), serious traf-
8 fic violation(s) of state or local law relating to motor vehicle traffic
9 control, for which the person was convicted and any suspension, revoca-
10 tion, cancellation of any driving privileges or disqualification from
11 operating a commercial motor vehicle which resulted from such
12 conviction(s); (e) indication whether the violation was in a commercial
13 motor vehicle; (f) location of offense; (g) court or tribunal in which
14 the conviction occurred; and (h) driver's signature.

15 2. Each person who operates a commercial motor vehicle for a New York
16 state employer who has a COMMERCIAL LEARNER'S PERMIT OR A driver's
17 license suspended, revoked, or canceled by the commissioner or by the
18 appropriate authorities of any other state, District of Columbia or
19 Canadian province, or who loses the right to operate a commercial motor
20 vehicle in any state or jurisdiction for any period, or who is disquali-
21 fied from operating a commercial motor vehicle for any period, shall
22 notify his/her current employer of such suspension, revocation, cancel-
23 lation, lost privilege, or disqualification.

24 S 8. Section 514-c of the vehicle and traffic law, as added by chapter
25 251 of the laws of 2007, is amended to read as follows:

26 S 514-c. Notification of non-resident commercial operator convictions.
27 Within ten days of the conviction of: (a) any holder of a COMMERCIAL
28 LEARNER'S PERMIT OR A commercial driver's license issued by another
29 state for any violation of state or local law regulating traffic, other
30 than a parking, stopping or standing violation, committed while operat-
31 ing a motor vehicle in this state; or

32 (b) any holder of a driver's license issued by another state for any
33 violation of state or local law regulating traffic, other than a park-
34 ing, stopping or standing violation, committed while operating a commer-
35 cial motor vehicle in this state, the commissioner shall provide notice
36 of such conviction to the state which issued such holder's COMMERCIAL
37 LEARNER'S PERMIT, commercial driver's license or driver's license.

38 S 9. Subdivision 9 of section 170.55 of the criminal procedure law, as
39 added by section 8 of part CC of chapter 58 of the laws of 2011, is
40 amended to read as follows:

41 9. Notwithstanding any other provision of this section, a court may
42 not issue an order adjourning an action in contemplation of dismissal if
43 the offense is for a violation of the vehicle and traffic law related to
44 the operation of a motor vehicle (except one related to parking, stop-
45 ping or standing), or a violation of a local law, rule or ordinance
46 related to the operation of a motor vehicle (except one related to park-
47 ing, stopping or standing), if such offense was committed by the holder
48 of a COMMERCIAL LEARNER'S PERMIT OR A commercial driver's license or was
49 committed in a commercial motor vehicle, as defined in subdivision four
50 of section five hundred one-a of the vehicle and traffic law.

51 S 10. Paragraph c of subdivision 2 of section 140 of the transporta-
52 tion law is amended by adding a new subparagraph (vii) to read as
53 follows:

54 (VII) NO PERSON, CORPORATION, LIMITED LIABILITY COMPANY OR BUSINESS
55 ENTITY, JOINT STOCK ASSOCIATION, PARTNERSHIP, OR ANY OFFICER OR AGENT
56 THEREOF, SHALL KNOWINGLY ALLOW, REQUIRE, PERMIT OR AUTHORIZE ANY PERSON

1 TO OPERATE A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION FIVE
2 HUNDRED ONE-A OF THE VEHICLE AND TRAFFIC LAW, DURING ANY PERIOD IN WHICH
3 THE OPERATOR:
4 (A) DOES NOT HAVE A VALID COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL
5 DRIVER'S LICENSE; OR
6 (B) DOES NOT HAVE A COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER'S
7 LICENSE WITH THE PROPER CLASS OR ENDORSEMENTS; OR
8 (C) VIOLATES ANY RESTRICTION ON SUCH OPERATOR'S COMMERCIAL LEARNER'S
9 PERMIT OR COMMERCIAL DRIVER'S LICENSE; OR
10 (D) HAS A COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIVER'S LICENSE
11 THAT IS SUSPENDED, REVOKED OR CANCELLED, OR SUCH OPERATOR HAS BEEN
12 OTHERWISE DISQUALIFIED BY THE COMMISSIONER OF MOTOR VEHICLES; OR
13 (E) HAS MORE THAN ONE COMMERCIAL LEARNER'S PERMIT OR COMMERCIAL DRIV-
14 ER'S LICENSE.
15 A VIOLATION OF THIS SUBPARAGRAPH SHALL BE PUNISHABLE BY A FINE OF NOT
16 LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS.
17 S 11. This act shall take effect July 8, 2015 and shall apply to
18 violations committed on or after such date, and shall apply to permits
19 issued on or after such date.

20

PART J

21 Section 1. Subdivision 2 of section 357-a of the public authorities
22 law, as added by section 1 of part E of chapter 58 of the laws of 2013,
23 is amended to read as follows:
24 2. The state shall be responsible for additional goods and services
25 provided by the authority equal to [twenty-four million] TWENTY-ONE
26 MILLION FIVE HUNDRED THOUSAND dollars in each calendar year. Such goods
27 and services shall be deemed to be costs to the state and not operating
28 costs of the authority. The authority and the director of the division
29 of the budget shall enter into an agreement identifying any such state
30 costs and determine reporting and other requirements related thereto.
31 Such agreement and any amendments thereto shall be transmitted by the
32 authority, within ten business days of the execution of such agreement
33 and amendments thereto, to the chair of the senate finance committee,
34 the chair of the assembly ways and means committee, the chair of the
35 senate transportation committee and the chair of the assembly transpor-
36 tation committee. By February first of each year, a report identifying
37 all state costs paid pursuant to such agreement in the preceding calen-
38 dar year will be transmitted by the authority to the director of the
39 budget, the chair of the senate finance committee, the chair of the
40 assembly ways and means committee, the chair of the senate transporta-
41 tion committee and the chair of the assembly transportation committee.
42 S 2. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after January 1, 2015.

44

PART K

45 Section 1. Section 2985 of title 11 of article 9 of the public author-
46 ities law is designated title 11-A and such title is amended by adding a
47 new title heading to read as follows:
48 TOLL COLLECTIONS
49 S 2. Subdivision 1 of section 2985 of the public authorities law, as
50 added by chapter 379 of the laws of 1992, is amended to read as follows:
51 1. Notwithstanding any other provision of law, every public authority
52 which operates a toll highway bridge and/or tunnel facility is hereby

1 authorized and empowered to impose monetary liability [on the owner of a
2 vehicle] for failure [of an operator thereof] to comply with the toll
3 collection regulations of such public authority in accordance with the
4 provisions of this section.

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

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

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

39 4. A certificate, sworn to or affirmed by an agent of the public
40 authority which charged that the violation occurred, or a facsimile
41 thereof, based upon inspection of [photographs, microphotographs, vide-
42 otape or other recorded images] DATA OR IMAGES produced by [a photo-mon-
43 itoring] AN ELECTRONIC TOLL COLLECTION system OR OTHER RECORDS MAIN-
44 TAINED BY OR ON BEHALF OF THE PUBLIC AUTHORITY REGARDING TOLL VIOLATIONS
45 shall be prima facie evidence of the facts contained therein and shall
46 be admissible in any proceeding charging a violation of toll collection
47 regulations, provided that any [photographs, microphotographs, videotape
48 or other recorded images] SUCH DATA, IMAGES, OR RECORDS evidencing such
49 a violation shall be available for inspection and admission into
50 evidence in any proceeding to adjudicate the liability for such
51 violation.

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

54 5. An owner found liable for a violation of toll collection regu-
55 lations pursuant to this section shall for a first violation thereof be
56 liable for THE FULL AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND

1 FEES IN ADDITION TO a monetary penalty not to exceed [fifty] ONE HUNDRED
2 dollars or two times the toll evaded whichever is greater; for a second
3 violation thereof both within eighteen months be liable for THE FULL
4 AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO a
5 monetary penalty not to exceed [one] TWO hundred dollars or five times
6 the toll evaded whichever is greater; for a third or subsequent
7 violation thereof all within eighteen months be liable for THE FULL
8 AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO a
9 monetary penalty not to exceed [one] THREE hundred [fifty] dollars or
10 ten times the toll evaded whichever is greater.

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

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

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

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

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

36 8. Adjudication of the liability imposed upon owners by this section
37 shall be by the entity having jurisdiction over violations of the rules
38 and regulations of the public authority serving the notice of liability
39 or where authorized by an administrative tribunal and all violations
40 shall be heard and determined in the county in which the violation is
41 alleged to have occurred, or in New York city and upon the consent of
42 both parties, in any county within New York city in which the public
43 authority operates or maintains a facility, and in the same manner as
44 charges of other regulatory violations of such public authority or
45 pursuant to the rules and regulations of such administrative tribunal as
46 the case may be. THE ENTITY OR ADMINISTRATIVE TRIBUNAL THAT ADJUDICATES
47 LIABILITY FOR A VIOLATION SHALL COLLECT THE FULL AMOUNT OF THE ASSESSED
48 TOLLS AND OTHER CHARGES AND FEES IN ADDITION TO THE MONETARY PENALTY
49 OWED, AND SHALL PAY TO THE PUBLIC AUTHORITY WHOSE TOLL COLLECTION REGU-
50 LATIONS WERE VIOLATED THE FULL AMOUNT OF THE ASSESSED TOLLS AND OTHER
51 CHARGES AND FEES AND ONE-HALF OF THE MONETARY PENALTY.

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

55 10. An owner who is a lessor of a vehicle to which a notice of
56 [liability] USE OF THE TOLL FACILITY BY SUCH VEHICLE was issued [pursu-

1 ant to subdivision seven of this section] shall not be liable for [the
2 violation] PAYMENT of the [toll collection regulation] TOLLS AND OTHER
3 CHARGES AND FEES provided that he or she sends to the public authority
4 [serving the notice of liability and to the court or other entity
5 having jurisdiction] OR ITS DULY AUTHORIZED AGENT FOR THIS PURPOSE a
6 copy of the rental, lease or other such contract document covering such
7 vehicle on the date of [the violation] USE OF THE TOLL FACILITY, with
8 the name and address of the lessee clearly legible, within thirty days
9 after receiving the [original] FIRST notice of [liability] USE OF THE
10 TOLL FACILITY BY SUCH VEHICLE. Failure to send such information within
11 such thirty day time period shall render the lessor liable for PAYMENT
12 OF the TOLLS AND OTHER CHARGES AND FEES AND ANY penalty prescribed by
13 this section. Where the lessor complies with the provisions of this
14 subdivision, the lessee of such vehicle on the date of such [violation]
15 USE OF THE TOLL FACILITY shall be deemed to be the owner of such vehicle
16 for purposes of this section and shall be [subject to liability for the
17 violation of toll collection regulations, provided that] LIABLE FOR
18 PAYMENT OF THE TOLLS AND OTHER CHARGES AND FEES, AND the public authori-
19 ty [mails a] OR ITS DULY AUTHORIZED AGENT FOR THIS PURPOSE SHALL SEND
20 ANY notice of liability to the lessee within [ten days after the court,
21 or other entity having jurisdiction, deems the lessee to be the owner]
22 ONE HUNDRED TWENTY DAYS AFTER THE VIOLATION IN ACCORDANCE WITH PARAGRAPH
23 (A) OF SUBDIVISION SEVEN OF THIS SECTION. FOR PURPOSES OF THIS SUBDIVI-
24 SION THE TERM "NOTICE OF USE OF THE TOLL FACILITY" SHALL MEAN A NOTICE
25 OF DELINQUENCY ISSUED PURSUANT TO SUBDIVISION TWELVE OF THIS SECTION, OR
26 A NOTICE OF VIOLATION ISSUED PURSUANT TO SUBDIVISION SEVENTEEN OF THIS
27 SECTION, OR A TOLL INVOICE SEEKING TO COLLECT TOLLS AND OTHER CHARGES
28 ISSUED PURSUANT TO A TOLL COLLECTION REGULATION. For purposes of this
29 subdivision the term "lessor" shall mean any person, corporation, firm,
30 partnership, agency, association or organization engaged in the business
31 of renting or leasing vehicles to any lessee under a rental agreement,
32 lease or otherwise wherein the said lessee has the exclusive use of said
33 vehicle for any period of time. For purposes of this subdivision, the
34 term "lessee" shall mean any person, corporation, firm, partnership,
35 agency, association or organization that rents, leases or contracts for
36 the use of one or more vehicles and has exclusive use thereof for any
37 period of time.

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

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

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

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

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

11 S 11. Section 2985 of the public authorities law is amended by adding
12 four new subdivisions 15, 16, 17 and 18 to read as follows:

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

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

23 17. IN ADOPTING PROCEDURES FOR THE PREPARATION AND SENDING OF A NOTICE
24 OF LIABILITY, THE PUBLIC AUTHORITY HAVING JURISDICTION OVER THE TOLL
25 FACILITY SHALL ADOPT GUIDELINES TO ENSURE ADEQUATE AND TIMELY NOTICE TO
26 OWNERS TO INFORM AN OWNER THAT THE OWNER'S VEHICLE HAS USED A TOLL
27 FACILITY WITHOUT PAYING THE TOLL IN VIOLATION OF THE RULES AND REGU-
28 LATIONS OF THE PUBLIC AUTHORITY. AN OWNER SHALL NOT BE FOUND LIABLE FOR
29 A VIOLATION OF THIS SECTION UNLESS SUCH AUTHORITY HAS FIRST SENT A
30 NOTICE OF VIOLATION TO SUCH OWNER.

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

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

47 (O) ARE DATA OR IMAGES PRODUCED BY AN ELECTRONIC TOLL COLLECTION
48 SYSTEM UNDER AUTHORITY OF SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE
49 OF THE PUBLIC AUTHORITIES LAW.

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

53 4-d. Suspension of registration for failure to answer or pay penalties
54 with respect to certain violations. Upon the receipt of a notification,
55 IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSIONER, from a court
56 [or], an administrative tribunal, A PUBLIC AUTHORITY, OR ANY OTHER

1 PUBLIC ENTITY IMPOSING VIOLATIONS, that an owner of a motor vehicle
2 failed to appear on the return date or dates or a new subsequent
3 adjourned date or dates or failed to pay any penalty imposed by a court
4 or failed to comply with the rules and regulations of an administrative
5 tribunal following entry of a final decision or decisions, in response
6 to [five] THREE or more notices of liability or other process, issued
7 within an eighteen month period FROM ANY AND ALL JURISDICTIONS charging
8 such owner with a violation of toll collection regulations in accordance
9 with the provisions of section two thousand nine hundred eighty-five of
10 the public authorities law or sections sixteen-a, sixteen-b and
11 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
12 hundred fifty, AND THAT THE OWNER HAS BEEN GIVEN WRITTEN NOTICE THAT THE
13 COURT, ADMINISTRATIVE TRIBUNAL, PUBLIC AUTHORITY OR ANY OTHER PUBLIC
14 ENTITY IS SEEKING TO HAVE THE COMMISSIONER OR HIS OR HER AGENT TAKE
15 ACTION HEREUNDER, the commissioner or his OR HER agent shall suspend the
16 registration of the vehicle or vehicles involved in the violation or the
17 privilege of operation of any motor vehicle owned by the registrant.
18 Such suspension shall take effect no less than thirty days from the date
19 on which notice thereof is sent by the commissioner to the person whose
20 registration or privilege is suspended and shall remain in effect until
21 such registrant has appeared in response to such notices of liability or
22 has paid such penalty or in the case of an administrative tribunal, the
23 registrant has complied with the rules and regulations following the
24 entry of a final decision or decisions.

25 S 14. Subdivision 8 of section 402 of the vehicle and traffic law, as
26 amended by chapter 61 of the laws of 1989 and as renumbered by chapter
27 648 of the laws of 2006, is amended and a new subdivision 9 is added to
28 read as follows:

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

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

35 S 15. Subdivision 5-a of section 401 of the vehicle and traffic law is
36 amended by adding a new paragraph b-1 to read as follows:

37 B-1. IF AT THE TIME OF APPLICATION FOR A REGISTRATION OR RENEWAL THERE-
38 OF THERE IS A CERTIFICATION, IN THE MANNER AND FORM PRESCRIBED BY THE
39 COMMISSIONER, FROM A COURT, AN ADMINISTRATIVE TRIBUNAL, A PUBLIC AUTHOR-
40 ITY OR ANY OTHER PUBLIC ENTITY IMPOSING VIOLATIONS, THAT THE REGISTRANT
41 OR HIS OR HER REPRESENTATIVE FAILED TO APPEAR ON THE RETURN DATE OR
42 DATES OR A NEW SUBSEQUENT ADJOURNED DATE OR DATES OR FAILED TO PAY ANY
43 PENALTY IMPOSED BY A COURT OR FAILED TO COMPLY WITH THE RULES AND REGU-
44 LATIONS OF AN ADMINISTRATIVE TRIBUNAL FOLLOWING ENTRY OF A FINAL DECISI-
45 ON OR DECISIONS, IN RESPONSE TO THREE OR MORE NOTICES OF LIABILITY OR
46 OTHER PROCESS, ISSUED WITHIN AN EIGHTEEN MONTH PERIOD FROM ANY AND ALL
47 JURISDICTIONS CHARGING SUCH REGISTRANT WITH A VIOLATION OF TOLL
48 COLLECTION REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO
49 THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR
50 SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED
51 SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, AND THAT THE REGIS-
52 TRANT HAS BEEN GIVEN WRITTEN NOTICE THAT THE COURT, ADMINISTRATIVE
53 TRIBUNAL, PUBLIC AUTHORITY OR ANY OTHER PUBLIC ENTITY IS SEEKING TO HAVE
54 THE COMMISSIONER OR HIS OR HER AGENT TAKE ACTION HEREUNDER, THE COMMIS-
55 SIONER OR HIS OR HER AGENT SHALL DENY THE REGISTRATION OR RENEWAL APPLI-
56 CATION UNTIL THE APPLICANT PROVIDES PROOF FROM THE COURT OR ADMINISTRA-

1 TIVE TRIBUNAL WHEREIN THE CHARGES ARE PENDING THAT AN APPEARANCE OR
2 ANSWER HAS BEEN MADE OR IN THE CASE OF AN ADMINISTRATIVE TRIBUNAL THAT
3 HE OR SHE HAS COMPLIED WITH THE RULES AND REGULATIONS OF SAID TRIBUNAL
4 FOLLOWING ENTRY OF A FINAL DECISION. WHERE AN APPLICATION IS DENIED
5 PURSUANT TO THIS SECTION, THE COMMISSIONER MAY, IN HIS OR HER
6 DISCRETION, DENY A REGISTRATION OR RENEWAL APPLICATION TO ANY OTHER
7 PERSON FOR THE SAME VEHICLE AND MAY DENY A REGISTRATION OR RENEWAL
8 APPLICATION FOR ANY OTHER MOTOR VEHICLE REGISTERED IN THE NAME OF THE
9 APPLICANT WHERE THE COMMISSIONER HAS DETERMINED THAT SUCH REGISTRANT'S
10 INTENT HAS BEEN TO EVADE THE PURPOSES OF THIS SUBDIVISION AND WHERE THE
11 COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH REGISTRATION OR
12 RENEWAL WILL HAVE THE EFFECT OF DEFEATING THE PURPOSES OF THIS SUBDIVI-
13 SION. SUCH DENIAL SHALL ONLY REMAIN IN EFFECT AS LONG AS THE SUMMONSES
14 REMAIN UNANSWERED, OR IN THE CASE OF AN ADMINISTRATIVE TRIBUNAL, THE
15 REGISTRANT FAILS TO COMPLY WITH THE RULES AND REGULATIONS FOLLOWING
16 ENTRY OF A FINAL DECISION.

17 S 16. The vehicle and traffic law is amended by adding a new section
18 518 to read as follows:

19 S 518. RECIPROCAL AGREEMENTS CONCERNING SUSPENSION OR DENIAL OF REGIS-
20 TRATION OF A MOTOR VEHICLE FOR VIOLATIONS OF TOLL COLLECTION REGU-
21 LATIONS. 1. THE COMMISSIONER MAY EXECUTE A RECIPROCAL COMPACT OR AGREE-
22 MENT REGARDING TOLL COLLECTION VIOLATIONS WITH THE MOTOR VEHICLE
23 ADMINISTRATOR OR OTHER AUTHORIZED OFFICIAL OF ANOTHER STATE NOT INCON-
24 SISTENT WITH THE PROVISIONS OF THIS CHAPTER. SUCH COMPACT OR AGREEMENT
25 SHALL PROVIDE THAT IF A REGISTRATION OF A MOTOR VEHICLE WOULD BE
26 SUSPENDED PURSUANT TO SUBDIVISION FOUR-D OF SECTION FIVE HUNDRED TEN OF
27 THIS ARTICLE, OR PURSUANT TO A COMPARABLE LAW OR REGULATION OF ANOTHER
28 STATE, OR IF THE REGISTRATION OR RENEWAL OF A MOTOR VEHICLE WOULD BE
29 DENIED PURSUANT TO SUBDIVISION FIVE-A OF SECTION FOUR HUNDRED ONE OF
30 THIS CHAPTER, OR PURSUANT TO A COMPARABLE LAW OR REGULATION OF ANOTHER
31 STATE, BECAUSE AN OWNER OF A MOTOR VEHICLE (A) FAILED TO APPEAR, (B)
32 FAILED TO PAY ANY PENALTY IMPOSED BY A COURT, OR (C) FAILED TO COMPLY
33 WITH THE RULES AND REGULATIONS OF AN ADMINISTRATIVE TRIBUNAL FOLLOWING
34 ENTRY OF A FINAL DECISION IN RESPONSE TO THREE OR MORE NOTICES OF
35 LIABILITY OF OTHER PROCESS ISSUED WITHIN AN EIGHTEEN-MONTH PERIOD IN
36 ACCORDANCE WITH THE PROVISIONS OF SECTION TWO THOUSAND NINE HUNDRED
37 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS ONE THROUGH
38 SIXTEEN AND SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED
39 SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, OR WITH ANY COMPARA-
40 BLE LAW OR REGULATION OF ANOTHER STATE, THEN THE STATE ISSUING THE
41 REGISTRATION SHALL LIKEWISE SUSPEND THE REGISTRATION OR DENY THE REGIS-
42 TRATION OR RENEWAL, UNTIL SUCH REGISTRANT OR APPLICANT HAS APPEARED IN
43 RESPONSE TO SUCH NOTICES OF LIABILITY, OR HAS PAID SUCH PENALTY, OR, IN
44 THE CASE OF AN ADMINISTRATIVE TRIBUNAL, THE REGISTRANT OR APPLICANT HAS
45 COMPLIED WITH THE RULES AND REGULATIONS FOLLOWING THE ENTRY OF A FINAL
46 DECISION OR DECISIONS.

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

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

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

4 b. No charge may be established except upon proof by substantial
5 evidence; EXCEPT THAT FOR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH
6 SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES
7 LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN
8 HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, NO CHARGE
9 MAY BE ESTABLISHED EXCEPT UPON PROOF BY PREPONDERANCE OF EVIDENCE AS
10 SUBMITTED.

11 S 18. Subdivision 10 of section 1209-a of the public authorities law,
12 as amended by chapter 379 of the laws of 1992, is amended to read as
13 follows:

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

26 S 19. Section 1209-a of the public authorities law is amended by
27 adding a new subdivision 11 to read as follows:

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

32 S 20. Section 2 of chapter 774 of the laws of 1950, relating to agree-
33 ing with the state of New Jersey with respect to rules and regulations
34 governing traffic on vehicular crossings operated by the port of New
35 York authority, is amended to read as follows:

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

43 S 21. Section 16-a of chapter 774 of the laws of 1950, relating to
44 agreeing with the state of New Jersey with respect to rules and regu-
45 lations governing traffic on vehicular crossings operated by the port of
46 New York authority, as added by chapter 379 of the laws of 1992, is
47 amended to read as follows:

48 S 16-a. Owner liability for failure of operator to comply with toll
49 collection regulations of the port authority. Notwithstanding any other
50 provision of law and in accordance with the provisions of [section]
51 SECTIONS 16-b AND 16-C of this act, an owner of a vehicle may be held
52 liable for failure of an operator thereof to comply with the toll
53 collection regulations of the port authority of New York and New Jersey
54 (hereinafter called port authority). The owner of a vehicle shall be
55 liable pursuant to this section if such vehicle was used or operated
56 with the permission of the owner, express or implied, in violation of

1 the toll collection regulations of the port authority, and such
2 violation is evidenced by information obtained from a photo-monitoring
3 system, provided, however, that no owner of a vehicle shall be liable
4 where the operator of such vehicle has been convicted of a violation of
5 those toll collection regulations for the same incident.

6 S 22. Section 16-b of chapter 774 of the laws of 1950, relating to
7 agreeing with the state of New Jersey with respect to rules and regu-
8 lations governing traffic on vehicular crossings operated by the port of
9 New York authority, as added by chapter 379 of the laws of 1992, subdivi-
10 sion f as amended by chapter 666 of the laws of 1993, is amended to
11 read as follows:

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

18 a. For the purposes of this section AND SECTIONS 16-A AND 16-C OF THIS
19 ACT, the term "owner" shall mean any person, corporation, partnership,
20 firm, agency, association, lessor, or organization who, [at the time of
21 the violation in any city in which a vehicle is operated] WHEN THE OBLI-
22 GATION TO PAY THE TOLL IS INCURRED: (i) is the beneficial or equitable
23 owner of such vehicle; or (ii) has title to such vehicle; or (iii) is
24 the registrant or co-registrant of such vehicle which is registered with
25 the department of motor vehicles of this state or any other state,
26 territory, district, province, nation or other jurisdiction; or (iv)
27 subject to the limitations set forth in subdivision f of this section,
28 uses such vehicle in its vehicle renting and/or leasing business; and
29 includes (v) a person entitled to the use and possession of a vehicle
30 subject to a security interest in another person. For the purposes of
31 this section, the term "operator" shall mean any person, corporation,
32 firm, partnership, agency, association, organization or lessee that uses
33 or operates a vehicle with or without the permission of the owner, and
34 an owner who operates his or her own vehicle. FOR PURPOSES OF THIS
35 SECTION AND SECTION 16-A OF THIS ACT, THE TERM "ELECTRONIC TOLL
36 COLLECTION SYSTEM" SHALL MEAN A SYSTEM FOR COLLECTING TOLLS OR OTHER
37 CHARGES USING ELECTRONIC DATA AND IMAGES. For purposes of this section,
38 the term "photo-monitoring system" shall mean a vehicle sensor installed
39 to work in conjunction with a toll collection facility which automat-
40 ically produces one or more photographs, one or more microphotographs, a
41 videotape, or other recorded images of each vehicle at the time it is
42 used or operated in [violation of the toll collection regulations of the
43 port authority] OR UPON VEHICULAR CROSSINGS OPERATED BY THE PORT AUTHOR-
44 ITY. For purposes of this section AND SECTIONS 16-A AND 16-C OF THIS
45 ACT, the term "toll collection regulations of the port authority" shall
46 refer to the traffic regulations for interstate vehicular crossings
47 operated by the port authority as set forth in this chapter and in chap-
48 ter 192 of the laws of New Jersey of 1950, and specifically that section
49 of the laws which prohibits traffic in or upon vehicular crossings oper-
50 ated by the port authority except upon the payment of such tolls and
51 other charges as may from time to time be prescribed by the port author-
52 ity and which further makes it unlawful for any person to refuse to pay,
53 or to evade or to attempt to evade the payment of such tolls or other
54 charges. For purposes of this section AND SECTION 16-A OF THIS ACT, the
55 term "vehicle" shall mean every device in, upon, or by which a person or

1 property is or may be transported or drawn upon a highway[, except
2 devices used exclusively upon stationary rails or tracks].

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

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

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

32 (ii) 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 the toll
34 collection regulations of the port authority pursuant to this section,
35 the registration number AND STATE OF REGISTRATION of the vehicle
36 involved in such violation, the [location where such violation took
37 place, the date and time] LOCATIONS, DATES AND TIMES OF EACH USE OF THE
38 VEHICULAR CROSSING THAT FORMS THE BASIS of such violation, THE AMOUNT OF
39 THE ASSESSED TOLLS AND OTHER CHARGES, and the identification number of
40 the [photo-monitoring system] ELECTRONIC TOLL COLLECTION SYSTEM which
41 recorded the [violation] USE or other document locator number.

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

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

50 e. If an owner receives a notice of liability pursuant to this section
51 for any time period during which the vehicle was reported to the police
52 department as having been stolen, it shall be a valid defense to an
53 allegation of liability for a violation of the toll collection regu-
54 lations of the port authority that the vehicle had been reported to the
55 police as stolen prior to the time the violation occurred and had not
56 been recovered by such time. If an owner receives a notice of liability

1 pursuant to this section for any time period during which the vehicle
2 was stolen, but not as yet reported to the police as having been stolen,
3 it shall be a valid defense to an allegation of liability for a
4 violation of toll collection regulations of the port authority pursuant
5 to this section that the vehicle was reported as stolen within two hours
6 after discovery of the theft by the owner. For purposes of asserting the
7 defense provided by this subdivision, it shall be sufficient that a
8 certified copy of the police report on the stolen vehicle be sent by
9 first class mail to the court or other entity having jurisdiction.

10 f. An owner, as defined in subdivision a of this section, who is a
11 lessor of a vehicle to which a notice of [liability] USE OF THE VEHICU-
12 LAR CROSSING BY SUCH VEHICLE was issued [pursuant to subdivision d of
13 this section] shall not be liable [pursuant to this section] for [the
14 violation of the toll collection regulations of the port authority]
15 PAYMENT OF THE TOLLS AND OTHER CHARGES AND FEES provided that he or she
16 sends to the port authority [serving the notice of liability and to the
17 court or other entity having jurisdiction] OR ITS DULY AUTHORIZED AGENT
18 FOR THIS PURPOSE a copy of the rental, lease or other such contract
19 document covering such vehicle on the date of the [violation] USE OF THE
20 VEHICULAR CROSSING, with the name and address of the lessee clearly
21 legible, within thirty days after receiving from the port authority or
22 its duly authorized agent [the original] FOR THIS PURPOSE THE FIRST
23 notice of [liability] USE OF THE VEHICULAR CROSSING BY SUCH VEHICLE.
24 Failure to send such information within such thirty day time period
25 shall render the lessor liable for PAYMENT OF the TOLLS AND OTHER CHARG-
26 ES AND FEES AND ANY penalty prescribed by this section. Where the lessor
27 complies with the provisions of this subdivision, the lessee of such
28 vehicle on the date of such [violation] USE OF THE VEHICULAR CROSSING
29 shall be deemed to be the owner of such vehicle for purposes of this
30 section and shall be [subject to liability for the violation of toll
31 collection regulations of the port authority provided that] LIABLE FOR
32 PAYMENT OF THE TOLLS AND OTHER CHARGES AND FEES, AND the port authority
33 or its duly authorized agent [mails a] SHALL SEND ANY notice of liabil-
34 ity to the lessee within [ten days after the court, or other entity
35 having jurisdiction, deems the lessee to be the owner] ONE HUNDRED TWEN-
36 TY DAYS AFTER THE VIOLATION IN ACCORDANCE WITH SUBDIVISION D OF THIS
37 SECTION. FOR PURPOSES OF THIS SUBDIVISION THE TERM "NOTICE OF USE OF
38 THE VEHICULAR CROSSING" SHALL MEAN A NOTICE OF DELINQUENCY OR A NOTICE
39 OF VIOLATION ISSUED PURSUANT TO SUBDIVISION H OF THIS SECTION OR A TOLL
40 INVOICE SEEKING TO COLLECT TOLLS AND OTHER CHARGES ISSUED PURSUANT TO
41 TOLL COLLECTION REGULATIONS OF THE PORT AUTHORITY. For purposes of this
42 subdivision the term "lessor" shall mean any person, corporation, firm,
43 partnership, agency, association or organization engaged in the business
44 of renting or leasing vehicles to any lessee under a rental agreement,
45 lease or otherwise wherein the said lessee has the exclusive use of said
46 vehicle for any period of time. For the purposes of this subdivision,
47 the term "lessee" shall mean any person, corporation, firm, partnership,
48 agency, association or organization that rents, leases or contracts for
49 the use of one or more vehicles and has exclusive use thereof for any
50 period of time.

51 g. Except as provided in subdivision f of this section, if a person
52 receives a notice of liability pursuant to this section it shall be a
53 valid defense to an allegation of liability for a violation of toll
54 collection regulations of the port authority that the individual who
55 received the notice of liability pursuant to this section was not the
56 owner of the vehicle at the time the [violation] USE OF THE VEHICULAR

1 CROSSING occurred. If the owner liable for a violation of the toll
2 collection regulations of the port authority pursuant to this section
3 was not the operator of the vehicle at the time of the [violation] USE
4 OF THE VEHICULAR CROSSING, the owner may maintain an action for indemni-
5 fication against the operator. The operator of the vehicle may apply to
6 the court or other entity having jurisdiction to adjudicate the liabil-
7 ity imposed under this section to accept responsibility for the
8 violation and satisfactorily discharge all applicable tolls, charges,
9 FEES, and penalties related to the violation.

10 h. ["Electronic toll collection system" shall mean a system of
11 collecting tolls or charges which is capable of charging an account
12 holder the appropriate toll or charge by transmission of information
13 from an electronic device on a motor vehicle to the toll lane, which
14 information is used to charge the account the appropriate toll or
15 charge.] In adopting procedures for the preparation and [mailing] SEND-
16 ING of a notice of liability, the port authority or its duly authorized
17 agent shall adopt guidelines [to ensure] FOR SENDING BY FIRST CLASS MAIL
18 OR, WITH CONSENT, BY ELECTRONIC MEANS OF COMMUNICATION, adequate and
19 timely notice to all electronic toll collection system account holders
20 to inform them when their accounts are delinquent AS WELL AS ADEQUATE
21 AND TIMELY NOTICE TO OWNERS TO INFORM AN OWNER THAT THE OWNER'S VEHICLE
22 HAS USED A VEHICULAR CROSSING WITHOUT PAYING THE TOLL IN VIOLATION OF
23 THE TOLL COLLECTION REGULATIONS OF THE PORT AUTHORITY. AN OWNER SHALL
24 NOT BE FOUND LIABLE FOR A VIOLATION OF THIS SECTION UNLESS SUCH AUTHORI-
25 TY OR ITS DULY AUTHORIZED AGENT HAS FIRST SENT A NOTICE OF VIOLATION TO
26 SUCH OWNER. An owner who is an account holder under the electronic toll
27 collection system shall not be found liable for a violation of this
28 section unless such authority has first sent a notice of delinquency to
29 such account holder and the account holder was in fact delinquent at the
30 time of the violation.

31 i. Nothing in this section shall be construed to limit the liability
32 of an operator of OR THE ACCOUNT HOLDER ASSOCIATED WITH a vehicle for
33 any violation of the toll collection regulations of the port authority.
34 Nothing in this section shall authorize or preclude the port authority
35 from excluding from any of its facilities, in its sole discretion, any
36 or all vehicles found liable under this section as well as other vehi-
37 cles owned or operated by the owner or operator of OR ACCOUNT HOLDER
38 ASSOCIATED WITH such vehicle.

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

55 S 23. Section 16-c of chapter 774 of the laws of 1950, relating to
56 agreeing with the state of New Jersey with respect to rules and regu-

lations governing traffic on vehicular crossings operated by the port of New York authority, as added by chapter 379 of the laws of 1992, is amended to read as follows:

S 16-c. Adjudication of liability. Adjudication of the liability imposed upon an owner by section 16-a of this act for a violation of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York shall be in accordance with the vehicle and traffic law of New York as set forth in sections 235, 236, 237, 239, 240, 241, 242, 401, 402, 510 and 1809 of such law, or by such entity having jurisdiction over violations of the toll collection regulations of the port authority occurring within the territorial limits of the state of New York, provided that all violations shall be heard and determined in the county in which [the violation is alleged to have occurred, or by consent of both parties,] OBLIGATION FOR PAYMENT OF THE TOLLS OR OTHER CHARGES WAS INCURRED, OR in any county in the state of New York in which the port authority operates or maintains a facility. An owner found liable for a violation of toll collection regulations pursuant to this section shall for a first violation thereof be liable for THE FULL AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN ADDITION TO a monetary penalty not to exceed [fifty] ONE HUNDRED dollars or two times the toll evaded whichever is greater; for a second violation thereof both within eighteen months be liable for THE FULL AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN ADDITION TO a monetary penalty not to exceed [one] TWO hundred dollars or five times the toll evaded whichever is greater; for a third or subsequent violation thereof all within eighteen months be liable for THE FULL AMOUNT OF THE ASSESSED TOLL AND OTHER CHARGES AND FEES IN ADDITION TO a monetary penalty not to exceed [one] THREE hundred [fifty] dollars or ten times the toll evaded whichever is greater. THE FULL AMOUNT OF THE ASSESSED TOLLS AND OTHER CHARGES AND FEES AND ONE-HALF OF SUCH MONETARY PENALTIES COLLECTED SHALL BE PAID TO THE PORT AUTHORITY; THE REMAINING HALF OF SUCH MONETARY PENALTIES COLLECTED SHALL BE RETAINED OR DISTRIBUTED BY THE TRIBUNAL OR ENTITY ADJUDICATING THE VIOLATION IN ACCORDANCE WITH EXISTING LAW.

S 24. This act shall take effect on the one hundred twentieth day after it shall have become a law.

37

PART L

Section 1. Subdivision 6 of section 1209 of the public authorities law, as amended by chapter 98 of the laws of 2011, is amended to read as follows:

6. The provisions of subdivisions one, two, three and four of this section shall not be applicable to any procurement by the authority commenced during the period from the effective date of this subdivision until December thirty-first, nineteen hundred ninety-one or during the period from December sixteenth, nineteen hundred ninety-three until June thirtieth, two thousand [fifteen] NINETEEN; and the provisions of subdivisions seven, eight, nine, ten, eleven, twelve and thirteen of this section shall only apply to procurements by the authority commenced during such periods. The provisions of such subdivisions one, two, three and four shall apply to procurements by the authority commenced during the period from December thirty-first, nineteen hundred ninety-one until December sixteenth, nineteen hundred ninety-three, and to procurements by the authority commenced on and after July first, two thousand [fifteen] NINETEEN. Notwithstanding the foregoing, the provisions of

1 such subdivisions one, two, three and four shall apply to (i) the award
2 of any contract of the authority if the bid documents for such contract
3 so provide and such bid documents are issued within sixty days of the
4 effective date of this subdivision or within sixty days of December
5 sixteenth, nineteen hundred ninety-three, or (ii) for a period of one
6 hundred eighty days after the effective date of this subdivision, or for
7 a period of one hundred eighty days after December sixteenth, nineteen
8 hundred ninety-three, the award of any contract for which an invitation
9 to bid, solicitation, request for proposal, or any similar document has
10 been issued by the authority prior to the effective date of this subdivi-
11 sion or during the period from January first, nineteen hundred nine-
12 ty-two until December fifteenth, nineteen hundred ninety-three.

13 S 2. Subdivision 1 of section 1265-a of the public authorities law, as
14 amended by chapter 98 of the laws of 2011, is amended to read as
15 follows:

16 1. The provisions of this section shall only apply to procurements by
17 the authority commenced during the period from April first, nineteen
18 hundred eighty-seven until December thirty-first, nineteen hundred nine-
19 ty-one, and during the period from December sixteenth, nineteen hundred
20 ninety-three until June thirtieth, two thousand [fifteen] NINETEEN;
21 provided, however, that the provisions of this section shall not apply
22 to (i) the award of any contract of the authority if the bid documents
23 for such contract so provide and such bid documents are issued within
24 sixty days of the effective date of this section or within sixty days of
25 December sixteenth, nineteen hundred ninety-three, or (ii) for a period
26 of one hundred eighty days after the effective date of this section or
27 for a period of one hundred eighty days after December sixteenth, nine-
28 teen hundred ninety-three, the award of any contract for which an invi-
29 tation to bid, solicitation, request for proposal, or any similar docu-
30 ment has been issued by the authority prior to the effective date of
31 this section or during the period from January first, nineteen hundred
32 ninety-two until December sixteenth, nineteen hundred ninety-three.

33 S 3. This act shall take effect immediately.

34 PART M

35 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
36 of the laws of 1968 constituting the New York state urban development
37 corporation act, as amended by section 1 of part Z of chapter 57 of the
38 laws of 2014, is amended to read as follows:

39 3. The provisions of this section shall expire, notwithstanding any
40 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
41 the laws of 1996 or of any other law, on July 1, [2015] 2016.

42 S 2. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after July 1, 2015.

44 PART N

45 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
46 New York state urban development corporation act, relating to the powers
47 of the New York state urban development corporation to make loans, as
48 amended by section 1 of part AA of chapter 57 of the laws of 2014, is
49 amended to read as follows:

50 S 2. This act shall take effect immediately provided, however, that
51 section one of this act shall expire on July 1, [2015] 2016, at which
52 time the provisions of subdivision 26 of section 5 of the New York state

1 urban development corporation act shall be deemed repealed; provided,
2 however, that neither the expiration nor the repeal of such subdivision
3 as provided for herein shall be deemed to affect or impair in any manner
4 any loan made pursuant to the authority of such subdivision prior to
5 such expiration and repeal.

6 S 2. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after July 1, 2015.

8 PART 0

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

13 S 2. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 1, 2015.

15 PART P

16 Section 1. Expenditures of moneys by the energy research and develop-
17 ment authority for services and expenses of the energy research, devel-
18 opment and demonstration program, including grants, the energy policy
19 and planning program, and the Fuel NY program shall be subject to the
20 provisions of this section. Notwithstanding the provisions of subdivi-
21 sion 4-a of section 18-a of the public service law, all moneys committed
22 or expended in an amount not to exceed \$19,700,000 shall be reimbursed
23 by assessment against gas corporations, as defined in subdivision 11 of
24 section 2 of the public service law and electric corporations as defined
25 in subdivision 13 of section 2 of the public service law, where such gas
26 corporations and electric corporations have gross revenues from intra-
27 state utility operations in excess of \$500,000 in the preceding calendar
28 year, and the total amount which may be charged to any gas corporation
29 and any electric corporation shall not exceed one cent per one thousand
30 cubic feet of gas sold and .010 cent per kilowatt-hour of electricity
31 sold by such corporations in their intrastate utility operations in
32 calendar year 2013. Such amounts shall be excluded from the general
33 assessment provisions of subdivision 2 of section 18-a of the public
34 service law. The chair of the public service commission shall bill such
35 gas and/or electric corporations for such amounts on or before August
36 10, 2015 and such amounts shall be paid to the energy research and
37 development authority on or before September 10, 2015. Upon receipt, the
38 energy research and development authority shall deposit such funds in
39 the energy research and development operating fund established pursuant
40 to section 1859 of the public authorities law. The energy research and
41 development authority is authorized and directed to: (1) transfer \$1
42 million to the state general fund for services and expenses of the
43 department of environmental conservation and to transfer \$691,000 to the
44 University of Rochester laboratory for laser energetics from the funds
45 received; and (2) commencing in 2016, provide to the chair of the public
46 service commission and the director of the budget, on or before August
47 first of each year, an itemized record, certified by the president and
48 chief executive officer of the authority, or his or her designee,
49 detailing any and all expenditures and commitments ascribable to moneys
50 received as a result of this assessment by the chair of the department
51 of public service pursuant to section 18-a of the public service law.
52 Any such amount not committed by such authority to contracts or other-

1 wise expended by the authority during the fiscal year shall be refunded
2 by such authority on a pro-rata basis to such gas and/or electric corpo-
3 rations, in a manner to be determined by the department of public
4 service.

5 S 2. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2015.

7

PART Q

8 Section 1. Section 312-a of the executive law, as amended by chapter
9 175 of the laws of 2010, is amended to read as follows:

10 S 312-a. Study of minority and women-owned business enterprise
11 programs. 1. The director of the division of minority and women-owned
12 business development in the department of economic development is
13 authorized and directed to recommission a statewide disparity study
14 regarding the participation of minority and women-owned business enter-
15 prises in state contracts since the amendment of this article to be
16 delivered to the governor and legislature no later than February
17 fifteenth, two thousand [sixteen] SEVENTEEN. The study shall be
18 prepared by an entity independent of the department and selected through
19 a request for proposal process. The purpose of such study is:

20 (a) to determine whether there is a disparity between the number of
21 qualified minority and women-owned businesses ready, willing and able to
22 perform state contracts for commodities, services and construction, and
23 the number of such contractors actually engaged to perform such
24 contracts, and to determine what changes, if any, should be made to
25 state policies affecting minority and women-owned business enterprises;
26 and (b) to determine whether there is a disparity between the number of
27 qualified minorities and women ready, willing and able, with respect to
28 labor markets, qualifications and other relevant factors, to participate
29 in contractor employment, management level bodies, including boards of
30 directors, and as senior executive officers within contracting entities
31 and the number of such group members actually employed or affiliated
32 with state contractors in the aforementioned capacities, and to deter-
33 mine what changes, if any, should be made to state policies affecting
34 minority and women group populations with regard to state contractors'
35 employment and appointment practices relative to diverse group members.
36 Such study shall include, but not be limited to, an analysis of the
37 history of minority and women-owned business enterprise programs and
38 their effectiveness as a means of securing and ensuring participation by
39 minorities and women, and a disparity analysis by market area and region
40 of the state. Such study shall distinguish between minority males,
41 minority females and non-minority females in the statistical analysis.

42 2. The director of the division of minority and women-owned business
43 development is directed to transmit the disparity study to the governor
44 and the legislature not later than February fifteenth, two thousand
45 [sixteen] SEVENTEEN, and to post the study on the website of the depart-
46 ment of economic development.

47 S 2. The opening paragraph of subdivision (h) of section 121 of chap-
48 ter 261 of the laws of 1988, amending the state finance law and other
49 laws relating to the New York state infrastructure trust fund, as
50 amended by chapter 175 of the laws of 2010, is amended to read as
51 follows:

52 The provisions of section sixty-two through sixty-six of this act
53 shall expire on December thirty-first, two thousand [sixteen] SEVENTEEN,
54 except that:

1 S 3. This act shall take effect immediately; provided, however, that
2 the amendments to section 312-a of the executive law made by section one
3 of this act shall not affect the expiration of such section and shall be
4 deemed to expire therewith.

5 PART R

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

11 S 2. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2015.

13 PART S

14 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012,
15 amending the public authorities law relating to authorizing the dormito-
16 ry authority to enter into certain design and construction management
17 agreements, as amended by section 1 of part W of chapter 57 of the laws
18 of 2014, is amended to read as follows:

19 S 2. This act shall take effect immediately and shall expire and be
20 deemed repealed April 1, [2015] 2017.

21 S 2. Within 90 days of the effective date of this act, the dormitory
22 authority of the state of New York shall provide a report providing
23 information regarding any project undertaken pursuant to a design and
24 construction management agreement, as authorized by part BB of chapter
25 58 of the laws of 2012, between the dormitory authority of the state of
26 New York and the department of environmental conservation and/or the
27 office of parks, recreation and historic preservation to the governor,
28 the temporary president of the senate and speaker of the assembly. Such
29 report shall include but not be limited to a description of each such
30 project, the project identification number of each such project, if
31 applicable, the projected date of completion, the status of the project,
32 the total cost or projected cost of each such project, and the location,
33 including the names of any county, town, village or city, where each
34 such project is located or proposed. In addition, such a report shall be
35 provided to the aforementioned parties by the first day of March of each
36 year that the authority to enter into such agreements pursuant to part
37 BB of chapter 58 of the laws of 2012 is in effect.

38 S 3. This act shall take effect immediately and shall be deemed to
39 have been in effect on and after April 1, 2015.

40 PART T

41 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
42 executive law relating to permitting the secretary of state to provide
43 special handling for all documents filed or issued by the division of
44 corporations and to permit additional levels of such expedited service,
45 as amended by section 1 of part N of chapter 57 of the laws of 2014, is
46 amended to read as follows:

47 S 2. This act shall take effect immediately, provided however, that
48 section one of this act shall be deemed to have been in full force and
49 effect on and after April 1, 2003 and shall expire March 31, [2015]
50 2016.

1 S 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after March 31, 2015.

3 PART U

4 Section 1. Subdivision 2 of section 446-b of the real property law, as
5 amended by chapter 61 of the laws of 1989, is amended to read as
6 follows:

7 2. The application for such license shall be filed in the office of
8 the secretary of state on such forms as the secretary may prescribe [and
9 shall be accompanied by a fee of four hundred dollars].

10 S 2. Subdivision 3 of section 446-b of the real property law, as added
11 by chapter 805 of the laws of 1980, is amended to read as follows:

12 3. When the apartment information vendor maintains more than one place
13 of business, he shall apply for [and the secretary shall issue] a
14 supplemental license for each branch office so maintained [upon payment
15 of a fee of two hundred fifty dollars for each supplemental license so
16 issued]. Supplemental licenses shall be conspicuously displayed in each
17 branch office. The display of an expired license by any person, firm,
18 partnership or corporation is a violation of the provisions of this
19 article.

20 S 3. Subdivision 5 of section 446-b of the real property law, as
21 amended by chapter 805 of the laws of 1980, is amended to read as
22 follows:

23 5. Any license granted under the provisions hereof may be renewed for
24 one year by the secretary upon application therefor by the holder, in
25 such form as the secretary may prescribe[, and payment of a two hundred
26 fifty dollar fee for such license]. The secretary may dispense with the
27 requirement for the filing of such statements as was contained in the
28 original application for license.

29 S 4. Subdivision 2 of section 446-d of the real property law, as
30 amended by chapter 805 of the laws of 1980, is amended to read as
31 follows:

32 2. The secretary shall be notified in writing at his OR HER office in
33 Albany of any change of a licensee's business address or name, and the
34 secretary shall issue a license for the unexpired term, upon return of
35 the original license [and the payment of a fee of twenty dollars]. A
36 licensee who fails to notify the secretary of any change in business
37 address or name within ten days shall forfeit his OR HER license.

38 S 5. This act shall take effect immediately.

39 PART V

40 Section 1. Section 219 of the agriculture and markets law, as amended
41 by chapter 122 of the laws of 1988, is amended to read as follows:

42 S 219. Application [and fee]. Application for license as a food
43 salvager[,] SHALL BE MADE upon a form prescribed by the commissioner[,
44 shall be made on or before June first in every other year for the
45 license period beginning July first following]. The applicant shall
46 satisfy the commissioner of his OR HER character and that he OR SHE has
47 adequate physical facilities for salvaging food and food products. If so
48 satisfied, the commissioner shall [upon receipt of the license fee]
49 issue to the applicant a [license which shall be] non-transferable
50 LICENSE, WHICH WILL EXPIRE ON THE THIRTIETH OF JUNE OF THE NEXT EVEN
51 NUMBERED YEAR FOLLOWING ITS ISSUANCE. [The biennial license fee shall be
52 one hundred dollars.] APPLICATION FOR RENEWAL OF SUCH LICENSE FOR A

1 PERIOD OF TWO YEARS SHALL BE MADE BIENNIALY, UPON A FORM PRESCRIBED BY
2 THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE
3 EXPIRATION OF THE EXISTING LICENSE. Where a person operates more than
4 one salvage warehouse a separate license is required for each location.

5 S 2. Section 231 of the agriculture and markets law, as amended by
6 section 7 of part I1 of chapter 62 of the laws of 2003, is amended to
7 read as follows:

8 S 231. Licenses, issuance of. No person or corporation shall maintain
9 or operate any refrigerated warehouse and/or locker plant unless
10 licensed by the commissioner. Application[,] SHALL BE MADE upon a form
11 prescribed by the commissioner[, shall be made on or before September
12 first of every other year for the license period beginning October first
13 following]. The applicant shall satisfy the commissioner of his or [its]
14 HER character, financial responsibility, and competency to operate a
15 refrigerated warehouse or locker plant. The commissioner, if so satis-
16 fied, shall[, upon receipt of the license fee or fees,] issue to the
17 applicant a license or licenses [to operate the refrigerated warehouse
18 or warehouses or locker plant or locker plants described in the applica-
19 tion until the first day of October] WHICH WILL EXPIRE ON THE THIRTIETH
20 OF SEPTEMBER of the NEXT ODD NUMBERED year following [the year in which
21 such license was issued] ITS ISSUANCE. [The biennial license fee shall
22 be two hundred dollars for each refrigerated warehouse. If a locker
23 plant is operated as part of a refrigerated warehouse and upon the same
24 premises, no additional license fee shall be required.] APPLICATION FOR
25 RENEWAL OF SUCH LICENSE OR LICENSES FOR A PERIOD OF TWO YEARS SHALL BE
26 MADE BIENNIALY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMIT-
27 TED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING
28 LICENSE OR LICENSES.

29 S 3. Section 96-z-2 of the agriculture and markets law, as added by
30 chapter 391 of the laws of 1968, is amended to read as follows:

31 S 96-z-2. Application [and fees]. Application for a license to operate
32 a disposal plant or transportation service[,] SHALL BE MADE upon a form
33 prescribed by the commissioner[, shall be made on or before September
34 first in each year for the license year beginning October first follow-
35 ing]. The applicant shall satisfy the commissioner of his OR HER charac-
36 ter and that he OR SHE has adequate physical facilities for the opera-
37 tion of a disposal plant or transportation service. If so satisfied, the
38 commissioner shall [upon payment of the license fee] issue to the appli-
39 cant a NON-TRANSFERABLE license which [shall be non-transferable] WILL
40 EXPIRE ON THE THIRTIETH DAY OF SEPTEMBER OF THE NEXT EVEN NUMBERED YEAR
41 FOLLOWING ITS ISSUANCE. APPLICATION FOR RENEWAL OF SUCH LICENSE FOR A
42 PERIOD OF TWO YEARS SHALL BE MADE BIENNIALY UPON A FORM PRESCRIBED BY
43 THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE
44 EXPIRATION OF THE EXISTING LICENSE. [The annual license fee for a
45 disposal plant shall be one hundred dollars, plus an inspection fee of
46 ten dollars for each vehicle. The annual license fee for a transporta-
47 tion service shall be twenty-five dollars, plus an inspection fee of ten
48 dollars for each vehicle.]

49 S 4. Section 128-a of the agriculture and markets law, as amended by
50 chapter 451 of the laws of 2008, subdivisions 4, 5, 6, 7, 8 and 9 as
51 renumbered by section 2 of part N of chapter 58 of the laws of 2012, is
52 amended to read as follows:

53 S 128-a. Licenses. 1. No person shall manufacture any commercial feed
54 in this state unless such person holds a license issued therefor by the
55 commissioner. [Notwithstanding the foregoing, a person, in operation on
56 or before the effective date of this section, who has filed an applica-

1 tion for an initial license under this section shall be authorized to
2 operate without such license until the commissioner grants or, after
3 notice and opportunity to be heard, declines to grant such license.]
4 Each application for a license shall be made on a form supplied by the
5 department and shall contain such information as may be required by the
6 department. A LICENSE ISSUED ON OR BEFORE THE THIRTIETH OF JUNE WILL
7 EXPIRE ON THE THIRTY-FIRST OF DECEMBER OF THE YEAR OF ITS ISSUANCE, AND
8 IF ISSUED BETWEEN JULY FIRST AND DECEMBER THIRTY-FIRST, WILL EXPIRE ON
9 THE THIRTY-FIRST DAY OF DECEMBER IN THE YEAR FOLLOWING ITS ISSUANCE.
10 Renewal applications shall be [submitted to] MADE ANNUALLY ON A FORM
11 PRESCRIBED BY the commissioner [at least] AND SUBMITTED NO LATER THAN
12 thirty days prior to the [commencement of the next license year] EXPIRA-
13 TION OF THE EXISTING LICENSE.

14 2. The commissioner may deny any application for a license or revoke
15 any license when granted, after written notice to the applicant and an
16 opportunity to be heard, when:

17 (a) any statement in the application or upon which it was issued is or
18 was false or misleading;

19 (b) facilities of the applicant are not maintained in a manner as
20 required by rules and regulations duly promulgated by the commissioner;

21 (c) the maintenance and operation of the establishment of the appli-
22 cant is such that the commercial feed produced therein is or may be
23 adulterated, misbranded, or not maintained in any manner as required by
24 this article;

25 (d) the applicant or licensee, or an officer, director, partner or
26 holder of ten per centum or more of the voting stock of the applicant or
27 licensee, has failed to comply with any of the provisions of this arti-
28 cle or rules and regulations promulgated pursuant thereto; or

29 (e) the applicant or licensee is a partnership or corporation and any
30 individual holding any position or interest or power of control therein
31 has previously been responsible in whole or in part for any act on
32 account of which an application for licensure may be denied or a license
33 revoked pursuant to the provisions of this article.

34 3. [Each application for an initial license shall be accompanied by a
35 non-refundable fee of one hundred dollars. The commissioner shall
36 prorate the license fee for any person applying for an initial license
37 after the commencement of the licensing period. Licenses shall be renew-
38 able annually thereafter, together with the payment of a non-refundable
39 fee of fifty dollars.

40 4.] Inspection in accordance with section one hundred thirty-five-a of
41 this article, the results of which establish compliance with the
42 provisions of this article, shall precede issuance of a license or
43 renewal thereof under this section.

44 [5.] 4. Upon validation by the commissioner, the application shall
45 become the license of the person.

46 [6.] 5. The commissioner shall provide a copy of the license to the
47 [person] LICENSEE. The commissioner shall also retain a copy of the
48 license.

49 [7.] 6. No licensee shall publish or advertise the sale of any commer-
50 cial feed unless the publication or advertisement is accompanied by such
51 licensee's license number. [Notwithstanding the foregoing, a person, in
52 operation on or before the effective date of this section, who has filed
53 an application for an initial license under this section may publish or
54 advertise the sale or availability of any commercial feed without the
55 publication or advertisement being accompanied by the person's license

1 number until the commissioner grants or, after notice and opportunity to
2 be heard, declines to grant such license.

3 8.] 7. Commercial feed licenses shall be conspicuously displayed on
4 the premises so that they may be readily seen by officers and employees
5 of the department.

6 [9.] 8. Notwithstanding the definition of commercial feed under subdivi-
7 sion seven of section one hundred twenty-eight of this article, the
8 provisions of this section shall not apply to a person who conducts a
9 business of selling pet food and specialty pet food.

10 S 5. Section 142-ee of the agriculture and markets law, as amended by
11 chapter 251 of the laws of 1999, is amended to read as follows:

12 S 142-ee. License [and fee]. Each certificate filed pursuant to
13 section one hundred forty-two-dd OF THIS ARTICLE shall be accompanied by
14 an application, upon forms supplied by the commissioner, for a license
15 to supply such material under the brand name specified therein, and
16 there shall be transmitted therewith a copy of the label and of the
17 statement proposed to accompany such material in compliance with section
18 one hundred forty-two-cc[, together with a license fee of forty dollars
19 for each such brand] OF THIS ARTICLE. Such application shall incorpo-
20 rate by reference the data contained in the accompanying certificate for
21 the brand for which the license is sought. Upon compliance with the
22 provisions of this article, the applicant shall be issued a license for
23 the supplying of such qualifying brand of agricultural liming material,
24 which license shall expire on the thirty-first day of December of the
25 NEXT EVEN NUMBERED year following the year in which it is issued, but no
26 such license shall be issued for the supplying of any such material
27 which does not meet the minimum standards herein provided for, nor for
28 the supplying thereof under a brand descriptive designation or with a
29 label or accompanying statement which is or tends to be misleading or
30 deceptive as to quality, analysis or composition. APPLICATION FOR A
31 RENEWAL OF THE LICENSE FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIAL-
32 LY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER
33 THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE. Any
34 such license so issued may be revoked by the commissioner, after notice
35 to the licensee by mail or otherwise and opportunity to be heard, when
36 it appears that any statement or representation upon which it is issued
37 is false or misleading. The action of the commissioner in refusing to
38 grant a license, or in revoking a license, shall be subject to review by
39 a proceeding under article seventy-eight of the civil practice law and
40 rules, but the decision of the commissioner shall be final unless within
41 thirty days from the date of the order embodying such action such
42 proceeding to review has been instituted.

43 Whenever a manufacturer, producer or distributor shall have been
44 licensed to supply a particular brand of material hereunder, no agent,
45 seller or retailer of such brand shall be required to file a certificate
46 or obtain a license for such brand during a period for which such
47 license is in effect, nor upon such goods which were acquired during a
48 period for which a license was in effect and remaining undistributed in
49 subsequent years.

50 S 6. Subdivision (a) of section 146 of the agriculture and markets
51 law, as amended by chapter 251 of the laws of 1999, is amended to read
52 as follows:

53 (a) No person shall distribute in this state any type of fertilizer
54 until a [biennial] license to distribute the same has been obtained from
55 the commissioner by the person whose labelling is applied to such ferti-
56 lizer upon payment of a one hundred fifty dollar fee. [All licenses

shall expire on a date to be set by the commissioner in regulations.] THE INITIAL LICENSE ISSUED HEREUNDER SHALL EXPIRE ON DECEMBER THIRTY-FIRST OF THE NEXT EVEN NUMBERED YEAR FOLLOWING THE YEAR IN WHICH IT WAS ISSUED AND EACH RENEWAL OF THAT LICENSE SHALL BE FOR A TWO YEAR PERIOD, ENDING ON DECEMBER THIRTY-FIRST. APPLICATION FOR A RENEWAL OF SUCH LICENSE SHALL BE MADE BIENNIALLY, UPON A FORM PRESCRIBED BY THE COMMISSIONER AND BE SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

S 7. Section 147-b of the agriculture and markets law, as amended by chapter 122 of the laws of 1988, is amended to read as follows:

S 147-b. License. No person shall sell, offer or expose for sale in this state any soil or plant inoculant unless licensed as provided in this section. Application for a license SHALL BE MADE upon a form prescribed by the commissioner [shall be made biennially. The application] AND shall include a statement as to whether the inoculant is represented as effective for inoculating legumes or for some other purpose, and, if represented as effective for the inoculation of legumes, for which legume or legumes it is so represented. With the application, the applicant shall present a representative sample of the soil or plant inoculant described in the application. The commissioner, if satisfied that the inoculant may be depended upon to produce an effective inoculation for the purpose represented, shall issue to such applicant a license for the sale of such inoculant, expiring on December thirty-first of the NEXT EVEN NUMBERED year following [the year in which it is issued] ITS ISSUANCE. [The applicant shall pay biennially, at the time of presenting the application, to the commissioner for remittance to the state treasury, a license fee of twenty dollars for each brand of inoculants as defined in the rules and regulations adopted by the commissioner as provided in this article.] APPLICATION FOR RENEWAL OF SUCH LICENSE FOR A PERIOD OF TWO YEARS SHALL BE MADE BIENNIALLY UPON A FORM PRESCRIBED BY THE COMMISSIONER AND SUBMITTED NO LATER THAN THIRTY DAYS PRIOR TO THE EXPIRATION OF THE EXISTING LICENSE.

S 8. Paragraph (a) of subdivision 1 of section 248 of the agriculture and markets law, as amended by chapter 490 of the laws of 2005, is amended to read as follows:

(a) No person shall act as a dealer unless licensed as provided in this article. Application shall be made upon such forms and at such times as prescribed by the commissioner. Renewal applications shall be submitted to the commissioner at least thirty days prior to the [commencement of the next] EXPIRATION OF THE EXISTING license [year]. No action will be taken on applications deemed incomplete by the commissioner. The applicant shall furnish evidence of his or her good character, financial statements, prepared and certified by a certified public accountant when required by the commissioner, and evidence that he or she has adequate physical facilities for receiving and handling farm products or processing farm products if he or she is to act as a dealer. The commissioner, if so satisfied, shall issue to such applicant, [upon payment of twenty dollars, and] upon the filing of a bond or letter of credit and upon payment of a fee to be deposited into the agricultural producers security fund as hereinafter provided, a license entitling the applicant to conduct the business of a dealer in farm products for a period of one year. Notwithstanding any other provision of this section, an applicant who intends to pay and a licensee who pays upon delivery for purchases of farm products from producers, in cash, or cash equivalent, including only certified or bank check, money order, electronic funds transfer, or by debit card, shall be exempt from filing a bond or

letter of credit. In the event that a licensee who has been so exempted from filing a bond or letter of credit fails to pay cash or a cash equivalent upon delivery for any purchase of farm products from a producer, such licensee shall file a bond or letter of credit as otherwise required by this section with the commissioner no later than ten business days from the date the commissioner notifies the licensee that such bond or letter of credit is required.

S 9. Subdivision 5 of section 500 of the agriculture and markets law, as amended by section 3 of part II of chapter 59 of the laws of 2009, is amended to read as follows:

5. Licensure. No person shall maintain or operate a retail food store, food service establishment or food warehouse unless such establishment is licensed pursuant to the provisions of this article, provided, however, that establishments registered, permitted or licensed by the department pursuant to other provisions of this chapter, under permit and inspection by the state department of health or by a local health agency which maintains a program certified and approved by the state commissioner of health, or subject to inspection by the United States department of agriculture pursuant to the federal meat, poultry or egg inspection programs, shall be exempt from licensure under this article. Application for licensure of a retail food store, food service establishment or food warehouse shall be made, upon a form prescribed by the commissioner, on or before December first of every other year for the registration period beginning January first following. Upon submission of a completed application, together with the applicable licensing fee, the commissioner shall ISSUE A license TO the retail food store, food service establishment or food warehouse described in the application for two years from the [applicable registration commencement period set forth in this section] DATE OF ISSUANCE. The [licensing] LICENSE fee shall be two hundred fifty dollars provided, however, that food warehouses shall pay a [licensing] LICENSE fee of four hundred dollars. NOTWITHSTANDING THE PRECEDING SENTENCE, THE COMMISSIONER SHALL, UPON SUBMISSION OF A COMPLETED APPLICATION FOR A NEW LICENSE BY AN APPLICANT THAT IS A CHAIN STORE, AS DEFINED BY SUBDIVISION FIVE OF SECTION TWO HUNDRED FIFTY-ONE-Z-TWO OF THIS CHAPTER, ISSUE SUCH LICENSE FOR A PERIOD ENDING ON THE SAME DATE AS THE LICENSES OF THE OTHER CHAIN STORES THAT ARE A PART OF THE SAME NETWORK.

S 10. This act shall take effect immediately.

39

PART W

Section 1. Legislative findings. The legislature hereby finds and determines that the establishment of the utility debt securitization authority under part B of chapter 173 of the laws of 2013 permitted the issuance of securitized restructuring bonds on favorable terms which resulted in lower aggregate distribution, transmission and transition charges to Long Island ratepayers, compared to other available alternatives, and the purposes of such act will be further advanced by amending such act to permit the issuance of additional such bonds subject to a limit on the outstanding principal amount thereof, including the potential issuance of such bonds by a newly created restructuring bond issuer.

S 2. Subdivision 10 of section 2 of part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority is amended to read as follows:

1 10. "Restructuring bond issuer" means the corporate municipal instru-
2 mentality of the state created under PARAGRAPH A OR B OF SUBDIVISION ONE
3 OF section four of this act.

4 S 3. Subdivision 6 of section 3 of part B of chapter 173 of the laws
5 of 2013 relating to the issuance of securitized restructuring bonds to
6 refinance the outstanding debt of the Long Island power authority is
7 amended to read as follows:

8 6. Issuance of restructuring bonds. Within ninety days after receiving
9 notice of confirmation from the authority, the restructuring bond issuer
10 shall issue the restructuring bonds, in one or more series or tranches
11 and at one or more times, pursuant to the agreement to sell the restruc-
12 turing bonds. The restructuring bond issuer shall purchase the restruc-
13 turing property from the authority for a purchase price equal to the net
14 proceeds from the sale of the restructuring bonds less any amounts of
15 such proceeds required to fund or pay upfront financing costs. THE
16 AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING RESTRUCTURING BONDS AT ANY
17 TIME SHALL NOT EXCEED FOUR BILLION FIVE HUNDRED MILLION DOLLARS.

18 S 4. The section heading and subdivision 1 of section 4 of part B of
19 chapter 173 of the laws of 2013 relating to the issuance of securitized
20 restructuring bonds to refinance the outstanding debt of the Long Island
21 power authority is amended to read as follows:

22 Creation of restructuring bond [issuer] ISSUERS. 1. Creation of
23 restructuring bond [issuer] ISSUERS. (A) For the purpose of effectuat-
24 ing the purposes declared in section one of this act, there is hereby
25 created a special purpose corporate municipal instrumentality of the
26 state to be known as "utility debt securitization authority", which
27 shall be a body corporate and politic, a political subdivision of the
28 state, and a public benefit corporation, exercising essential govern-
29 mental and public powers for the good of the public. [The] SUCH restruc-
30 turing bond issuer shall not be created or organized, and its operations
31 shall not be conducted, for the purpose of making a profit. No part of
32 the revenues or assets of [the] SUCH restructuring bond issuer shall
33 inure to the benefit of or be distributable to its trustees or officers
34 or any other private persons, except as herein provided for actual
35 services rendered.

36 (B) FOR THE PURPOSE OF EFFECTUATING THE PURPOSES DECLARED IN SECTION
37 ONE OF THIS ACT, AND IN CONTEMPLATION OF SATISFACTION OF THE CONDITIONS
38 SET FORTH IN THE LAST SENTENCE OF THIS SUBDIVISION, THERE IS HEREBY
39 CREATED A SPECIAL PURPOSE CORPORATE MUNICIPAL INSTRUMENTALITY OF THE
40 STATE TO BE KNOWN AS "UTILITY DEBT SECURITIZATION AUTHORITY NO. 2",
41 WHICH SHALL BE A BODY CORPORATE AND POLITIC, A POLITICAL SUBDIVISION OF
42 THE STATE, AND A PUBLIC BENEFIT CORPORATION, EXERCISING ESSENTIAL
43 GOVERNMENTAL AND PUBLIC POWERS FOR THE GOOD OF THE PUBLIC. SUCH RESTRUC-
44 TURING BOND ISSUER SHALL NOT BE CREATED OR ORGANIZED, AND ITS OPERATIONS
45 SHALL NOT BE CONDUCTED, FOR THE PURPOSE OF MAKING A PROFIT. NO PART OF
46 THE REVENUES OR ASSETS OF SUCH RESTRUCTURING BOND ISSUER SHALL INURE TO
47 THE BENEFIT OF OR BE DISTRIBUTABLE TO ITS TRUSTEES OR OFFICERS OR ANY
48 OTHER PRIVATE PERSONS, EXCEPT AS HEREIN PROVIDED FOR ACTUAL SERVICES
49 RENDERED. SUCH RESTRUCTURING BOND ISSUER SHALL ISSUE NO RESTRUCTURING
50 BONDS UNLESS AND UNTIL THE AUTHORITY BY RESOLUTION SHALL HAVE FOUND AND
51 DETERMINED THAT ON THE BASIS OF THE DOCUMENTS AND OPINIONS PRESENTED TO
52 IT, THE TERMS OF SALE OF SUCH BONDS ARE, AT SUCH TIME, REASONABLY
53 EXPECTED TO BE MORE FAVORABLE THAN SUCH TERMS WOULD BE IF SUCH RESTRUC-
54 TURING BONDS WERE TO BE ISSUED BY THE RESTRUCTURING BOND ISSUER CREATED
55 BY PARAGRAPH (A) OF THIS SUBDIVISION.

1 S 5. Subparagraph (i) of paragraph (a) of subdivision 2 of section 4
2 of part B of chapter 173 of the laws of 2013 relating to the issuance of
3 securitized restructuring bonds to refinance the outstanding debt of the
4 Long Island power authority is amended to read as follows:

5 (i) issue the restructuring bonds contemplated by a restructuring cost
6 financing order, and use the proceeds thereof to purchase or acquire,
7 and to own, hold and use restructuring property or to pay or fund
8 upfront financing costs [provided, however, that the restructuring bond
9 issuer shall only issue and sell restructuring bonds once];

10 S 6. This act shall take effect immediately.

11 PART X

12 Section 1. Section 171 of the navigation law, as amended by chapter 35
13 of the laws of 1985, is amended to read as follows:

14 S 171. Purposes. It is the purpose of this article to ensure a clean
15 environment and healthy economy for the state by preventing the unregu-
16 lated discharge of petroleum which may result in damage to lands, waters
17 or natural resources of the state by authorizing the department of envi-
18 ronmental conservation to PREPARE FOR AND respond quickly to such
19 discharges and effect prompt cleanup and removal of such discharges,
20 giving first priority to minimizing environmental damage, and by provid-
21 ing for liability for damage sustained within the state as a result of
22 such discharges.

23 S 2. Subdivision 1 of section 172 of the navigation law, as added by
24 chapter 845 of the laws of 1977, is amended to read as follows:

25 1. "Administrator" means the [chief executive, within] PERSON DESIG-
26 NATED BY the [department] COMMISSIONER of [audit and control, of] ENVI-
27 RONMENTAL CONSERVATION TO ADMINISTER the New York environmental
28 protection and spill compensation fund;

29 S 3. Paragraphs (a), (b) and (d) of subdivision 4 of section 174 of
30 the navigation law, paragraph (a) as amended by section 1 of part E of
31 chapter 413 of the laws of 1999, paragraph (b) as amended by chapter 512
32 of the laws of 1986 and paragraph (d) as added by section 21 of part A
33 of chapter 58 of the laws of 1998, are amended to read as follows:

34 (a) The license fee shall be [one cent] NINE AND ONE-HALF CENTS per
35 barrel transferred [until the balance in such account established by
36 paragraph (a) of subdivision two of section one hundred seventy-nine of
37 this article equals or exceeds twenty-five million dollars], provided,
38 however, that the fee on any barrel, including any products derived
39 therefrom, subject to multiple transfer, shall be imposed only once at
40 the point of first transfer. In each fiscal year following any year in
41 which the balance of [such] THE account ESTABLISHED BY PARAGRAPH (A) OF
42 SUBDIVISION TWO OF SECTION ONE HUNDRED SEVENTY-NINE OF THIS ARTICLE
43 equals or exceeds [twenty-five] FORTY million dollars, no license fee
44 shall be imposed unless (a) the current balance in such account is less
45 than [twenty] THIRTY-FIVE million dollars or (b) pending claims against
46 such account exceed fifty percent of the existing balance of such
47 account. [The provisions of the foregoing notwithstanding, should claims
48 paid from such account not exceed five million dollars within three
49 years after the license fee is first imposed, the license fee shall be
50 one cent per barrel transferred until the balance in such account equals
51 or exceeds eighteen million dollars, and thereafter shall not be imposed
52 unless: (1) the current balance in such account is less than fifteen
53 million dollars or (2) pending claims against such account exceed fifty
54 percent of the existing balance of such account.] In the event of either

1 such occurrence and upon certification thereof [by the state comp-
2 troller], the administrator shall within ten days of the date of such
3 certification reimpose the license fee, which shall take effect on the
4 first day of the month following such relevy. [In the event of a major
5 discharge or series of discharges resulting in claims against such
6 account exceeding the existing balance of such account, the license fee
7 shall be imposed at the rate of eight cents per barrel transferred until
8 the balance in such account equals pending claims against such account;
9 provided, however, that the] THE rate may be set at less than [eight]
10 NINE AND ONE-HALF cents per barrel transferred if the administrator
11 determines that the revenue produced by such lower rate shall be suffi-
12 cient to pay outstanding claims against such account within one year of
13 such imposition of the license fee. [Should such account exceed eighteen
14 million dollars or twenty-five million dollars, as herein provided, as a
15 result of interest, the administrator and the commissioner of environ-
16 mental conservation shall report to the legislature and the governor
17 concerning the options for the use of such interest.] The fee estab-
18 lished by this paragraph shall not be imposed upon any barrel which is
19 transferred to a land based facility but thereafter exported from this
20 state for use outside the state and is shipped to facilities outside the
21 state regardless of whether the delivery or sale of such petroleum
22 occurs in this state.

23 (b) The surcharge on the license fee shall be [two and one-half cents
24 per barrel for each barrel transferred on or after June first, nineteen
25 hundred eighty-five but before February first, nineteen hundred eighty-
26 eight. Such surcharge shall be three and one-half cents per barrel for
27 each barrel transferred on or after February first, nineteen hundred
28 eighty-eight, but before February first, nineteen hundred ninety. Such
29 surcharge shall be] four and one-quarter cents per barrel for each
30 barrel transferred on or after February first, nineteen hundred ninety.

31 (d) The surcharge established by paragraph (b) of this subdivision
32 shall be [one and one-half] THIRTEEN AND THREE QUARTERS cents per barrel
33 for any barrel that is transferred but thereafter exported from this
34 state for use outside the state as described by paragraph (a) of this
35 subdivision. TWELVE AND ONE-QUARTER CENTS OF SUCH SURCHARGE SHALL BE
36 CREDITED TO THE ACCOUNT ESTABLISHED BY PARAGRAPH (A) OF SUBDIVISION TWO
37 OF SECTION ONE HUNDRED SEVENTY-NINE OF THIS ARTICLE.

38 S 4. Paragraph (a) of subdivision 2 of section 179 of the navigation
39 law, as amended by section 2 of part I of chapter 577 of the laws of
40 2004, is amended to read as follows:

41 (a) An account which shall be credited with all license fees and
42 penalties collected pursuant to paragraph (b) of subdivision one and
43 paragraph (a) of subdivision four of section one hundred seventy-four of
44 this article, THE PORTION OF THE SURCHARGE COLLECTED PURSUANT TO PARA-
45 GRAPH (D) OF SUBDIVISION FOUR OF SECTION ONE HUNDRED SEVENTY-FOUR OF
46 THIS SECTION, penalties collected pursuant to paragraph (b) of subdivi-
47 sion four of section one hundred seventy-four-a of this article, money
48 collected pursuant to section one hundred eighty-seven of this article,
49 all penalties collected pursuant to section one hundred ninety-two of
50 this article, and registration fees collected pursuant to subdivision
51 two of section 17-1009 of the environmental conservation law.

52 S 5. The opening paragraph and subdivisions 4 and 5 of section 180 of
53 the navigation law, the opening paragraph and subdivision 4 as added by
54 chapter 845 of the laws of 1977 and subdivision 5 as amended by chapter
55 35 of the laws of 1985, are amended to read as follows:

1 The [state comptroller] COMMISSIONER shall appoint and supervise an
2 administrator of the fund. The administrator shall be the chief execu-
3 tive of the fund and shall have the following powers and duties:

4 4. To certify the amount of claims and names of claimants [to the
5 state comptroller];

6 5. To disburse moneys from the fund for cleanup and removal costs
7 pursuant to a certification of claims [by the commissioner].

8 S 6. Subdivisions 7 and 9 of section 185 of the navigation law, as
9 added by chapter 672 of the laws of 1991, are amended to read as
10 follows:

11 7. Within sixty calendar days from the close of such hearing and after
12 due consideration of the written and oral statements and testimony and
13 arguments filed pursuant to this section, or on default in appearance on
14 said return day, the administrator shall make [his] A final determi-
15 nation on the validity or amount of the damage claims or claims for
16 cleanup and removal costs filed by the injured persons. The administra-
17 tor shall notify the claimant and, if known, the alleged discharger
18 thereof in writing by registered mail.

19 9. Upon a determination by the administrator that provides for an
20 award to the claimants, the administrator [shall certify the amount of
21 the award and the name of the claimant to the state comptroller, who]
22 shall pay the award from the fund. In any case in which a person respon-
23 sible for the discharge seeks judicial review, reasonable attorney's
24 fees and costs shall be awarded to the claimant if the determination of
25 the administrator is affirmed.

26 S 7. Subdivisions 1 and 2 of section 186 of the navigation law, as
27 amended by chapter 38 of the laws of 1985, subdivision 1 as separately
28 amended by chapter 35 of the laws of 1985, paragraph (c) of subdivision
29 2 as amended by chapter 672 of the laws of 1991 and paragraph (e) of
30 subdivision 2 as added by chapter 83 of the law of 1995, are amended to
31 read as follows:

32 1. (a) Moneys in the account established by paragraph (a) of subdivi-
33 sion two of section one hundred seventy-nine of this part shall be
34 disbursed by the administrator[, upon certification by the commission-
35 er,] for the purpose of costs incurred under section one hundred seven-
36 ty-six of this article.

37 (b) Moneys in the account established by paragraph (b) of subdivision
38 two of section one hundred seventy-nine of this part shall, within
39 forty-five days of the close of each license fee period, be deposited by
40 the administrator[,] in the hazardous waste remedial fund created pursu-
41 ant to section ninety-seven-b of the state finance law for expenditure
42 pursuant to such section[; provided, however, that the state comptroller
43 shall cause the administrator to reimburse the commissioner for the
44 reasonable costs of collecting the surcharge during those times when the
45 license fee is not imposed].

46 2. Moneys in the account established by paragraph (a) of subdivision
47 two of section one hundred seventy-nine of this part, AS MAY BE APPRO-
48 PRIATED BY THE LEGISLATURE, shall be disbursed by the administrator,
49 upon certification by him OR HER, for the following purposes:

50 (a) Damages as defined in section one hundred eighty-one of this arti-
51 cle;

52 (b) Such sums as may be necessary for research on the prevention and
53 the effects of spills of petroleum on the environment and on the devel-
54 opment AND TESTING of improved cleanup, CONTAINMENT and removal oper-
55 ations [as may be appropriated by the legislature; provided, however,
56 that such sums shall not exceed the amount of interest which is credited

1 to the account established by paragraph (a) of subdivision two of
2 section one hundred seventy-nine of this part];

3 (c) Such sums as may be necessary for the general administration of
4 the fund, equipment and personnel costs of the department [of environ-
5 mental conservation] and any other state agency related to the enforce-
6 ment of this article [as may be appropriated by the legislature];

7 (d) Such sums as may be [appropriated by the legislature] NECESSARY
8 for research and demonstration programs concerning the causes and abate-
9 ment of ocean pollution[; provided, however, that such sums shall not
10 exceed the amount of interest which is credited to the account estab-
11 lished by paragraph (a) of subdivision two of section one hundred seven-
12 ty-nine of this part].

13 (e) Such sums as may be necessary for the general administration,
14 equipment and personnel costs of the department [of environmental
15 conservation] related to the administration and enforcement of the
16 petroleum bulk storage program established pursuant to title ten of
17 article seventeen of the environmental conservation law.

18 (F) SUCH SUMS AS MAY BE NECESSARY FOR THE ACQUISITION AND MAINTENANCE
19 OF PETROLEUM SPILL PREVENTION, RESPONSE OR PERSONAL SAFETY EQUIPMENT AND
20 SUPPLIES AND TRAINING FOR STATE AND LOCAL GOVERNMENT ENTITIES, INCLUDING
21 EMERGENCY SERVICES AGENCIES AND PERSONNEL.

22 (G) SUCH SUMS AS MAY BE NECESSARY FOR PETROLEUM SPILL RESPONSE DRILLS
23 AND EXERCISES.

24 (H) SUCH SUMS AS MAY BE NECESSARY FOR IDENTIFICATION, MAPPING, AND
25 ANALYSIS OF POPULATIONS, ENVIRONMENTALLY SENSITIVE AREAS, AND RESOURCES
26 AT RISK FROM SPILLS OF PETROLEUM AND RELATED IMPACTS; AND THE DEVELOP-
27 MENT, IMPLEMENTATION, AND UPDATING OF CONTINGENCY PLANS, INCLUDING
28 GEOGRAPHIC RESPONSE PLANS, TO PROTECT THOSE POPULATIONS, SENSITIVE ENVI-
29 RONMENTS, AND RESOURCES IN THE EVENT OF A SPILL OF PETROLEUM OR RELATED
30 IMPACTS.

31 S 8. Section 191 of the navigation law, as amended by chapter 35 of
32 the laws of 1985, is amended to read as follows:

33 S 191. [Joint rules and regulations] RULES. The commissioner [and the
34 state comptroller are] IS authorized to adopt, amend, repeal, and
35 enforce such rules and regulations pursuant to the state administrative
36 procedure act[, as they] THAT THE COMMISSIONER may deem necessary to
37 accomplish the purposes of this article.

38 S 9. Section 192 of the navigation law, as added by chapter 845 of the
39 laws of 1977, is amended to read as follows:

40 S 192. Enforcement of article; penalties. Any person who knowingly
41 gives or causes to be given any false information as a part of, or in
42 response to, any claim made pursuant to this article for cleanup and
43 removal costs, direct or indirect damages resulting from a discharge, or
44 who otherwise violates any of the provisions of this article or any rule
45 promulgated thereunder or who fails to comply with any duty created by
46 this article shall be liable to a penalty of not more than twenty-five
47 thousand dollars for each offense. SUCH PENALTY MAY BE ASSESSED BY THE
48 COMMISSIONER AFTER A HEARING OR AN OPPORTUNITY TO BE HEARD OR in a court
49 of competent jurisdiction. If the violation is of a continuing nature
50 each day during which it continues shall constitute an additional, sepa-
51 rate and distinct offense.

52 S 10. Section 196 of the navigation law, as amended by chapter 35 of
53 the laws of 1985, is amended to read as follows:

54 S 196. Reports. The commissioner [and the administrator] shall make an
55 annual report to the legislature and the governor which shall describe
56 the quality and quantity of spills of petroleum, the costs and damages

1 paid by and recovered for the fund, and the economic and environmental
2 impact on the state as a result of the administration of this article.

3 S 11. Subdivision 6 of section 200 of the navigation law, such section
4 as renumbered by chapter 845 of the laws of 1977, is renumbered subdivi-
5 sion 7 and a new subdivision 6 is added to read as follows:

6 6. THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION MAY, AFTER A HEARING
7 OR AN OPPORTUNITY TO BE HEARD, ASSESS A PENALTY OF UP TO TWENTY-FIVE
8 THOUSAND DOLLARS PER DAY FOR ANY VIOLATION OF OR A FAILURE TO COMPLY
9 WITH ANY PROVISION CONTAINED IN ARTICLE TWELVE OF THIS CHAPTER, OR ANY
10 LAWFUL NOTICE, ORDER OR REGULATION PRESCRIBED BY THE COMMISSIONER OF
11 ENVIRONMENTAL CONSERVATION UNDER SUCH PROVISION.

12 S 12. Subdivision 2 of section 97-b of the state finance law, as
13 amended by section 4 of part I of chapter 1 of the laws of 2003, is
14 amended to read as follows:

15 2. Such fund shall consist of all of the following:

16 (a) moneys appropriated for transfer to the fund's site investigation
17 and construction account; (b) all fines and other sums accumulated in
18 the fund prior to April first, nineteen hundred eighty-eight pursuant to
19 section 71-2725 of the environmental conservation law for deposit in the
20 fund's site investigation and construction account; (c) all moneys
21 collected or received by the department of taxation and finance pursuant
22 to section 27-0923 of the environmental conservation law for deposit in
23 the fund's industry fee transfer account; (d) all moneys paid into the
24 fund pursuant to section 72-0201 of the environmental conservation law
25 which shall be deposited in the fund's industry fee transfer account;
26 (e) all moneys paid into the fund pursuant to PARAGRAPH (B) OF SUBDIVI-
27 SION ONE OF section one hundred eighty-six of the navigation law which
28 shall be deposited in the fund's industry fee transfer account; (f) all
29 moneys paid into the fund by municipalities for repayment of landfill
30 closure loans made pursuant to title five of article fifty-two of the
31 environmental conservation law for deposit in the fund's site investi-
32 gation and construction account; (g) all monies recovered under sections
33 56-0503, 56-0505 and 56-0507 of the environmental conservation law into
34 the fund's environmental restoration project account; (h) all fees paid
35 into the fund pursuant to section 72-0403 of the environmental conserva-
36 tion law which shall be deposited in the fund's industry fee transfer
37 account; (i) payments received for all state costs incurred in negotiat-
38 ing and overseeing the implementation of brownfield site cleanup agree-
39 ments pursuant to title fourteen OF ARTICLE TWENTY-SEVEN of the environ-
40 mental conservation law shall be deposited in the hazardous waste
41 remediation oversight and assistance account; and (j) other moneys cred-
42 ited or transferred thereto from any other fund or source for deposit in
43 the fund's site investigation and construction account.

44 S 13. Continuation of rules and regulations pertaining to the adminis-
45 tration of the New York environmental protection and spill compensation
46 fund. Upon the transfer of the functions and powers possessed by the New
47 York state comptroller in regard to the administration of the New York
48 environmental protection and spill compensation fund pursuant to the
49 navigation law to the department of environmental conservation as
50 prescribed by this act, all rules, regulations, acts, orders, determi-
51 nations and decisions, pertaining to the functions transferred by this
52 act to the department of environmental conservation shall continue in
53 force and effect as rules, regulations, acts, determinations and deci-
54 sions of the department of environmental conservation, unless duly modi-
55 fied or repealed.

1 S 14. This act shall take effect immediately; provided, however, that
2 to allow for an orderly transition of work the department of environ-
3 mental conservation and the state comptroller may have until October 1,
4 2015 to transfer all functions associated with the administration of the
5 environmental protection and spill compensation fund as required by
6 sections two and five of this act; provided further that the increased
7 fees established pursuant to paragraphs (a) and (d) of subdivision 4 of
8 section 174 of the navigation law as amended by section three of this
9 act shall take effect on September 1, 2015 and shall apply to any barrel
10 that is transferred on and after such date.

11 PART Y

12 Section 1. The opening paragraph of subdivision 1 and subdivision 3 of
13 section 72-0303 of the environmental conservation law, the opening para-
14 graph of subdivision 1 as amended by section 1 of part BBB of chapter 59
15 of the laws of 2009 and subdivision 3 as amended by section 1 of part D
16 of chapter 413 of the laws of 1999, are amended to read as follows:

17 COMMENCING JANUARY FIRST, TWO THOUSAND FIFTEEN AND EVERY YEAR THERE-
18 AFTER, ALL SOURCES OF REGULATED AIR CONTAMINANTS IDENTIFIED PURSUANT TO
19 SUBDIVISION ONE OF SECTION 19-0311 OF THIS CHAPTER SHALL SUBMIT TO THE
20 DEPARTMENT AN ANNUAL BASE FEE OF TWO THOUSAND FIVE HUNDRED DOLLARS. THIS
21 BASE FEE SHALL BE IN ADDITION TO THE FEES LISTED BELOW. Commencing Janu-
22 ary first, nineteen hundred ninety-four and every year thereafter all
23 sources of regulated air contaminants identified pursuant to subdivision
24 one of section 19-0311 of this chapter shall submit to the department an
25 annual fee [of forty-five dollars per ton] NOT TO EXCEED THE PER TON
26 FEES DESCRIBED BELOW. THE PER TON FEE IS ASSESSED ON EACH TON OF EMIS-
27 SIONS up to seven thousand tons annually of each regulated air contam-
28 inant as follows: [forty-five] SIXTY dollars per ton for facilities
29 with total emissions less than one thousand tons annually; [fifty]
30 SEVENTY dollars per ton for facilities with total emissions of one thou-
31 sand or more but less than two thousand tons annually; [fifty-five]
32 EIGHTY dollars per ton for facilities with total emissions of two thou-
33 sand or more but less than five thousand tons annually; and [sixty-five]
34 NINETY dollars per ton for facilities with total emissions of five thou-
35 sand or more tons annually. Such fee shall be sufficient to support an
36 appropriation approved by the legislature for the direct and indirect
37 costs associated with the operating permit program established in
38 section 19-0311 of this chapter. Such fee shall be established by the
39 department and shall be calculated by dividing the amount of the current
40 year appropriation from the operating permit program account of the
41 clean air fund by the total tons of emissions of regulated air contam-
42 inants that are subject to the operating permit program fees from sourc-
43 es subject to the operating permit program pursuant to section 19-0311
44 of this chapter up to seven thousand tons annually of each regulated air
45 contaminant from each source; provided that, in making such calculation,
46 the department shall adjust their calculation to account for any deficit
47 or surplus in the operating permit program account of the clean air fund
48 established pursuant to section ninety-seven-00 of the state finance
49 law; any loan repayment from the mobile source account of the clean air
50 fund established pursuant to section ninety-seven-00 of the state
51 finance law; and the rate of collection by the department of the bills
52 issued for the fee for the prior year.

53 3. Effective January first, [nineteen hundred ninety-seven through
54 December thirty-first, nineteen hundred ninety-eight, and notwithstand-

1 ing the requirements of the state administrative procedure act, the cap
2 of twenty-five dollars per ton] TWO THOUSAND SIXTEEN AND ANNUALLY THERE-
3 AFTER, THE BASE FEES AND PER TON FEES LISTED IN SUBDIVISION ONE OF THIS
4 SECTION shall increase by the percentage, if any, by which the consumer
5 price index exceeds the consumer price index for the PRIOR calendar year
6 [nineteen hundred eighty-nine].

7 [a.] The consumer price index for any calendar year is the average of
8 the consumer price index for all urban consumers published by the United
9 States department of labor, as of the close of the twelve-month period
10 ending on August thirty-first of each calendar year.

11 [b. The revision of the consumer price index for the calendar year
12 nineteen hundred eighty-nine shall be used in the event the department
13 of labor revises its method of determining the consumer price index.]

14 S 2. Section 72-0302 of the environmental conservation law, as amended
15 by chapter 608 of the laws of 1993, the opening paragraph of subdivision
16 1 and the closing paragraph as amended by chapter 432 of the laws of
17 1997, paragraph e as amended and paragraphs f and g of subdivision 1 as
18 relettered by chapter 170 of the laws of 1994, is amended to read as
19 follows:

20 S 72-0302. State air quality control fees.

21 1. All persons, except those required to pay a fee under section
22 72-0303 of this [article] TITLE, who are required to obtain a permit,
23 [certificate] REGISTRATION or approval pursuant to the state air quality
24 control program shall submit to the department a [per emission point]
25 fee in an amount established as follows:

26 a. [\$11,000.00] \$2,500.00 for a stationary [combustion installation
27 having a maximum operating heat input equal to or greater than fifty
28 million British thermal units per hour as stated on the most recent
29 application for a permit to construct or application for a certificate
30 to operate and which emits or has the potential to emit equal to or
31 greater than any one of the following:

32 (i) one hundred tons per year of oxides of nitrogen, or if located in
33 a severe ozone nonattainment area, twenty-five tons per year; or

34 (ii) one hundred tons per year of sulfur dioxide; or

35 (iii) one hundred tons per year of particulates] SOURCE SUBJECT TO A
36 STATE FACILITY PERMIT.

37 b. [\$2,000.00] \$250.00 for [all] A stationary [combustion installa-
38 tions which are not included under paragraph a of this subdivision and
39 which have a maximum operating heat input greater than fifty million
40 British thermal units per hour as stated on the most recent application
41 for a certificate to operate] SOURCE SUBJECT TO A MINOR FACILITY REGIS-
42 TRATION FROM THE DEPARTMENT.

43 c. [\$100.00] \$2,500.00 for a [stationary combustion installation
44 having a maximum operating heat input less than fifty million British
45 thermal units per hour as stated on the most recent application for a
46 certificate to operate] FACILITY WITH ANY OTHER OPERATING APPROVAL.

47 [d. \$2,000.00 for a process air contamination source for an annual
48 emission rate equal to or greater than twenty-five tons per year of any
49 one of the following: sulfur dioxide, nitrogen dioxide, total particu-
50 lates, carbon monoxide, total volatile organic compounds and other
51 specific air contaminants. The annual emission rate shall be the actual
52 annual emission rate as stated on the most recent application for a
53 permit to construct or application for a certificate to operate. In the
54 event that hours of operation have not been specified on the applica-
55 tions then maximum possible hours of operation (8760 hours) will be used
56 to calculate actual annual emissions.]

1 e. \$160.00 for a process air contamination source, except a gasoline
2 dispensing site, for an annual emission rate less than twenty-five tons
3 per year of any one of the following: sulfur dioxide, nitrogen dioxide,
4 total particulates, carbon monoxide, total volatile organic compounds
5 and other specific air contaminants. The annual emission rate shall be
6 the actual annual emission rate as applied for on the most recent appli-
7 cation for a permit to construct or application for a certificate to
8 operate. In the event that hours of operation have not been specified on
9 the applications then maximum possible hours of operation (8760 hours)
10 will be used to calculate actual annual emissions.

11 f. \$2,000.00 for an incinerator capable of charging two thousand
12 pounds of refuse per hour or greater. The charging capacity will be
13 established in accordance with the application for the most recent
14 permit to construct or application for a certificate to operate the
15 incinerator source and will be calculated on an emission point basis.

16 g. \$160.00 for an incinerator with a maximum design charge rate of
17 less than two thousand pounds of refuse per hour. The charging capacity
18 will be established in accordance with the application for the most
19 recent permit to construct or application for a certificate to operate
20 the incinerator source and will be calculated on an emission point
21 basis.]

22 Provided, however, that where a city or county is delegated the
23 authority to administer the state air quality control program, or any
24 portion thereof, pursuant to paragraph p of subdivision two of section
25 3-0301 of this chapter and such city or county collects a fee in
26 connection with the issuance of a permit, [certificate] REGISTRATION, or
27 approval for a [combustion installation, incinerator or process air
28 contamination] STATIONARY source SUBJECT TO A STATE FACILITY PERMIT,
29 MINOR FACILITY REGISTRATION OR OTHER OPERATING APPROVAL, no additional
30 liability for fees under this section shall accrue for the [particular
31 combustion installation, incinerator or process air contamination]
32 source that is subject to the delegation.

33 2. NOTWITHSTANDING THE REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCE-
34 DURE ACT, BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN AND ANNUALLY
35 THEREAFTER, THE FEES LISTED IN SUBDIVISION ONE OF THIS SECTION SHALL
36 INCREASE BY THE PERCENTAGE, IF ANY, BY WHICH THE CONSUMER PRICE INDEX
37 EXCEEDS THE CONSUMER PRICE INDEX FOR THE PRIOR CALENDAR YEAR. THE
38 CONSUMER PRICE INDEX FOR ANY CALENDAR YEAR IS THE AVERAGE OF THE CONSUM-
39 ER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES
40 DEPARTMENT OF LABOR, AS OF THE CLOSE OF THE TWELVE-MONTH PERIOD ENDING
41 ON AUGUST THIRTY-FIRST OF EACH CALENDAR YEAR. SUCH CALCULATIONS AND FEES
42 SHALL BE ESTABLISHED AS A RULE BY PUBLICATION IN THE ENVIRONMENTAL
43 NOTICE BULLETIN NO LATER THAN THIRTY DAYS AFTER THE BUDGET BILLS MAKING
44 APPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT ARE ENACTED OR JULY FIRST,
45 WHICHEVER IS LATER, OF THE YEAR SUCH FEE WILL BE EFFECTIVE.

46 S 3. Subdivisions a, b, c, d, e, f, g, h, i, j, k, l, m, n, q and t of
47 section 72-0602 of the environmental conservation law, paragraphs a, b,
48 c, d, e, f, g, h, q and t as amended by section 1 of part JJ of chapter
49 59 of the laws of 2009, subdivision i as amended by section 1 of part T1
50 of chapter 62 of the laws of 2003, and subdivisions j, k, l, m and n as
51 amended by chapter 62 of the laws of 1989, are amended to read as
52 follows:

53 a. [\$300.00] \$375.00 for any P/C/I facilities having a permit to
54 discharge or discharging at an average daily rate of less than 100,000
55 gallons;

1 b. [\$600.00] \$750.00 for P/C/I facilities having a permit to discharge
2 or discharging at an average daily rate of 100,000 gallons or more;
3 c. [\$600.00] \$750.00 for industrial facilities having a permit to
4 discharge or discharging at an average daily rate of less than 10,000
5 gallons;
6 d. [\$2,000.00] \$2,300.00 for industrial facilities having a permit to
7 discharge or discharging at an average daily rate of between 10,000
8 gallons and 99,999 gallons;
9 e. [\$6,000.00] \$7,250.00 for industrial facilities having a permit to
10 discharge or discharging at an average daily rate of between 100,000
11 gallons and 499,999 gallons;
12 f. [\$20,000.00] \$25,000.00 for industrial facilities having a permit
13 to discharge or discharging at an average daily rate of between 500,000
14 and 999,999 gallons;
15 g. [\$30,000.00] \$37,000.00 for industrial facilities having a permit
16 to discharge or discharging at an average daily rate of between
17 1,000,000 and 9,999,999 gallons;
18 h. [\$50,000.00] \$58,000.00 for industrial facilities having a permit
19 to discharge or discharging at an average daily rate of 10,000,000
20 gallons or more;
21 i. [\$50,000.00] \$58,000.00 for any power plant;
22 j. [\$375.00] \$450.00 for municipal facilities having a permit to
23 discharge or discharging at an average daily rate of less than 200,000
24 gallons;
25 k. [\$1,875.00] \$2,000.00 for municipal facilities having a permit to
26 discharge or discharging at an average daily rate of between 200,000 and
27 999,999 gallons;
28 l. [\$7,500.00] \$8,000.00 for municipal facilities having a permit to
29 discharge or discharging at an average daily rate of between 1,000,000
30 and 4,999,999 gallons;
31 m. [\$15,000.00] \$15,500.00 for municipal facilities having a permit to
32 discharge or discharging at an average daily rate of between 5,000,000
33 and 39,999,999 gallons;
34 n. [\$37,500.00] \$38,500.00 for municipal facilities having a permit to
35 discharge or discharging at an average daily rate of 40,000,000 gallons
36 or more;
37 q. [\$100.00] \$125.00 per acre disturbed plus [\$600.00] \$700.00 per
38 future impervious acre for any facility, not owned or managed by a local
39 government or a state department, agency, or authority, discharging or
40 authorized to discharge pursuant to a SPDES permit for stormwater
41 discharges from construction activity. For the purposes of this subdivi-
42 sion, acres disturbed are acres subject to clearing, grading, or exca-
43 vating subject to SPDES permitting and future impervious acres are acres
44 that will be newly paved or roofed during construction;
45 t. [\$100.00] \$150.00 for any facility, other than a municipal separate
46 storm sewer as defined by 40 CFR S122.26 (b) (8), discharging or author-
47 ized to discharge pursuant to a general permit unless a specific fee is
48 imposed pursuant to subdivisions a through s of this section for such
49 discharge or authorization to discharge.
50 S 4. Section 72-0602 of the environmental conservation law is amended
51 by adding a new closing paragraph to read as follows:
52 NOTWITHSTANDING THE PROVISIONS OF THE STATE ADMINISTRATIVE PROCEDURE
53 ACT, BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN AND ANNUALLY THERE-
54 AFTER, THE FEES LISTED ABOVE SHALL INCREASE BY THE PERCENTAGE, IF ANY,
55 BY WHICH THE CONSUMER PRICE INDEX EXCEEDS THE CONSUMER PRICE INDEX FOR
56 THE PRIOR CALENDAR YEAR. THE CONSUMER PRICE INDEX FOR ANY CALENDAR YEAR

1 IS THE AVERAGE OF THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS
2 PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, AS OF THE CLOSE OF
3 THE TWELVE-MONTH PERIOD ENDING ON AUGUST THIRTY-FIRST OF EACH CALENDAR
4 YEAR. SUCH CALCULATIONS AND FEES SHALL BE ESTABLISHED AS A RULE BY
5 PUBLICATION IN THE ENVIRONMENTAL NOTICE BULLETIN NO LATER THAN THIRTY
6 DAYS AFTER THE BUDGET BILLS MAKING APPROPRIATIONS FOR THE SUPPORT OF
7 GOVERNMENT ARE ENACTED OR JULY FIRST, WHICHEVER IS LATER, OF THE YEAR
8 SUCH FEE WILL BE EFFECTIVE.
9 S 5. This act shall take effect immediately and shall apply to all
10 bills issued on and after January 1, 2015.

11 PART Z

12 Section 1. Subdivision 3 of section 15-1525 of the environmental
13 conservation law, as amended by section 2 of part F of chapter 59 of the
14 laws of 2006, is amended to read as follows:
15 3. The certificate of registration shall require that, before the
16 commencement of drilling of any well or wells, the water well driller
17 shall file a preliminary notice with the department; it shall also
18 provide that upon the completion of the drilling of any water well or
19 water wells, a completion report be filed with the department, giving
20 the log of the well, the size and depth thereof, the capacity of the
21 pump or pumps attached or to be attached thereto, and such other infor-
22 mation pertaining to the withdrawal of water and operation of such water
23 well or water wells as the department by its rules and regulations may
24 require. The water well driller shall provide a copy of such completion
25 report to the water well owner. The number of the certificate of regis-
26 tration must be displayed on the well drilling machinery of the regis-
27 trant. The certificate of registration shall also contain a notice to
28 the certificate holder that the business activities authorized by such
29 certificate are subject to the provisions of article thirty-six-A of the
30 general business law. [The fee for such certificate of registration
31 shall be ten dollars annually.] The commissioner shall promulgate a
32 water well completion report form which shall be utilized by all water
33 well drillers in satisfying the requirements of this section and any
34 other provision of state or local law which requires the submission of a
35 water well completion report or water well log.
36 S 2. This act shall take effect immediately.

37 PART AA

38 Section 1. Paragraph 4 of subdivision (a) of section 83 of the state
39 finance law, as amended by chapter 512 of the laws of 1994, is amended
40 to read as follows:
41 4. (i) There is hereby created a special account within the conserva-
42 tion fund to be known as the state fish and game trust account to
43 consist of all moneys received by the state from the sale of lifetime
44 hunting, fishing, trapping, archery and muzzle-loading licenses pursuant
45 to section 11-0702 of the environmental conservation law. The state
46 comptroller shall invest the moneys in such account in securities as
47 defined by section ninety-eight-a of this article, EXCEPT AS PROVIDED IN
48 SUBPARAGRAPH (III) OF THIS PARAGRAPH. Any income earned by the invest-
49 ment of such moneys, except income transferred to the conservation fund
50 pursuant to subparagraph (iii) of this paragraph, shall be added to and
51 become a part of, and shall be used for the purposes of such account.

1 (ii) The state comptroller shall provide an annual report of the trust
2 account which lists the amount of the principal, THE PRINCIPAL TRANS-
3 FERRED TO THE HABITAT CONSERVATION AND ACCESS ACCOUNT PURSUANT TO
4 SUBPARAGRAPH (III) OF THIS PARAGRAPH, the earned income, the earned
5 income accrued to the principal, and the earned income transferred to
6 the conservation fund pursuant to subparagraph (iii) of this paragraph
7 not later than April tenth of each year for the state fiscal year ending
8 the immediately preceding March thirty-first. A copy of such report
9 shall be transmitted, forthwith, to the director of the division of the
10 budget, the chairman of the senate finance committee, the chairman of
11 the assembly ways and means committee, the commissioner of the depart-
12 ment of environmental conservation and each of the eleven members of the
13 conservation fund advisory [council] BOARD, created pursuant to section
14 [seven hundred] 11-0327 of the [executive] ENVIRONMENTAL CONSERVATION
15 law.

16 (iii) Earned income from the sale of all lifetime licenses, except
17 income earned on the proceeds of the sale of a lifetime license during
18 the period from sale of such license until April first of the year
19 following one full year of deposit of the proceeds of the sale of such
20 lifetime license, shall be available for deposit within the conservation
21 fund pursuant to paragraph one of this subdivision in an amount equal to
22 the cost of the appropriate annual license. The earned income which
23 exceeds the current cost of each annual license comparable to the life-
24 time license, shall be added to the trust account as principal. The
25 earned income from lifetime licenses issued to persons who are under the
26 legal age to implement such licenses shall be added to the trust account
27 as principal until such person becomes of legal age to hunt, fish or
28 trap. BEGINNING APRIL FIRST, TWO THOUSAND FIFTEEN, UP TO ONE MILLION
29 FIVE HUNDRED THOUSAND DOLLARS ANNUALLY FROM THE STATE FISH AND GAME
30 TRUST ACCOUNT SHALL BE AVAILABLE FOR DEPOSIT WITHIN THE HABITAT CONSER-
31 VATION AND ACCESS ACCOUNT ESTABLISHED PURSUANT TO SECTION EIGHTY-THREE-A
32 OF THIS ARTICLE.

33 S 2. Subdivision (h) of section 83 of the state finance law is
34 REPEALED.

35 S 3. The state finance law is amended by adding a new section 83-a to
36 read as follows:

37 S 83-A. HABITAT CONSERVATION AND ACCESS ACCOUNT. (A) THERE IS HEREBY
38 CREATED AN ACCOUNT WITHIN THE MISCELLANEOUS CAPITAL PROJECTS FUND, THE
39 HABITAT CONSERVATION AND ACCESS ACCOUNT. THE HABITAT CONSERVATION AND
40 ACCESS ACCOUNT SHALL CONSIST OF ALL MONEYS FROM FUNDS OF THE STATE FISH
41 AND GAME TRUST ACCOUNT AUTHORIZED TO BE DEPOSITED PURSUANT TO SUBPARA-
42 GRAPH (III) OF PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION EIGHTY-THREE
43 OF THIS ARTICLE RECEIVED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
44 FROM THE SALE OF LIFETIME LICENSES FOR HUNTING, TRAPPING, AND FISHING,
45 AND ALL MONEYS, REVENUES AND INTEREST THEREON RECEIVED AS A RESULT OF
46 THE APPLICATION OF SUBDIVISION SEVENTEEN OF SECTION 11-0305 OF THE ENVI-
47 RONMENTAL CONSERVATION LAW AUTHORIZING THE ISSUANCE AND SALE OF VOLUN-
48 TARY HABITAT STAMPS, OTHER THAN THE AMOUNT RETAINED BY THE ISSUING AGENT
49 OR OFFICER. THE HABITAT CONSERVATION AND ACCESS ACCOUNT SHALL BE
50 SUBJECT TO THE SAME RESTRICTIONS AND PROTECTIONS AS THE CONSERVATION
51 FUND.

52 (B) THESE MONEYS, AFTER APPROPRIATION BY THE LEGISLATURE, AND WITHIN
53 THE AMOUNTS SET FORTH AND FOR THE SEVERAL PURPOSES SPECIFIED, SHALL BE
54 AVAILABLE TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE CAPI-
55 TAL EXPENSES ASSOCIATED WITH MANAGEMENT, PROTECTION, AND RESTORATION OF

1 FISH AND WILDLIFE HABITATS, AND IMPROVEMENT AND DEVELOPMENT OF PUBLIC
2 ACCESS FOR FISH AND WILDLIFE RELATED RECREATION.

3 (C) ALL PAYMENTS MADE FROM THE HABITAT CONSERVATION AND ACCESS ACCOUNT
4 SHALL BE MADE BY THE DEPARTMENT OF TAXATION AND FINANCE AFTER AUDIT AND
5 UPON WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED BY THE COMMISSIONER
6 OF ENVIRONMENTAL CONSERVATION. AFTER APPROPRIATIONS MADE AVAILABLE FROM
7 THE HABITAT CONSERVATION AND ACCESS ACCOUNT SHALL CEASE TO HAVE FORCE
8 AND EFFECT, ANY BALANCES REMAINING UNEXPENDED AND NOT REQUIRED TO MEET
9 THE PROPER AND NECESSARY EXPENSES OF THE DIVISION OF FISH AND WILDLIFE
10 SHALL REVERT TO THE STATE FISH AND GAME TRUST ACCOUNT ESTABLISHED PURSU-
11 ANT TO PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION EIGHTY-THREE OF THIS
12 ARTICLE.

13 (D) NO FUNDS MAY BE TRANSFERRED OR USED IN ANY WAY WHICH WOULD RESULT
14 IN THE LOSS OF ELIGIBILITY FOR FEDERAL BENEFITS OR FEDERAL FUNDS PURSU-
15 ANT TO FEDERAL LAW, RULE, OR REGULATION AS ASSENTED TO IN CHAPTER SIX
16 HUNDRED EIGHTY-THREE OF THE LAWS OF NINETEEN HUNDRED THIRTY-EIGHT AND
17 CHAPTER SEVEN HUNDRED OF THE LAWS OF NINETEEN HUNDRED FIFTY-ONE.

18 S 4. Subdivision 17 of section 11-0305 of the environmental conserva-
19 tion law, as added by section 3 of part F of chapter 82 of the laws of
20 2002, is amended to read as follows:

21 17. To prepare or cause to be prepared voluntary habitat stamps and
22 furnish such stamps annually to license issuing agents and officers for
23 sale and issuance in the same manner as licenses and other types of
24 stamps. The department shall, by rule, establish the fee for the habitat
25 stamp which shall [not exceed] BE NO LESS THAN five dollars plus an
26 additional amount for the issuing agent or officer. The purchase of a
27 stamp is voluntary and a stamp need not be possessed in order to take
28 fish or wildlife.

29 S 5. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after April 1, 2015; provided,
31 however, that all funds in the habitat account of the conservation fund,
32 established pursuant to subdivision (h) of section 83 of the state
33 finance law, on the effective date of this act shall be transferred to
34 the habitat conservation and access account established pursuant to
35 section 83-a of the state finance law as added by section three of this
36 act.

37

PART BB

38 Section 1. Paragraph a of section 11.00 of the local finance law is
39 amended by adding a new subdivision 29-a to read as follows:

40 29-A. TRANSIT MOTOR VEHICLES. THE PURCHASE OF MUNICIPALLY OWNED OMNI-
41 BUS OR SIMILAR SURFACE TRANSIT MOTOR VEHICLES, TEN YEARS.

42 S 2. This act shall take effect immediately.

43 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
44 sion, section or part of this act shall be adjudged by any court of
45 competent jurisdiction to be invalid, such judgment shall not affect,
46 impair, or invalidate the remainder thereof, but shall be confined in
47 its operation to the clause, sentence, paragraph, subdivision, section
48 or part thereof directly involved in the controversy in which such judg-
49 ment shall have been rendered. It is hereby declared to be the intent of
50 the legislature that this act would have been enacted even if such
51 invalid provisions had not been included herein.

52 S 3. This act shall take effect immediately provided, however, that
53 the applicable effective date of Parts A through BB of this act shall be
54 as specifically set forth in the last section of such Parts.