

STATE OF NEW YORK

2008--B

IN SENATE

January 23, 2017

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

AN ACT to amend 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 disposition of revenues (Part A); to amend the vehicle and traffic law, in relation to divisible load permits (Part B); intentionally omitted (Part C); to amend the vehicle and traffic law in relation to compliance with new federal regulations (Part D); to amend the penal law, in relation to including the use of any highway, parkway, road, bridge or tunnel without payment of the lawful toll or charge as a theft of services; and to amend the vehicle and traffic law, in relation to liability of vehicle owners for toll collection violations and the penalty imposed upon the operator of a vehicle with an altered or obscured license plate while on a toll highway, bridge or tunnel (Part E); to amend the vehicle and traffic law and the state finance law, in relation to allocation of three million dollars of assessments from the city of New York to the general fund (Part F); to amend the vehicle and traffic law, the insurance law, the executive law and the tax law, in relation to the regulation of transportation network company services; to establish the New York State TNC Accessibility Task Force; and to amend the state finance law, in relation to establishing the local transit assistance fund (Part G); to amend the vehicle and traffic law, in relation to the waiver of non-driver identification card fees for crime victims (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the vehicle and traffic law, in relation to the definition of "drug", the scope of the written test, the suspension of a license for driving while impaired by drugs, and the license sanctions for refusing to submit to a chemical test (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

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

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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); intentionally omitted (Part O); intentionally omitted (Part P); 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 Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the environmental conservation law and the executive law, in relation to local waterfront revitalization (Part T); intentionally omitted (Part U); authorizing utility and cable television assessments to provide funds to the department of health from cable television assessment revenues (Part V); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending the effectiveness of such authorization (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); intentionally omitted (Part LL); to authorize the energy research and development authority to finance the University of Rochester laboratory for laser energetics, from an assessment on gas and electric corporations (Part MM); to amend the not-for-profit corporation law, in relation to increasing the number of authorized land banks in the state to 25 (Part NN); to amend the public lands law, in relation to sale of vacant real property owned by the state (Part OO); to amend the public authorities law, in relation to toll discount programs (Part PP); to amend the vehicle and traffic law, in relation to creating an exemption to the snowmobile registration requirements by creating a seasonal trail pass pilot program for Canadian citizens; and providing for the repeal of such provisions upon expiration thereof (Part QQ); to amend the waterfront commission act, in relation to cargo facility charges by the Port Authority of New York and New Jersey (Part RR); in relation to authorizing the forgiveness of loans received by the Oswego Port Authority (Part SS); to amend the vehicle and traffic law, in relation to providing for a discount on driver's license renewal fees for senior citizens (Part TT); to repeal subdivision 18-a of section 1261 of the public authorities law relating to the definition of "transportation purpose" for purposes of the metropolitan transportation authority (Part UU); to amend the vehicle and traffic law, in relation to the definition of an all terrain vehicle or "ATV" (Part VV); to repeal section 1678-a of the public authorities law relating to the New York State design and construction corporation act (Part WW); to amend the vehicle and traffic law and the public officers law, in relation to authorizing local authorities to establish demonstration programs, implementing railroad grade crossing monitoring systems by means of photo devices (Part XX); to amend the vehicle and traffic law, in relation to certain registrations of vehicles (Part YY); to establish the toll advisory task force, and providing for the powers and duties thereof (Part ZZ); to amend the vehicle and traffic law, in relation to directing the

department of transportation to establish a maximum speed limit of thirty miles per hour on state route 908H, better known as "Ocean parkway", in the county of Kings (Part AAA); to amend the transportation law, in relation to the interagency coordinating committee on rural public transportation (Part BBB); to amend the highway law, in relation to the rate paid by the state to a city for maintenance and repair of highways (Part CCC); to amend the vehicle and traffic law, in relation to requiring the suspension of the license to operate a motor vehicle of any person convicted of two violations of school zone speed limits within eighteen months (Part DDD); to amend the vehicle and traffic law, in relation to distribution of certain mandatory surcharges imposed for alcohol-related traffic convictions; and to amend the state finance law, in relation to establishing an impaired driving safety fund (Part EEE); to amend the environmental conservation law, in relation to establishing the yearling buck protection program (Part FFF); to amend the environmental conservation law, in relation to crossbows; and to repeal certain provisions of such law relating thereto (Part GGG); to amend the environmental conservation law, in relation to the use of ultra low sulfur diesel fuel and best available technology by the state (Part HHH); to amend the environmental conservation law, in relation to lowering the age for universal hunting licenses from fourteen years old to twelve years old (Part III); to amend the navigation law, in relation to license fees per barrel of petroleum (Part JJJ); to amend the environmental conservation law, in relation to fees for certification of pesticide applicators; and to repeal certain provisions of such law relating thereto (Part KKK); to amend the economic development law, in relation to the establishment of regional economic development councils; and providing for the repeal of such provisions upon expiration thereof (Part LLL); to amend the economic development law, in relation to comprehensive economic development reporting (Part MMM); to amend the public authorities law, in relation to enacting the "New York microgrids act" (Part NNN); to amend the public authorities law, in relation to the New York state geothermal heating system rebate program (Part OOO); to amend the canal law, in relation to maintaining bridges in a manner to not impede commercial motor vehicles (Part PPP); to amend the general business law and the New York state urban development corporation act, in relation to establishing the "Made by New Yorkers" program (Part QQQ); and to amend the economic development law, in relation to the life sciences program (Part RRR)

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 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through RRR. The effective date for each partic-
5 ular provision contained within such Part is set forth in the last
6 section of such Part. Any provision in any section contained within a
7 Part, including the effective date of the Part, which makes a reference
8 to a section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

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PART A

Section 1. Section 13 of 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, as amended by section 1 of part A of chapter 58 of the laws of 2015, is amended to read as follows:

§ 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, 2020; [~~provided further, however, that the amendments to subdivision 3 of section 205 of the tax law made by section eight of this act shall expire and be deemed repealed on March 31, 2018,~~] provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, 2020.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017.

PART B

Section 1. The sixth undesignated paragraph of paragraph (f) of subdivision 15 of section 385 of the vehicle and traffic law, as amended by section 4 of part C of chapter 59 of the laws of 2004, is amended to read as follows:

Until June thirtieth, nineteen hundred ninety-four, no more than sixteen thousand power units shall be issued annual permits by the department for any twelve-month period in accordance with this paragraph. After June thirtieth, nineteen hundred ninety-four, no more than sixteen thousand five hundred power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, nineteen hundred ninety-five, no more than seventeen thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand three, no more than twenty-one thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand five, no more than twenty-two thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand six, no more than twenty-three thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand seven, no more than twenty-four thousand power units shall be issued annual permits by the department for any twelve-month period. After December thirty-first, two thousand sixteen, no more than twenty-seven thousand power units shall be issued annual permits by the department for any twelve-month period.

§ 2. This act shall take effect immediately.

PART C

Intentionally Omitted

PART D

1 Section 1. Paragraph (g) of subdivision 3 of section 385 of the vehi-
2 cle and traffic law, as added by chapter 303 of the laws of 2014, is
3 amended to read as follows:

4 (g) The length of a tow truck or car carrier, inclusive of load and
5 bumpers, shall be not more than forty feet, except that a car carrier
6 may have an overhang that extends beyond the rear bumper of such car
7 carrier by not more than [~~three~~] four feet and except, further, that a
8 wheel lift that is less than fifteen feet in length shall not be
9 included as part of the length of a tow truck or car carrier when such
10 wheel lift is in use by such tow truck or car carrier to tow another
11 motor vehicle.

12 § 2. Subparagraphs 5 and 6 of paragraph (b) of subdivision 4 of
13 section 385 of the vehicle and traffic law, subparagraph 5 as amended by
14 chapter 669 of the laws of 2005, and subparagraph 6 as amended by chap-
15 ter 26 of the laws of 2002, are amended and a new subparagraph 7 is
16 added to read as follows:

17 5. A vehicle or combination of vehicles which is disabled and unable
18 to proceed under its own power and is being towed for a distance not in
19 excess of ten miles for the purpose of repairs or removal from the high-
20 way, except that the distance to the nearest exit of a controlled-access
21 highway shall not be considered in determining such ten mile distance;
22 [~~and~~]

23 6. Stinger-steered automobile transporters or stinger-steered boat
24 transporters, while operating on qualifying and access highways. Such
25 vehicles shall not, however, exceed [~~seventy-five~~] eighty feet exclusive
26 of an overhang of not more than [~~three~~] four feet on the front and
27 [~~four~~] six feet on the rear of the vehicle[~~;~~]; and

28 7. A combination of vehicles operating on any qualifying or access
29 highways consisting of a power unit and two trailers or semitrailers
30 with a total weight that shall not exceed twenty-six thousand pounds
31 when the overall length is greater than sixty-five feet but shall not
32 exceed eighty-two feet; and in which the trailers or semitrailers carry
33 no property and constitute inventory property of a manufacturer,
34 distributor, or dealer of such trailers or semitrailers.

35 § 3. Paragraph (c) of subdivision 4 of section 385 of the vehicle and
36 traffic law, as amended by chapter 26 of the laws of 2002, is amended to
37 read as follows:

38 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-
39 sion, an overhang of not more than three feet on the front and four feet
40 on the rear of an automobile transporter or an overhang of not more than
41 four feet on the front and six feet on the rear of a stinger-steered
42 automobile transporter or a boat transporter or stinger-steered boat
43 transporter shall be permitted.

44 § 4. Subdivision 10 of section 385 of the vehicle and traffic law, as
45 amended by chapter 1008 of the laws of 1983, is amended to read as
46 follows:

47 10. A single vehicle or a combination of vehicles having three axles
48 or more and equipped with pneumatic tires, when loaded, may have a total
49 weight on all axles not to exceed thirty-four thousand pounds, plus one
50 thousand pounds for each foot and major fraction of a foot of the
51 distance from the center of the foremost axle to the center of the rear-
52 most axle. Axles to be counted as provided in subdivision five of this
53 section. In no case, however, shall the total weight exceed eighty thou-
54 sand pounds except for a vehicle if operated by an engine fueled prima-
55 rially by natural gas which may have a maximum gross weight of eighty-two
56 thousand pounds. For any vehicle or combination of vehicles having a

1 total gross weight less than seventy-one thousand pounds, the higher of
2 the following shall apply:

3 (a) the total weight on all axles shall not exceed thirty-four thou-
4 sand pounds plus one thousand pounds for each foot and major fraction of
5 a foot of the distance from the center of the foremost axle to the
6 center of the rearmost axle, or

7 (b) the overall gross weight on a group of two or more consecutive
8 axles shall not exceed the weight produced by application of the follow-
9 ing formula:

$$10 \quad W = 500 ((L \times N) / (N - 1) + (12 \times N) + 36)$$

11 where W equals overall gross weight on any group of two or more consec-
12 utive axles to the nearest five hundred pounds, L equals distance in
13 feet from the center of the foremost axle to the center of the rearmost
14 axle of any group of two or more consecutive axles, and N equals number
15 of axles in group under consideration, except that two consecutive sets
16 of tandem axles may carry a gross load of thirty-four thousand pounds
17 each providing the overall distance between the first and last axles of
18 such consecutive sets of tandem axles is thirty-six feet or more.

19 For any vehicle or combination of vehicles having a total gross weight
20 of seventy-one thousand pounds or greater, paragraph (b) shall apply to
21 determine maximum gross weight which is permitted hereunder.

22 § 5. Section 385 of the vehicle and traffic law is amended by adding a
23 new subdivision 24 to read as follows:

24 24. The provisions of subdivisions six, seven, eight, nine, ten, elev-
25 en and twelve of this section shall not apply to any tow truck that is
26 transporting a disabled vehicle from the place where the vehicle became
27 disabled to the nearest appropriate repair facility and has a gross
28 vehicle weight that is equal to or exceeds the gross vehicle weight of
29 the disabled vehicle being transported.

30 § 6. Intentionally Omitted.

31 § 7. This act shall take effect immediately.

32 PART E

33 Section 1. Section 165.15 of the penal law is amended by adding a new
34 subdivision 12 to read as follows:

35 12. He or she engages in a scheme constituting a systematic ongoing
36 course of conduct by intentionally using or attempting to use any high-
37 way, parkway, bridge or tunnel without payment of lawful charge or toll
38 by force, intimidation, stealth, deception, mechanical tampering or
39 unjustifiable failure or refusal to pay, and obtains such use with a
40 value in excess of five hundred dollars.

41 § 2. The vehicle and traffic law is amended by adding a new section
42 518 to read as follows:

43 § 518. Reciprocal agreements concerning suspension or revocation of
44 registration of a motor vehicle for violations of toll collection regu-
45 lations. a. The commissioner may execute a reciprocal compact or agree-
46 ment regarding toll collection violations with the motor vehicle admin-
47 istrator or other authorized official of another state not inconsistent
48 with the provisions of this chapter. Such compact or agreement shall
49 provide that if a registration of a motor vehicle would be suspended or
50 revoked pursuant to paragraph d of subdivision three of section five
51 hundred ten of this chapter, or pursuant to a comparable law or regu-
52 lation of another state, because an owner of a motor vehicle failed to
53 pay tolls and violation fees, or have them dismissed or transferred,
54 then the state issuing the registration shall likewise suspend or revoke

1 the registration or bar renewal of such registration, until such regis-
2 trant or applicant has paid such tolls and fees or complied with the
3 rules and regulations.

4 b. Such compact or agreement shall also provide such terms and proce-
5 dures as are necessary and proper to facilitate its administration. Any
6 such compact or agreement shall specify the violations subject to the
7 compact or agreement, and shall include a determination of comparable
8 violations in each state if any such violations are of a substantially
9 similar nature but are not denominated or described in precisely the
10 same words in each party state.

11 c. The word "state" when used in this section shall mean any state,
12 territory, a possession of the United States, the District of Columbia
13 or any province of Canada.

14 § 3. Subdivision 1 of section 402 of the vehicle and traffic law is
15 amended by adding a new paragraph (c) to read as follows:

16 (c) It shall be unlawful for any person to operate, drive or park a
17 motor vehicle on a toll highway, bridge and/or tunnel facility, under
18 the jurisdiction of the tolling authority, if such number plate is not
19 easily readable, nor shall any number plate be covered by glass or any
20 plastic material, and shall not be knowingly covered or coated with any
21 artificial or synthetic material or substance that conceals or obscures
22 such number plates or that distorts a recorded or photographic image of
23 such number plates, and the view of such number plates shall not be
24 obstructed by any part of the vehicle or by anything carried thereon,
25 except for a receiver-transmitter issued by a publicly owned tolling
26 facility in connection with electronic toll collection when such receiv-
27 er-transmitter is affixed to the exterior of a vehicle in accordance
28 with mounting instructions provided by the tolling facility. For
29 purposes of this paragraph, "tolling authority" shall mean every public
30 authority which operates a toll highway, bridge and/or tunnel facility
31 as well as the port authority of New York and New Jersey, a bi-state
32 agency created by compact set forth in chapter one hundred fifty-four of
33 the laws of nineteen hundred twenty-one, as amended.

34 § 4. Subdivision 8 of section 402 of the vehicle and traffic law, as
35 amended by chapter 61 of the laws of 1989 and renumbered by chapter 648
36 of the laws of 2006, is amended to read as follows:

37 8. The violation of this section shall be punishable by a fine of not
38 less than twenty-five nor more than two hundred dollars except for
39 violations of paragraph (c) of subdivision one of this section, which
40 shall be punishable by a fine of not less than one hundred nor more than
41 five hundred dollars.

42 § 5. This act shall take effect immediately.

43 PART F

44 Section 1. Subdivision 5 of section 227 of the vehicle and traffic
45 law, as amended by section 3 of part CC of chapter 58 of the laws of
46 2015, is amended to read as follows:

47 5. All penalties and forfeited security collected pursuant to the
48 provisions of this article shall be paid to the department of audit and
49 control to the credit of the justice court fund and shall be subject to
50 the applicable provisions of section eighteen hundred three of this
51 chapter. After such audit as shall reasonably be required by the comp-
52 troller, such penalties and forfeited security shall be paid quarterly
53 or, in the discretion of the comptroller, monthly, to the appropriate
54 jurisdiction in which the violation occurred in accordance with the

1 provisions of section ninety-nine-a of the state finance law, except
2 that the sum of four dollars for each violation occurring in such juris-
3 diction for which a complaint has been filed with the administrative
4 tribunal established pursuant to this article shall be retained by the
5 state. Notwithstanding any law to the contrary an additional annual sum
6 of three million dollars collected from fines and assessed to the city
7 of New York, shall be deposited into the general fund in accordance with
8 the provisions of section ninety-nine-a of the state finance law. The
9 amount distributed during the first three quarters to the city of
10 Rochester in any given fiscal year shall not exceed seventy percent of
11 the amount which will be otherwise payable. Provided, however, that if
12 the full costs of administering this article shall exceed the amounts
13 received and retained by the state for any period specified by the
14 commissioner, then such additional sums as shall be required to offset
15 such costs shall be retained by the state out of the penalties and
16 forfeited security collected pursuant to this article.

17 § 2. Paragraph c of subdivision 1 of section 1803 of the vehicle and
18 traffic law, as amended by chapter 385 of the laws of 1999, is amended
19 to read as follows:

20 c. for compliance with or violations of subdivision nineteen of
21 section three hundred eighty-five of this chapter, notwithstanding any
22 inconsistent provision of law, except as provided in section ninety of
23 the state finance law, the fees and fines collected by the state pursu-
24 ant to sections two hundred twenty-seven, three hundred eighty-five and
25 eighteen hundred three of this chapter and section ninety-nine-a of the
26 state finance law, shall be made available to the state comptroller for
27 deposit in the general fund except that fines collected within a city
28 not wholly included within one county shall be paid to such city in
29 accordance with the procedures set forth in subdivision four of section
30 two hundred twenty-seven of this chapter for deposit into the general
31 fund of such city, and except that an annual amount of three million
32 dollars of fines collected within the city of New York pursuant to arti-
33 cle two-A of this chapter be deposited by the comptroller to the general
34 fund.

35 § 3. Subdivision 3 of section 99-a of the state finance law, as
36 amended by section 10 of part CC of chapter 58 of the laws of 2015, is
37 amended to read as follows:

38 3. The comptroller is hereby authorized to implement alternative
39 procedures, including guidelines in conjunction therewith, relating to
40 the remittance of fines, penalties, forfeitures and other moneys by town
41 and village justice courts, and by the Nassau and Suffolk counties traf-
42 fic and parking violations agencies, and by the city of Buffalo traffic
43 violations agency, and by the city of New York pursuant to article two-A
44 of the vehicle and traffic law, to the justice court fund and for the
45 distribution of such moneys by the justice court fund. Notwithstanding
46 any law to the contrary, the alternative procedures utilized may
47 include:

48 a. electronic funds transfer;

49 b. remittance of funds by the justice court to the chief fiscal office
50 of the town or village, or, in the case of the Nassau and Suffolk coun-
51 ties traffic and parking violations agencies, to the county treasurer,
52 or, in the case of the Buffalo traffic violations agency, to the city of
53 Buffalo comptroller, for distribution in accordance with instructions by
54 the comptroller or, in the case of the city of New York, pursuant to
55 article two-A of the vehicle and traffic law to the city comptroller;
56 and/or

1 c. monthly, rather than quarterly, distribution of funds.

2 The comptroller may require such reporting and record keeping as he or
3 she deems necessary to ensure the proper distribution of moneys in
4 accordance with applicable laws. A justice court or the Nassau and
5 Suffolk counties traffic and parking violations agencies or the city of
6 Buffalo traffic violations agency or the city of New York pursuant to
7 article two-A of the vehicle and traffic law may utilize these proce-
8 dures only when permitted by the comptroller, and such permission, once
9 given, may subsequently be withdrawn by the comptroller on due notice.

10 § 4. This act shall take effect immediately.

11 PART G

12 Section 1. Legislative intent. The purpose of this act is to ensure
13 the safety, reliability, and cost-effectiveness of transportation
14 network company (TNC) services within the state of New York and to
15 preserve and enhance access to these important transportation options
16 for residents and visitors to the state.

17 § 2. The vehicle and traffic law is amended by adding a new article
18 44-B to read as follows:

19 ARTICLE 44-B

20 TRANSPORTATION NETWORK COMPANY SERVICES

21 Section 1691. Definitions.

22 1692. General provisions.

23 1693. Financial responsibility of transportation network compa-
24 nies.

25 1694. Disclosures.

26 1695. Insurance provisions.

27 1696. Driver and vehicle requirements.

28 1697. Maintenance of records.

29 1698. Audit procedures; confidentiality of records.

30 1699. Criminal history background check of transportation
31 network company drivers.

32 1700. Controlling authority.

33 § 1691. Definitions. As used in this article: 1. "Transportation
34 network company vehicle" or "TNC vehicle" means a vehicle that is:

35 (a) used by a transportation network company driver to provide a TNC
36 prearranged trip within the state of New York;

37 (b) owned, leased or otherwise authorized for use by the transporta-
38 tion network company driver and shall not include:

39 (i) a taxicab, as defined in section one hundred forty-eight-a of this
40 chapter and section 19-502 of the administrative code of the city of New
41 York, or as otherwise defined in local law;

42 (ii) a livery vehicle, as defined in section one hundred twenty-one-e
43 of this chapter, or as otherwise defined in local law;

44 (iii) a black car, limousine, or luxury limousine, as defined in
45 section 19-502 of the administrative code of the city of New York, or as
46 otherwise defined in local law;

47 (iv) a for-hire vehicle, as defined in section 19-502 of the adminis-
48 trative code of the city of New York, or as otherwise defined in local
49 law;

50 (v) a bus, as defined in section one hundred four of this chapter;

51 (vi) any motor vehicle weighing more than six thousand five hundred
52 pounds unloaded;

53 (vii) any motor vehicle having a seating capacity of more than seven
54 passengers; and

1 (viii) any motor vehicle subject to section three hundred seventy of
2 this chapter.

3 2. "Digital network" means any system or service offered or utilized
4 by a transportation network company that enables TNC prearranged trips
5 with transportation network company drivers.

6 3. "Transportation network company" or "TNC" means a person, corpo-
7 ration, partnership, sole proprietorship, or other entity that is
8 licensed pursuant to this article and is operating in New York state
9 exclusively using a digital network to connect transportation network
10 company passengers to transportation network company drivers who provide
11 TNC prearranged trips.

12 4. "Transportation network company driver" or "TNC driver" means an
13 individual who:

14 (a) Receives connections to potential passengers and related services
15 from a transportation network company in exchange for payment of a fee
16 to the transportation network company; and

17 (b) Uses a TNC vehicle to offer or provide a TNC prearranged trip to
18 transportation network company passengers upon connection through a
19 digital network controlled by a transportation network company in
20 exchange for compensation or payment of a fee.

21 5. "Transportation network company passenger" or "passenger" means a
22 person or persons who use a transportation network company's digital
23 network to connect with a transportation network company driver who
24 provides TNC prearranged trips to the passenger in the TNC vehicle
25 between points chosen by the passenger.

26 6. "TNC prearranged trip" or "trip" means the provision of transporta-
27 tion by a transportation network company driver to a passenger provided
28 through the use of a TNC's digital network:

29 (a) beginning when a transportation network company driver accepts a
30 passenger's request for a trip through a digital network controlled by a
31 transportation network company;

32 (b) continuing while the transportation network company driver trans-
33 ports the requesting passenger in a TNC vehicle; and

34 (c) ending when the last requesting passenger departs from the TNC
35 vehicle.

36 (d) a "TNC prearranged trip" does not include transportation provided
37 through any of the following:

38 (i) shared expense carpool or vanpool arrangements, including those as
39 defined in section one hundred fifty-eight-b of the vehicle and traffic
40 law;

41 (ii) use of a taxicab, livery, luxury limousine, or other for-hire
42 vehicle, as defined in the vehicle and traffic law, section 19-502 of
43 the New York city administrative code, or as otherwise defined in local
44 law; and

45 (iii) a regional transportation provider.

46 7. "Group policy" means an insurance policy issued pursuant to section
47 three thousand four hundred fifty-five of the insurance law.

48 § 1692. General provisions. 1. A TNC or a TNC driver is not a common
49 carrier, as defined in subdivision six of section two of the transporta-
50 tion law; a contract carrier of passengers by motor vehicle, as defined
51 in subdivision nine of section two of the transportation law; or a motor
52 carrier, as defined in subdivision seventeen of section two of the
53 transportation law; nor do they provide taxicab or for-hire vehicle
54 service. Moreover, a TNC driver shall not be required to register the
55 TNC vehicle such TNC driver uses for TNC prearranged trips as a commer-

1 cial or for-hire vehicle, as set forth in article fourteen of this chap-
2 ter.

3 2. A TNC may not operate in the state of New York without first having
4 obtained a license issued by the department in a form and manner and
5 with applicable fees as provided for by regulations promulgated by the
6 commissioner. As a condition of obtaining a license, a TNC shall be
7 required to submit to the department proof of a group policy issued
8 pursuant to section three thousand four hundred fifty-five of the insur-
9 ance law. Failure of a TNC to obtain a license before operation, pursu-
10 ant to this subdivision shall constitute a misdemeanor. No license shall
11 be suspended or revoked except upon notice to the TNC and after an
12 opportunity to be heard.

13 3. A TNC must maintain an agent for service of process in the state of
14 New York.

15 4. On behalf of a TNC driver, a TNC may charge a fare for the services
16 provided to passengers; provided that, if a fare is collected from a
17 passenger, the TNC shall disclose to the passengers the fare or fare
18 calculation method on its website or within the application service. The
19 TNC shall also provide the passengers with the applicable rates being
20 charged and an estimated fare before the passenger enters the TNC vehi-
21 cle.

22 5. A TNC's digital network shall display a picture of the TNC driver,
23 and the make, model, color and license plate number of the TNC vehicle
24 utilized for providing the TNC prearranged trip before the passenger
25 enters the TNC vehicle.

26 6. Within a reasonable period of time following the completion of a
27 trip, a TNC shall transmit an electronic receipt to the passenger on
28 behalf of the TNC driver that lists:

- 29 (a) The origin and destination of the trip;
30 (b) The total time and distance of the trip;
31 (c) An itemization of the total fare paid, if any; and
32 (d) A separate statement of the applicable taxes.

33 7. A TNC driver shall not solicit or accept street hails.

34 8. A TNC shall adopt a policy prohibiting solicitation or acceptance
35 of cash payments for the fares charged to passengers for TNC prearranged
36 trips and notify TNC drivers of such policy. TNC drivers shall not
37 solicit or accept cash payments from passengers.

38 9. Nothing in this article shall apply to cities with a population of
39 one million or more.

40 § 1693. Financial responsibility of transportation network companies.

41 1. A TNC driver, or TNC on the TNC driver's behalf through a group poli-
42 cy, shall maintain insurance that recognizes that the driver is a TNC
43 driver and provides financial responsibility coverage:

- 44 (a) while the TNC driver is logged onto the TNC's digital network; and
45 (b) while the TNC driver is engaged in a TNC prearranged trip.

46 2. (a) The following automobile financial responsibility insurance
47 requirements shall apply while a TNC driver is logged onto the TNC's
48 digital network and is available to receive transportation requests but
49 is not engaged in a TNC prearranged trip: insurance against loss from
50 the liability imposed by law for damages, including damages for care and
51 loss of services, because of bodily injury to or death of any person,
52 and injury to or destruction of property arising out of the ownership,
53 maintenance, use or operation of a personal vehicle or vehicles within
54 this state, or elsewhere in the United States in North America or Cana-
55 da, subject to a limit, exclusive of interest and costs, with respect to
56 each such occurrence, of at least fifty thousand dollars because of

1 bodily injury to or death of one person in any one accident and, subject
2 to said limit for one person, to a limit of at least one hundred thou-
3 sand dollars because of bodily injury to or death of two or more persons
4 in any one accident, and to a limit of at least twenty-five thousand
5 dollars because of injury to or destruction of property of others in any
6 one accident provided, however, that such policy need not be for a peri-
7 od coterminous with the registration period of the personal vehicle
8 insured, and coverage in satisfaction of the financial responsibility
9 requirements set forth in section three thousand four hundred twenty of
10 the insurance law, article fifty-one of the insurance law, and such
11 other requirements or regulations that may apply for the purposes of
12 satisfying the financial responsibility requirements with respect to the
13 use or operation of a motor vehicle.

14 (b) The coverage requirements of paragraph (a) of this subdivision may
15 be satisfied by any of the following:

16 (i) insurance maintained by the TNC driver; or

17 (ii) insurance provided through a group policy maintained by the TNC;
18 or

19 (iii) a combination of subparagraphs (i) and (ii) of this paragraph.

20 3. (a) The following automobile financial responsibility insurance
21 requirements shall apply while a TNC driver is engaged in a TNC prear-
22 ranged trip: insurance against loss from the liability imposed by law
23 for damages, including damages for care and loss of services, because of
24 bodily injury to or death of any person, and injury to or destruction of
25 property arising out of the ownership, maintenance, use, or operation of
26 a specific personal vehicle or vehicles within this state, or elsewhere
27 in the United States in North America or Canada, subject to a limit,
28 exclusive of interest and costs, with respect to each such occurrence,
29 of at least one million dollars because of bodily injuries, death and
30 property damage, provided, however, that such policy need not be for a
31 period coterminous with the registration period of the personal vehicle
32 insured, and coverage in satisfaction of the financial responsibility
33 requirements set forth in section three thousand four hundred twenty
34 of the insurance law, article fifty-one of the insurance law, and such
35 other requirements or regulations that may apply for the purposes of
36 satisfying the financial responsibility requirements with respect to the
37 use or operation of a motor vehicle.

38 (b) The coverage requirements of paragraph (a) of this subdivision may
39 be satisfied by any of the following:

40 (i) insurance maintained by the TNC driver; or

41 (ii) insurance provided through a group policy maintained by the TNC;
42 or

43 (iii) a combination of subparagraphs (i) and (ii) of this paragraph.

44 4. A TNC shall, upon entering into a contractual agreement with a TNC
45 driver, provide notice to the TNC driver that he or she may need addi-
46 tional insurance coverage including motor vehicle physical damage cover-
47 age as described in paragraph nineteen of subsection (a) of section one
48 thousand one hundred thirteen of the insurance law if the TNC vehicle
49 being used by the TNC driver is subject to a lease or loan. A TNC shall
50 also post this notice on its website in a prominent place.

51 5. If insurance maintained by a TNC driver pursuant to subdivisions
52 two and three of this section has lapsed or does not provide the
53 required coverage, then the group policy maintained by a TNC shall
54 provide the coverage required by this section beginning with the first
55 dollar of a claim and have the duty to defend such claim.

1 6. Coverage under a group policy maintained by the TNC shall not be
2 dependent on the denial of a claim by the insurer that issued the insur-
3 ance policy used to register the TNC vehicle, nor shall that insurer be
4 required to first deny a claim.

5 7. Insurance required by this section may be placed with an insurer
6 authorized or eligible to write insurance in this state and shall be
7 eligible for placement by an excess line broker pursuant to section two
8 thousand one hundred eighteen of the insurance law.

9 8. Insurance satisfying the requirements of this section may be used,
10 when the TNC vehicle is being used or operated during the period speci-
11 fied in subdivision one of this section, to satisfy the financial
12 responsibility requirements set forth in subdivision four of section
13 three hundred eleven of this chapter, and any other requirements or
14 regulations that may apply for the purposes of satisfying the financial
15 responsibility requirements with respect to the use or operation of a
16 motor vehicle.

17 9. A TNC driver shall carry proof of coverage satisfying subdivisions
18 two and three of this section with him or her at all times during his or
19 her use or operation of a TNC vehicle in connection with a TNC's digital
20 network. Such proof of coverage shall be in such form as the commission-
21 er shall prescribe, which may be in the form of an insurance identifica-
22 tion card as defined in section three hundred eleven of this chapter.
23 Any insurance identification card issued pursuant to the provisions of
24 this article shall be in addition to the insurance identification card
25 required pursuant to article six of this chapter, and nothing contained
26 in this article shall be deemed to supersede the requirements of such
27 article six. Whenever the production of an insurance identification card
28 is required by law, a TNC driver shall (a) produce the insurance iden-
29 tification card issued pursuant to article six of this chapter and, (b)
30 if such driver either (i) was logged onto the TNC's digital network and
31 available to receive transportation requests but not engaged in a TNC
32 prearranged trip or (ii) was logged on to the TNC's digital network and
33 was engaged in a TNC prearranged trip, such driver shall also produce
34 the insurance identification card required pursuant to this article.

35 10. The superintendent of financial services is authorized to issue
36 such rules and regulations necessary to implement this section.

37 11. Nothing in this section shall impose financial responsibility
38 requirements upon any entities operating as vehicles for hire in a city
39 with a population of one million or more.

40 § 1694. Disclosures. A TNC shall disclose in writing to TNC drivers
41 the following before they are allowed to accept a request for a TNC
42 prearranged trip on the TNC's digital network:

43 1. The insurance coverage, including the types of coverage and the
44 limits for each coverage, that the TNC provides while the TNC driver
45 uses a TNC vehicle in connection with a TNC's digital network;

46 2. That the TNC driver's own automobile insurance policy might not
47 provide any coverage while the TNC driver is logged on to the TNC's
48 digital network and is available to receive transportation requests or
49 is engaged in a TNC prearranged trip, depending on its terms; and

50 3. That, if a TNC vehicle has a lien against it, then the continued
51 use of such TNC vehicle by its TNC driver without physical damage cover-
52 age may violate the terms of the contract with the lienholder.

53 § 1695. Insurance provisions. 1. Insurers that write motor vehicle
54 insurance in this state may, in the insurance policy, exclude any and
55 all coverage afforded under the policy issued to an owner or operator of
56 a TNC vehicle for any loss or injury that occurs while a TNC driver is

1 logged on to a TNC's digital network or while a driver provides a prear-
2 ranged trip, including:

3 (a) liability coverage for bodily injury and property damage;

4 (b) coverage provided pursuant to article fifty-one of the insurance
5 law;

6 (c) uninsured and underinsured motorist coverage; and

7 (d) motor vehicle physical damage coverage as described in paragraph
8 nineteen of subsection (a) of section one thousand one hundred thirteen
9 of the insurance law.

10 2. Such exclusions shall apply notwithstanding any requirement under
11 the law to the contrary. Nothing in this section implies or requires
12 that an owner's policy of liability insurance or other motor vehicle
13 insurance policy provide coverage while the TNC driver is logged on to
14 the TNC's digital network, while the TNC driver is engaged in a TNC
15 prearranged trip or while the TNC driver otherwise uses or operates a
16 TNC vehicle to transport passengers for compensation.

17 3. Nothing shall be deemed to preclude an insurer from providing
18 primary, excess, or umbrella coverage for the TNC driver's TNC vehicle,
19 if it chose to do so by contract or endorsement.

20 4. Motor vehicle insurers that exclude the coverage described in this
21 article shall have no duty to defend or indemnify any claim expressly
22 excluded thereunder. Nothing in this article shall be deemed to invali-
23 date or limit an exclusion contained in a policy including any policy in
24 use or approved for use in this state prior to the effective date of the
25 chapter of the laws of two thousand seventeen that added this section.

26 5. A motor vehicle insurer that defends or indemnifies a claim against
27 a TNC driver that is excluded under the terms of its policy shall have a
28 right of contribution against other insurers that provide motor vehicle
29 insurance to the same driver in satisfaction of the coverage require-
30 ments of the provisions of the chapter of the laws of two thousand
31 seventeen which added this article at the time of loss.

32 6. In a claims coverage investigation, a TNC and any insurer poten-
33 tially providing coverage under this article shall, within fifteen days
34 after a claim has been filed, facilitate the exchange of relevant infor-
35 mation with directly involved parties and any insurer of the TNC driver
36 if applicable, including the precise times that a TNC driver logged on
37 and off of the TNC's digital network in the twelve hour period imme-
38 diately preceding and in the twelve hour period immediately following
39 the accident and disclose to one another a clear description of the
40 coverage, exclusions and limits provided under any motor vehicle insur-
41 ance maintained under this article.

42 7. The commissioner shall promulgate regulations for the provision of
43 relevant insurance coverage information required by this article to the
44 following persons upon request:

45 (a) a person to whom an accident report pertains or who is named in
46 such report, or his or her authorized representative; and

47 (b) any other person or his or her authorized representative who has
48 demonstrated to the satisfaction of the commissioner that such person is
49 or may be a party to a civil action arising out of the conduct described
50 in such accident report.

51 § 1696. Driver and vehicle requirements. 1. (a) At all times, an indi-
52 vidual acting as a TNC driver shall be permitted by the TNC as follows:

53 (i) The individual shall submit an application to the TNC, which shall
54 include information regarding his or her address, age, driver's license,
55 motor vehicle registration, automobile liability insurance, and other
56 information required by the TNC;

1 (ii) The TNC shall conduct or have a third party conduct, a local and
2 national criminal background check for each applicant in accordance with
3 section sixteen hundred ninety-nine of this article and that shall
4 review:

5 (A) whether the applicant is listed on the New York state sex offender
6 registry pursuant to article six-c of the correction law; and

7 (B) The United States Department of Justice National Sex Offender
8 Public Website;

9 (iii) The TNC shall obtain and review, or have a third party obtain
10 and review, a driving history research report for such individual.

11 (b) The TNC shall not permit an applicant where such applicant:

12 (i) fails to meet all qualifications pursuant to section sixteen
13 hundred ninety-nine of this article;

14 (ii) is a match in the United States Department of Justice National
15 Sex Offender Public Website;

16 (iii) does not possess a valid New York driver's license, unless such
17 applicant does possess a valid out of state driver's license and proof
18 that such applicant is an active duty member of the armed services of
19 the United States stationed in this state or is a family or household
20 member of such an active duty member;

21 (iv) does not possess proof of registration for the motor vehicle(s)
22 used to provide TNC prearranged trips;

23 (v) does not possess proof of automobile liability insurance for the
24 motor vehicle(s) used to provide TNC prearranged trips as a TNC vehicle;
25 or

26 (vi) is not at least nineteen years of age.

27 (c) Upon review of all information received and retained by the TNC
28 and upon verifying that the individual is not disqualified pursuant to
29 this section from receiving a TNC driver permit, a TNC may issue a TNC
30 driver permit to the applicant. The TNC shall review all information
31 received relating to such applicant and hold such information for six
32 years along with a certification that such applicant qualifies to
33 receive a TNC driver permit.

34 (d) (i) A TNC that issues a TNC driver's permit pursuant to this
35 section shall participate in the New York License Event Notification
36 Service (LENS) established by the department to obtain timely notice
37 when any of the following violations are added to a TNC driver's driving
38 record:

39 (A) unlawful fleeing a police officer in a motor vehicle in violation
40 of sections 270.35, 270.30 or 270.25 of the penal law;

41 (B) reckless driving in violation of section one thousand two hundred
42 twelve of this chapter;

43 (C) operating while license or privilege is suspended or revoked in
44 violation of section five hundred eleven of this chapter, excluding
45 subdivision seven of such section;

46 (D) operating a motor vehicle while under the influence of alcohol or
47 drugs in violation of section one thousand one hundred ninety-two of
48 this chapter; and

49 (E) leaving the scene of an incident without reporting in violation of
50 subdivision two of section six hundred of this chapter.

51 (e) No person shall operate a TNC vehicle or operate as a TNC driver
52 unless such person holds a valid TNC driver permit issued pursuant to
53 this section. A violation of this paragraph shall be a traffic infrac-
54 tion punishable by a fine of not less than seventy-five nor more than
55 three hundred dollars, or by imprisonment for not more than fifteen
56 days, or by both such fine and imprisonment.

1 2. A TNC shall implement a zero-tolerance policy regarding a TNC driv-
2 er's activities while accessing the TNC's digital network. Such policy
3 shall address the issue of operating a vehicle under the influence of
4 alcohol or drugs while a TNC driver is providing TNC prearranged trips
5 or is logged onto the TNC's digital network but is not providing TNC
6 prearranged trips, and the TNC shall provide notice of this policy on
7 its digital network, as well as procedures to report a complaint about a
8 TNC driver with whom a TNC prearranged trip was commenced and whom the
9 passenger reasonably suspects was operating a vehicle under the influ-
10 ence of alcohol or drugs during the course of the TNC prearranged trip.

11 3. (a) A TNC shall adopt a policy of non-discrimination on the basis
12 of destination, race, color, national origin, religious belief, practice
13 or affiliation, sex, disability, age, sexual orientation, gender identi-
14 ty, or genetic predisposition with respect to passengers and potential
15 passengers and notify TNC drivers of such policy.

16 (b) TNC drivers shall comply with all applicable laws regarding non-
17 discrimination against passengers or potential passengers on the basis
18 of destination, race, color, national origin, religious belief, practice
19 or affiliation, sex, disability, age, sexual orientation, gender identi-
20 ty, or genetic predisposition with respect to passengers and potential
21 passengers and notify TNC drivers of such policy.

22 (c) TNC drivers shall comply with all applicable laws relating to
23 accommodation of service animals.

24 (d) A TNC shall implement and maintain a policy of providing accessi-
25 bility to passengers or potential passengers with a disability and
26 accommodation of service animals as such term is defined in section one
27 hundred twenty-three-b of the agriculture and markets law and shall to
28 the extent practicable adopt findings established by the New York state
29 TNC accessibility task force adopted pursuant to section nineteen of the
30 chapter of the laws of two thousand seventeen that added this section.
31 A TNC shall not impose additional charges for providing services to
32 persons with physical disabilities because of those disabilities.

33 4. A TNC shall require that any motor vehicle(s) that a TNC driver
34 will use as a TNC vehicle to provide TNC prearranged trips meets appli-
35 cable New York state vehicle safety and emissions requirements, as set
36 forth in section three hundred one of this chapter, or the vehicle safe-
37 ty and emissions requirements of the state in which the vehicle is
38 registered.

39 5. A TNC driver shall display a consistent and distinctive trade dress
40 consisting of a removable logo, insignia, or emblem at all times the
41 driver is providing TNC services. The trade dress shall be:

42 (a) Sufficiently large and color contrasted so as to be readable
43 during daylight hours at a distance of fifty feet; and

44 (b) Reflective, illuminated, or otherwise patently visible in the
45 darkness.

46 § 1697. Maintenance of records. A TNC shall maintain the following
47 records:

48 1. individual trip records for at least six years from the date each
49 trip was provided; and

50 2. individual records of TNC drivers at least until the six year anni-
51 versary of the date on which a TNC driver's relationship with the TNC
52 has ended.

53 § 1698. Audit procedures; confidentiality of records. 1. For the sole
54 purpose of verifying that a TNC is in compliance with the requirements
55 of this article and no more than biannually, the department shall
56 reserve the right to visually inspect a sample of records that the TNC

1 is required to maintain, upon request by the department that shall be
2 fulfilled in no less than ten business days by the TNC. The sample shall
3 be chosen randomly by the department in a manner agreeable to both
4 parties. The audit shall take place at a mutually agreed location in New
5 York. Any record furnished to the department may exclude information
6 that would tend to identify specific drivers or passengers.

7 2. (a) The department shall establish regulations for the filing of
8 complaints against any TNC driver or TNC pursuant to this section.

9 (b) In response to a specific complaint against any TNC driver or TNC,
10 the department is authorized to inspect records held by the TNC that are
11 necessary to investigate and resolve the complaint. The TNC and the
12 department shall endeavor to have the inspection take place at a mutual-
13 ly agreed location in New York. Any record furnished to the department
14 may exclude information that would tend to identify specific drivers or
15 passengers, unless the identity of a driver or passenger is relevant to
16 the complaint.

17 3. The department shall promulgate regulations for the filing of
18 complaints pursuant to this section.

19 § 1699. Criminal history background check of transportation network
20 company drivers. 1. A transportation network company shall conduct a
21 criminal history background check using a lawful method approved by the
22 department pursuant to paragraph (a) of subdivision two of this section
23 for persons applying to drive for such company.

24 2. (a) The method used to conduct a criminal history background check
25 pursuant to subdivision one of this section shall be established in
26 regulations adopted by the department within thirty days of the effec-
27 tive date of this section. To ensure safety of the passengers and the
28 public such regulations shall establish the method used to conduct such
29 background checks and any processes and operations necessary to complete
30 such checks. The review of criminal history information and determi-
31 nations about whether or not an applicant is issued a TNC driver permit
32 shall be controlled by paragraphs (b), (c) and (d) of this subdivision.

33 (b) An applicant shall be disqualified to receive a TNC driver permit
34 where he or she:

35 (i) stands convicted in the last three years of: unlawful fleeing a
36 police officer in a motor vehicle in violation of sections 270.35,
37 270.30 or 270.25 of the penal law, reckless driving in violation of
38 section two thousand twelve of this chapter, operating while license or
39 privilege is suspended or revoked in violation of section five hundred
40 eleven of this chapter, excluding subdivision seven of such section, a
41 misdemeanor offense of operating a motor vehicle while under the influ-
42 ence of alcohol or drugs in violation of section one thousand one
43 hundred and ninety two of this chapter, or leaving the scene of an acci-
44 dent in violation of subdivision two of section six hundred of this
45 chapter. In calculating the three year period under this subparagraph,
46 any period of time during which the person was incarcerated after the
47 commission of such offense shall be excluded and such three year period
48 shall be extended by a period or periods equal to the time spent incar-
49 cerated; or

50 (ii) stands convicted in the last seven years of: a sex offense
51 defined in subdivision two of section 168-a of the correction law, a
52 felony offense defined in article one hundred twenty-five of the penal
53 law, a violent felony offense defined in section 70.02 of the penal law,
54 a class A felony offense defined in the penal law, vehicular assault in
55 violation of section 120.03, 120.04 or subdivision (a) of 120.04 of the
56 penal law, a felony offense defined in section eleven hundred ninety-two

1 of the vehicle and traffic law, an offense for which registration as a
2 sex offender is required pursuant to article six-C of the correction
3 law, or any conviction of an offense in any other jurisdiction that has
4 all the essential elements of an offense listed in this subparagraph. In
5 calculating the seven year period under this subparagraph, any period of
6 time during which the person was incarcerated after the commission of
7 such offense shall be excluded and such seven year period shall be
8 extended by a period or periods equal to the time spent incarcerated.

9 (c) A criminal history record that contains criminal conviction infor-
10 mation that does not disqualify an applicant pursuant to subparagraphs
11 (i) or (ii) of paragraph (b) of this subdivision, shall be reviewed and
12 considered according to the provisions of article twenty-three-A of the
13 correction law and subdivisions fifteen and sixteen of section two
14 hundred ninety-six of the executive law in determining whether or not
15 the applicant should be issued a TNC driver's permit.

16 (d) Upon receipt of criminal conviction information pursuant to this
17 section for any applicant, such applicant shall promptly be provided
18 with a copy of such information as well as a copy of article twenty-
19 three-A of the correction law. Such applicant shall also be informed of
20 his or her right to seek correction of any incorrect information
21 contained in such criminal history information pursuant to the regu-
22 lations and procedures established by the division of criminal justice
23 services.

24 (e) The department shall promulgate regulations for the purpose of
25 implementing the provisions of this subdivision.

26 3. A transportation network company shall update the criminal history
27 background check yearly during the period in which the person is author-
28 ized to drive for the company, however, the commissioner may require,
29 pursuant to regulation, more frequent criminal history background
30 checks.

31 4. To ensure safety of the passengers and the public, a transportation
32 network company shall be responsible for all fees associated with the
33 criminal history check pursuant to subdivision one of this section.

34 5. Any transportation network company found to have violated any
35 requirements established pursuant to this section, shall on the first
36 instance, be subject to a civil penalty of not more than ten thousand
37 dollars. For any subsequent instance within the period of two years from
38 any initial violation, such transportation network company shall be
39 subject to a civil penalty of not more than fifty thousand dollars, or
40 the suspension or revocation of its TNC license or both.

41 § 1700. Controlling authority. 1. Notwithstanding any other provision
42 of law, the regulation of TNCs and TNC drivers is governed exclusively
43 by the provisions of the chapter of the laws of two thousand seventeen
44 which added this section and any rules promulgated by the state through
45 its agencies consistent with such chapter. No county, town, city or
46 village may enact a tax or any fee or other surcharge on a TNC, a TNC
47 driver, or a TNC vehicle used by a TNC driver or require a license,
48 permit, or additional insurance coverage or any other limitations or
49 restrictions on a TNC driver, or a TNC vehicle used by a TNC driver,
50 where such fee, surcharge, unauthorized tax, license, permit, insurance
51 coverage, limitation or restriction, relates to facilitating or provid-
52 ing TNC prearranged trips, or subjects a TNC, a TNC driver, or a TNC
53 vehicle used by a TNC driver to operational, or other requirements.

54 2. Nothing in this article shall authorize any TNC driver to pick-up a
55 passenger for purposes of a TNC prearranged trip in a city with a popu-
56 lation of one million or more.

1 3. Nothing in this article shall; (a) limit the ability of a county,
2 town, city or village to adopt or amend generally applicable limitations
3 or restrictions relating to local traffic or parking control as author-
4 ized by state law; or (b) to preempt any reciprocity agreements, includ-
5 ing agreements entered into pursuant to section four hundred ninety-
6 eight of this chapter, between a county, town, city or village that
7 relates to services regulated by section one hundred eighty-one of the
8 general municipal law.

9 4. Nothing in this article shall be construed to limit the ability of
10 a municipality or other governing authority that owns or operates an
11 airport located outside of a city with a population of one million or
12 more from adopting regulations and entering into contracts or other
13 agreements relating to the duties and responsibilities on airport prop-
14 erty of a transportation network company, which may include the imposi-
15 tion and payment of reasonable fees, provided that any such contracts,
16 agreements, or regulations shall not impose any license or other opera-
17 tional requirement on a transportation network company driver or trans-
18 portation network company vehicle that is inconsistent with or addi-
19 tional to the requirements of this article.

20 § 3. Section 370 of the vehicle and traffic law is amended by adding a
21 new subdivision 8 to read as follows:

22 8. Notwithstanding any other provision of this article, an individual
23 shall not be deemed to be engaged in the business of carrying or trans-
24 porting passengers for hire if the individual does so solely as a trans-
25 portation network company driver in accordance with article forty-four-B
26 of this chapter.

27 § 4. Subdivision 1 of section 312-a of the vehicle and traffic law, as
28 amended by chapter 781 of the laws of 1983, is amended to read as
29 follows:

30 1. Upon issuance of an owner's policy of liability insurance or other
31 financial security required by this chapter or the article forty-four-B
32 of this chapter, an insurer shall issue proof of insurance in accordance
33 with the regulations promulgated by the commissioner pursuant to para-
34 graph (b) of subdivision two of section three hundred thirteen of this
35 article.

36 § 4-a. Section 600 of the vehicle and traffic law, as amended by chap-
37 ter 49 of the laws of 2005, is amended to read as follows:

38 § 600. Leaving scene of an incident without reporting. 1. Property
39 damage. a. Any person operating a motor vehicle who, knowing or having
40 cause to know that damage has been caused to the real property or to the
41 personal property, not including animals, of another, due to an incident
42 involving the motor vehicle operated by such person shall, before leav-
43 ing the place where the damage occurred, stop, exhibit his or her
44 license and insurance identification card for such vehicle, when such
45 card is required pursuant to articles six and eight of this chapter, and
46 give his or her name, residence, including street and number, insurance
47 carrier and insurance identification information including but not
48 limited to the number and effective dates of said individual's insurance
49 policy, and license number to the party sustaining the damage, or in
50 case the person sustaining the damage is not present at the place where
51 the damage occurred then he or she shall report the same as soon as
52 physically able to the nearest police station, or judicial officer. In
53 addition to the foregoing, any such person shall also: (i) produce the
54 proof of insurance coverage required pursuant to article forty-four-B of
55 this chapter if such person is a TNC driver operating a TNC vehicle
56 while the incident occurred who was either (A) logged on to the TNC's

1 digital network and available to receive transportation requests but not
2 engaged in a TNC prearranged trip or (B) was logged on to the TNC's
3 digital network and was engaged in a TNC prearranged trip; and (ii)
4 disclose whether he or she, at the time such incident occurred, was
5 either (A) logged on to the TNC's digital network and available to
6 receive transportation requests but not engaged in a TNC prearranged
7 trip or (B) was logged on to the TNC's digital network and was engaged
8 in a TNC prearranged trip.

9 b. It shall be the duty of any member of a law enforcement agency who
10 is at the scene of the accident to request the said operator or opera-
11 tors of the motor vehicles, when physically capable of doing so, to
12 exchange the information required hereinabove and such member of a law
13 enforcement agency shall assist such operator or operators in making
14 such exchange of information in a reasonable and harmonious manner.

15 A violation of the provisions of paragraph a of this subdivision shall
16 constitute a traffic infraction punishable by a fine of up to two
17 hundred fifty dollars or a sentence of imprisonment for up to fifteen
18 days or both such fine and imprisonment.

19 2. Personal injury. a. Any person operating a motor vehicle who,
20 knowing or having cause to know that personal injury has been caused to
21 another person, due to an incident involving the motor vehicle operated
22 by such person shall, before leaving the place where the said personal
23 injury occurred, stop, exhibit his or her license and insurance iden-
24 tification card for such vehicle, when such card is required pursuant to
25 articles six and eight of this chapter, and give his or her name, resi-
26 dence, including street and street number, insurance carrier and insur-
27 ance identification information including but not limited to the number
28 and effective dates of said individual's insurance policy and license
29 number, to the injured party, if practical, and also to a police offi-
30 cer, or in the event that no police officer is in the vicinity of the
31 place of said injury, then, he or she shall report said incident as soon
32 as physically able to the nearest police station or judicial officer.
33 In addition to the foregoing, any such person shall also: (i) produce
34 the proof of insurance coverage required pursuant to article
35 forty-four-B of this chapter if such person is a TNC driver operating a
36 TNC vehicle at the time of the incident who was either (A) logged on to
37 the TNC's digital network and available to receive transportation
38 requests but not engaged in a TNC prearranged trip or (B) was logged on
39 to the TNC's digital network and was engaged in a TNC prearranged trip;
40 and (ii) disclose whether he or she, at the time such incident occurred,
41 was either (A) logged on to the TNC's digital network and available to
42 receive transportation requests but not engaged in a TNC prearranged
43 trip or (B) was logged on to the TNC's digital network and was engaged
44 in a TNC prearranged trip.

45 b. It shall be the duty of any member of a law enforcement agency who
46 is at the scene of the accident to request the said operator or opera-
47 tors of the motor vehicles, when physically capable of doing so, to
48 exchange the information required hereinabove and such member of a law
49 enforcement agency shall assist such operator or operators in making
50 such exchange of information in a reasonable and harmonious manner.

51 c. A violation of the provisions of paragraph a of this subdivision
52 resulting solely from the failure of an operator to exhibit his or her
53 license and insurance identification card for the vehicle or exchange
54 the information required in such paragraph shall constitute a class B
55 misdemeanor punishable by a fine of not less than two hundred fifty nor
56 more than five hundred dollars in addition to any other penalties

1 provided by law. Any subsequent such violation shall constitute a class
2 A misdemeanor punishable by a fine of not less than five hundred nor
3 more than one thousand dollars in addition to any other penalties
4 provided by law. Any violation of the provisions of paragraph a of this
5 subdivision, other than for the mere failure of an operator to exhibit
6 his or her license and insurance identification card for such vehicle or
7 exchange the information required in such paragraph, shall constitute a
8 class A misdemeanor, punishable by a fine of not less than five hundred
9 dollars nor more than one thousand dollars in addition to any other
10 penalties provided by law. Any such violation committed by a person
11 after such person has previously been convicted of such a violation
12 shall constitute a class E felony, punishable by a fine of not less than
13 one thousand nor more than two thousand five hundred dollars in addition
14 to any other penalties provided by law. Any violation of the provisions
15 of paragraph a of this subdivision, other than for the mere failure of
16 an operator to exhibit his or her license and insurance identification
17 card for such vehicle or exchange the information required in such para-
18 graph, where the personal injury involved (i) results in serious phys-
19 ical injury, as defined in section 10.00 of the penal law, shall consti-
20 tute a class E felony, punishable by a fine of not less than one
21 thousand nor more than five thousand dollars in addition to any other
22 penalties provided by law, or (ii) results in death shall constitute a
23 class D felony punishable by a fine of not less than two thousand nor
24 more than five thousand dollars in addition to any other penalties
25 provided by law.

26 3. For the purposes of this article, the terms "TNC", "TNC driver",
27 "TNC vehicle", "TNC prearranged trip" and "digital network" shall have
28 the same meanings as such terms are defined in article forty-four-B of
29 this chapter.

30 § 4-b. Section 601 of the vehicle and traffic law, as amended by chap-
31 ter 672 of the laws of 2004, is amended to read as follows:

32 § 601. Leaving scene of injury to certain animals without reporting.
33 Any person operating a motor vehicle which shall strike and injure any
34 horse, dog, cat or animal classified as cattle shall stop and endeavor
35 to locate the owner or custodian of such animal or a police, peace or
36 judicial officer of the vicinity, and take any other reasonable and
37 appropriate action so that the animal may have necessary attention, and
38 shall also promptly report the matter to such owner, custodian or offi-
39 cer (or if no one of such has been located, then to a police officer of
40 some other nearby community), exhibiting his or her license and insur-
41 ance identification card for such vehicle, when such card is required
42 pursuant to articles six and eight of this chapter, giving his or her
43 name and residence, including street and street number, insurance carri-
44 er and insurance identification information and license number. In addi-
45 tion to the foregoing, any such person shall also: (i) produce the proof
46 of insurance coverage required pursuant to article forty-four-B of this
47 chapter is such person is a TNC driver operating a TNC vehicle at the
48 time of the incident who was either (A) logged on to the TNC's digital
49 network and available to receive transportation requests but not engaged
50 in a TNC prearranged trip or (B) was logged on to the TNC's digital
51 network and was engaged in a TNC prearranged trip and (ii) disclose
52 whether he or she, at the time such incident occurred, was either (A)
53 logged on to the TNC's digital network and available to receive trans-
54 portation requests but not engaged in a TNC prearranged trip or (B) was
55 logged on to the TNC's digital network and was engaged in a TNC prear-
56 ranged trip. Violation of this section shall be punishable by a fine of

1 not more than one hundred dollars for a first offense and by a fine of
2 not less than fifty nor more than one hundred fifty dollars for a second
3 offense and each subsequent offense; provided, however where the animal
4 that has been struck and injured is a guide dog, hearing dog or service
5 dog, as such terms are defined in section forty-seven-b of the civil
6 rights law which is actually engaged in aiding or guiding a person with
7 a disability, a violation of this section shall be [~~publishable~~] punish-
8 able by a fine of not less than fifty nor more than one hundred fifty
9 dollars for a first offense and by a fine of not less than one hundred
10 fifty dollars nor more than three hundred dollars for a second offense
11 and each subsequent offense.

12 § 5. The insurance law is amended by adding a new section 3455 to read
13 as follows:

14 § 3455. Transportation network company group insurance policies. (a)
15 For purposes of this section, the following definitions shall apply:

16 (1) "Transportation network company" shall have the same meaning as
17 set forth in article forty-four-B of the vehicle and traffic law.

18 (2) "Certificate" or "certificate of insurance" means any policy,
19 contract or other evidence of insurance, or endorsement thereto, issued
20 to a group member under a transportation network company group policy.

21 (3) "Transportation network company group policy" or "group policy"
22 means a group policy, including certificates issued to the group
23 members, where the group policyholder is a transportation network compa-
24 ny and the policy provides insurance to the transportation network
25 company and to group members:

26 (A) in accordance with the requirements of article forty-four-B of the
27 vehicle and traffic law;

28 (B) of the type described in paragraph thirteen, fourteen, or nineteen
29 of subsection (a) of section one thousand one hundred thirteen of this
30 chapter; and

31 (C) in satisfaction of the financial responsibility requirements set
32 forth in section three thousand four hundred twenty of this article,
33 subdivision four of section three hundred eleven of the vehicle and
34 traffic law, article fifty-one of this chapter, and such other require-
35 ments or regulations that may apply for the purposes of satisfying the
36 financial responsibility requirements with respect to the use or opera-
37 tion of a motor vehicle.

38 (4) "Group member" means a transportation network company driver as
39 defined in article forty-four-B of the vehicle and traffic law.

40 (5) "Group policyholder" means a transportation network company.

41 (6) "TNC vehicle" shall have the meaning set forth in article forty-
42 four-B of the vehicle and traffic law.

43 (b) An insurer may issue or issue for delivery in this state a trans-
44 portation network company group policy to a transportation network
45 company as a group policyholder only in accordance with the provisions
46 of this section.

47 (c)(1) A transportation network company group policy shall provide
48 coverage for a TNC vehicle in accordance with the requirements of arti-
49 cle forty-four-B of the vehicle and traffic law.

50 (2) A transportation network company group policy may provide:

51 (A) coverage for limits higher than the minimum limits required pursu-
52 ant to article forty-four-B of the vehicle and traffic law;

53 (B) supplementary uninsured/underinsured motorists insurance for bodi-
54 ly injury pursuant to paragraph two of subsection (f) of section three
55 thousand four hundred twenty of this article;

1 (C) supplemental spousal liability insurance pursuant to subsection
2 (g) of section three thousand four hundred twenty of this chapter; and

3 (D) motor vehicle physical damage coverage as described in paragraph
4 nineteen of subsection (a) of section one thousand one hundred thirteen
5 of this chapter.

6 (3) The coverage described in paragraphs one and two of this
7 subsection may be provided in one group policy or in separate group
8 policies. A transportation network company group policy, including
9 certificates, shall be issued by authorized insurers or from excess line
10 brokers pursuant to section sixteen hundred ninety-three of the vehicle
11 and traffic law.

12 (4) A policyholder also may be an insured under a group policy.

13 (d) The premium for the transportation network company group policy,
14 including certificates may be paid by the group policyholder from the
15 funds contributed:

16 (1) wholly by the group policyholder;

17 (2) wholly by the group members; or

18 (3) jointly by the group policyholder and the group members.

19 (e) (1) Any policy dividend, retrospective premium credit, or retro-
20 spective premium refund in respect of premiums paid by the group policy-
21 holder may:

22 (A) be applied to reduce the premium contribution of the group policy-
23 holder, but not in excess of the proportion to its contribution; or

24 (B) be retained by the group policyholder.

25 (2) Any policy dividend, retrospective premium credit, or retrospec-
26 tive premium refund not distributed under paragraph one of this
27 subsection shall be:

28 (A) applied to reduce future premiums and, accordingly, future
29 contributions, of existing or future group members, or both; or

30 (B) paid or refunded to those group members insured on the date the
31 payment or refund is made to the group policyholder, if distributed by
32 the group policyholder, or on the date of mailing, if distributed
33 directly by the insurer, subject to the following requirements:

34 (i) The insurer shall be responsible for determining the allocation of
35 the payment of refund to the group members;

36 (ii) If the group policyholder distributes the payment or refund, the
37 insurer shall be responsible for audit to ascertain that the payment or
38 refund is actually made in accordance with the allocation procedure; and

39 (iii) If the group policyholder fails to make the payment or refund,
40 the insurer shall make the payment or refund directly or use the method
41 provided in subparagraph (A) of this paragraph.

42 (3) Notwithstanding paragraphs one and two of this subsection, if a
43 dividend accrues upon termination of coverage under a transportation
44 network company group policy, the premium for which was paid out of
45 funds contributed by group members specifically for the coverage, the
46 dividend shall be paid or refunded by the group policyholder to the
47 group members insured on the date the payment or refund is made to the
48 group policyholder, net of reasonable expenses incurred by the group
49 policyholder in paying or refunding the dividend to such group members.

50 (4) For the purposes of this subsection, "dividend" means a return by
51 the insurer of a transportation network company group policy of excess
52 premiums to the group policyholder in light of favorable loss experi-
53 ence, including retrospective premium credits or retrospective premium
54 refunds. The term "dividend" does not include reimbursements or fees
55 received by a group policyholder in connection with the operation or
56 administration of a transportation network company group policy, includ-

1 ing administrative reimbursements, fees for services provided by the
2 group policyholder, or transactional service fees.

3 (f) The insurer shall treat in like manner all eligible group members
4 of the same class and status.

5 (g) Each policy written pursuant to this section shall provide per
6 occurrence limits of coverage for each group member in an amount not
7 less than that required by this article, and may provide coverage for
8 limits higher than the minimum limits required under the law.

9 (h) (1) The insurer shall be responsible for mailing or delivery of a
10 certificate of insurance to each group member insured under the trans-
11 portation network company group policy, provided, however, that the
12 insurer may delegate the mailing or delivery to the transportation
13 network company. The insurer shall also be responsible for the mailing
14 or delivery to each group member of an amended certificate of insurance
15 or endorsement to the certificate, whenever there is a change in limits;
16 change in type of coverage; addition, reduction, or elimination of
17 coverage; or addition of exclusion, under the transportation network
18 company group policy or certificate, if such change materially affects
19 the coverage available to such group member.

20 (2) The certificate shall contain in substance all material terms and
21 conditions of coverage afforded to group members, unless the transporta-
22 tion network company group policy is incorporated by reference and a
23 copy of the group policy accompanies the certificate.

24 (3) If any coverage afforded to the group member is excess of applica-
25 ble insurance coverage, the certificate shall contain a notice advising
26 the group members that, if the member has other insurance coverage,
27 specified coverages under the transportation network company group poli-
28 cy will be excess over the other insurance.

29 (i) A group policyholder shall comply with the provisions of section
30 two thousand one hundred twenty-two of this chapter, in the same manner
31 as an agent or broker, in any advertisement, sign, pamphlet, circular,
32 card, or other public announcement referring to coverage under a trans-
33 portation network company group policy or certificate.

34 (j) A transportation network company group policy shall not be subject
35 to section three thousand four hundred twenty-five or section three
36 thousand four hundred twenty-six of this article; provided that the
37 following requirements shall apply with regard to termination of cover-
38 age:

39 (1)(A) An insurer may terminate a group policy or certificate only if
40 cancellation is based on one or more of the reasons set forth in subpar-
41 agraph (A) through (D) or (F) through (H) of paragraph one of subsection
42 (c) of section three thousand four hundred twenty-six of this article;
43 provided, however, that an act or omission by a group member that would
44 constitute the basis for cancellation of an individual certificate shall
45 not constitute the basis for cancellation of the group policy.

46 (B) Where the premium is derived wholly from funds contributed by the
47 group policyholder, an insurer may cancel an individual certificate only
48 if cancellation is based on one or more of the reasons set forth in
49 subparagraph (B), (C) or (H) of paragraph one of subsection (c) of
50 section three thousand four hundred twenty-six of this article.

51 (2) (A) An insurer's cancellation of a group policy, including all
52 certificates, shall not become effective until thirty days after the
53 insurer mails or delivers written notice of cancellation to the group
54 policyholder at the mailing address shown in the policy.

55 (i) Where all or part of the premium is derived from funds contributed
56 by the group member specifically for the coverage, the insurer shall

1 also mail or deliver written notice of cancellation of the group policy
2 to the group member at the group member's mailing address. Such cancel-
3 lation shall not become effective until thirty days after the insurer
4 mails or delivers the written notice to the group member.

5 (ii) Where none of the premium is derived from funds contributed by a
6 group member specifically for the coverage, the group policy holder
7 shall mail or deliver written notice to the group member advising the
8 group member of the cancellation of the group policy and the effective
9 date of cancellation. The group policy holder shall mail or deliver the
10 written notice within ninety days after receiving notice of cancellation
11 from the insurer.

12 (B) An insurer's cancellation of an individual certificate shall not
13 become effective until thirty days after the insurer mails or delivers
14 written notice of cancellation to the group member at the group member's
15 mailing address and to the group policyholder at the mailing address
16 shown in the group policy.

17 (3) (A) A group policyholder may cancel a group policy, including all
18 certificates, or any individual certificate, for any reason upon thirty
19 days written notice to the insurer and each group member; and

20 (B) The group policyholder shall mail or deliver written notice to
21 each affected group member of the group policyholder's cancellation of
22 the group policy or certificate and the effective date of cancellation.
23 The group policyholder shall mail or deliver the written notice to the
24 group member's mailing address at least thirty days prior to the effec-
25 tive date of cancellation.

26 (4) (A) Unless a group policy provides for a longer policy period, the
27 policy and all certificates shall be issued or renewed for a one-year
28 policy period.

29 (B) The group policyholder shall be entitled to renew the group policy
30 and all certificates upon timely payment of the premium billed to the
31 group policyholder for the renewal, unless:

32 (i) the insurer mails or delivers to the group policyholder and all
33 group members written notice of nonrenewal, or conditional renewal; and

34 (ii) the insurer mails or delivers the written notice at least thirty,
35 but not more than one hundred twenty days prior to the expiration date
36 specified in the policy or, if no date is specified, the next anniver-
37 sary date of the policy.

38 (5) Where the group policyholder nonrenews the group policy, the group
39 policyholder shall mail or deliver written notice to each group member
40 advising the group member of nonrenewal of the group policy and the
41 effective date of nonrenewal. The group policyholder shall mail or
42 deliver written notice at least thirty days prior to the nonrenewal.

43 (6) Every notice of cancellation, nonrenewal, or conditional renewal
44 shall set forth the specific reason or reasons for cancellation, nonre-
45 newal, or conditional renewal.

46 (7) (A) An insurer shall not be required under this subsection to give
47 notice to a group member if the insurer has been advised by either the
48 group policyholder or another insurer that substantially similar cover-
49 age has been obtained from the other insurer without lapse of coverage.

50 (B) A group policyholder shall not be required under this subsection
51 to give notice to a group member if substantially similar coverage has
52 been obtained from another insurer without lapse of coverage.

53 (8) (A) If, prior to the effective date of cancellation, nonrenewal,
54 or conditional renewal of the group policy, or a certificate, whether
55 initiated by the insurer, group policyholder or by the group member in
56 regard to the group member's certificate, coverage attaches pursuant to

1 the terms of a group policy, then the coverage shall be effective until
2 expiration of the applicable period of coverage provided in the group
3 policy notwithstanding the cancellation, nonrenewal or conditional
4 nonrenewal of the group policy.

5 (B) Notwithstanding subparagraph (A) of this paragraph, an insurer may
6 terminate coverage under an individual certificate on the effective date
7 of cancellation, if the certificate is cancelled in accordance with the
8 provisions of subparagraph (B) of paragraph one of this subsection.

9 (k) Any mailing or delivery to a group member required or permitted
10 under this section may be made by electronic mail if consent to such
11 method of delivery has been previously received from such group member.

12 (l) An insurer may issue a transportation network company group policy
13 to a transportation network company, notwithstanding that it may be a
14 condition of operating a vehicle on the transportation network company's
15 digital network for the TNC driver to participate in such group policy.

16 (m) An insurer shall not include a mandatory arbitration clause in a
17 policy that provides financial responsibility coverage under this
18 section except as permitted in section five thousand one hundred five of
19 the insurance law.

20 § 6. Subsection (g) of section 5102 of the insurance law is amended to
21 read as follows:

22 (g) "Insurer" means the insurance company or self-insurer, as the case
23 may be, which provides the financial security required by article six
24 ~~[ex]~~, eight, or forty-four-B of the vehicle and traffic law.

25 § 7. Subsection (b) of section 5103 of the insurance law is amended by
26 adding a new paragraph 4 to read as follows:

27 (4) Is injured while a motor vehicle is being used or operated by a
28 TNC driver pursuant to article forty-four-B of the vehicle and traffic
29 law, provided, however, that an insurer may not include this exclusion
30 in a policy used to satisfy the requirements under article forty-four-B
31 of the vehicle and traffic law.

32 § 8. Subsection (d) of section 5106 of the insurance law, as added by
33 chapter 452 of the laws of 2005, is amended to read as follows:

34 (d) ~~[where]~~ (1) Except as provided in paragraph two of this
35 subsection, where there is reasonable belief more than one insurer would
36 be the source of first party benefits, the insurers may agree among
37 themselves, if there is a valid basis therefor, that one of them will
38 accept and pay the claim initially. If there is no such agreement, then
39 the first insurer to whom notice of claim is given shall be responsible
40 for payment. Any such dispute shall be resolved in accordance with the
41 arbitration procedures established pursuant to section five thousand one
42 hundred five of this article and ~~[regulation]~~ regulations as promulgated
43 by the superintendent, and any insurer paying first-party benefits shall
44 be reimbursed by other insurers for their proportionate share of the
45 costs of the claim and the allocated expenses of processing the claim,
46 in accordance with the provisions entitled "other coverage" contained in
47 regulation and the provisions entitled "other sources of first-party
48 benefits" contained in regulation. If there is no such insurer and the
49 motor vehicle accident occurs in this state, then an applicant who is a
50 qualified person as defined in article fifty-two of this chapter shall
51 institute the claim against the motor vehicle accident indemnification
52 corporation.

53 (2) A group policy issued pursuant to section three thousand four
54 hundred fifty-five of this chapter shall provide first party benefits
55 when a dispute exists as to whether a driver was using or operating a
56 motor vehicle in connection with a transportation network company when

1 loss, damage, injury, or death occurs. A transportation network company
2 shall notify the insurer that issued the owner's policy of liability
3 insurance of the dispute within ten business days of becoming aware that
4 the dispute exists. When there is a dispute, the group insurer liable
5 for the payment of first party benefits under a group policy shall have
6 the right to recover the amount paid from the driver's insurer to the
7 extent that the driver would have been liable to pay damages in an
8 action at law.

9 § 9. Subsection (b) of section 2305 of the insurance law, as amended
 10 by chapter 11 of the laws of 2008, paragraph 13 as amended by chapter
 11 136 of the laws of 2008, is amended to read as follows:

12 (b) rate filings for:

13 (1) workers' compensation insurance;

14 (2) motor vehicle insurance, or surety bonds, required by section
 15 three hundred seventy of the vehicle and traffic law or article forty-
 16 four-B of the vehicle and traffic law;

17 (3) joint underwriting;

18 (4) motor vehicle assigned risk insurance;

19 (5) insurance issued by the New York Property Insurance Underwriting
 20 Association;

21 (6) risk sharing plans authorized by section two thousand three
 22 hundred eighteen of this article;

23 (7) title insurance;

24 (8) medical malpractice liability insurance;

25 (9) insurance issued by the Medical Malpractice Insurance Association;

26 (10) mortgage guaranty insurance;

27 (11) credit property insurance, as defined in section two thousand
 28 three hundred forty of this article; ~~and~~

29 (12) gap insurance; and

30 (13) ~~Private~~ private passenger automobile insurance, except as
 31 provided in section two thousand three hundred fifty of this article~~+~~,
 32 shall be filed with the superintendent and shall not become effective
 33 unless either the filing has been approved or thirty days, which the
 34 superintendent may with cause extend an additional thirty days and with
 35 further cause extend an additional fifteen days, have elapsed and the
 36 filing has not been disapproved as failing to meet the requirements of
 37 this article, including the standard that rates be not otherwise unrea-
 38 sonable. After a rate filing becomes effective, the filing and support-
 39 ing information shall be open to public inspection. If a filing is
 40 disapproved, then notice of such disapproval order shall be given, spec-
 41 ifying in what respects such filing fails to meet the requirements of
 42 this article. Upon his or her request, the superintendent shall be
 43 provided with support and assistance from the workers' compensation
 44 board and other state agencies and departments with appropriate juris-
 45 diction. The loss cost multiplier for each insurer providing coverage
 46 for workers' compensation, as defined by regulation promulgated by the
 47 superintendent, shall be promptly displayed on the department's website
 48 and updated in the event of any change.

49 § 10. Paragraph 1 of subsection (a) of section 3425 of the insurance
 50 law, as amended by chapter 235 of the laws of 1989, is amended to read
 51 as follows:

52 (1) "Covered policy" means a contract of insurance, referred to in
 53 this section as "automobile insurance", issued or issued for delivery in
 54 this state, on a risk located or resident in this state, insuring
 55 against losses or liabilities arising out of the ownership, operation,
 56 or use of a motor vehicle, predominantly used for non-business purposes,

1 when a natural person is the named insured under the policy of automo-
 2 bile insurance; provided, however, that the use or operation of the
 3 motor vehicle by a transportation network driver as a TNC vehicle in
 4 accordance with article forty-four-B of the vehicle and traffic law
 5 shall not be included in determining whether the motor vehicle is being
 6 used predominantly for non-business purposes.

7 § 11. The executive law is amended by adding a new article 6-H to read
 8 as follows:

9 ARTICLE 6-H

10 TRANSPORTATION NETWORK COMPANY DRIVER'S

11 INJURY COMPENSATION FUND

12 Section 160-aaaa. Definitions.

13 160-bbbb. Transportation network company driver's injury compen-
 14 sation fund, Inc.

15 160-cccc. Supervision of transportation network companies.

16 160-dddd. Management of the fund.

17 160-eeee. Plan of operation.

18 160-ffff. Membership.

19 160-gggg. Securing of compensation.

20 160-hhhh. Assessment of fund members.

21 160-iiii. Certified financial statements.

22 160-jjjj. Exemption from taxes.

23 160-kkkk. Liability insurance.

24 160-llll. Regulations.

25 160-mmmm. Violations.

26 § 160-aaaa. Definitions. As used in this article:

27 1. "Transportation network company driver" or "TNC driver" means an
 28 individual who:

29 (a) receives connections to potential passengers and related services
 30 from a transportation network company in exchange for payment of a fee
 31 to the transportation network company;

32 (b) uses a TNC vehicle to offer or provide a TNC prearranged trip to
 33 transportation network company passengers upon connection through a
 34 digital network controlled by a transportation network company in
 35 exchange for compensation or payment of a fee; and

36 (c) whose injury arose out of and in the course of providing a TNC
 37 prearranged trip through a digital network operated by a transportation
 38 network company that is a registered member of the New York transporta-
 39 tion network company driver's injury compensation fund, Inc.

40 2. "Transportation network company passenger" or "passenger" means a
 41 person or persons who use a transportation network company's digital
 42 network to connect with a transportation network company driver who
 43 provides TNC prearranged trips to the passenger in the TNC vehicle
 44 between points chosen by the passenger.

45 3. "Board" means the workers' compensation board.

46 4. "Digital network" means any system or service offered or utilized
 47 by a transportation network company that enables TNC prearranged trips
 48 with transportation network company drivers.

49 5. "Transportation network company" means a person, corporation, part-
 50 nership, sole proprietorship, or other entity that is licensed pursuant
 51 to article forty-four-B of the vehicle and traffic law and is operating
 52 in New York state exclusively using a digital network to connect trans-
 53 portation network company passengers to transportation network company
 54 drivers who provide TNC prearranged trips.

55 6. "Transportation network company vehicle" or "TNC vehicle" means a
 56 vehicle that is:

1 (a) used by a transportation network company driver to provide a TNC
2 prearranged trip originating in the state of New York;

3 (b) owned, leased or otherwise authorized for use by the transporta-
4 tion network company driver and shall not include:

5 (i) a taxicab, as defined in section one hundred forty-eight-a of the
6 vehicle and traffic law and section 19-502 of the administrative code of
7 the city of New York, or as otherwise defined in local law;

8 (ii) a livery vehicle, as defined in section one hundred twenty-one-e
9 of the vehicle and traffic law, or as otherwise defined in local law;

10 (iii) a black car, limousine, or luxury limousine, as defined in
11 section 19-502 of the administrative code of the city of New York, or as
12 otherwise defined in local law;

13 (iv) a for-hire vehicle, as defined in section 19-502 of the adminis-
14 trative code of the city of New York, or as otherwise defined in local
15 law;

16 (v) a bus, as defined in section one hundred four of the vehicle and
17 traffic law;

18 (vi) any motor vehicle weighing more than six thousand five hundred
19 pounds unloaded;

20 (vii) any motor vehicle having a seating capacity of more than seven
21 passengers; and

22 (viii) any motor vehicle subject to section three hundred seventy of
23 the vehicle and traffic law.

24 7. (a) "TNC prearranged trip" means the provision of transportation by
25 a transportation network company driver to a passenger provided through
26 the use of a TNC's digital network:

27 (i) beginning when a transportation network company driver accepts a
28 passenger's request for a trip through a digital network controlled by a
29 transportation network company;

30 (ii) continuing while the transportation network company driver trans-
31 ports the requesting passenger in a TNC vehicle; and

32 (iii) ending when the last requesting passenger departs from the TNC
33 vehicle.

34 (b) The term "TNC prearranged trip" does not include transportation
35 provided through any of the following:

36 (i) shared expense carpool or vanpool arrangements, including those as
37 defined in section one hundred fifty-eight-b of the vehicle and traffic
38 law;

39 (ii) use of a taxicab, livery, luxury limousine, or other for-hire
40 vehicle, as defined in the vehicle and traffic law, section 19-502 of
41 the administrative code of the city of New York, or as otherwise defined
42 in local law; or

43 (iii) a regional transportation provider.

44 8. "Covered services" means, with respect to TNC prearranged trips
45 using a digital network of a transportation network company located in
46 the state, all such TNC prearranged trips regardless of where the pick-
47 up or discharge occurs, and, with respect to TNC prearranged trips using
48 a digital network of a transportation network company located outside
49 the state, all prearranged trips involving a pick-up in the state,
50 regardless of where the discharge occurs.

51 9. "Department" means the department of state.

52 10. "Fund" means the New York transportation network company driver's
53 fund, Inc.

54 11. "Fund liability date" means the earlier of:

1 (a) The date as of which the board first approves the fund's applica-
2 tion to self-insure pursuant to section one hundred sixty-gggg of this
3 article; or

4 (b) The date on which coverage commences under the initial insurance
5 policy purchased by the fund pursuant to section one hundred sixty-gggg
6 of this article.

7 12. "Secretary" means the secretary of state.

8 § 160-bbbb. Transportation network company driver's injury compen-
9 sation fund, Inc. There is hereby created a not-for-profit corporation
10 to be known as the New York transportation network company driver's
11 injury compensation fund, Inc. To the extent that the provisions of the
12 not-for-profit corporation law do not conflict with the provisions of
13 this article, or with the plan of operation established pursuant to this
14 article, the not-for-profit corporation law shall apply to the fund,
15 which shall be a type C corporation pursuant to such law. If an applica-
16 ble provision of this article or of the fund's plan of operation relates
17 to a matter embraced in a provision of the not-for-profit corporation
18 law but is not in conflict therewith, both provisions shall apply. The
19 fund shall perform its functions in accordance with its plan of opera-
20 tion established and approved pursuant to section one hundred sixty-eeee
21 of this article and shall exercise its powers through a board of direc-
22 tors established pursuant to this article.

23 § 160-cccc. Supervision of transportation network companies. A trans-
24 portation network company shall, with respect to the provisions of this
25 article, be subject to the supervision and oversight of the department
26 as provided in this article.

27 § 160-dddd. Management of the fund. 1. Within thirty (30) days of the
28 effective date of this article, there shall be appointed a board of
29 directors of the fund. The board of directors of the fund shall consist
30 of nine directors appointed by the governor, one of whom shall be chosen
31 by the governor; one of whom shall be chosen upon nomination of the
32 temporary president of the senate; one of whom shall be chosen upon
33 nomination of the speaker of the assembly; one of whom shall be chosen
34 upon nomination of the american federation of labor-congress of indus-
35 trial organizations of New York; and five of whom shall be chosen upon
36 nomination of transportation network company members of the fund.

37 2. The directors shall elect annually from among their number a chair.

38 3. For their attendance at meetings, the directors of the fund shall
39 be entitled to compensation, as authorized by the directors, in an
40 amount not to exceed five hundred dollars per meeting per director and
41 to reimbursement of their actual and necessary expenses.

42 4. Directors of the fund, except as otherwise provided by law, may
43 engage in private or public employment or in a profession or business.

44 5. (a) All of the directors shall have equal voting rights and five or
45 more directors shall constitute a quorum. The affirmative vote of four
46 directors shall be necessary for the transaction of any business or the
47 exercise of any power or function of the fund.

48 (b) The fund may delegate to one or more of its directors, officers,
49 agents, or employees such powers and duties as it may deem proper.

50 (c) A vacancy occurring in a director position shall be filled in the
51 same manner as the initial appointment to that position, provided howev-
52 er that no individual may serve as director for more than three succes-
53 sive terms.

54 § 160-eeee. Plan of operation. 1. Within seventy-five days of the
55 effective date of this article, the fund shall file with the department
56 its plan of operation, which shall be designed to assure the fair,

1 reasonable and equitable administration of the fund. The plan of opera-
2 tion and any subsequent amendments thereto shall become effective upon
3 being filed with the department.

4 2. The plan of operation shall constitute the by-laws of the fund and
5 shall, in addition to the requirements enumerated elsewhere in this
6 article:

7 (a) establish procedures for collecting and managing the assets of the
8 fund;

9 (b) establish regular places and times for meetings of the fund's
10 board of directors;

11 (c) establish the procedure by which the fund shall determine whether
12 to provide the benefits due pursuant to this article by self-insuring or
13 by purchasing insurance;

14 (d) establish accounting and record-keeping procedures for all finan-
15 cial transactions of the fund, its agents, and the board of directors;

16 (e) establish a procedure for determining and collecting the appropri-
17 ate amount of surcharges and assessments under this article;

18 (f) set forth the procedures by which the fund may exercise the audit
19 rights granted to it under this article;

20 (g) establish procedures to ensure prompt and accurate notification to
21 the fund by its members of all accidents and injuries to transportation
22 network company drivers, and provide for full reimbursement of the fund
23 by any transportation network company whose failure to provide such
24 notification results in the imposition of a penalty on the fund by the
25 board; and

26 (h) contain such additional provisions as the board of the fund may
27 deem necessary or proper for the execution of the powers and duties of
28 the fund.

29 § 160-ffff. Membership. 1. The membership of the fund shall be
30 composed of all transportation network companies. Each transportation
31 network company shall be required, as a condition of doing business
32 within this state, to pay the department a ten thousand dollar annual
33 fee for the purpose of registering as a member of the fund and receiving
34 a certificate of registration. Such sums shall be used by the depart-
35 ment for the administration of this article. The initial registration
36 fee shall be due no later than ninety days after the effective date of
37 this article. The department shall have the power to assess an addi-
38 tional fee against each registrant in the amount necessary to provide it
39 with sufficient funds to cover its expenses in performing its duties
40 pursuant to this article. The department shall provide the fund with an
41 updated list of registrants on a monthly basis.

42 2. All transportation network companies shall be required, as a condi-
43 tion of obtaining or retaining their license from the department of
44 motor vehicles pursuant to article forty-four-B of the vehicle and traf-
45 fic law, to:

46 (a) be members of the fund;

47 (b) be registered with the department as members of the fund; and

48 (c) submit to the department of motor vehicles a copy of its certif-
49 icate of registration as proof of such membership and registration.

50 3. Within sixty days of the effective date of this article, the board
51 of the fund shall, on the basis of information from trade papers and
52 other sources, identify the transportation network companies subject to
53 this article and, on a regular and ongoing basis, confirm that all such
54 entities have registered in accordance with subdivision one of this
55 section.

1 4. The fund shall, within seventy-five days of the effective date of
2 this article, provide to its members a copy of the proposed plan of
3 operation filed with the department and shall inform its members of
4 their rights and duties pursuant to this article.

5 § 160-gggg. Securing of compensation. 1. Within two hundred ten days
6 of the effective date of this article, the fund shall secure the payment
7 of workers' compensation to all: transportation network company drivers
8 entitled thereto pursuant to this chapter by either:

9 (a) self-insuring in accordance with subdivision three of section
10 fifty of the workers' compensation law and the rules promulgated by the
11 board pursuant to such section; or

12 (b) purchasing workers' compensation insurance covering, on a blanket
13 basis, all drivers who are the fund's employees pursuant to section two
14 of the workers' compensation law.

15 2. If the fund initially seeks to apply to the board for authorization
16 to self-insure pursuant to subdivision three of section fifty of the
17 workers' compensation law, it shall submit its application and accompa-
18 nying proof to the board within one hundred fifty days of the effective
19 date of this article. The board shall notify the fund and the secretary
20 in writing of any change in the fund's status as a self-insurer or of
21 any additional requirements that the board may deem necessary for
22 continuation of such status.

23 3. If the fund chooses to secure the payment of workers' compensation
24 pursuant to the workers' compensation law by purchasing an insurance
25 policy from the state insurance fund or a licensed insurer, it shall
26 file with the department no later than thirty days after the commence-
27 ment of a new policy year a copy of the policy it has purchased. In such
28 case, the department shall be treated by the insurer as a certificate
29 holder for purposes of receiving notice of cancellation of the policy.

30 4. No provision of this article shall be construed to alter or affect
31 the liability under the workers' compensation law of any transportation
32 network company with respect to transportation network company drivers
33 prior to the fund liability date.

34 § 160-hhhh. Assessment of fund members. 1. To pay:

35 (a) the costs of the insurance purchased pursuant to section one
36 hundred sixty-gggg of this article; or

37 (b) the benefits due under the workers' compensation law in the event
38 the fund self-insures pursuant to section one hundred sixty-gggg of this
39 article; and to pay

40 (c) its expenses in carrying out its powers and duties under this
41 article; and

42 (d) its liabilities, if any, pursuant to section fourteen-A of the
43 workers' compensation law; the fund shall ascertain by reasonable esti-
44 mate the total funding necessary to carry on its operations.

45 2. Based upon its estimation of operating costs, the fund shall estab-
46 lish a proposed uniform percentage surcharge to be added to:

47 (a) the invoices or billings for covered services sent to transporta-
48 tion network company passengers by a member or its agent; and

49 (b) The credit payments for covered services received by a member or
50 its agent. The proposed surcharge shall become effective thirty days
51 after being filed with the department.

52 Notwithstanding the foregoing, beginning on the first day of the first
53 calendar month that shall commence at least seventy-five days after the
54 effective date of this article, and until the fund shall have filed with
55 the department a different surcharge amount, a two percent surcharge
56 shall be added to every invoice or billing for covered services sent by

1 a member or its agent to, and every credit payment for covered services
2 received by a member or its agent from, transportation network company
3 passengers. Each member of the fund shall be liable for payment to the
4 fund of an amount equal to the product of:

5 (a) the percentages surcharge due pursuant to this article, divided by
6 one hundred; and

7 (b) all payments received by the member or its agent for covered
8 services prearranged through the member's digital network, as provided
9 in this subdivision, regardless of whether the surcharge was billed or
10 charged.

11 3. The department of motor vehicles or the department shall not issue,
12 continue or renew any license or registration certificate for the opera-
13 tion of any transportation network company unless such transportation
14 network company, as a condition of maintaining its license and/or regis-
15 tration certificate, adds the surcharge required by this section to
16 every invoice and billing for covered services sent to, and every credit
17 payment for covered services received from, its transportation network
18 company passengers and pays to the fund no later than the fifteenth day
19 of each month the total surcharges due pursuant to this article.

20 4. Each transportation network company shall submit to the fund with
21 its monthly payment a detailed accounting of the charge and surcharge
22 amounts charged to and received from transportation network company
23 passengers for covered services during the previous month. The first
24 such payment and accounting shall be due on the fifteenth day of the
25 month following the imposition of the surcharge pursuant to subdivision
26 two of this section.

27 5. Should the fund determine that the surcharge amounts that have been
28 paid to it are inadequate to meet its obligations under this article, it
29 shall determine the surcharge rate required to eliminate such deficiency
30 and shall file such revised surcharge rate with the department in
31 accordance with subdivision two of this section. Commencing thirty days
32 after such filing, the members of the fund shall charge the revised
33 surcharge rate and shall pay to the fund the total amount of surcharges
34 in accordance with this article.

35 6. For the purposes of conducting payroll audits, an insurer providing
36 coverage to the fund pursuant to this article may treat the members of
37 the fund as policyholders. Members of the fund shall be required to do
38 all things required of employers pursuant to section one hundred thir-
39 ty-one of the workers' compensation law, and shall be required to
40 provide the board access to any and all records and information as
41 otherwise required by the workers' compensation law and the regulations
42 promulgated thereunder, and shall be liable as provided in the workers'
43 compensation law for any failure so to do.

44 § 160-iiii. Certified financial statements. No later than May first of
45 each year, the fund shall submit to the governor and legislature certi-
46 fied financial statements prepared in accordance with generally accepted
47 accounting principles by a certified public accountant. The members of
48 the fund shall be required on and after January first of each year to
49 afford the certified public accountant convenient access at all reason-
50 able hours to all books, records, and other documents, including but not
51 limited to invoices and vouchers, necessary or useful in the preparation
52 of such statements and in the verification of the monthly statements
53 submitted to the fund.

54 § 160-jjjj. Exemption from taxes. The fund shall be exempt from
55 payment of all fees and taxes levied by this state or any of its subdi-
56 visions, except taxes levied on real property.

1 § 160-kkkk. Liability insurance. The fund shall purchase such insur-
2 ance as is necessary to protect the fund and any director, officer,
3 agent, or other representative from liability for their administration
4 of the fund, and shall, to the extent permitted by law, indemnify such
5 directors, officers, agents, or other representatives and hold them
6 harmless from liability for their administration of the fund.

7 § 160-llll. Regulations. The department shall adopt regulations imple-
8 menting the provisions of this article, including the conduct and notice
9 of hearings held pursuant to section one hundred sixty-mmmmm of this
10 article.

11 § 160-mmmmm. Violations. 1. If the secretary believes a violation of
12 this article by a fund member may have occurred, upon notice to the fund
13 member, a hearing shall be held by the secretary to determine whether
14 such violation occurred.

15 2. Except as otherwise provided in this section, a fund member that is
16 found, after a hearing held pursuant to subdivision one of this section,
17 to have violated a provision of this article, or a rule promulgated by
18 the department pursuant to this article, shall be liable for a fine in
19 an amount not to exceed ten thousand dollars per violation.

20 3. Within twenty days after issuance of a determination adverse to a
21 transportation network company following a hearing held pursuant to
22 subdivision one of this section, an appeal may be taken therefrom to the
23 appellate division of the supreme court, third department, by the
24 aggrieved transportation network company.

25 § 12. Subdivision 1 of section 171-a of the tax law, as amended by
26 chapter 90 of the laws of 2014, is amended to read as follows:

27 1. All taxes, interest, penalties and fees collected or received by
28 the commissioner or the commissioner's duly authorized agent under arti-
29 cles nine (except section one hundred eighty-two-a thereof and except as
30 otherwise provided in section two hundred five thereof), nine-A,
31 twelve-A (except as otherwise provided in section two hundred eighty-
32 four-d thereof), thirteen, thirteen-A (except as otherwise provided in
33 section three hundred twelve thereof), eighteen, nineteen, twenty
34 (except as otherwise provided in section four hundred eighty-two there-
35 of), twenty-B, twenty-one, twenty-two, twenty-six, [~~twenty-six-B,~~ twen-
36 ty-eight (except as otherwise provided in section eleven hundred two or
37 eleven hundred three thereof), twenty-eight-A, twenty-nine-B (except as
38 otherwise provided in section twelve hundred ninety-eight thereof),
39 thirty-one (except as otherwise provided in section fourteen hundred
40 twenty-one thereof), thirty-three and thirty-three-A of this chapter
41 shall be deposited daily in one account with such responsible banks,
42 banking houses or trust companies as may be designated by the comp-
43 troller, to the credit of the comptroller. Such an account may be estab-
44 lished in one or more of such depositories. Such deposits shall be kept
45 separate and apart from all other money in the possession of the comp-
46 troller. The comptroller shall require adequate security from all such
47 depositories. Of the total revenue collected or received under such
48 articles of this chapter, the comptroller shall retain in the comp-
49 troller's hands such amount as the commissioner may determine to be
50 necessary for refunds or reimbursements under such articles of this
51 chapter out of which amount the comptroller shall pay any refunds or
52 reimbursements to which taxpayers shall be entitled under the provisions
53 of such articles of this chapter. The commissioner and the comptroller
54 shall maintain a system of accounts showing the amount of revenue
55 collected or received from each of the taxes imposed by such articles.
56 The comptroller, after reserving the amount to pay such refunds or

1 reimbursements, shall, on or before the tenth day of each month, pay
2 into the state treasury to the credit of the general fund all revenue
3 deposited under this section during the preceding calendar month and
4 remaining to the comptroller's credit on the last day of such preceding
5 month, (i) except that the comptroller shall pay to the state department
6 of social services that amount of overpayments of tax imposed by article
7 twenty-two of this chapter and the interest on such amount which is
8 certified to the comptroller by the commissioner as the amount to be
9 credited against past-due support pursuant to subdivision six of section
10 one hundred seventy-one-c of this article, (ii) and except that the
11 comptroller shall pay to the New York state higher education services
12 corporation and the state university of New York or the city university
13 of New York respectively that amount of overpayments of tax imposed by
14 article twenty-two of this chapter and the interest on such amount which
15 is certified to the comptroller by the commissioner as the amount to be
16 credited against the amount of defaults in repayment of guaranteed
17 student loans and state university loans or city university loans pursu-
18 ant to subdivision five of section one hundred seventy-one-d and subdivi-
19 sion six of section one hundred seventy-one-e of this article, (iii)
20 and except further that, notwithstanding any law, the comptroller shall
21 credit to the revenue arrearage account, pursuant to section
22 ninety-one-a of the state finance law, that amount of overpayment of tax
23 imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B
24 or thirty-three of this chapter, and any interest thereon, which is
25 certified to the comptroller by the commissioner as the amount to be
26 credited against a past-due legally enforceable debt owed to a state
27 agency pursuant to paragraph (a) of subdivision six of section one
28 hundred seventy-one-f of this article, provided, however, he shall cred-
29 it to the special offset fiduciary account, pursuant to section ninety-
30 one-c of the state finance law, any such amount creditable as a liabil-
31 ity as set forth in paragraph (b) of subdivision six of section one
32 hundred seventy-one-f of this article, (iv) and except further that the
33 comptroller shall pay to the city of New York that amount of overpayment
34 of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A,
35 thirty-B or thirty-three of this chapter and any interest thereon that
36 is certified to the comptroller by the commissioner as the amount to be
37 credited against city of New York tax warrant judgment debt pursuant to
38 section one hundred seventy-one-l of this article, (v) and except
39 further that the comptroller shall pay to a non-obligated spouse that
40 amount of overpayment of tax imposed by article twenty-two of this chap-
41 ter and the interest on such amount which has been credited pursuant to
42 section one hundred seventy-one-c, one hundred seventy-one-d, one
43 hundred seventy-one-e, one hundred seventy-one-f or one hundred seven-
44 ty-one-l of this article and which is certified to the comptroller by
45 the commissioner as the amount due such non-obligated spouse pursuant to
46 paragraph six of subsection (b) of section six hundred fifty-one of this
47 chapter; and (vi) the comptroller shall deduct a like amount which the
48 comptroller shall pay into the treasury to the credit of the general
49 fund from amounts subsequently payable to the department of social
50 services, the state university of New York, the city university of New
51 York, or the higher education services corporation, or the revenue
52 arrearage account or special offset fiduciary account pursuant to
53 section ninety-one-a or ninety-one-c of the state finance law, as the
54 case may be, whichever had been credited the amount originally withheld
55 from such overpayment, and (vii) with respect to amounts originally
56 withheld from such overpayment pursuant to section one hundred seventy-

1 one-1 of this article and paid to the city of New York, the comptroller
2 shall collect a like amount from the city of New York.

3 § 13. Subdivision 1 of section 171-a of the tax law, as amended by
4 section 54 of part A of chapter 59 of the laws of 2014, is amended to
5 read as follows:

6 1. All taxes, interest, penalties and fees collected or received by
7 the commissioner or the commissioner's duly authorized agent under arti-
8 cles nine (except section one hundred eighty-two-a thereof and except as
9 otherwise provided in section two hundred five thereof), nine-A,
10 twelve-A (except as otherwise provided in section two hundred eighty-
11 four-d thereof), thirteen, thirteen-A (except as otherwise provided in
12 section three hundred twelve thereof), eighteen, nineteen, twenty
13 (except as otherwise provided in section four hundred eighty-two there-
14 of), twenty-one, twenty-two, twenty-six, [~~twenty-six-B,~~] twenty-eight
15 (except as otherwise provided in section eleven hundred two or eleven
16 hundred three thereof), twenty-eight-A, twenty-nine-B (except as other-
17 wise provided in section twelve hundred ninety-eight thereof), thirty-
18 one (except as otherwise provided in section fourteen hundred twenty-one
19 thereof), thirty-three and thirty-three-A of this chapter shall be
20 deposited daily in one account with such responsible banks, banking
21 houses or trust companies as may be designated by the comptroller, to
22 the credit of the comptroller. Such an account may be established in one
23 or more of such depositories. Such deposits shall be kept separate and
24 apart from all other money in the possession of the comptroller. The
25 comptroller shall require adequate security from all such depositories.
26 Of the total revenue collected or received under such articles of this
27 chapter, the comptroller shall retain in the comptroller's hands such
28 amount as the commissioner may determine to be necessary for refunds or
29 reimbursements under such articles of this chapter out of which amount
30 the comptroller shall pay any refunds or reimbursements to which taxpay-
31 ers shall be entitled under the provisions of such articles of this
32 chapter. The commissioner and the comptroller shall maintain a system of
33 accounts showing the amount of revenue collected or received from each
34 of the taxes imposed by such articles. The comptroller, after reserving
35 the amount to pay such refunds or reimbursements, shall, on or before
36 the tenth day of each month, pay into the state treasury to the credit
37 of the general fund all revenue deposited under this section during the
38 preceding calendar month and remaining to the comptroller's credit on
39 the last day of such preceding month, (i) except that the comptroller
40 shall pay to the state department of social services that amount of
41 overpayments of tax imposed by article twenty-two of this chapter and
42 the interest on such amount which is certified to the comptroller by the
43 commissioner as the amount to be credited against past-due support
44 pursuant to subdivision six of section one hundred seventy-one-c of this
45 article, (ii) and except that the comptroller shall pay to the New York
46 state higher education services corporation and the state university of
47 New York or the city university of New York respectively that amount of
48 overpayments of tax imposed by article twenty-two of this chapter and
49 the interest on such amount which is certified to the comptroller by the
50 commissioner as the amount to be credited against the amount of defaults
51 in repayment of guaranteed student loans and state university loans or
52 city university loans pursuant to subdivision five of section one
53 hundred seventy-one-d and subdivision six of section one hundred seven-
54 ty-one-e of this article, (iii) and except further that, notwithstanding
55 any law, the comptroller shall credit to the revenue arrearage account,
56 pursuant to section ninety-one-a of the state finance law, that amount

1 of overpayment of tax imposed by article nine, nine-A, twenty-two, thir-
2 ty, thirty-A, thirty-B or thirty-three of this chapter, and any interest
3 thereon, which is certified to the comptroller by the commissioner as
4 the amount to be credited against a past-due legally enforceable debt
5 owed to a state agency pursuant to paragraph (a) of subdivision six of
6 section one hundred seventy-one-f of this article, provided, however, he
7 shall credit to the special offset fiduciary account, pursuant to
8 section ninety-one-c of the state finance law, any such amount credita-
9 ble as a liability as set forth in paragraph (b) of subdivision six of
10 section one hundred seventy-one-f of this article, (iv) and except
11 further that the comptroller shall pay to the city of New York that
12 amount of overpayment of tax imposed by article nine, nine-A, twenty-
13 two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any
14 interest thereon that is certified to the comptroller by the commission-
15 er as the amount to be credited against city of New York tax warrant
16 judgment debt pursuant to section one hundred seventy-one-l of this
17 article, (v) and except further that the comptroller shall pay to a
18 non-obligated spouse that amount of overpayment of tax imposed by arti-
19 cle twenty-two of this chapter and the interest on such amount which has
20 been credited pursuant to section one hundred seventy-one-c, one hundred
21 seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or
22 one hundred seventy-one-l of this article and which is certified to the
23 comptroller by the commissioner as the amount due such non-obligated
24 spouse pursuant to paragraph six of subsection (b) of section six
25 hundred fifty-one of this chapter; and (vi) the comptroller shall deduct
26 a like amount which the comptroller shall pay into the treasury to the
27 credit of the general fund from amounts subsequently payable to the
28 department of social services, the state university of New York, the
29 city university of New York, or the higher education services corpo-
30 ration, or the revenue arrearage account or special offset fiduciary
31 account pursuant to section ninety-one-a or ninety-one-c of the state
32 finance law, as the case may be, whichever had been credited the amount
33 originally withheld from such overpayment, and (vii) with respect to
34 amounts originally withheld from such overpayment pursuant to section
35 one hundred seventy-one-l of this article and paid to the city of New
36 York, the comptroller shall collect a like amount from the city of New
37 York.

38 § 14. Paragraph 34 of subdivision (b) of section 1101 of the tax law,
39 as amended by section 1 of part WW of chapter 57 of the laws of 2010, is
40 amended to read as follows:

41 (34) Transportation service. The service of transporting, carrying or
42 conveying a person or persons by livery service; whether to a single
43 destination or to multiple destinations; and whether the compensation
44 paid by or on behalf of the passenger is based on mileage, trip, time
45 consumed or any other basis. A service that begins and ends in this
46 state is deemed intra-state even if it passes outside this state during
47 a portion of the trip. However, transportation service does not include
48 transportation of persons in connection with funerals. Transportation
49 service includes transporting, carrying, or conveying property of the
50 person being transported, whether owned by or in the care of such
51 person. Notwithstanding the foregoing, transportation service shall not
52 include a TNC prearranged trip, as that term is defined in article
53 forty-four-B of the vehicle and traffic law, that is subject to tax
54 under article twenty-nine-B of this chapter. In addition to what is
55 included in the definition of "receipt" in paragraph three of this
56 subdivision, receipts from the sale of transportation service subject to

1 tax include any handling, carrying, baggage, booking service, adminis-
 2 trative, mark-up, additional, or other charge, of any nature, made in
 3 conjunction with the transportation service. Livery service means
 4 service provided by limousine, black car or other motor vehicle, with a
 5 driver, but excluding (i) a taxicab, (ii) a bus, and (iii), in a city of
 6 one million or more in this state, an affiliated livery vehicle, and
 7 excluding any scheduled public service. Limousine means a vehicle with a
 8 seating capacity of up to fourteen persons, excluding the driver. Black
 9 car means a for-hire vehicle dispatched from a central facility. "Affil-
 10 iated livery vehicle" means a for-hire motor vehicle with a seating
 11 capacity of up to six persons, including the driver, other than a black
 12 car or luxury limousine, that is authorized and licensed by the taxi and
 13 limousine commission of a city of one million or more to be dispatched
 14 by a base station located in such a city and regulated by such taxi and
 15 limousine commission; and the charges for service provided by an affil-
 16 iated livery vehicle are on the basis of flat rate, time, mileage, or
 17 zones and not on a garage to garage basis.

18 § 15. The tax law is amended by adding a new article 29-B to read as
 19 follows:

20 ARTICLE 29-B

21 STATE ASSESSMENT FEE ON TRANSPORTATION NETWORK COMPANY

22 PREARRANGED TRIPS

23 Section 1291. Definitions.

24 1292. Imposition.

25 1293. Presumption.

26 1294. Returns and payment of state assessment fee.

27 1295. Records to be kept.

28 1296. Secrecy of returns and reports.

29 1297. Practice and procedure.

30 1298. Deposit and disposition of revenue.

31 § 1291. Definitions. (a) "Person" means an individual, partnership,
 32 limited liability company, society, association, joint stock company,
 33 corporation, estate, receiver, trustee, assignee, referee or any other
 34 person acting in a fiduciary or representative capacity, whether
 35 appointed by a court or otherwise, any combination of individuals and
 36 any other form of unincorporated enterprise owned or conducted by two or
 37 more persons.

38 (b) "City" means a city of a million or more located in the metropol-
 39 itan commuter transportation district established by section twelve
 40 hundred sixty-two of the public authorities law.

41 (c) "Transportation network company" or "TNC" shall have the same
 42 meaning as the term is defined in article forty-four-B of the vehicle
 43 and traffic law.

44 (d) "TNC prearranged trip" shall have the same meaning as the term is
 45 defined in article forty-four-B of the vehicle and traffic law.

46 (e) "TNC driver" shall have the same meaning as the term is defined in
 47 article forty-four-B of the vehicle and traffic law.

48 (f) "TNC vehicle" shall have the same meaning as the term is defined
 49 in article forty-four-B of the vehicle and traffic law.

50 (g) "Gross trip fare" means the sum of the base fare charge, distance
 51 charge and time charge for a complete TNC prearranged trip at the rate
 52 published by the TNC by or through which such trip is arranged.

53 § 1292. Imposition. There is hereby imposed on every TNC a state
 54 assessment fee of two percent of the gross trip fare of every TNC prear-
 55 ranged trip provided by such TNC that originates anywhere in the state
 56 outside the city and terminates anywhere in this state.

1 § 1293. Presumption. For the purpose of the proper administration of
2 this article and to prevent evasion of the state assessment fee imposed
3 by this article, it shall be presumed that every TNC prearranged trip
4 that originates anywhere in the state outside the city is subject to the
5 state assessment fee. This presumption shall prevail until the contrary
6 is proven by the person liable for the fee.

7 § 1294. Returns and payment of state assessment fee. (a) Every person
8 liable for the state assessment fee imposed by this article shall file a
9 return on a calendar-quarterly basis with the commissioner. Each return
10 shall show the number of TNC prearranged trips in the quarter for which
11 the return is filed, together with such other information as the commis-
12 sioner may require. The returns required by this section shall be filed
13 within thirty days after the end of the quarterly period covered there-
14 by. If the commissioner deems it necessary in order to ensure the
15 payment of the state assessment fee imposed by this article, the commis-
16 sioner may require returns to be made for shorter periods than
17 prescribed by the foregoing provisions of this section, and upon such
18 dates as the commissioner may specify. The form of returns shall be
19 prescribed by the commissioner and shall contain such information as the
20 commissioner may deem necessary for the proper administration of this
21 article. The commissioner may require amended returns to be filed within
22 thirty days after notice and to contain the information specified in the
23 notice. The commissioner may require that the returns be filed electron-
24 ically.

25 (b) Every person required to file a return under this article shall,
26 at the time of filing such return, pay to the commissioner the total of
27 all state assessment fees on the correct number of trips subject to such
28 fee under this article. The amount so payable to the commissioner for
29 the period for which a return is required to be filed shall be due and
30 payable to the commissioner on the date specified for the filing of the
31 return for such period, without regard to whether a return is filed or
32 whether the return that is filed correctly shows the correct number of
33 trips or the amount of fees due thereon. The commissioner may require
34 that the fee be paid electronically.

35 § 1295. Records to be kept. Every person liable for the state assess-
36 ment fee imposed by this article shall keep:

37 (a) records of every TNC prearranged trip subject to the state assess-
38 ment fee under this article, and of all amounts paid, charged or due
39 thereon, in such form as the commissioner may require;

40 (b) true and complete copies of any records required to be kept by a
41 state agency that is authorized to permit or regulate a TNC; and

42 (c) such other records and information as the commissioner may require
43 to perform his or her duties under this article.

44 § 1296. Secrecy of returns and reports. (a) Except in accordance with
45 proper judicial order or as otherwise provided by law, it shall be
46 unlawful for the commissioner, any officer or employee of the depart-
47 ment, any person engaged or retained by the department on an independent
48 contract basis, or any person who in any manner may acquire knowledge of
49 the contents of a return or report filed with the commissioner pursuant
50 to this article, to divulge or make known in any manner any particulars
51 set forth or disclosed in any such return or report. The officers
52 charged with the custody of such returns and reports shall not be
53 required to produce any of them or evidence of anything contained in
54 them in any action or proceeding in any court, except on behalf of the
55 commissioner in an action or proceeding under the provisions of this
56 chapter or in any other action or proceeding involving the collection of

1 a state assessment fee due under this article to which the state or the
2 commissioner is a party or a claimant, or on behalf of any party to any
3 action, proceeding or hearing under the provisions of this article when
4 the returns, reports or facts shown thereby are directly involved in
5 such action, proceeding or hearing, in any of which events the court, or
6 in the case of a hearing, the division of tax appeals may require the
7 production of, and may admit into evidence, so much of said returns,
8 reports or of the facts shown thereby, as are pertinent to the action,
9 proceeding or hearing and no more. The commissioner or the division of
10 tax appeals may, nevertheless, publish a copy or a summary of any deci-
11 sion rendered after a hearing required by this article. Nothing in this
12 section shall be construed to prohibit the delivery to a person who has
13 filed a return or report or to such person's duly authorized represen-
14 tative of a certified copy of any return or report filed in connection
15 with such person's state assessment fee. Nor shall anything in this
16 section be construed to prohibit the publication of statistics so clas-
17 sified as to prevent the identification of particular returns or reports
18 and the items thereof, or the inspection by the attorney general or
19 other legal representatives of the state of the return or report of any
20 person required to pay the state assessment fee who shall bring action
21 to review the state assessment fee based thereon, or against whom an
22 action or proceeding under this chapter has been recommended by the
23 commissioner or the attorney general or has been instituted, or the
24 inspection of the returns or reports required under this article by the
25 comptroller or duly designated officer or employee of the state depart-
26 ment of audit and control, for purposes of the audit of a refund of any
27 state assessment fee paid by a person required to pay the state assess-
28 ment fee under this article. Provided, further, nothing in this section
29 shall be construed to prohibit the disclosure, in such manner as the
30 commissioner deems appropriate, of the names and other appropriate iden-
31 tifying information of those persons required to pay state assessment
32 fee under this article.

33 (b) Notwithstanding the provisions of subdivision (a) of this section,
34 the commissioner, in his or her discretion, may require or permit any or
35 all persons liable for any state assessment fee imposed by this article,
36 to make payment to banks, banking houses or trust companies designated
37 by the commissioner and to file returns with such banks, banking houses
38 or trust companies as agents of the commissioner, in lieu of paying any
39 such state assessment fee directly to the commissioner. However, the
40 commissioner shall designate only such banks, banking houses or trust
41 companies as are already designated by the comptroller as depositories
42 pursuant to section twelve hundred eighty-eight of this chapter.

43 (c) Notwithstanding the provisions of subdivision (a) of this section,
44 the commissioner may permit the secretary of the treasury of the United
45 States or such secretary's delegate, or the authorized representative of
46 either such officer, to inspect any return filed under this article, or
47 may furnish to such officer or such officer's authorized representative
48 an abstract of any such return or supply such person with information
49 concerning an item contained in any such return, or disclosed by any
50 investigation of liability under this article, but such permission shall
51 be granted or such information furnished only if the laws of the United
52 States grant substantially similar privileges to the commissioner or
53 officer of this state charged with the administration of the state
54 assessment fee imposed by this article, and only if such information is
55 to be used for purposes of tax administration only; and provided further
56 the commissioner may furnish to the commissioner of internal revenue or

1 such commissioner's authorized representative such returns filed under
2 this article and other tax information, as such commissioner may consid-
3 er proper, for use in court actions or proceedings under the internal
4 revenue code, whether civil or criminal, where a written request there-
5 for has been made to the commissioner by the secretary of the treasury
6 of the United States or such secretary's delegate, provided the laws of
7 the United States grant substantially similar powers to the secretary of
8 the treasury of the United States or his or her delegate. Where the
9 commissioner has so authorized use of returns and other information in
10 such actions or proceedings, officers and employees of the department
11 may testify in such actions or proceedings in respect to such returns or
12 other information.

13 (d) Returns and reports filed under this article shall be preserved
14 for three years and thereafter until the commissioner orders them to be
15 destroyed.

16 (e) (1) Any officer or employee of the state who willfully violates
17 the provisions of subdivision (a) of this section shall be dismissed
18 from office and be incapable of holding any public office for a period
19 of five years thereafter.

20 (2) Cross-reference: For criminal penalties, see article thirty-seven
21 of this chapter.

22 § 1297. Practice and procedure. The provisions of article twenty-seven
23 of this chapter shall apply with respect to the administration of and
24 procedure with respect to the state assessment fee imposed by this arti-
25 cle in the same manner and with the same force and effect as if the
26 language of such article twenty-seven had been incorporated in full into
27 this article and had expressly referred to the state assessment fee
28 under this article, except to the extent that any such provision is
29 either inconsistent with a provision of this article or is not relevant
30 to this article.

31 § 1298. Deposit and disposition of revenue. All taxes, fees, interest
32 and penalties collected or received by the commissioner under this arti-
33 cle shall be deposited and disposed of pursuant to the provisions of
34 section one hundred seventy-one-a of this chapter. From such taxes,
35 interest and penalties collected or received by the commissioner under
36 this article, fifty percent shall be deposited to the credit of the
37 dedicated highway and bridge trust fund as defined in section eighty-
38 nine-b of the state finance law and fifty percent shall be deposited to
39 the credit of the local transit assistance fund established in section
40 eighty-nine-i of the state finance law.

41 § 16. The tax law is amended by adding a new section 1822 to read as
42 follows:

43 § 1822. Violation of the state assessment fee on transportation
44 network company prearranged trips. Any willful act or omission by any
45 person that constitutes a violation of any provision of article twenty-
46 nine-B of this chapter shall constitute a misdemeanor.

47 § 17. Section 1825 of the tax law, as amended by section 89 of part A
48 of chapter 59 of the laws of 2014, is amended to read as follows:

49 § 1825. Violation of secrecy provisions of the tax law.--Any person
50 who violates the provisions of subdivision (b) of section twenty-one,
51 subdivision one of section two hundred two, subdivision eight of section
52 two hundred eleven, subdivision (a) of section three hundred fourteen,
53 subdivision one or two of section four hundred thirty-seven, section
54 four hundred eighty-seven, subdivision one or two of section five
55 hundred fourteen, subsection (e) of section six hundred ninety-seven,
56 subsection (a) of section nine hundred ninety-four, subdivision (a) of

1 section eleven hundred forty-six, section twelve hundred eighty-seven,
2 section twelve hundred ninety-six, subdivision (a) of section fourteen
3 hundred eighteen, subdivision (a) of section fifteen hundred eighteen,
4 subdivision (a) of section fifteen hundred fifty-five of this chapter,
5 and subdivision (e) of section 11-1797 of the administrative code of the
6 city of New York shall be guilty of a misdemeanor.

7 § 18. 1. For purposes of this section, transportation network company
8 shall mean a transportation network company as defined by article 44-B
9 of the vehicle and traffic law.

10 2. There is hereby established the New York State Transportation
11 Network Company Accessibility Task Force to analyze and advise on how to
12 maximize effective and integrated transportation services for persons
13 with disabilities in the transportation network company market. The New
14 York State Transportation Network Company Accessibility Task Force shall
15 consist of eleven members. Two members of the New York State Transporta-
16 tion Network Company Accessibility Task Force shall be appointed by the
17 speaker of the assembly. Two members of the New York State Transporta-
18 tion Network Company Accessibility Task Force shall be appointed by the
19 temporary president of the senate. Seven members of the New York State
20 Transportation Network Company Accessibility Task Force shall be
21 appointed by the governor and shall include, but not be limited to, two
22 representatives of groups who serve persons with disabilities and two
23 representatives from a transportation network company. The governor
24 shall designate two chairpersons to the New York State Transportation
25 Network Company Accessibility Task Force.

26 3. The New York State Transportation Network Company Accessibility
27 Task Force shall study the demand responsive transportation marketplace
28 and shall, in addition to any responsibilities assigned by the governor:
29 (a) conduct a needs assessment concerning the demand for demand respon-
30 sive accessible transportation; (b) conduct a resource assessment
31 concerning the availability of accessible demand responsive transporta-
32 tion services for persons with disabilities; (c) identify opportunities
33 for, and barriers to, increasing accessible demand responsive transporta-
34 tion service for persons with mobility disabilities; (d) propose stra-
35 tegies for increasing accessible demand responsive transportation
36 service for persons with disabilities; and (e) any other issues deter-
37 mined important to the task force in establishing a recommendation
38 pursuant to subdivision five of this section.

39 4. The New York State Transportation Network Company Accessibility
40 Task Force shall hold public hearings and provide an opportunity for
41 public comment on the activities described in subdivision two of this
42 section.

43 5. The New York State Transportation Network Company Accessibility
44 Task Force shall complete a report addressing the activities described
45 in subdivision two of this section and make a recommendation, supported
46 by such activities, recommending the amount of accessibility necessary
47 for adequate transportation for disabled passengers in order to utilize
48 transportation network companies and present such findings at a public
49 meeting where its members shall accept such report, pursuant to majority
50 vote of the task force, and present such report to the governor, the
51 speaker of the assembly and the temporary president of the senate, and
52 make such report publicly available for review.

53 6. Upon making the report described in subdivision five of this
54 section, the New York State Transportation Network Company Accessibility
55 Task Force shall be deemed dissolved.

1 § 19. The state finance law is amended by adding a new section 89-i to
2 read as follows:

3 § 89-i. Local transit assistance fund. 1. There is hereby established
4 in the joint custody of the state comptroller and the commissioner of
5 taxation and finance a fund to be known as the "local transit assistance
6 fund". Moneys in the local transit assistance fund shall be kept sepa-
7 rately from and shall not be commingled with any other moneys in the
8 joint or sole custody of the state comptroller or the commissioner of
9 taxation and finance.

10 2. The comptroller shall establish the following separate and distinct
11 account within the local transit assistance fund: Non-MTA transit
12 assistance account.

13 3. The local transit assistance fund shall consist of monies collected
14 therefore or credited or transferred thereto from nay other fund,
15 account, or source, including a portion of the revenues derived from
16 article twenty-nine-B of the tax law pursuant to section twelve hundred
17 ninety-eight of the tax law. Any interest received by the comptroller on
18 monies on deposit in the local transit assistance fund shall be retained
19 in and become part of such fund.

20 4. Monies in the local transit assistance fund shall, following appro-
21 priation by the legislature, be distributed to each county not wholly
22 contained within a city with a population of a million or more. The
23 funding directed to the counties shall be distributed to each county in
24 the same proportion as the revenue generated by each county under this
25 article and shall only be used by the counties for transit programs.

26 5. All payments of money from the local transit assistance fund shall
27 be made on the audit and warrant of the comptroller.

28 § 20. Severability clause. If any provision of this act or the appli-
29 cation thereof is held invalid, such invalidity shall not affect other
30 provisions or applications of this act which can be given effect without
31 the invalid provision or application, and to this end the provisions of
32 this act are declared to be severable.

33 § 21. Each agency that is designated to perform any function or duty
34 pursuant to this act shall be authorized to establish rules and regu-
35 lations for the administration and execution of such authority in a
36 manner consistent with the provisions of this act and for the protection
37 of the public, health, safety and welfare of persons within this state.

38 § 22. This act shall take effect on the ninetieth day after it shall
39 have become a law; provided that the amendments to subdivision 1 of
40 section 171-a of the tax law made by section twelve of this act shall
41 not affect the expiration of such subdivision and shall expire there-
42 with, pursuant to section 12 of chapter 90 of the laws of 2014, as
43 amended, when upon such date the provisions of section thirteen of this
44 act shall take effect.

45 PART H

46 Section 1. Section 491 of the vehicle and traffic law is amended by
47 adding a new subdivision 3 to read as follows:

48 3. Waiver of fee. The commissioner may waive the payment of fees
49 required by subdivision two of this section if the applicant is a victim
50 of a crime and the identification card applied for is a replacement for
51 one that was lost or destroyed as a result of the crime.

52 § 2. This act shall take effect on the one hundred twentieth day after
53 it shall have become a law.

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PART I

PART J

PART K

PART L

Intentionally Omitted

Intentionally Omitted

Intentionally Omitted

Section 1. Section 114-a of the vehicle and traffic law, as added by chapter 163 of the laws of 1973, is amended to read as follows:

§ 114-a. Drug. The term "drug" when used in this chapter, means and includes any substance listed in section thirty-three hundred six of the public health law and any substance or combination of substances that impair, to any extent, the physical and mental abilities which a driver is expected to possess in order to operate a vehicle as a reasonable and prudent driver.

§ 2. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 97 of the laws of 2016, is amended to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", or "Work Zone Safety" awareness as defined by the commissioner, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols, bicycle and pedestrian safety, motorcycle safety and awareness and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning the law for exercising due care

1 to avoid colliding with a parked, stopped or standing vehicle pursuant
2 to section eleven hundred forty-four-a of this chapter. Such test may
3 include one or more questions concerning bicycle and pedestrian safety
4 and shall include one or more questions concerning motorcycle safety and
5 awareness. Such test shall be administered by the commissioner. The
6 commissioner shall cause the applicant to take a vision test and a test
7 for color blindness. Upon passage of the vision test, the application
8 may be accepted and the application fee shall be payable.

9 § 3. Subparagraph (v) of paragraph (b) of subdivision 2 of section 510
10 of the vehicle and traffic law, as amended by chapter 3 of the laws of
11 1995, is amended to read as follows:

12 (v) For a period of six months where the holder is convicted of, or
13 receives a youthful offender or other juvenile adjudication in
14 connection with, any misdemeanor or felony defined in article two
15 hundred twenty or two hundred twenty-one of the penal law, any violation
16 of the federal controlled substances act, [~~any crime in violation of~~
17 ~~subdivision four of section eleven hundred ninety two of this chapter~~]
18 or any out-of-state or federal misdemeanor or felony drug-related
19 offense; provided, however, that any time actually served in custody
20 pursuant to a sentence or disposition imposed as a result of such
21 conviction or youthful offender or other juvenile adjudication shall be
22 credited against the period of such suspension and, provided further,
23 that the court shall determine that such suspension need not be imposed
24 where there are compelling circumstances warranting an exception.

25 § 4. Paragraphs i and j of subdivision 6 of section 510 of the vehicle
26 and traffic law, as added by chapter 533 of the laws of 1993, are
27 amended to read as follows:

28 i. Where suspension of a driver's license is mandatory hereunder based
29 upon a conviction of, or youthful offender or other juvenile adjudi-
30 cation in connection with, any misdemeanor or felony as defined in arti-
31 cle two hundred twenty or two hundred twenty-one of the penal law, any
32 violation of the federal controlled substances act, [~~any crime in~~
33 ~~violation of subdivision four of section eleven hundred ninety two of~~
34 ~~this chapter~~] or any out-of-state or federal misdemeanor or felony drug-
35 related offense, the commissioner may issue a restricted use license
36 pursuant to section five hundred thirty of this chapter.

37 j. Where suspension of a driver's license is mandatory hereunder based
38 upon a conviction of, or youthful offender or other juvenile adjudi-
39 cation in connection with, any misdemeanor or felony as defined in arti-
40 cle two hundred twenty or two hundred twenty-one of the penal law, any
41 violation of the federal controlled substances act, [~~any crime in~~
42 ~~violation of subdivision four of section eleven hundred ninety two of~~
43 ~~this chapter~~] or any out-of-state or federal misdemeanor or felony drug-
44 related offense and the individual does not have a driver's license or
45 the individual's driver's license was suspended at the time of
46 conviction or youthful offender or other juvenile adjudication, the
47 commissioner shall not issue a new license nor restore the former
48 license for a period of six months after such individual would otherwise
49 have become eligible to obtain a new license or to have the former
50 license restored; provided, however, that during such delay period the
51 commissioner may issue a restricted use license pursuant to section five
52 hundred thirty of this [~~chapter~~] title to such previously suspended
53 licensee.

54 § 5. Paragraph (b) of subdivision 2 of section 1193 of the vehicle and
55 traffic law is amended by adding a new subparagraph 13 to read as
56 follows:

1 (13) Where revocation of a driver's license is mandatory hereunder
2 based upon a conviction of, or youthful offender of other juvenile adju-
3 dication in connection with any crime in violation of subdivision four
4 of section eleven hundred ninety-two of this article and the individual
5 does not have a driver's license or the individual's driver's license
6 was suspended or revoked at the time of conviction or youthful offender
7 or other juvenile adjudication, the commissioner shall not issue a new
8 license nor restore the former license for a period of six months after
9 such individual would otherwise have become eligible to obtain a new
10 license or to have the former license restored; provided, however, that
11 during such period the commissioner may issue a conditional license
12 pursuant to section eleven hundred ninety-six of this article to such
13 previously revoked licensee.

14 § 6. Clauses a and b of subparagraph 1 of paragraph (d) of subdivision
15 2 of section 1194 of the vehicle and traffic law, as amended by chapter
16 732 of the laws of 2006, are amended to read as follows:

17 a. Any license which has been revoked pursuant to paragraph (c) of
18 this subdivision shall not be restored for at least [~~one-year~~] eighteen
19 months after such revocation, nor thereafter, except in the discretion
20 of the commissioner. However, no such license shall be restored for at
21 least [~~eighteen~~] twenty-four months after such revocation, nor thereaft-
22 er except in the discretion of the commissioner, in any case where the
23 person has had a prior revocation resulting from refusal to submit to a
24 chemical test, or has been convicted of or found to be in violation of
25 any subdivision of section eleven hundred ninety-two or section eleven
26 hundred ninety-two-a of this article not arising out of the same inci-
27 dent, within the five years immediately preceding the date of such revo-
28 cation; provided, however, a prior finding that a person under the age
29 of twenty-one has refused to submit to a chemical test pursuant to
30 subdivision three of section eleven hundred ninety-four-a of this arti-
31 cle shall have the same effect as a prior finding of a refusal pursuant
32 to this subdivision solely for the purpose of determining the length of
33 any license suspension or revocation required to be imposed under any
34 provision of this article, provided that the subsequent offense or
35 refusal is committed or occurred prior to the expiration of the
36 retention period for such prior refusal as set forth in paragraph (k) of
37 subdivision one of section two hundred one of this chapter.

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

51 § 7. Intentionally omitted.

52 § 8. Intentionally omitted.

53 § 9. Intentionally omitted.

54 § 10. Intentionally omitted.

55 § 11. Intentionally omitted.

1 § 12. Subdivision 3 of section 1229-c of the vehicle and traffic law,
2 as added by chapter 365 of the laws of 1984, is amended to read as
3 follows:

4 3. No person shall operate a motor vehicle unless such person is
5 restrained by a safety belt approved by the commissioner. No person
6 [~~sixteen~~] twenty-one years of age or over shall be a passenger in [~~the~~
7 ~~front seat of~~] a motor vehicle unless such person is restrained by a
8 safety belt approved by the commissioner.

9 § 13. This act shall take effect on the first of October next succeed-
10 ing the date on which it shall have become a law.

11 PART M

12 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
13 of the laws of 1968 constituting the New York state urban development
14 corporation act, as amended by section 1 of part F of chapter 58 of the
15 laws of 2016, is amended to read as follows:

16 3. The provisions of this section shall expire, notwithstanding any
17 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
18 the laws of 1996 or of any other law, on July 1, [~~2017~~] 2018.

19 § 2. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after July 1, 2017.

21 PART N

22 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
23 New York state urban development corporation act, relating to the powers
24 of the New York state urban development corporation to make loans, as
25 amended by section 1 of part G of chapter 58 of the laws of 2016, is
26 amended to read as follows:

27 § 2. This act shall take effect immediately provided, however, that
28 section one of this act shall expire on July 1, [~~2017~~] 2018, at which
29 time the provisions of subdivision 26 of section 5 of the New York state
30 urban development corporation act shall be deemed repealed; provided,
31 however, that neither the expiration nor the repeal of such subdivision
32 as provided for herein shall be deemed to affect or impair in any manner
33 any loan made pursuant to the authority of such subdivision prior to
34 such expiration and repeal.

35 § 2. This act shall take effect immediately and shall be deemed to
36 have been in full force and effect on and after April 1, 2017.

37 PART O

38 Intentionally Omitted

39 PART P

40 Intentionally Omitted

41 PART Q

42 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
43 executive law relating to permitting the secretary of state to provide
44 special handling for all documents filed or issued by the division of

1 corporations and to permit additional levels of such expedited service,
2 as amended by section 1 of part M of chapter 58 of the laws of 2016, is
3 amended to read as follows:

4 § 2. This act shall take effect immediately, provided however, that
5 section one of this act shall be deemed to have been in full force and
6 effect on and after April 1, 2003 and shall expire March 31, [~~2017~~]
7 2018.

8 § 2. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on and after March 31, 2017.

10 PART R

11 Intentionally Omitted

12 PART S

13 Intentionally Omitted

14 PART T

15 Section 1. Subdivision 2 of section 54-1101 of the environmental
16 conservation law, as amended by section 4 of part U of chapter 58 of the
17 laws of 2016, is amended to read as follows:

18 2. State assistance payments and/or technical assistance, as defined
19 in section nine hundred seventeen of the executive law, shall not exceed
20 [~~fifty~~] seventy-five percent of the cost of the program. For the purpose
21 of determining the amount of state assistance payments, costs shall not
22 be more than the amount set forth in the application for state assist-
23 ance payments approved by the secretary. The state assistance payments
24 shall be paid on audit and warrant of the state comptroller on a certifi-
25 cate of availability of the director of the budget.

26 § 2. The opening paragraph and paragraph a of subdivision 1 of section
27 918 of the executive law, as added by chapter 840 of the laws of 1981,
28 are amended to read as follows:

29 The secretary may enter into a contract or contracts for grants or
30 payments to be made, within the limits of any appropriations therefor,
31 for the following:

32 a. To any local governments, or to two or more local governments, for
33 projects approved by the secretary which lead to preparation of a water-
34 front revitalization program; provided, however, that such grants or
35 payments shall not exceed [~~fifty~~] seventy-five percent of the approved
36 cost of such projects;

37 § 3. This act shall take effect immediately.

38 PART U

39 Intentionally Omitted

40 PART V

41 Section 1. Intentionally omitted.

42 § 2. Intentionally omitted.

43 § 3. Intentionally omitted.

1 § 4. Intentionally omitted.

2 § 5. Notwithstanding any other law, rule or regulation to the contra-
3 ry, expenses of the department of health public service education
4 program incurred pursuant to appropriations from the cable television
5 account of the state miscellaneous special revenue funds shall be deemed
6 expenses of the department of public service. No later than August 15,
7 2018, the commissioner of the department of health shall submit an
8 accounting of expenses in the 2017 -- 2018 fiscal year to the chair of
9 the public service commission for the chair's review pursuant to the
10 provisions of section 217 of the public service law. In order to be
11 eligible for reimbursement, no less than twenty-five percent of the
12 funds for which reimbursement is sought must have been used for educa-
13 tional programming within secondary schools, and must be appropriate to
14 such audience.

15 § 6. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after April 1, 2017.

17 PART W

18 Section 1. Section 2 of Part BB of chapter 58 of the laws of 2012,
19 amending the public authorities law relating to authorizing the dormito-
20 ry authority to enter into certain design and construction management
21 agreements, as amended by section 1 of part S of chapter 58 of the laws
22 of 2015, is amended to read as follows:

23 § 2. This act shall take effect immediately and shall expire and be
24 deemed repealed April 1, [~~2017~~] 2019.

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

42 § 3. This act shall take effect immediately and shall be deemed to
43 have been in effect on and after April 1, 2017.

44 PART X

45 Intentionally Omitted

46 PART Y

47 Intentionally Omitted

| | |
|----|-----------------------|
| 1 | PART Z |
| 2 | Intentionally Omitted |
| 3 | PART AA |
| 4 | Intentionally Omitted |
| 5 | PART BB |
| 6 | Intentionally Omitted |
| 7 | PART CC |
| 8 | Intentionally Omitted |
| 9 | PART DD |
| 10 | Intentionally Omitted |
| 11 | PART EE |
| 12 | Intentionally Omitted |
| 13 | PART FF |
| 14 | Intentionally Omitted |
| 15 | PART GG |
| 16 | Intentionally Omitted |
| 17 | PART HH |
| 18 | Intentionally Omitted |
| 19 | PART II |
| 20 | Intentionally Omitted |
| 21 | PART JJ |
| 22 | Intentionally Omitted |
| 23 | PART KK |

1 Intentionally Omitted

2 PART LL

3 Intentionally Omitted

4 PART MM

5 Section 1. Notwithstanding the provisions of subdivision 4-a of
6 section 18-a of the public service law, all moneys committed or expended
7 in an amount not to exceed \$1,200,000 shall be reimbursed by assessment
8 against gas corporations, as defined in subdivision 11 of section 2 of
9 the public service law and electric corporations as defined in subdivi-
10 sion 13 of section 2 of the public service law, where such gas corpo-
11 rations and electric corporations have gross revenues from intrastate
12 utility operations in excess of \$500,000 in the preceding calendar year,
13 and the total amount which may be charged to any gas corporation and any
14 electric corporation shall not exceed one cent per one thousand cubic
15 feet of gas sold and .010 cent per kilowatt-hour of electricity sold by
16 such corporations in their intrastate utility operations in calendar
17 year 2015. Such amounts shall be excluded from the general assessment
18 provisions of subdivision 2 of section 18-a of the public service law.
19 The chair of the public service commission shall bill such gas and/or
20 electric corporations for such amounts on or before August 10, 2017 and
21 such amounts shall be paid to the New York state energy research and
22 development authority on or before September 10, 2017. Upon receipt, the
23 New York state energy research and development authority shall deposit
24 such funds in the energy research and development operating fund estab-
25 lished pursuant to section 1859 of the public authorities law. The New
26 York state energy research and development authority is authorized and
27 directed to: (1) transfer \$1,200,000 to the University of Rochester
28 laboratory for laser energetics from the funds received; and (2)
29 commencing in 2016, provide to the chair of the public service commis-
30 sion and the director of the budget and the chairs and secretaries of
31 the legislative fiscal committees, on or before August first of each
32 year, an itemized record, certified by the president and chief executive
33 officer of the authority, or his or her designee, detailing any and all
34 expenditures and commitments ascribable to moneys received as a result
35 of this assessment by the chair of the department of public service
36 pursuant to section 18-a of the public service law. This itemized
37 record shall include an itemized breakdown of the programs being funded
38 by this section and the amount committed to each program. The authority
39 shall not commit for any expenditure, any moneys derived from the
40 assessment provided for in this section, until the chair of such author-
41 ity shall have submitted, and the director of the budget shall have
42 approved, a comprehensive financial plan encompassing all moneys avail-
43 able to and all anticipated commitments and expenditures by such author-
44 ity from any source for the operations of such authority. Copies of the
45 approved comprehensive financial plan shall be immediately submitted by
46 the chair to the chairs and secretaries of the legislative fiscal
47 committees. Any such amount not committed by such authority to
48 contracts or contracts to be awarded or otherwise expended by the
49 authority during the fiscal year shall be refunded by such authority on

1 a pro-rata basis to such gas and/or electric corporations, in a manner
2 to be determined by the department of public service.
3 § 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2017.

5 PART NN

6 Section 1. Paragraph (g) of section 1603 of the not-for-profit corpo-
7 ration law, as amended by chapter 106 of the laws of 2014, is amended to
8 read as follows:

9 (g) Nothing in this article shall be construed to authorize the exist-
10 ence of more than [~~twenty~~ twenty-five] land banks located in the state
11 at one time, provided further that each foreclosing governmental unit or
12 units proposing to create a land bank shall submit such local law, ordi-
13 nance or resolution as required by paragraph (a) of this section, to the
14 urban development corporation, for its review and approval. The creation
15 of a land bank shall be conditioned upon approval of the urban develop-
16 ment corporation.

17 § 2. This act shall take effect immediately.

18 PART OO

19 Section 1. Subdivision 2 of section 2 of the public lands law, as
20 separately amended by chapters 405 and 957 of the laws of 1981, is
21 amended to read as follows:

22 2. State-owned real property inventory. The commissioner of general
23 services shall establish, maintain and have the custody of an inventory
24 of all state-owned real property, as an aid in the utilization and
25 management of the land resources of the state. The inventory shall
26 include any state-owned real property under the jurisdiction, custody or
27 management of any state agency, whether acquired by appropriation,
28 purchase, gift or otherwise. In order to provide an accurate and current
29 inventory for use by the commissioner of general services, state agen-
30 cies and the legislature, the commissioner may by rule or regulation
31 prescribe the elements, extent and format of the information to be
32 included and the procedures for collection, presentation and verifica-
33 tion of the information to be contained in the inventory. The commis-
34 sioner shall label all unused and unappropriated state lands as vacant.
35 Such vacant land shall include unappropriated state lands as described
36 in section thirty of this chapter and any other unused land owned by the
37 state. The commissioner shall make a report which lists all state owned
38 land that has been labeled vacant and furnish such report to the legis-
39 lature by March thirty-first, two thousand eighteen and each year there-
40 after. The commissioner shall by rule or regulation, and upon the advice
41 of the comptroller, prescribe the elements, extent and format of the
42 information to be included and the procedures for collection, presenta-
43 tion, and verification of such information necessary to establish and
44 maintain a set of general fixed asset accounts that comply with general-
45 ly accepted accounting principles. Each state agency shall deliver to
46 the commissioner of general services such information at the times and
47 in the manner as determined by him or her to be necessary for the estab-
48 lishment and maintenance of the inventory and shall permit the commis-
49 sioner and his or her agents to make such physical and records
50 inspections as deemed necessary by the commissioner for the purposes of
51 the inventory program.

1 § 2. Subdivision 1 of section 33 of the public lands law, as amended
2 by chapter 360 of the laws of 1983, is amended and a new subdivision 6
3 is added to read as follows:

4 1. The commissioner of general services [~~may, from time to time,~~
5 shall sell unappropriated state lands at public auction or by sealed
6 bids in such parcels as he deems for the best interests of the state.
7 Previous to every sale, he or she shall fix the lowest sum at which each
8 lot may be sold, and shall designate at least one newspaper in the coun-
9 ty where the lands to be sold are situated, in which the commissioner
10 shall cause notice of the time, place and description of sale to be
11 published, at least once a week for four weeks, successively, before the
12 sale. Such notice need not be published in any other paper or papers,
13 and any statute requiring additional publication of notices or adver-
14 tisements by state officers or a department, board, bureau or commission
15 of the state shall not apply to such notice. The commissioner may desig-
16 nate a representative of his or her office to conduct such sale. All
17 such sales shall be held at the county seat of the county where the
18 property is situated, unless otherwise directed by the commissioner.

19 Upon such sales of unappropriated state land to a purchaser procured
20 by any licensed real estate broker and the payment of the purchase price
21 in the amount offered by such broker in behalf of the purchaser, the
22 commissioner of general services is authorized to pay, subject to such
23 terms and conditions as the commissioner may prescribe, a commission to
24 such broker out of monies available therefor. Uniform rates of commis-
25 sion shall [~~, from time to time,~~ be fixed by the commissioner but shall
26 not exceed six percentum of the purchase price. No commission shall be
27 paid for the procuring of any sale unless (1) written authority of the
28 broker to make such offer on a form acceptable to the commissioner,
29 signed by the person for whom he or she is acting, shall be filed with
30 the commissioner before the day of the sale and unless (2) the broker
31 shall furnish to the commissioner evidence in such form and extent as he
32 or she may require establishing that the purchaser was procured as the
33 result of the broker's services. In no event shall a broker who is paid
34 a commission by the commissioner as herein provided accept any other
35 commission or fee from any person or source for brokerage services
36 relating to the sale of such unappropriated state land.

37 6. The commissioner shall ensure the timely sale of all state lands
38 which have been labeled vacant as notated under section two of this
39 chapter. Such sales shall strive to raise revenue in the amount of fifty
40 million dollars for the fiscal year in which this subdivision takes
41 effect and one hundred million dollars for each subsequent fiscal year.
42 Fifty percent of such sales shall be appropriated to the county where
43 such sold land is situated and shall be used for economic development
44 initiatives within such county.

45 § 3. This act shall take effect immediately.

46 PART PP

47 Section 1. The public authorities law is amended by adding a new
48 section 553-j to read as follows:

49 § 553-j. Verrazano-Narrows reduced toll; Kings county. Notwithstand-
50 ing any inconsistent provision of law, but subject to agreements with
51 noteholders and bondholders, the authority shall establish a reduced
52 toll for residents of the county of Kings as set forth in this section,
53 which shall entitle such residents to crossings over the Verrazano-Nar-
54 rows bridge at a reduced cost of fifty-eight per centum of the regular

crossing fare imposed on nonresidents of the county of Kings. In the event the authority shall impose a surcharge in addition to the regular toll for crossings over the Verrazano-Narrows bridge, such surcharge shall not be deemed a part of the regular crossing fare for purposes of this section, and such residents of the county of Kings shall be entitled to a permanent exemption from the payment of any such surcharge. The provisions of this section shall apply to residents of Kings county who utilize an electronic method of toll payment and who cross the Verrazano-Narrows bridge three or more times per month. Application for such discount shall be made in such manner as prescribed by the authority and shall contain such information as the authority may reasonably require.

§ 2. This act shall take effect immediately.

PART QQ

Section 1. Subdivision 5 of section 2222 of the vehicle and traffic law, as added by chapter 839 of the laws of 1973, is amended to read as follows:

5. Application. The owner of each snowmobile requiring registration under this section shall present an application for registration to the commissioner, on a blank to be prepared and furnished by the commissioner for that purpose. Such application shall contain or be accompanied by such evidence of the ownership of the snowmobile described in the application as may be required by the commissioner. Where the snowmobile owner is a citizen of Canada, no registration shall be required, but a trail pass as described in subdivision five-a of this section shall be required.

§ 2. Section 2222 of the vehicle and traffic law is amended by adding a new subdivision 5-a to read as follows:

5-a. Canadian citizen trail pass. All applicable fees shall be paid to receive a trail pass. Trail pass fees shall be equal to those described in subdivisions four and four-a of this section, in addition to any other applicable fees prescribed by law. Passes shall not authorize the use of a snowmobile other than for pleasure, and shall require compliance with all laws and regulations applicable to the use of snowmobiles in New York state.

(a) Passes shall expire after one year, must be prominently displayed on the cowl of the snowmobile at all times when the snowmobile is within the borders of New York state.

(b) Passes will be sold by businesses approved by the commissioner of the department of environmental conservation.

(c) Applications for a trail pass must be accompanied by valid Canadian registration.

(d) Passes shall be issued with information concerning the laws and regulations of New York state that pertain to the safe and legal operation of a snowmobile within New York state's borders.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall expire January 1, 2024 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation by the commissioner of the department of motor vehicles that is necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

1

PART RR

2 Section 1. Section 1 of chapter 882 of the laws of 1953, constituting
3 the waterfront commission act is amended by adding a new article VII-A
4 to read as follows:

5

ARTICLE VII-A

6

CARGO FACILITY CHARGES

7

1. As used in this article:

8

(a) "Bill of lading" means a document evidencing the receipt of goods
9 for shipment issued by a person engaged in the business of transporting
10 or forwarding goods.

11

(b) "Cargo facility charge" means any fee applicable to cargo and
12 cargo containers discharged from, or loaded onto, vessels at any marine
13 facility owned or operated by the port authority.

14

(c) "Carrier" means a carrier as that term is defined in 49 U.S.C. s.
15 13102.

16

(d) "Container" means any receptacle, box, carton, or crate which is
17 specifically designed and constructed so that it may be repeatedly used
18 for the carriage of freight by an ocean common carrier.

19

(e) "Marine terminal operator" means any person, corporation, partner-
20 ship, or any business organization which shall operate and maintain any
21 of the marine terminals established, acquired, constructed, rehabili-
22 tated, or improved by the port authority by means of and through leasing
23 agreements entered into by any such person, corporation, partnership, or
24 any business organization with the port authority.

25

(f) "Ocean common carrier" means an ocean common carrier as that term
26 is defined in 46 U.S.C. s.40102.

27

(g) "Rail carrier" means a rail carrier as that term is defined in 49
28 U.S.C. s. 10102.

29

(h) "Tariff" means a marine terminal operator schedule as that term is
30 defined in 46 C.F.R. 525.2.

31

(i) "User" means:

32

(1) any person, company, or other entity that is named as the shipper
33 or consignee on the ocean common carrier bill of lading issued for
34 export or import cargo, or any person owning or entitled to the
35 possession, or having a past or future interest in, the export or import
36 cargo;

37

(2) in the case of negotiable bills of lading, any other person,
38 company, or other entity that is a bona fide holder of the bill of
39 lading or who is entitled to receive delivery of export cargo or import
40 cargo; or

41

(3) any other bailor of export or import cargo.

42

2. Notwithstanding any law, rule, regulation, or existing tariff to
43 the contrary, the port authority shall not assess a user, ocean common
44 carrier, marine terminal operator, carrier, or rail carrier a cargo
45 facility charge on import and export cargo leaving any marine facility
46 owned or operated by the port authority, except that the port authority
47 may assess a user, ocean common carrier, marine terminal operator,
48 carrier, or rail carrier a cargo facility charge upon written mutual
49 agreement between the user, ocean common carrier, marine terminal opera-
50 tor, carrier, or rail carrier and the port authority.

51

§ 2. This act shall take effect upon the enactment into law by the
52 state of New Jersey of legislation having an identical effect with this
53 act, but if the state of New Jersey shall have already enacted such

1 legislation, then it shall take effect immediately; and provided that
2 the waterfront commission shall notify the legislative bill drafting
3 commission upon the occurrence of the enactment of the legislation
4 provided for in section one of this act in order that the commission may
5 maintain an accurate and timely effective data base of the official text
6 of laws of the state of New York in furtherance of effectuating the
7 provisions of section 44 of the legislative law and section 70-b of the
8 public officers law.

9 PART SS

10 Section 1. Notwithstanding any inconsistent general, special or local
11 law to the contrary, New York state through the division of the budget
12 is hereby authorized to forgive outstanding amounts on all loans made to
13 the Oswego Port Authority between the years of 1958 and 1981. The total
14 amount of outstanding debt owed to the state to be forgiven pursuant to
15 this act is \$3,755,926. Any agreements entered into between the Port
16 Authority and New York state to repay such obligations shall be
17 canceled.

18 § 2. This act shall take effect immediately.

19 PART TT

20 Section 1. Paragraph (c) of subdivision 2 of section 503 of the vehi-
21 cle and traffic law is amended by adding a new subparagraph (v) to read
22 as follows:

23 (v) Provided that for a senior citizen, the renewal fee shall be ten
24 percent less than the fees otherwise required by this paragraph. For the
25 purposes of this subparagraph, the term "senior citizen" means a person
26 at least sixty-five years of age.

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

29 PART UU

30 Section 1. Subdivision 18-a of section 1261 of the public authorities
31 law is REPEALED.

32 § 2. This act shall take effect immediately.

33 PART VV

34 Section 1. Paragraph (a) of subdivision 1 of section 2281 of the vehi-
35 cle and traffic law, as amended by chapter 319 of the laws of 1997, is
36 amended to read as follows:

37 (a) "All terrain vehicle" or "ATV" means any self-propelled vehicle
38 which is manufactured for sale for operation primarily on off-highway
39 trails or off-highway competitions and only incidentally operated on
40 public highways providing that such vehicle does not exceed seventy
41 inches in width, or one thousand five hundred pounds dry weight.
42 Provided, however, this definition shall not include a "snowmobile" or
43 other self-propelled vehicles manufactured for off-highway use exclu-
44 sively designed for travel on snow or ice, steered by skis or runners
45 and supported in whole or in part by one or more skis, belts or cleats
46 which utilize an endless belt tread.

47 § 2. This act shall take effect on the thirtieth day after it shall
48 have become a law.

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PART WW

Section 1. Section 1678-a of the public authorities law is REPEALED.
§ 2. This act shall take effect immediately.

PART XX

Section 1. The vehicle and traffic law is amended by adding a new section 1170-a to read as follows:

§ 1170-a. Owner liability for failure of operator to obey signal indicating approach of train. (a) 1. Notwithstanding any other provision of law, any political subdivision is hereby authorized and empowered to adopt and amend a local law, ordinance or resolution establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy of this article. Such demonstration program shall empower a political subdivision to install and operate railroad grade crossing photo violation-monitoring devices at any railroad sign or signal.

2. Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such railroad grade crossing photo violation-monitoring systems shall not include images that identify the driver, the passengers or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such political subdivision has made a reasonable effort to comply with the provisions of this paragraph.

(b) Within the jurisdiction of any such political subdivision which has adopted a local law, ordinance or resolution pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of section eleven hundred seventy of this article, and such violation is evidenced by information obtained from a railroad grade crossing photo violation-monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of section eleven hundred seventy of this article.

(c) For purposes of this section, "owner" shall have the meaning provided in article two-B of this chapter. For purposes of this section, "railroad grade crossing photo violation-monitoring system" shall mean a vehicle sensor installed to work in conjunction with a railroad sign or signal which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of section eleven hundred seventy of this article.

(d) A certificate, sworn to or affirmed by a technician employed by the political subdivision in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a railroad grade crossing photo violation-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the

1 liability for such violation pursuant to a local law, ordinance or
2 resolution adopted pursuant to this section.

3 (e) An owner liable for a violation of section eleven hundred seventy
4 of this article pursuant to a local law, ordinance or resolution adopted
5 pursuant to this section shall be liable for monetary penalties in
6 accordance with a schedule of fines and penalties to be established in
7 such local law, ordinance or resolution. The liability of the owner
8 pursuant to this section shall not exceed one hundred dollars for each
9 violation; provided, however, that an adjudicating authority may provide
10 for an additional penalty of not in excess of twenty-five dollars for
11 each violation for the failure to respond to a notice of liability with-
12 in the prescribed period of time.

13 (f) An imposition of liability under a local law, ordinance or resol-
14 ution adopted pursuant to this section shall not be deemed a conviction
15 as an operator and shall not be made part of the operating record of the
16 person upon whom such liability is imposed nor shall it be used for
17 insurance purposes in the provision of motor vehicle insurance coverage.

18 (g) 1. A notice of liability shall be sent by first class mail to each
19 person alleged to be liable as an owner for a violation of section elev-
20 en hundred seventy of this article pursuant to this section. Personal
21 delivery on the owner shall not be required. A manual or automatic
22 record of mailing prepared in the ordinary course of business shall be
23 prima facie evidence of the facts contained therein.

24 2. A notice of liability shall contain the name and address of the
25 person alleged to be liable as an owner for a violation of section elev-
26 en hundred seventy of this article pursuant to this section, the regis-
27 tration number of the vehicle involved in such violation, the location
28 where such violation took place, the date and time of such violation and
29 the identification number of the camera which recorded the violation or
30 other document locator number.

31 3. The notice of liability shall contain information advising the
32 person charged of the manner and the time in which he or she may contest
33 the liability alleged in the notice. Such notice of liability shall also
34 contain a warning to advise the person charged that failure to contest
35 in the manner and time provided shall be deemed an admission of liabil-
36 ity and that a default judgment may be entered thereon.

37 4. The notice of liability shall be prepared and mailed by the poli-
38 tical subdivision, or by any other entity authorized by such political
39 subdivision to prepare and mail such notification of violation.

40 (h) Adjudication of the liability imposed upon owners by this section
41 shall be by the court having jurisdiction over traffic infractions,
42 except that if such political subdivision has established an administra-
43 tive tribunal to hear and determine complaints of traffic infractions
44 constituting parking, standing or stopping violations such political
45 subdivision may, by local law, authorize such adjudication by such
46 tribunal.

47 (i) If an owner receives a notice of liability pursuant to this
48 section for any time period during which the vehicle was reported to a
49 law enforcement agency as having been stolen, it shall be a valid
50 defense to an allegation of liability for a violation of section eleven
51 hundred seventy of this article pursuant to this section that the vehi-
52 cle had been reported to the police as stolen prior to the time the
53 violation occurred and had not been recovered by such time. For purposes
54 of asserting the defense provided by this subdivision it shall be suffi-
55 cient that a certified copy of a police report on the stolen vehicle be

1 sent by first class mail to the court having jurisdiction or parking
2 violations bureau.

3 (j) 1. In such political subdivision where the adjudication of liabil-
4 ity imposed upon owners pursuant to this section is by a court having
5 jurisdiction, an owner who is a lessor of a vehicle to which a notice of
6 liability was issued pursuant to subdivision (g) of this section shall
7 not be liable for the violation of section eleven hundred seventy of
8 this article, provided that he or she sends to the court having juris-
9 isdiction a copy of the rental, lease or other such contract document
10 covering such vehicle on the date of the violation, with the name and
11 address of the lessee clearly legible, within thirty-seven days after
12 receiving notice from the court of the date and time of such violation,
13 together with the other information contained in the original notice of
14 liability. Failure to send such information within such thirty-seven
15 day time period shall render the owner liable for the penalty prescribed
16 by this section. Where the lessor complies with the provisions of this
17 paragraph, the lessee of such vehicle on the date of such violation
18 shall be deemed to be the owner of such vehicle for purposes of this
19 section, shall be subject to liability for the violation of section
20 eleven hundred seventy of this article pursuant to this section and
21 shall be sent a notice of liability pursuant to subdivision (g) of this
22 section.

23 2. (I) In such political subdivision which has authorized the adjudi-
24 cation of liability imposed upon owners by this section by a parking
25 violations bureau, an owner who is a lessor of a vehicle to which a
26 notice of liability was issued pursuant to subdivision (g) of this
27 section shall not be liable for the violation of section eleven hundred
28 seventy of this article, provided that:

29 (A) prior to the violation, the lessor has filed with the bureau in
30 accordance with the provisions of section two hundred thirty-nine of
31 this chapter; and

32 (B) within thirty-seven days after receiving notice from the bureau of
33 the date and time of a liability, together with the other information
34 contained in the original notice of liability, the lessor submits to the
35 bureau the correct name and address of the lessee of the vehicle identi-
36 fied in the notice of liability at the time of such violation, together
37 with such other additional information contained in the rental, lease or
38 other contract document, as may be reasonably required by the bureau
39 pursuant to regulations that may be promulgated for such purpose.

40 (II) Failure to comply with clause (B) of subparagraph (I) of this
41 paragraph shall render the owner liable for the penalty prescribed in
42 this section.

43 (III) Where the lessor complies with the provisions of this paragraph,
44 the lessee of such vehicle on the date of such violation shall be deemed
45 to be the owner of such vehicle for purposes of this section, shall be
46 subject to liability for such violation pursuant to this section and
47 shall be sent a notice of liability pursuant to subdivision (g) of this
48 section.

49 (k) 1. If the owner liable for a violation of section eleven hundred
50 seventy of this article pursuant to this section was not the operator of
51 the vehicle at the time of the violation, the owner may maintain an
52 action for indemnification against the operator.

53 2. Notwithstanding any other provision of this section, no owner of a
54 vehicle shall be subject to a monetary fine imposed pursuant to this
55 section if the operator of such vehicle was operating such vehicle with-
56 out the consent of the owner at the time such operator failed to obey a

1 railroad sign or signal indicating the approach of a train. For
2 purposes of this subdivision there shall be a presumption that the oper-
3 ator of such vehicle was operating such vehicle with the consent of the
4 owner at the time such operator failed to obey a railroad sign or signal
5 indicating the approach of a train.

6 (l) Nothing in this section shall be construed to limit the liability
7 of an operator of a vehicle for any violation of section eleven hundred
8 seventy of this article.

9 (m) In any such political subdivision which adopts a demonstration
10 program pursuant to subdivision (a) of this section, such political
11 subdivision shall submit an annual report on the results of the use of a
12 railroad grade crossing photo violation-monitoring system to the gover-
13 nor, the temporary president of the senate and the speaker of the assem-
14 bly on or before June first, two thousand nineteen and on the same date
15 in each succeeding year in which the demonstration program is operable.
16 Such report shall include, but not be limited to:

17 1. a description of the locations where railroad grade crossing photo
18 violation-monitoring systems were used;

19 2. the aggregate number, type and severity of accidents reported at
20 intersections where a railroad grade crossing photo violation-monitoring
21 system is used for the year preceding the installation of such system,
22 to the extent the information is maintained by the department;

23 3. the aggregate number, type and severity of accidents reported at
24 intersections where a railroad grade crossing photo violation-monitoring
25 system is used, to the extent the information is maintained by the
26 department;

27 4. the number of violations recorded at each intersection where a
28 railroad grade crossing photo violation-monitoring system is used and in
29 the aggregate on a daily, weekly and monthly basis;

30 5. the total number of notices of liability issued for violations
31 recorded by such systems;

32 6. the number of fines and total amount of fines paid after first
33 notice of liability issued for violations recorded by such systems;

34 7. the number of violations adjudicated and results of such adjudi-
35 cations including breakdowns of dispositions made for violations
36 recorded by such systems;

37 8. the total amount of revenue realized by such political subdivision
38 from such adjudications;

39 9. expenses incurred by such political subdivision in connection with
40 the program; and

41 10. quality of the adjudication process and its results.

42 (n) It shall be a defense to any prosecution for a violation of
43 section eleven hundred seventy of this article pursuant to a local law
44 or ordinance adopted pursuant to this section that the railroad signal
45 indications were malfunctioning at the time of the alleged violation.

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

48 (p) are photographs, microphotographs, videotape or other recorded
49 images prepared under the authority of section eleven hundred seventy-a
50 of the vehicle and traffic law.

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

1 Section 1. Subdivision 13 of section 401 of the vehicle and traffic
2 law, as amended by chapter 295 of the laws of 2016, is amended to read
3 as follows:

4 13. Registration of motor vehicles, trailers and semitrailers operated
5 upon public highways connecting portions of a farm or farms, municipal
6 sanitary landfills, licensed motor vehicle repair shops and the point of
7 sale of the vehicle. Motor vehicles, other than motor vehicles manufac-
8 tured and equipped primarily for the transportation of passengers,
9 trailers and semitrailers, to be operated by any person, upon a public
10 highway for the purpose of traveling by the most direct route, but in no
11 event further than twenty-five miles one-way from a point on the farm as
12 designated by the vehicle owner [~~and set forth in an attachment to the~~
13 ~~vehicle registration~~], (a) between fields, buildings, and facilities
14 managed or operated as part of a single farm enterprise in connection
15 with the production, harvesting, processing or marketing on that farm of
16 crops, livestock, or livestock products produced on that farm; or (b)
17 for the purpose of transporting materials from a farm to the nearest
18 available municipal sanitary landfill; or (c) for the purpose of trans-
19 porting the motor vehicle, trailer or semitrailer to a motor vehicle
20 repair shop licensed pursuant to this chapter for the repair or adjust-
21 ment of equipment provided that, in addition to the route restrictions
22 set forth in this subdivision, no such transport shall be authorized (i)
23 if such vehicle has an out-of-service defect relating to load secure-
24 ment, brake systems, steering components and/or coupling devices, or
25 after it has been placed out-of-service; (ii) on any limited access
26 highway; and (iii) during the period of one hour before sunset to one
27 hour after sunrise; or (d) for the purpose of transporting the motor
28 vehicle, trailer or semitrailer, at the time of first receipt, from its
29 point of sale to a farm, may be registered as provided in this subdivi-
30 sion. Every owner of such vehicles may cause to be filed by mail or
31 otherwise, with the commissioner or with any agent of the commissioner,
32 an application for registration of such vehicle, addressed to the
33 commissioner, and on a blank to be furnished by the commissioner for
34 that purpose, containing the information required by subdivision one of
35 this section and such other information as the commissioner shall
36 require. The commissioner or agent shall make such investigation, as he
37 or she shall determine necessary, and if satisfied that the vehicle is
38 to be operated exclusively as provided in this subdivision shall, upon
39 the payment of a fee of one dollar, assign to such vehicle a distinctive
40 number and issue and deliver to the applicant a set of number plates and
41 a certificate of registration in such form as the commissioner shall
42 prescribe, indicating the extent to which the vehicle registered may be
43 operated on the public highways and such vehicle may be operated only as
44 so indicated. For the purposes of this subdivision, the terms "farm" and
45 "crops, livestock or livestock products," shall have the same meaning as
46 "land used in agricultural production" and "crops, livestock and live-
47 stock products," respectively, as defined in section three hundred one
48 of the agriculture and markets law, except that farmers with an average
49 gross sales value of at least one thousand dollars per year of crops,
50 livestock, and livestock products shall be eligible to register vehicles
51 pursuant to this subdivision.

52 § 2. This act shall take effect immediately.

1 Section 1. Toll advisory task force. 1. The commissioner of transpor-
 2 tation and the chairman of the New York state thruway authority shall
 3 convene a toll advisory task force to review toll rates, commuter
 4 discount options, resident discount programs and commercial vehicle
 5 rates in order to ensure affordable travel on the toll roads and bridges
 6 within the state.

7 2. Such task force shall consist of eight members. Such members shall
 8 be as follows: two members appointed by the governor; two members
 9 appointed by the temporary president of the senate; two members
 10 appointed by the speaker of the assembly; the commissioner of transpor-
 11 tation, or his or her designee; and the chairman of the New York state
 12 thruway authority, or his or her designee.

13 3. The task force shall be co-chaired by the commissioner of transpor-
 14 tation and the chairman of the New York state thruway authority, or
 15 their designees.

16 4. The goals of the task force shall include, but are not limited to,
 17 the study and evaluation of:

18 (a) current toll rates;

19 (b) commuter discount programs;

20 (c) resident discount programs;

21 (d) rates issued for commercial vehicles; and

22 (e) potential toll increases as related to funding for the New NY
 23 bridge.

24 5. The task force shall hold monthly public hearings. During the
 25 public hearings, the task force shall hear the testimony of voluntary
 26 witnesses, may compel the testimony of witnesses, and may require the
 27 production of any documents the task force deems reasonably necessary to
 28 carry out its responsibilities.

29 6. The task force shall make a report to the governor and the legisla-
 30 ture of its findings, conclusions and recommendations on or before
 31 September 1, 2018.

32 § 2. This act shall take effect immediately.

33 PART AAA

34 Section 1. Section 1620 of the vehicle and traffic law is amended by
 35 adding a new subdivision (a-1) to read as follows:

36 (a-1) Notwithstanding the provisions of subdivision (a) of this
 37 section or any other provision of law authorizing cities having a popu-
 38 lation of one million or more to establish maximum speed limits on state
 39 highways, the department of transportation shall establish a maximum
 40 speed limit of thirty miles per hour on state route nine hundred eight
 41 H, better known as "Ocean parkway", in the county of Kings.

42 § 2. This act shall take effect on the thirtieth day after it shall
 43 have become a law.

44 PART BBB

45 Section 1. Section 73-d of the transportation law, as amended by chap-
 46 ter 562 of the laws of 1987, is amended to read as follows:

47 § 73-d. Interagency coordinating committee on rural public transporta-
 48 tion. 1. There is hereby created a committee to be known as the "intera-
 49 gency coordinating committee on rural public transportation", to be
 50 comprised of nineteen members. The commissioner or his or her designee
 51 shall serve as chairperson. Twelve of such members shall be the follow-
 52 ing or his or her duly designated representative: the director of the

1 office for the aging; the commissioner of education; the commissioner of
 2 labor; the commissioner of health; the commissioner of the office of
 3 mental health; the commissioner of the office of alcoholism and
 4 substance abuse; the commissioner of the office [~~of mental retardation~~
 5 ~~and~~] for people with developmental disabilities; the commissioner of
 6 [~~social services; state advocate for the disabled~~] the office for tempo-
 7 rary and disability assistance; the executive director of the New York
 8 state justice center for the protection of people with special needs;
 9 the secretary of state; the commissioner of agriculture and markets[~~+~~
 10 ~~the director of the office of rural affairs~~] and the [~~director of the~~
 11 ~~division for youth~~] commissioner of the office of children and family
 12 services. Six additional members, all of whom shall be transportation
 13 providers or consumers representing rural counties shall be appointed to
 14 serve a term of three years as follows: two by the [~~president pro-tem-~~
 15 ~~pere~~] temporary president of the senate, two by the speaker of the
 16 assembly, one by the minority leader of the senate, and one by the
 17 minority leader of the assembly. Efforts shall be made to provide a
 18 broad representation of consumers and providers of transportation
 19 services in rural counties when making such appointments. [~~Members of~~
 20 ~~the committee shall receive no salary.~~] The six members appointed by the
 21 legislature, as well as the commissioner or his or her designee, shall
 22 be the voting members. The balance of the committee will serve in an
 23 advisory or consulting capacity. The committee shall keep a record of
 24 its official actions.

25 The commissioner shall cause the department to provide staff assist-
 26 ance necessary for the efficient and effective operation of the commit-
 27 tee.

28 2. The committee shall[~~+~~] meet at least once every three months and
 29 shall report to the speaker of the assembly, the temporary president of
 30 the senate, and the governor annually, beginning October first, two
 31 thousand seventeen. The annual report shall:

32 a. identify existing rural transportation systems and provide data on
 33 ridership, revenue, and financial challenges for each system;

34 b. identify rural populations currently utilizing public transporta-
 35 tion, as well as populations in need of public transportation without
 36 access, and discuss recommendations for maintaining and expanding
 37 services;

38 c. include a breakdown by county of cost savings, modes of transporta-
 39 tion provided to Medicaid patients, and rates of utilization of public
 40 transportation by Medicaid patients;

41 d. identify programs and the annual amounts and sources of funds from
 42 such programs that are eligible to be used to support a coordinated
 43 public transportation service, and the annual amounts and sources of
 44 such funds that are actually used for client transportation or for
 45 transportation of persons in connection with agency-affiliated programs
 46 or services; such data shall be provided on a county basis;

47 [~~b-~~] e. identify restrictions on existing programs that inhibit funds
 48 from such programs being used to pay for a coordinated public transpor-
 49 tation service in rural counties;

50 [~~e-~~] f. recommend changes in state or local laws or regulations that
 51 would improve the coordination of funds, facilities, vehicles or equip-
 52 ment and other resources used for transportation at the local level[~~+~~

53 ~~d. upon request, compile and forward to the commissioner any data or~~
 54 ~~other information required by this section].~~

55 3. The committee shall be required to examine reimbursement rates
 56 developed by transportation managers pursuant to subdivision four of

1 section three hundred sixty-five-h of the social services law for coun-
2 ties with a population of two hundred thousand or less. The committee
3 shall submit recommendations for proposed and effective rates for rural
4 communities to the commissioner of health with recommendations includ-
5 ing, but not limited to, adjustments to individual ridership fares for
6 public transportation utilization, rates for low-cost coordinated trans-
7 portation with other human service agencies, and rates for private
8 transportation with considerations of availability and cost savings.

9 The commissioner of health shall consult with the committee prior to
10 approval of rates proposed under subdivision four of section three
11 hundred sixty-five-h of the social services law for counties with a
12 population of two hundred thousand or less. Any proposal for a rate
13 adjustment for rural communities after approval shall be examined by the
14 committee prior to approval by the commissioner.

15 4. A majority of the whole number of voting members of the committee
16 shall constitute a quorum for the transaction of the committee's busi-
17 ness. The committee shall have the power to act by a majority vote of
18 the voting members. Committee members shall hold office until their
19 successors have been appointed and have qualified. The selection of
20 successors to fill a vacancy shall be made in the same manner in which
21 the retiring committee members shall have been selected. Members of the
22 committee shall receive no salary or other compensation, but shall be
23 entitled to their actual and necessary expenses, including traveling
24 expenses incurred in the discharge of their duties.

25 § 2. This act shall take effect immediately.

26 PART CCC

27 Section 1. The opening paragraph of subdivision 5-a of section 340-b
28 of the highway law, as amended by chapter 30 of the laws of 1987, is
29 amended to read as follows:

30 The commissioner of transportation and the city of New York, acting
31 through the mayor or other administrative head thereof, pursuant to a
32 resolution of the governing body of such city, are authorized to enter
33 into a written agreement for the maintenance and repair, under the
34 supervision and subject to the approval of the commissioner of transpor-
35 tation, of any state interstate highway or portion thereof, exclusive of
36 service roads and pavement on intersecting street bridges, which is
37 within the boundaries of such city and which is now or which shall here-
38 after be designated in section three hundred forty-a of this chapter and
39 which has been constructed or which shall have been constructed as
40 authorized by section three hundred forty-a of this chapter. Such agree-
41 ment may provide that the state shall pay annually to such city a sum to
42 be computed at the rate of (a) not more than [~~eighty-five~~] one dollar
43 and seventy-seven cents per square yard of the pavement area that is
44 included in the state highway system according to the provisions of this
45 section, and (b) an additional [~~ten~~] twenty cents per square yard of
46 such pavement area where such pavement area is located on any elevated
47 bridge, such rate shall be increased in each year of the agreement by
48 the percentage change in the consumer price index for all urban consum-
49 ers (CPI-U), New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, as
50 published by the United States department of labor bureau of labor
51 statistics, over the prior five years.

52 § 2. The opening paragraph of subdivision 7 of section 349-c of the
53 highway law, as amended by chapter 30 of the laws of 1987, is amended to
54 read as follows:

1 The commissioner of transportation and any city named in this article,
 2 acting through the mayor or other administrative head thereof, pursuant
 3 to a resolution of the governing body of such city except the city of
 4 New York, are authorized to enter into a written agreement for the main-
 5 tenance and repair, under the supervision and subject to the approval of
 6 the commissioner, of any public street, main route or thoroughfare or
 7 portion thereof, exclusive of service roads and pavement on intersecting
 8 street bridges, which is within the boundaries of such city and which is
 9 now or which shall hereafter be designated in this article and which has
 10 been constructed or which shall have been constructed as authorized by
 11 [~~articles~~] this article and article four [~~and twelve-B~~] of this chapter
 12 and with grants made available by the federal government pursuant to the
 13 federal aid highway act of nineteen hundred forty-four, being public law
 14 five hundred twenty-one of the seventy-eighth congress, chapter six
 15 hundred twenty-six, second session, as approved on the twentieth day of
 16 December, nineteen hundred forty-four. Such agreement may provide that
 17 the state shall pay annually to such city a sum to be computed at the
 18 rate of (a) not more than [~~eighty-five~~] one dollar and seventy-seven
 19 cents per square yard of the pavement area that is included in the state
 20 highway system according to the provisions of this section, and (b) an
 21 additional [~~ten~~] twenty cents per square yard of such pavement area
 22 where such pavement area is located on any elevated bridge, such rate
 23 shall be increased in each year of the agreement by the percentage
 24 change in the consumer price index for all urban consumers (CPI-U), New
 25 York-Northern New Jersey-Long Island, NY-NJ-CT-PA, as published by the
 26 United States department of labor bureau of labor statistics, over the
 27 prior five years.

28 § 3. This act shall take effect immediately; provided, however, that
 29 section one of this act shall take effect on the same date and in the
 30 same manner as a chapter of the laws of 2017 amending the general munic-
 31 ipal law and the municipal home rule law, relating to limitation upon
 32 real property tax levies in cities with a population of one million or
 33 more, as proposed in legislative bill number S. 2006-B, takes effect.

34 PART DDD

35 Section 1. Paragraph b of subdivision 2 of section 510 of the vehicle
 36 and traffic law is amended by adding a new subparagraph (xviii) to read
 37 as follows:

38 (xviii) for a period of sixty days where the holder has been convicted
 39 of two violations, committed within a period of eighteen months, of
 40 subdivision (c) of section eleven hundred eighty of this chapter.

41 § 2. This act shall take effect on the first of September next
 42 succeeding the date on which it shall have become a law.

43 PART EEE

44 Section 1. Paragraph (a) of subdivision 1 of section 1197 of the vehi-
 45 cle and traffic law, as separately amended by chapters 196 and 688 of
 46 the laws of 1996 and subparagraph 3 as amended by chapter 345 of the
 47 laws of 2007, is amended to read as follows:

48 (a) Where a county establishes a special traffic options program for
 49 driving while intoxicated, pursuant to this section, it shall receive
 50 fines and forfeitures collected by any court, judge, magistrate or other
 51 officer within that county, including, where appropriate, a hearing
 52 officer acting on behalf of the commissioner[~~r~~]: (1) imposed for

1 violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivi-
2 sion two or subparagraph (i) of paragraph (a) of subdivision three of
3 section five hundred eleven of this chapter; (2) imposed in accordance
4 with the provisions of section eleven hundred ninety-three, paragraph
5 (f) of subdivision seven of section eleven hundred ninety-six, subdivi-
6 sion nine of section eleven hundred ninety-eight, and civil penalties
7 imposed pursuant to subdivision two of section eleven hundred ninety-
8 four-a of this article, including, where appropriate, a hearing officer
9 acting on behalf of the commissioner, from violations of sections eleven
10 hundred ninety-two, eleven hundred ninety-two-a and findings made under
11 section eleven hundred ninety-four-a of this article; and (3) imposed
12 upon a conviction for: aggravated vehicular assault, pursuant to section
13 120.04-a of the penal law; vehicular assault in the first degree, pursu-
14 ant to section 120.04 of the penal law; vehicular assault in the second
15 degree, pursuant to section 120.03 of the penal law; aggravated vehicu-
16 lar homicide, pursuant to section 125.14 of the penal law; vehicular
17 manslaughter in the first degree, pursuant to section 125.13 of the
18 penal law; and vehicular manslaughter in the second degree, pursuant to
19 section 125.12 of the penal law, as provided in section eighteen hundred
20 three of this chapter. Upon receipt of these moneys, the county shall
21 deposit them in a separate account entitled "special traffic options
22 program for driving while intoxicated," and they shall be under the
23 exclusive care, custody, and control of the chief fiscal officer of each
24 county participating in the program.

25 § 2. The opening paragraph of subdivision 9 of section 1803 of the
26 vehicle and traffic law, as amended by chapter 345 of the laws of 2007,
27 is amended to read as follows:

28 Where a county establishes a special traffic options program for driv-
29 ing while intoxicated, approved by the commissioner [~~of motor vehicles~~],
30 pursuant to section eleven hundred ninety-seven of this chapter, all
31 fines, penalties and forfeitures: (a) imposed and collected [~~from~~] for
32 violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivi-
33 sion two or subparagraph (i) of paragraph (a) of subdivision three of
34 section five hundred eleven [~~, all fines, penalties and forfeitures~~] of
35 this chapter; (b) imposed and collected in accordance with section elev-
36 en hundred ninety-three of this chapter [~~collected from~~] for violations
37 of section eleven hundred ninety-two of this chapter; [~~and any fines or~~
38 ~~forfeitures~~] (c) imposed and collected for violations of paragraph (f)
39 of subdivision seven of section eleven hundred ninety-six of this chap-
40 ter or for violations of subdivision nine of section eleven hundred
41 ninety-eight of this chapter; (d) collected by any court, judge, magis-
42 trate or other officer imposed upon a conviction for: aggravated vehicu-
43 lar assault, pursuant to section 120.04-a of the penal law; vehicular
44 assault in the first degree, pursuant to section 120.04 of the penal
45 law; vehicular assault in the second degree, pursuant to section 120.03
46 of the penal law; aggravated vehicular homicide, pursuant to section
47 125.14 of the penal law; vehicular manslaughter in the first degree,
48 pursuant to section 125.13 of the penal law; and vehicular manslaughter
49 in the second degree, pursuant to section 125.12 of the penal law; and
50 (e) civil penalties imposed pursuant to subdivision two of section elev-
51 en hundred ninety-four-a of this chapter, shall be paid to such county.

52 § 3. Subdivisions 1 and 2 of section 1809-c of the vehicle and traffic
53 law, as added by section 37 of part J of chapter 62 of the laws of 2003,
54 are amended to read as follows:

55 1. Notwithstanding any other provision of law, whenever proceedings in
56 a court of this state result in a conviction pursuant to: (a) section

1 eleven hundred ninety-two of this chapter; (b) subparagraphs (ii) and
2 (iii) of paragraph (a) of subdivision two or subparagraph (i) of para-
3 graph (a) of subdivision three of section five hundred eleven of this
4 chapter; (c) paragraph (f) of subdivision seven of section eleven
5 hundred ninety-six of this chapter; or (d) subdivision nine of section
6 eleven hundred ninety-eight of this chapter, there shall be levied, in
7 addition to any sentence or other surcharge required or permitted by
8 law, an additional surcharge of twenty-five dollars.

9 2. The additional surcharge provided for in subdivision one of this
10 section shall be paid to the clerk of the court that rendered the
11 conviction. Within the first ten days of the month following collection
12 of the surcharge the collecting authority shall determine the amount of
13 surcharge collected and it shall pay such money to the state comptroller
14 who shall deposit such money in the state treasury pursuant to section
15 one hundred twenty-one of the state finance law to the credit of the
16 general fund; provided, however, commencing on the first day of April,
17 two thousand eighteen and every fiscal year thereafter, the state comp-
18 troller shall deposit such money to the credit of the impaired driving
19 safety fund pursuant to section eighty-nine-i of the state finance law
20 and such money shall be distributed in accordance with the provisions of
21 such section.

22 § 4. Paragraph b of subdivision 1 and subdivision 2 of section 1809-e
23 of the vehicle and traffic law, as added by section 1 of part EE of
24 chapter 56 of the laws of 2008, are amended to read as follows:

25 b. Notwithstanding any other provision of law, whenever proceedings in
26 a court of this state result in a conviction pursuant to: (1) section
27 eleven hundred ninety-two of this chapter; (2) subparagraphs (ii) and
28 (iii) of paragraph (a) of subdivision two or subparagraph (i) of para-
29 graph (a) of subdivision three of section five hundred eleven of this
30 chapter; (3) paragraph (f) of subdivision seven of section eleven
31 hundred ninety-six of this chapter; or (4) subdivision nine of section
32 eleven hundred ninety-eight of this chapter, there shall be levied, in
33 addition to any sentence or other surcharge required or permitted by
34 law, an additional surcharge of one hundred seventy dollars.

35 2. The additional surcharges provided for in subdivision one of this
36 section shall be paid to the clerk of the court or administrative tribu-
37 nal that rendered the conviction. Within the first ten days of the month
38 following collection of such surcharges, the collecting authority shall
39 pay such money to the state comptroller to be deposited to the general
40 fund; provided, however, commencing on the first day of April, two thou-
41 sand eighteen and every fiscal year thereafter, the state comptroller
42 shall deposit such money to the credit of the impaired driving safety
43 fund pursuant to section eighty-nine-i of the state finance law and such
44 money shall be distributed in accordance with the provisions of such
45 section.

46 § 5. The state finance law is amended by adding a new section 89-i to
47 read as follows:

48 § 89-i. Impaired driving safety fund. 1. There is hereby established
49 in the custody of the comptroller, a special fund to be known as the
50 "impaired driving safety fund".

51 2. Such fund shall consist of all moneys received by the state for the
52 collection of surcharges imposed pursuant to sections eighteen hundred
53 nine-c and eighteen hundred nine-e of the vehicle and traffic law and
54 all other grants, bequests or other moneys appropriated, credited or
55 transferred thereto from any other fund or source pursuant to law.

1 3. Moneys in the impaired driving safety fund shall be made available
2 to the department of motor vehicles only for the costs associated with
3 monitoring persons subject to the ignition interlock program as set
4 forth in section eleven hundred ninety-eight of the vehicle and traffic
5 law, and for the distribution of annual grants to eligible programs
6 established pursuant to section eleven hundred ninety-seven of the vehi-
7 cle and traffic law exclusively for the purposes, functions and duties
8 set forth in section eleven hundred ninety-seven of the vehicle and
9 traffic law.

10 4. The moneys of the fund shall be paid out on the audit and warrant
11 of the comptroller on vouchers certified or approved by the commissioner
12 of motor vehicles, including advance of funds, if necessary, for costs
13 incurred by a county for monitoring persons subject to the ignition
14 interlock program. At the end of each year any moneys remaining in the
15 fund shall be retained in the fund exclusively for the purposes set
16 forth herein and shall not revert to the general fund. The interest and
17 income earned on moneys in the fund after deducting applicable charges
18 shall be credited to the fund.

19 § 6. This act shall take effect on the first of November next succeed-
20 ing the date on which it shall have become a law.

21 PART FFF

22 Section 1. The environmental conservation law is amended by adding a
23 new section 11-0935 to read as follows:

24 § 11-0935. Yearling buck protection program.

25 1. Definitions. a. "Antlered deer" means a deer with at least one
26 antler measuring three inches or more in length.

27 b. "Wildlife management unit" means wildlife regions as demarcated by
28 the department.

29 2. Restrictions and applicability. a. Any person who hunts or takes
30 antlered deer under a valid permit or license during the bow hunting,
31 regular and muzzleloading deer seasons is restricted to the hunting or
32 taking of antlered deer with at least one antler with at least three
33 points in wildlife management units 3G, 3M, 3N, 3P, 3R, 4B, 4C, 4F, 4H,
34 4J, 4K, 4L, 4T, 4U, 4Y, 4Z, 5R, 5S, 5T, 7M, 7P, 6A, 6G, 6H, 6C, 6K and
35 taking of antlered deer with at least one antler with at least four
36 points in wildlife management units 7R, 7S, 8N, 8P, 8R, 8T, 8W, 8Y, 9G,
37 9H, 9J, 9K, 9M, 9N, 9P, 9R, 9S, 9T, 9W, 9X, 9Y, 7A, 7F, 7J, 6P, 6S, 6R,
38 and 4A; each point must be at least one inch long measured from the main
39 antler beam.

40 b. The yearling buck protection program applies to all public and
41 private land within the wildlife management units set forth in this
42 section.

43 3. Applicability. The restrictions set forth in this section shall
44 only apply to the wildlife management units set forth in this section.

45 4. Exemptions from requirements. Hunters under the age of seventeen
46 are exempt from the provisions of this section and may take any deer
47 with antler or antlers measuring three inches or more in length.

48 § 2. This act shall take effect immediately.

49 PART GGG

50 Section 1. Paragraph a of subdivision 1, the closing paragraph of
51 paragraph a of subdivision 2, paragraphs 1 and 2 of subdivision 3,
52 subdivision 5 and subdivision 9 of section 11-0701 of the environmental

1 conservation law, paragraph a of subdivision 1 as amended by section 21
2 and subdivision 9 as amended by section 17 of part EE of chapter 55 of
3 the laws of 2014, the closing paragraph of paragraph a of subdivision 2,
4 paragraphs 1 and 2 of subdivision 3 and subdivision 5 as amended by
5 section 1-a of part R of chapter 58 of the laws of 2013, are amended to
6 read as follows:

7 a. entitles a holder who is twelve or thirteen years of age to hunt
8 wildlife, except big game, as provided in title 9 of this article
9 subject, specifically, to the provisions of section 11-0929 of this
10 article. It entitles such holder to possess firearms as provided in
11 section 265.05 of the penal law. [~~A holder who is twelve or thirteen~~
12 ~~years of age shall not hunt with a crossbow.~~]

13 A holder may take fish with a longbow or crossbow as provided in
14 titles 9 and 13 of this article.

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

20 (2) who is eighteen years of age or older to hunt wild deer and bear
21 with a longbow or crossbow, as provided in title 9 of this article, in a
22 special [~~longbow~~] archery season; and

23 5. A non-resident bear tag entitles a person who has not been a resi-
24 dent of the state for more than thirty days who also possesses a hunting
25 license to hunt bear during the regular open season therefor or in an
26 open season fixed by regulation pursuant to subdivision eight of section
27 11-0903 of this article. It entitles a non-resident holder who also
28 possesses a hunting license with bowhunting privilege to hunt bear with
29 a longbow or crossbow during the open bear season. It entitles a non-re-
30 sident holder who also possesses a hunting license with muzzle-loading
31 privilege to hunt bear with a muzzleloader during the open bear season.

32 9. A muzzle-loading privilege when included on a hunting license enti-
33 tles a holder who is fourteen years of age or older to hunt wild deer
34 and bear with a muzzle-loading firearm [~~or crossbow~~], as provided in
35 title 9 of this article, in a special muzzle-loading firearm season.

36 § 2. Paragraph b of subdivision 6 of section 11-0703 of the environ-
37 mental conservation law, as amended by section 2 of part R of chapter 58
38 of the laws of 2013, is amended to read as follows:

39 b. Except as provided in section 11-0707 and section 11-0709 of this
40 title, no person shall (1) hunt wild deer or bear unless such person
41 holds and is entitled to exercise the privileges of a hunting license,
42 and meets the requirements of this article; (2) hunt wild deer or bear
43 with a longbow or crossbow in a special [~~longbow~~] archery season unless
44 such person holds and is entitled to exercise the privileges of a hunt-
45 ing license with a bowhunting privilege and meets the requirements of
46 this article; or (3) hunt wild deer or bear with a muzzle-loading
47 firearm in a special muzzle-loading firearm season unless such person is
48 at least fourteen years old and holds a hunting license with a muzzle-
49 loading privilege and meets the requirements of this article.

50 § 3. Subdivision 6 of section 11-0713 of the environmental conserva-
51 tion law is REPEALED.

52 § 4. Subparagraph 3 of paragraph c of subdivision 3 of section 11-0901
53 of the environmental conservation law is REPEALED.

54 § 5. Paragraph c of subdivision 3 of section 11-0901 of the environ-
55 mental conservation law, as amended by section 19 of part EE of chapter
56 55 of the laws of 2014, is amended to read as follows:

1 c. Wild small game and wild upland game birds shall be taken only by
2 longbow, crossbow or gun, or by the use of raptors as provided in title
3 10 of this article, except that:

4 (1) skunk, raccoon, bobcat, coyote, fox, mink and muskrat may be taken
5 in any manner not prohibited in this section or in title 11 of the Fish
6 and Wildlife Law; and

7 (2) frogs may also be taken by spearing, catching with the hands, or
8 by the use of a club or hook~~[, and]~~.

9 § 6. Subparagraph 9 of paragraph b and subparagraph 9 of paragraph c
10 of subdivision 4 of section 11-0901 of the environmental conservation
11 law, subparagraph 9 of paragraph b as added by section 6 and subpara-
12 graph 9 of paragraph c as added by section 7 of part EE of chapter 55 of
13 the laws of 2014, are amended to read as follows:

14 (9) with a crossbow unless such crossbow shall consist of a bow and
15 string, either compound or recurve, that launches a minimum fourteen
16 inch ~~[bent]~~ arrow, not including point, mounted upon a stock with a
17 trigger that holds the string and limbs under tension until released.
18 The trigger unit of such crossbow must have a working safety. The ~~[mini-~~
19 ~~mum limb width of such crossbow shall be seventeen inches, have a]~~ mini-
20 mum peak draw weight ~~[of]~~ shall be one hundred pounds ~~[and a maximum~~
21 ~~peak draw weight of two hundred pounds]~~. The minimum overall length of
22 such crossbow from buttstock to front of limbs shall be twenty-four
23 inches.

24 (9) with a crossbow unless such crossbow shall consist of a bow and
25 string, either compound or recurve, that launches a minimum fourteen
26 inch ~~[bent]~~ arrow, not including point, mounted upon a stock with a
27 trigger that holds the string and limbs under tension until released.
28 The trigger unit of such crossbow must have a working safety. The ~~[mini-~~
29 ~~mum limb width of such crossbow shall be seventeen inches, have a]~~ mini-
30 mum peak draw weight ~~[of]~~ shall be one hundred pounds ~~[and a maximum~~
31 ~~peak draw weight of two hundred pounds]~~. The minimum overall length of
32 such crossbow from buttstock to front of limbs shall be twenty-four
33 inches.

34 § 7. Subdivision 13 of section 11-0901 of the environmental conserva-
35 tion law, as amended by section 23 of part R of chapter 58 of the laws
36 of 2013, is amended to read as follows:

37 13. Persons engaged in hunting deer and/or bear with a longbow or a
38 crossbow must possess a current bowhunting privilege or a valid certif-
39 icate of qualification in responsible bowhunting practices issued or
40 honored by the department.

41 § 8. Subdivisions 11 and 16 of section 11-0901 of the environmental
42 conservation law are REPEALED.

43 § 9. Section 11-0903 of the environmental conservation law is amended
44 by adding a new subdivision 12 to read as follows:

45 12. Notwithstanding any inconsistent provision of this article, the
46 department is authorized to adopt regulations which authorize the taking
47 of wildlife by the use of crossbow. A summary of regulations adopted
48 pursuant to this subdivision shall be published each year in the hunting
49 syllabus issued pursuant to section 11-0323 of this article.

50 § 10. Subdivision 10 of section 11-0907 of the environmental conserva-
51 tion law is REPEALED.

52 § 11. Subdivision 1 of section 11-0929 of the environmental conserva-
53 tion law, as amended by section 20 of part EE of chapter 55 of the laws
54 of 2014, is amended to read as follows:

55 1. A licensee who is twelve or thirteen years of age shall not hunt
56 wildlife with a gun, crossbow or a longbow unless he or she is accompa-

1 nied by his or her parent or legal guardian, or by a person twenty-one
 2 years of age or older designated in writing by his or her parent or
 3 legal guardian on a form prescribed by the department, who holds a hunt-
 4 ing license. [~~A licensee who is twelve or thirteen years of age shall~~
 5 ~~not hunt with a crossbow.~~]

6 § 12. Subparagraph 5 of paragraph b of subdivision 2 of section
 7 11-0929 of the environmental conservation law is REPEALED and subpara-
 8 graph 6 is renumbered subparagraph 5.

9 § 13. Subparagraph 2 of paragraph a and subparagraph 1 of paragraph b
 10 of subdivision 4 of section 11-0931 of the environmental conservation
 11 law, as amended by section 8 of part EE of chapter 55 of the laws of
 12 2014, are amended to read as follows:

13 (2) discharge a firearm within five hundred feet, a long bow within
 14 one hundred fifty feet, or a crossbow within [~~two~~] one hundred fifty
 15 feet from a dwelling house, farm building or farm structure actually
 16 occupied or used, school building, school playground, public structure,
 17 or occupied factory or church;

18 (1) The owner or lessee of the dwelling house, or members of his imme-
 19 diate family actually residing therein, or a person in his employ, or
 20 the guest of the owner or lessee of the dwelling house acting with the
 21 consent of said owner or lessee, provided however, that nothing herein
 22 shall be deemed to authorize such persons to discharge a firearm within
 23 five hundred feet, a long bow within one hundred fifty feet, or a cross-
 24 bow within [~~two~~] one hundred fifty feet of any other dwelling house, or
 25 a farm building or farm structure actually occupied or used, or a school
 26 building or playground, public structure, or occupied factory or church;

27 § 14. Section 11-0933 of the environmental conservation law, as added
 28 by section 22 of part EE of chapter 55 of the laws of 2014, is amended
 29 to read as follows:

30 § 11-0933. Taking small game by crossbow.

31 Notwithstanding any provision of this chapter, or any prior notwith-
 32 standing language in this article, the department may, by regulation,
 33 authorize the taking of small game and wild upland game birds by the use
 34 of a crossbow by any licensed person [~~fourteen~~] twelve years of age or
 35 older, in any small game season[~~, in any area designated in items (a),~~
 36 ~~(b), (c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision~~
 37 ~~two of section 11-0907 of this title in which a shotgun or muzzle loader~~
 38 ~~is permitted].~~

39 § 15. This act shall take effect immediately.

40 PART HHH

41 Section 1. Section 19-0323 of the environmental conservation law, as
 42 added by chapter 629 of the laws of 2006, subdivisions 3, 5 and 7 as
 43 amended by section 1 of part X of chapter 58 of the laws of 2016, and
 44 subdivisions 6 and 8 as renumbered by section 1 of part C of chapter 59
 45 of the laws of 2010, is amended to read as follows:

46 § 19-0323. Use of ultra low sulfur diesel fuel and best available tech-
 47 nology by the state.

48 1. As used in this section, the terms:

49 a. "Ultra low sulfur diesel fuel" means diesel fuel having sulfur
 50 content of 0.0015 [~~per cent~~] percent of sulfur or less.

51 b. "Heavy duty vehicle" or "vehicle" means any on and off-road vehicle
 52 powered by diesel fuel and having a gross vehicle weight of greater than
 53 8,500 pounds, except that those vehicles defined in section [~~101~~] one
 54 hundred one of the vehicle and traffic law, paragraph [~~2~~] two of sched-

1 ule E and paragraph (a) of schedule F of subdivision [7] seven of
2 section [401] four hundred one of such law, and vehicles specified in
3 subdivision [13] thirteen of section [401] four hundred one of such law,
4 and farm type tractors and all terrain type vehicles used exclusively
5 for agricultural or mowing purposes, or for snow plowing, other than for
6 hire, farm equipment, including self-propelled machines used exclusively
7 in growing, harvesting or handling farm produce, and self-propelled
8 caterpillar or crawler-type equipment while being operated on the
9 contract site, and timber harvesting equipment such as harvesters, wood
10 chippers, forwarders, log skidders, and other processing equipment used
11 exclusively off highway for timber harvesting and logging purposes,
12 shall not be deemed heavy duty vehicles for purposes of this section.
13 This term shall not include vehicles that are specially equipped for
14 emergency response by the department, office of emergency management,
15 sheriff's office of the department of finance, police department or fire
16 department.

17 c. "Best available retrofit technology" means technology, verified by
18 the United States environmental protection agency for reducing the emis-
19 sion of pollutants that achieves reductions in particulate matter emis-
20 sions at the highest classification level for diesel emission control
21 strategies that is applicable to the particular engine and application.
22 Such technology shall also, at a reasonable cost, achieve the greatest
23 reduction in emissions of nitrogen oxides at such particulate matter
24 reduction level and shall in no event result in a net increase in the
25 emissions of either particulate matter or nitrogen oxides.

26 d. "Reasonable cost" means that such technology does not cost greater
27 than 30 percent more than other technology applicable to the particular
28 engine and application that falls within the same classification level
29 for diesel emission control strategies, as set forth in paragraph c of
30 this subdivision, when considering the cost of the strategies, them-
31 selves, and the cost of installation.

32 2. Any diesel powered heavy duty vehicle that is owned by, operated by
33 or on behalf of, or leased by a state agency and state and regional
34 public authority shall be powered by ultra low sulfur diesel fuel.

35 3. Any diesel powered heavy duty vehicle that is owned by, operated by
36 [~~or on behalf of,~~] or leased by a state agency and state and regional
37 public authority with more than half of its governing body appointed by
38 the governor shall utilize the best available retrofit technology for
39 reducing the emission of pollutants. The commissioner shall promulgate
40 regulations for the implementation of this subdivision specifying that
41 all vehicles covered by this subdivision shall have best available
42 retrofit technology on or before December [31, 2017] thirty-first, two
43 thousand nineteen.

44 This subdivision shall not apply to any vehicle subject to a lease or
45 public works contract entered into or renewed prior to the effective
46 date of this section.

47 4. In addition to other provisions for regulations in this section,
48 the commissioner shall promulgate regulations as necessary and appropri-
49 ate to carry out the provisions of this act including but not limited to
50 provision for waivers upon written finding by the commissioner that (a)
51 best available retrofit technology for reducing the emissions of pollu-
52 tants as required by subdivision [3] three of this section is not avail-
53 able for a particular vehicle or class of vehicles and (b) that ultra
54 low sulfur diesel fuel is not available.

55 5. In addition to any waiver which may be issued pursuant to subdivi-
56 sion four of this section, the department shall issue a waiver to a

1 state agency[~~7~~] ~~or~~ a state or regional public authority[~~7, or a person~~
2 ~~operating any diesel-powered heavy duty vehicle on behalf of a state~~
3 ~~agency, state or regional public authority,~~] upon a request in a form
4 acceptable to the department for a waiver from the provisions of subdivi-
5 sion three of this section for a vehicle engine provided that such
6 vehicle engine will cease to be used in the state on or before December
7 thirty-first, two thousand [~~eighteen~~] twenty-two. Any waiver issued
8 pursuant to this subdivision shall expire when a state agency[~~, a state~~
9 ~~or regional public authority, or a person operating any diesel-powered~~
10 ~~heavy duty vehicle on behalf of a state agency,~~] or a state or regional
11 public authority ceases to use the engine in the state but not later
12 than December thirty-first, two thousand [~~eighteen~~] twenty-two.

13 6. This section shall not apply where federal law or funding precludes
14 the state from imposing the requirements of this section.

15 7. On or before January [~~1, 2008~~] first, two thousand eight and every
16 year thereafter, the commissioner shall report to the governor and
17 legislature on the use of ultra low sulfur diesel fuel. On or before
18 January [~~1, 2018~~] first, two thousand twenty and every year thereafter,
19 the commissioner shall include in the report to the governor and legis-
20 lature the use of the best available retrofit technology as required
21 under this section. The information contained in this report shall
22 include, but not be limited to, for each state agency and public author-
23 ity covered by this section: (a) the total number of diesel fuel-powered
24 motor vehicles owned or operated by such agency and authority; (b) the
25 number of such motor vehicles that were powered by ultra low sulfur
26 diesel fuel; (c) the total number of diesel fuel-powered motor vehicles
27 owned or operated by such agency and authority having a gross vehicle
28 weight rating of more than 8,500 pounds; (d) the number of such motor
29 vehicles that utilized the best available retrofit technology, including
30 a breakdown by motor vehicle model, engine year and the type of technol-
31 ogy used for each vehicle; (e) the number of such motor vehicles that
32 are equipped with an engine certified to the applicable 2007 United
33 States environmental protection agency standard for particulate matter
34 as set forth in section 86.007-11 of title 40 of the code of federal
35 regulations or to any subsequent United States environmental protection
36 agency standard for particulate matter that is at least as stringent;
37 and (f) all waivers, findings, and renewals of such findings, which, for
38 each waiver, shall include, but not be limited to, the quantity of
39 diesel fuel needed to power diesel fuel-powered motor vehicles owned or
40 operated by such agency and authority; specific information concerning
41 the availability of ultra low sulfur diesel fuel.

42 8. The department shall, to the extent practicable, coordinate with
43 regions which have proposed or adopted heavy duty emission inspection
44 programs to promote regional consistency in such programs.

45 § 2. This act shall take effect immediately.

46

PART III

47 Section 1. Subparagraph 3 of paragraph b of subdivision 3 of section
48 11-0713 of the environmental conservation law, as amended by section 3
49 of part R of chapter 58 of the laws of 2013, is amended to read as
50 follows:

51 (3) The issuing officer shall not issue a muzzle-loading privilege to
52 any person unless the applicant presents a hunting license issued to
53 that person for the corresponding license year and such person is at
54 least [~~fourteen~~] twelve years old.

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

4 b. Except as provided in section 11-0707 and section 11-0709 of this
5 title, no person shall (1) hunt wild deer or bear unless such person
6 holds and is entitled to exercise the privileges of a hunting license,
7 and meets the requirements of this article; (2) hunt wild deer or bear
8 with a longbow in a special longbow season unless such person holds and
9 is entitled to exercise the privileges of a hunting license with a
10 bowhunting privilege and meets the requirements of this article; or (3)
11 hunt wild deer or bear with a muzzle-loading firearm in a special
12 muzzle-loading firearm season unless such person is at least [~~fourteen~~
13 twelve] years old and holds a hunting license with a muzzle-loading priv-
14 ilege and meets the requirements of this article.

15 § 3. Subdivisions 1 and 2 of section 11-0929 of the environmental
16 conservation law, subdivision 1 as amended by section 20 of part EE of
17 chapter 55 of the laws of 2014, subdivision 2 as amended by section 13
18 of part R of chapter 58 of the laws of 2013, paragraph a and the opening
19 paragraph of paragraph b of subdivision 2 as amended by section 11 of
20 part EE of chapter 55 of the laws of 2014 and subparagraph 6 of para-
21 graph b of subdivision 2 as amended by chapter 192 of the laws of 2016,
22 are amended to read as follows:

23 1. A licensee who is twelve or thirteen years of age shall not hunt
24 wildlife with a gun or a longbow unless he or she is accompanied by his
25 or her parent or legal guardian, or by a person twenty-one years of age
26 or older designated in writing by his or her parent or legal guardian on
27 a form prescribed by the department, who holds a hunting license. [~~A~~
28 ~~licensee who is twelve or thirteen years of age shall not hunt with a~~
29 ~~crossbow.~~]

30 2. A licensee who is fourteen or fifteen years of age shall not[+
31 ~~a.~~] hunt wildlife with a gun, crossbow or longbow, other than wild
32 deer or bear as provided in [~~paragraph b~~] subdivision three of this
33 [~~subdivision~~] section, unless he or she is accompanied by his or her
34 parent or legal guardian holding a hunting license, or by a person eigh-
35 teen years of age or older, designated in writing by his or her parent
36 or legal guardian, holding such license;

37 [~~b.~~] 3. a licensee who is twelve, thirteen, fourteen or fifteen years
38 of age, shall not hunt wild deer or bear with a crossbow or gun unless:

39 [~~(1)~~] a. he or she is accompanied by his or her parent or a legal
40 guardian, or a youth mentor who is twenty-one years of age or older
41 designated in writing by the parent or legal guardian of the licensee on
42 a form prescribed by the department; and

43 [~~(2)~~] b. such parent, guardian or youth mentor has had at least three
44 years of experience in hunting big game; and

45 [~~(3)~~] c. such parent, guardian or youth mentor holds a hunting
46 license; and

47 [~~(4)~~] d. such parent, guardian or youth mentor maintains physical
48 control over the minor he or she is accompanying at all times while
49 hunting; and

50 [~~(5)~~] e. such parent, guardian or youth mentor and the minor he or she
51 is accompanying remain at ground level at all times while hunting; and

52 [~~(6)~~] f. such parent, guardian or youth mentor and the minor he or she
53 is accompanying shall each display either a minimum total of two hundred
54 fifty square inches of solid fluorescent orange or pink or patterned
55 fluorescent orange or pink consisting of no less than fifty percent
56 fluorescent orange or pink material worn above the waist and visible

1 from all directions, or a hat or cap with no less than fifty percent of
 2 the exterior consisting of solid fluorescent orange or pink material and
 3 visible from all directions. For purposes of this paragraph, "physical
 4 control" shall mean that the physical proximity of the minor to the
 5 parent, guardian or youth mentor is such that the parent, guardian or
 6 youth mentor is reasonably able to issue verbal directions and
 7 instructions, maintain constant visual contact, and otherwise provide
 8 guidance and supervision to the minor.

9 § 4. Paragraph a of subdivision 1 of section 11-0701 of the environ-
 10 mental conservation law, as amended by section 21 of part EE of chapter
 11 55 of the laws of 2014, is amended to read as follows:

12 a. entitles a holder who is twelve or thirteen years of age to hunt
 13 wildlife, [~~except big game,~~] as provided in title 9 of this article
 14 subject, specifically, to the provisions of section 11-0929 of this
 15 article. It entitles such holder to possess firearms as provided in
 16 section 265.05 of the penal law. [~~A holder who is twelve or thirteen~~
 17 ~~years of age shall not hunt with a crossbow.~~]

18 § 5. Subparagraph 3 of paragraph c of subdivision 3 of section 11-0901
 19 of the environmental conservation law, as amended by section 19 of part
 20 EE of chapter 55 of the laws of 2014, is amended to read as follows:

21 (3) crossbows may be used but only by licensees who are [~~fourteen~~
 22 twelve] years of age or older.

23 § 6. Section 11-0933 of the environmental conservation law, as added
 24 by section 22 of part EE of chapter 55 of the laws of 2014, is amended
 25 to read as follows:

26 § 11-0933. Taking small game by crossbow.

27 Notwithstanding any provision of this chapter, or any prior notwith-
 28 standing language in this article, the department may, by regulation,
 29 authorize the taking of small game and wild upland game birds by the use
 30 of a crossbow by any licensed person [~~fourteen~~ twelve] years of age or
 31 older, in any small game season, in any area designated in items (a),
 32 (b), (c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision
 33 two of section 11-0907 of this title in which a shotgun or muzzle loader
 34 is permitted.

35 § 7. This act shall take effect immediately.

36 PART JJJ

37 Section 1. Paragraph (a) of subdivision 4 of section 174 of the navi-
 38 gation law, as amended by section 1 of part X of chapter 58 of the laws
 39 of 2015, is amended to read as follows:

40 (a) The license fee shall be nine and one-half cents per barrel trans-
 41 ferred, unless the major facility is located within one mile of a facil-
 42 ity in an adjoining state, which if such facility in another state was
 43 located in this state would be a major facility, then such fee shall be
 44 one cent per barrel transferred, provided, however, that the fee on any
 45 barrel, including any products derived therefrom, subject to multiple
 46 transfer, shall be imposed only once at the point of first transfer.
 47 Provided further, the license fee for major facilities that (i) transfer
 48 barrels for their own use, and (ii) do not sell or transfer the product
 49 subject to such license fee, shall be eight cents. In each fiscal year
 50 following any year in which the balance of the account established by
 51 paragraph (a) of subdivision two of section one hundred seventy-nine of
 52 this article equals or exceeds forty million dollars, no license fee
 53 shall be imposed unless (a) the current balance in such account is less
 54 than thirty-five million dollars or (b) pending claims against such

1 account exceed fifty percent of the existing balance of such account. In
 2 the event of either such occurrence and upon certification thereof by
 3 the state comptroller, the administrator shall within ten days of the
 4 date of such certification reimpose the license fee, which shall take
 5 effect on the first day of the month following such relevy. The rate may
 6 be set at less than nine and one-half cents per barrel transferred if
 7 the administrator determines that the revenue produced by such lower
 8 rate shall be sufficient to pay outstanding claims against such account
 9 within one year of such imposition of the license fee. Should such
 10 account exceed forty million dollars, as a result of interest, the
 11 administrator and the commissioner of environmental conservation shall
 12 report to the legislature and the governor concerning the options for
 13 the use of such interest. The fee established by this paragraph shall
 14 not be imposed upon any barrel which is transferred to a land based
 15 facility but thereafter exported from this state for use outside the
 16 state and is shipped to facilities outside the state regardless of
 17 whether the delivery or sale of such petroleum occurs in this state.

18 § 2. Subdivision 4 of section 174 of the navigation law is amended by
 19 adding a new paragraph (e) to read as follows:

20 (e) Notwithstanding paragraph (d) of this subdivision, the surcharge
 21 established by paragraph (b) of this subdivision shall be one and one-
 22 half cents per barrel for any barrel that is transferred into a major
 23 facility located within one mile of a facility in an adjoining state,
 24 which if such facility in another state was located in this state would
 25 be a major facility, and thereafter exported from this state for use
 26 outside the state as described by paragraph (a) of this subdivision.

27 § 3. This act shall take effect immediately.

28

PART KKK

29 Section 1. Paragraph d of subdivision 3 of section 33-0905 of the
 30 environmental conservation law, as amended by section 1 of part U of
 31 chapter 59 of the laws of 2004, is amended to read as follows:

32 d. Except as provided in [~~paragraphs~~] paragraph e [~~and f~~] of this
 33 subdivision, pesticide applicator certifications shall be valid for
 34 three years after which every applicator shall recertify according to
 35 the requirements then in effect. Certification identification cards
 36 shall be valid for three years.

37 § 2. Paragraph f of subdivision 3 of section 33-0905 of the environ-
 38 mental conservation law is REPEALED.

39 § 3. Subdivision 2 of section 33-0911 of the environmental conserva-
 40 tion law, as amended by section 3 of part YY of chapter 59 of the laws
 41 of 2009, is amended to read as follows:

42 2. [~~a. Except as provided in paragraph b of this subdivision, fees~~]
 43 Fees for pesticide applicator certification shall be four hundred fifty
 44 dollars for commercial pesticide applicator certification in one indi-
 45 vidual category, one hundred fifty dollars for each additional category
 46 and one hundred fifty dollars for each additional sub-category chosen.
 47 For private applicators a fee of twenty-five dollars for the initial
 48 certified private applicator and five dollars for subsequent applicators
 49 on the same farm or business shall be charged at the time of initial
 50 certification, renewal of certification or recertification.

51 [~~b. Fees for pesticide applicator certification for a commercial~~
 52 ~~pesticide applicator with only subcategory 3A-ornamentals, shade trees~~
 53 ~~and turf or only subcategory 3B-turf shall be two hundred dollars.]~~

1 § 4. This act shall take effect immediately and shall apply to certif-
2 ications issued on or after such date.

3 PART LLL

4 Section 1. The economic development law is amended by adding a new
5 section 233 to read as follows:

6 § 233. Regional economic development councils. 1. The governor shall
7 establish ten regional economic development councils, one for each of
8 the following regions of the state:

9 (a) Long Island (which consists of Suffolk and Nassau counties);

10 (b) the city of New York (which consists of Bronx, New York, Queens,
11 Kings, and Richmond counties);

12 (c) the Mid-Hudson region (which consists of Sullivan, Ulster, Dutch-
13 ess, Orange, Putnam, Westchester, and Rockland counties);

14 (d) the Southern tier (which consists of Steuben, Schuyler, Tompkins,
15 Chemung, Tioga, Chenango, Broome, and Delaware counties);

16 (e) the Capital region (which consists of Warren, Washington, Sarato-
17 ga, Schenectady, Rensselaer, Albany, Columbia, and Greene counties);

18 (f) the Mohawk valley (which consists of Oneida, Herkimer, Fulton,
19 Montgomery, Otsego, and Schoharie counties);

20 (g) the North country (which consists of Clinton, Franklin, St.
21 Lawrence, Jefferson, Lewis, Hamilton, and Essex counties);

22 (h) the Central region (which consists of Oswego, Cayuga, Onondaga,
23 Madison, and Cortland counties);

24 (i) the Finger Lakes region (which consists of Orleans, Monroe, Wayne,
25 Genesee, Wyoming, Livingston, Ontario, Seneca, and Yates counties); and

26 (j) the Western region (which consists of Niagara, Erie, Chautauqua,
27 Cattaraugus, and Allegany counties).

28 2. Each regional economic development council shall develop a long-
29 term strategic plan for economic growth within its region by December
30 thirty-first, two thousand seventeen.

31 3. The members of each regional economic development council shall be
32 local experts and stakeholders from businesses, academia, municipalities
33 and non-governmental organizations within the region. Each regional
34 economic development council shall be comprised of twenty-four voting
35 members appointed by the governor, four on the recommendation of the
36 temporary president of the senate, four on the recommendation of the
37 speaker of the assembly, two on the recommendation of the minority lead-
38 er of the senate, and two on the recommendation of the minority leader
39 of the assembly. All voting members shall serve terms of four years and
40 may serve no more than two consecutive terms. The governor shall
41 appoint the chair or co-chairs of each regional economic development
42 council, who may serve in such capacity for no more than four years.

43 4. All members of regional economic development councils shall be
44 subject to the provisions of section seventy-four of the public officers
45 law relating to conflicts of interest. The department shall adopt a code
46 of ethical conduct for the regional economic development councils
47 consistent with section seventy-four of the public officers law. All
48 members of the regional economic development councils shall participate
49 in an approved good governance training program by the authorities budg-
50 et office regarding their responsibilities as members of the regional
51 economic development councils.

52 5. All members of regional economic development councils shall be
53 subject to the provisions of section seventy-three-a of the public offi-
54 cers law relating to financial disclosure; provided that such members

1 shall not be required to disclose: (a) the category of amount using
2 Table I or category of value of contract using Table II; or (b) any
3 position or financial interest that will not reasonably conflict in any
4 way with the proper discharge of his or her official duties as a member
5 of the regional economic development council.

6 6. Each regional economic development council shall be subject to the
7 provisions of article seven of the public officers law relating to the
8 open meetings law and article six of the public officers law relating to
9 the freedom of information law.

10 7. The department shall develop scoring criteria for all regional
11 economic development councils to use when evaluating an application. The
12 score determined by the regional economic development council shall
13 count towards fifty percent of the total score on an application, and
14 the score determined by the applicable state agency on the application
15 shall count for the other fifty percent of the total score. The scores
16 of both the regional economic development council and the applicable
17 state agency on each application shall be publicly available and posted
18 prominently by the department on its website.

19 8. The final list of regional economic development council awards
20 developed by the governor every year shall be reviewed and approved by
21 the public authorities control board, in conjunction with the authori-
22 ties budget office, prior to its release and announcement.

23 9. The department shall develop detailed standardized metrics for each
24 regional economic development council to use in evaluating the ongoing
25 performance of award recipients. The annual progress report of each
26 regional economic development council shall contain specific job
27 creation and retention statistics for every award recipient in the
28 region, and the amount of funding disbursed to date to every award
29 recipient.

30 10. The department, in consultation with the state comptroller, shall
31 obtain an annual cost benefit analysis of the overall effectiveness of
32 the regional economic development council program by an independent
33 auditor to be completed no later than December thirty-first, two thou-
34 sand eighteen.

35 § 2. This act shall take effect immediately and shall expire and be
36 deemed repealed April 1, 2019.

37 PART MMM

38 Section 1. The economic development law is amended by adding two new
39 sections 100-a and 100-b to read as follows:

40 § 100-a. Comprehensive economic development reporting. The department
41 shall create a comprehensive economic development report each year list-
42 ing all forms of economic development spending by all state agencies,
43 authorities and corporations, including but not limited to direct spend-
44 ing, tax expenditures, marketing and advertising, grants, awards and all
45 other subsidies. Such comprehensive report shall include aggregate
46 totals for each agency, authority and corporation, as well as specific
47 amounts by each individual economic development program with such agen-
48 cy, authority and corporation. For each individual program, the compre-
49 hensive report shall identify the specific source of the funding for the
50 individual program and the exact amount disbursed in the prior fiscal
51 year. In addition to the comprehensive report, the department shall also
52 create a public database of economic development contracts and agree-
53 ments identifying all forms of economic development assistance, as well
54 as the total amount of such assistance, provided to each individual

business receiving economic development funding from the state. The department shall prominently post the comprehensive economic development report, and the public database of economic development contracts and agreements, on its website.

§ 100-b. Performance goals and measurements for advertising contracts. For any advertising contract over one million dollars entered into by the department or the empire state development corporation, such contract shall include: (a) specific performance measures for monitoring outcomes to determine if the advertising cost will generate an appropriate return for the investment; and (b) specific targets, goals and benchmarks for evaluating performance outcomes for the advertising contract. In addition, the department shall monitor each such advertising contract and evaluate the performance outcomes of the contract, and prepare an annual report on the cost-effectiveness of such contract.

§ 2. This act shall take effect immediately.

PART NNN

Section 1. Article 8 of the public authorities law is amended by adding a new title 9-B to read as follows:

TITLE 9-B
NEW YORK MICROGRIDS ACT

Section 1900. Short title.

1901. Definitions.

1902. Purposes.

1903. Microgrids of New York grant program.

§ 1900. Short title. This title shall be known and may be cited as the "New York microgrids act".

§ 1901. Definitions. As used in this section, the following terms shall have the following meanings:

1. "Authority" means the New York state energy research and development authority continued pursuant to section eighteen hundred fifty-two of this article.

2. "Energy insecure regions" means areas of the state that have experienced increased electricity outages due to grid instability and transmission line issues.

3. "Program" means the microgrids of New York grant program established pursuant to section nineteen hundred three of this title.

4. "Rural areas" shall have the same meaning as is ascribed to such term pursuant to subdivision seven of section four hundred eighty-one of the executive law.

§ 1902. Purposes. The purposes of this title are to:

1. promote long term reduction of energy costs;

2. reduce the capacity demand for the market by drawing less energy from the original grid;

3. stabilize energy costs;

4. enhance the reliability of energy sources;

5. increase energy independence throughout the state; and

6. promote reliance on renewable energy sources to help mitigate climate change and achieve the state's energy use reduction goals.

§ 1903. Microgrids of New York grant program. 1. The authority shall establish and operate the microgrids of New York grant program. Such program shall be implemented by the authority, in consultation with the department of public service, the power authority of the state of New

1 York, the Long Island power authority and the department of environ-
 2 mental conservation. In furtherance thereof, the authority shall:

3 (a) use monies made available for the purposes of this title and the
 4 program;

5 (b) enter into contracts with constituency based organizations and
 6 other entities through the competitive grant process established pursu-
 7 ant to subdivision two of this section;

8 (c) enter into contracts with one or more program implementers to
 9 perform such functions as the authority deems appropriate; and

10 (d) exercise such other powers as are necessary for the proper imple-
 11 mentation of this title.

12 2. The authority shall:

13 (a) issue one or more program opportunity notices or requests for
 14 proposals to solicit applications from partnerships comprised of consti-
 15 tency based organizations, which can connect community members to the
 16 program, including facilitating awareness of the program and enrollment
 17 therein;

18 (b) award grants of not more than one hundred fifty thousand dollars
 19 to each approved applicant;

20 (c) with regard to awarding such grants, give preference to:

21 (i) communities in areas of the state where energy costs are partic-
 22 ularly high in relation to a measure of its median household income as
 23 determined by the authority;

24 (ii) rural areas;

25 (iii) energy insecure regions; and

26 (iv) low income municipalities.

27 3. The authority is authorized in consultation with the department of
 28 public service, the power authority of the state of New York, the Long
 29 Island power authority and the department of environmental conservation,
 30 to promulgate such rules and regulations as shall be necessary to imple-
 31 ment the provisions of this section.

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

34 PART 000

35 Section 1. The public authorities law is amended by adding a new
 36 section 1884 to read as follows:

37 § 1884. New York state geothermal heating system rebate program. 1.
 38 The authority shall establish a fifteen million dollar rebate program
 39 for the installation of geothermal heating systems over two years.
 40 Residential and small-scale systems are eligible for rebates up to one
 41 thousand five hundred dollars per ton of installed capacity. Commercial
 42 and large-scale systems are eligible for rebates up to one thousand two
 43 hundred dollars per ton of installed capacity.

44 2. No later than one year following the effective date of this
 45 section, the authority shall provide a report to the executive, tempo-
 46 rary president of the senate, speaker of the assembly, the chair of the
 47 senate committee on energy and telecommunications and the chair of the
 48 assembly committee on energy of program expenditures by class category
 49 and size of the unit installed.

50 § 2. This act shall take effect immediately and funds shall be made
 51 available no later than the ninetieth day after the effective date of
 52 this act, provided that systems pre-dating the launch, if installed on
 53 or after January 1, 2017, will be eligible for such funds.

1

PART PPP

2 Section 1. Section 62 of the canal law, as amended by chapter 335 of
3 the laws of 2001, is amended to read as follows:

4 § 62. Maintenance by state of certain bridges over the canal system.
5 All highway or pedestrian, lift or movable bridges over the canal system
6 other than highway bridges connecting parts of a state highway hereto-
7 fore constructed as a part of the barge canal improvement shall be
8 reconstructed, improved, maintained and repaired at the expense of the
9 state, [~~if in the opinion of the commissioner of transportation, the
10 public convenience requires such bridges to be maintained where no
11 alternate crossing has been provided~~] in a manner so as not to impede
12 commercial motor vehicles as defined in subdivision four-a of section
13 two of the transportation law. In the event the commissioner of trans-
14 portation determines that any such bridge is no longer required for the
15 convenience of the public, he shall have power to close, remove or relo-
16 cate such bridge, provided at least one public hearing shall be
17 conducted in the community or communities where the bridge to be closed
18 or removed is located. The commissioner of transportation shall have
19 the supervision and direction of such reconstruction, improvement, main-
20 tenance, repair, closing, removing or relocation. All bridges over the
21 canal system other than lift, movable, pedestrian or state highway
22 bridges heretofore constructed as part of the barge canal improvement
23 shall be reconstructed, improved, maintained and repaired at the expense
24 of the state under the supervision and direction of the commissioner of
25 transportation, if, in his opinion, the public convenience requires that
26 each such bridge shall be continued as a bridge for highway traffic. In
27 the event the commissioner of transportation is requested by any munici-
28 pality to reconstruct or improve any such bridge, he is hereby empowered
29 to do so, provided, however, that prior to such reconstruction or
30 improvement the municipality enters into a written agreement that such
31 bridge thereafter shall become a part of the highway system or systems
32 which it may connect and the maintenance, repair, improvement, replace-
33 ment or closing of any such bridge shall be governed by the provisions
34 of the highway law, except that any such bridges situate in a city shall
35 be maintained, repaired, improved, replaced or closed in the same manner
36 and subject to the provisions of any special law which may apply or to
37 the same provisions of law as apply to other streets and bridges in such
38 city or in the case of such bridges situate in a village, such bridges
39 shall be maintained, repaired, improved, replaced or closed in the same
40 manner and subject to the same provisions of law as apply to other
41 streets and bridges in such village. Any bridge over the New York state
42 canal system or abandoned part thereof which joins parts of a state
43 highway shall be under the jurisdiction of the commissioner of transpor-
44 tation and deemed to be part of the state highway system and such bridg-
45 es shall be constructed, reconstructed, improved, maintained, repaired,
46 closed or relocated pursuant to the provisions of the highway law and
47 the cost of such work shall be paid from moneys available for
48 construction, reconstruction, improvement, maintenance or repair of
49 state highways.

50 § 2. This act shall take effect immediately.

51

PART QQQ

52 Section 1. The general business law is amended by adding a new article
53 29-JJ to read as follows:

ARTICLE 29-JJ
MADE BY NEW YORKERS

Section 613. Definitions.

613-a. "Made by New Yorkers"; labeling.

613-b. Requirements.

613-c. Issuance of the label.

613-d. Application for registration.

613-e. Filing of applications.

613-f. Fees.

613-g. Administration and enforcement.

613-h. Suspension and revocation of registrations.

613-i. Renewal.

613-j. Reporting.

613-k. Rules and regulations.

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

1. "Applicant" shall mean the person filing an application, or a member of the firm or an officer of the corporation or association applying for registration for use of the "Made by New Yorkers" label.

2. "Department" shall mean the department of state.

3. "Products or goods" shall include any recognizable goods, merchandise, wares, or tangible or intangible products of any kind.

4. "Secretary" shall mean the secretary of state.

§ 613-a. "Made by New Yorkers"; labeling. The department is authorized to establish and implement a made by New Yorkers labeling program for all products or goods made in accordance with the requirements of this article. The department may consult with the department of economic development in the implementation of this article.

§ 613-b. Requirements. 1. Any products or goods made in this state in accordance to this article shall be eligible to be labeled with a "Made by New Yorkers" label if:

a. the product or good is substantially made by a business located in the state; and

b. the finished product or good could lawfully use a "Made in U.S.A." or "Made in America" label.

2. For purposes of this section, "substantially made" means completing an act that adds at least fifty-one percent of a final product's whole-sale value by manufacture, assembly or production to create a final recognizable product. "Substantially made" does not include the act of packaging the product.

§ 613-c. Issuance of the label. In accordance with the provisions of this article, the department shall consult with the department of economic development in the design and issuance of the "Made by New Yorkers" label. Once the secretary has approved an application for registration or renewal, the department shall transmit the image of the label through electronic means to the registrant.

§ 613-d. Application for registration. The department shall require each business that chooses to participate in the program to register with the department for use of the "Made by New Yorkers" label. An applicant for registration for use of the label shall submit an application to the secretary in such form as shall be prescribed by the secretary. An application for registration for use of the label shall include:

1. the name and business address of the person applying for such registration;

1 2. a description of each product or good being sold in connection with
2 the label; and

3 3. a statement by the applicant that their products or goods are made
4 in accordance with this article.

5 The application shall be signed and verified by oath, affirmation or
6 declaration subject to the penalties of perjury by the applicant.

7 § 613-e. Filing of applications. 1. Upon the filing of an application
8 for registration for use of the label, the secretary shall examine the
9 application for conformity with this article.

10 2. The applicant shall provide any additional pertinent information
11 requested by the secretary.

12 3. The department shall, before making a final determination to deny
13 a business an application for registration for use of the "Made by New
14 Yorkers" label, notify the applicant in writing of the reasons for such
15 denial and shall afford the applicant an opportunity to be heard in
16 person or by counsel prior to the denial of the application. Such
17 notification shall be delivered or mailed to the applicant. If a hear-
18 ing is requested, such hearing shall be held at such time and place as
19 the secretary shall prescribe. If the applicant fails to make a written
20 request for a hearing within thirty days after receipt of such notifica-
21 tion, then the notification shall become the final determination of the
22 secretary. If, after hearing, the registration is denied, written
23 notice of such denial shall be delivered or mailed to the applicant.

24 § 613-f. Fees. The application for registration and renewal shall be
25 accompanied by a filing fee of one hundred dollars payable to the secre-
26 tary.

27 § 613-g. Administration and enforcement. The secretary shall have the
28 power to enforce the provisions of this article, and upon complaint of
29 any person, or on his or her own initiative, to investigate any
30 violation thereof or to investigate a business if in the opinion of the
31 secretary such investigation is warranted. Each such applicant or regis-
32 tered business shall be obliged, on request of the secretary, to supply
33 such information, books, papers or records as may be required concerning
34 his or her business. Failure to comply with a lawful request of the
35 secretary shall be a ground for denying an application for registration,
36 or for revoking, suspending or denial of renewal of a registration for
37 use of the label under this article.

38 § 613-h. Suspension and revocation of registrations. The secretary
39 shall have the power to revoke or suspend any registration or deny any
40 registration upon proof:

41 1. that the applicant or registrant has violated any of the provisions
42 of this article or the rules and regulations promulgated pursuant there-
43 to;

44 2. that the applicant or registrant has practiced fraud, deceit or
45 misrepresentation; or

46 3. that the applicant or registrant has made a materially false state-
47 ment in their application for registration.

48 § 613-i. Renewal. The registration for use of the label shall be
49 effective for a term of three years from the date of registration and,
50 upon application filed within six months prior to the expiration of such
51 term, in a manner complying with the requirements of the secretary, the
52 registration may be renewed for a like term from the end of the expiring
53 term. The department shall require between the time of registration and
54 renewal that the registrant submit a sworn statement on an annual basis
55 that their products or goods are made in accordance with this article.

1 § 613-j. Reporting. The department shall submit an annual report
2 regarding its expenditures, to the governor, temporary president of the
3 senate, speaker of the assembly and appropriate committees of the legis-
4 lature.

5 § 613-k. Rules and regulations. The department shall promulgate such
6 rules and regulations as shall be necessary to implement the provisions
7 of this article.

8 § 2. Section 1 of chapter 174 of the laws of 1968, constituting the
9 New York state urban development corporation act, is amended by adding a
10 new section 16-aa to read as follows:

11 § 16-aa. Made by New Yorkers fund. 1. The Made by New Yorkers fund is
12 hereby created. The purpose of the Made by New Yorkers fund is to make
13 grants to eligible applicants, to support businesses in their growth and
14 expansion efforts, and to encourage the growth of New York businesses
15 and products both within and outside the state.

16 2. The corporation is authorized, within available appropriations, to
17 award grants of no less than fifty thousand dollars and up to one
18 hundred fifty thousand dollars to established small or medium sized
19 businesses, for the purpose of encouraging the growth and expansion
20 efforts of small or medium sized businesses. Such grants shall be
21 awarded on a competitive basis.

22 3. For the purposes of this section:

23 (a) "expansion" shall include growth of a business' operation within
24 the state or expansion of a business' sales.

25 (b) "small or medium sized business" shall mean a business located in
26 this state which employs five hundred or fewer employees on a full-time
27 basis.

28 4. Grants awarded by the corporation pursuant to this section shall be
29 subject to the following:

30 (a) grants shall not be less than fifty thousand dollars per year and
31 shall not exceed one hundred fifty thousand dollars per year; and

32 (b) the corporation shall enter into no more than one grant per year
33 per applicant under this subdivision.

34 5. Grants shall be awarded for projects dedicated to growth and expan-
35 sion efforts taken by a business. Growth and expansion efforts shall
36 include, but not be limited to, projects that:

37 (a) assist established businesses in their growth through market
38 diversification and expansion;

39 (b) increase a business' adoption of new technologies; or

40 (c) increase a business' capacity to participate in national and
41 international markets.

42 6. The corporation shall establish a competitive process for the eval-
43 uation of applicants for the Made by New Yorkers fund. When awarding
44 funds pursuant to this section, the corporation shall ensure that appli-
45 cants meet the criteria and requirements determined by the corporation
46 pursuant to this section.

47 7. Recipients shall be required to report the specific use of the
48 disbursement of funds received pursuant to this section to the corpo-
49 ration on a biannual basis until such project is completed. Failure to
50 comply with reporting criteria, or any other criteria set forth by the
51 corporation, may result in suspension of all future payments.

52 8. The corporation shall:

53 (a) monitor the performance of each recipient of a grant under the
54 provisions of this section to ensure monies issued pursuant to this
55 section are used only for expenses related to the approved project; and

1 (b) on or before April first, two thousand eighteen and annually there-
2 after, submit to the governor, the temporary president of the senate,
3 the speaker of the assembly, and the chairpersons of the senate finance
4 committee and the assembly ways and means committee a report on the
5 investments and accomplishments of the Made by New Yorkers fund. Such
6 report shall include for each grant awarded, the name and location of
7 the recipient, the amount awarded, a description of the expansion
8 project, the number of jobs created or retained through the grant fund
9 monies, a description of any funds that were not disbursed, and such
10 other information as the corporation may deem appropriate.

11 § 3. The New York state urban development corporation is hereby
12 authorized to promulgate such rules and regulations, in accordance with
13 the state administrative procedure act, as are necessary to fulfill the
14 purposes of section two of this act.

15 § 4. This act shall take effect immediately, except that section one
16 of this act shall take effect on the one hundred eightieth day after it
17 shall have become a law; provided, however, that effective immediately,
18 the addition, amendment and/or repeal of any rule or regulation neces-
19 sary for the implementation of section one of this act on its effective
20 date are authorized and directed to be made and completed on or before
21 the effective date of such section.

22 PART RRR

23 Section 1. The economic development law is amended by adding a new
24 article 23 to read as follows:

25 ARTICLE 23

26 LIFE SCIENCES INITIATIVES PROGRAM

27 Section 447. Life sciences initiatives program.

28 § 447. Life sciences initiatives program. The life sciences initi-
29 atives program is hereby established for the purpose of attracting new
30 life sciences technologies, to promote critical public and private
31 sector investment in emerging life sciences fields in New York state,
32 and to create and expand life sciences related businesses and employ-
33 ment.

34 1. Such life sciences initiatives program is designated to operate in
35 areas identified by the department as having significant potential for
36 economic growth in New York, or in which the application of new life
37 sciences technologies could significantly enhance the productivity and
38 stability of New York businesses.

39 2. Life sciences are defined as advanced and applied sciences that
40 expand the understanding of human physiology and have the potential to
41 lead to medical advances or therapeutic applications including, but not
42 limited to, agricultural biotechnology, biogenerics, bioinformatics,
43 biomedical engineering, biopharmaceuticals, biotechnology, chemical
44 synthesis, chemistry technology, diagnostics, genomics, image analysis,
45 marine biology, marine technology, medical devices, nanotechnology,
46 natural product pharmaceuticals, proteomics, regenerative medicine, RNA
47 interference, stem cell research, clinical trials and veterinary
48 science.

49 3. A life sciences entity is defined as a business corporation, part-
50 nership, firm, unincorporated association, or any other entity engaged
51 in life sciences research, development, manufacturing or commercializa-
52 tion.

1 4. As a condition of receipt of support authorized pursuant to this
2 section the life sciences entity shall annually submit to the department
3 a plan which includes a strategy for job creation and retention within
4 New York state.

5 5. (a) From such funds as may be appropriated to life sciences enti-
6 ties for this purpose by the legislature, the department may provide
7 financial support, through an application and approval process and such
8 funds may be used for the advancement and economic growth of life
9 sciences programs, employment of staff, development and facilities or
10 other operating expenses that are aligned with the life sciences program
11 strategy and approved by the department.

12 (b) A life sciences entity must submit a completed application as
13 prescribed by the commissioner. Life sciences initiatives entity appli-
14 cations will be accepted, reviewed and approved on a rolling basis.
15 Life sciences initiatives entity applicants may include a program or
16 multiple programs in their application. Each life sciences program
17 applicant shall include information in such application relating to how
18 its life sciences program initiative will enhance and accelerate life
19 science programs, research and job creation and retention within New
20 York.

21 (c) Funds appropriated to any city with a population over one million
22 shall be matched on a one to one basis by the institution receiving the
23 funds and collaborative partners in the form of cash or in-kind person-
24 nel, equipment, material donations, and other facility and operations
25 expenditures. No more than one-third of all funds appropriated shall be
26 awarded to a city with a population over one million.

27 6. The commissioner shall, on or before February first, two thousand
28 eighteen and every year thereafter, submit to the governor, the tempo-
29 rary president of the senate and the speaker of the assembly an annual
30 report on the operations and accomplishments of the life sciences initi-
31 atives programs which shall include, but not be limited to, the economic
32 impact of the activities undertaken with state funds, the number and
33 amount of federal funds procured after program approval, including such
34 factors as jobs created and maintained, the average salary of the jobs
35 created and average salary of jobs retained and the actual or antic-
36 ipated new products and processes with commercial application of impor-
37 tance to the affected industries that were created.

38 § 2. This act shall take effect immediately.

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

48 § 3. This act shall take effect immediately provided, however, that
49 the applicable effective date of Parts A through RRR of this act shall
50 be as specifically set forth in the last section of such Parts.