

# STATE OF NEW YORK

10831--A

## IN ASSEMBLY

May 22, 2018

Introduced by M. of A. ZEBROWSKI, PEOPLES-STOKES -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to registration of real estate appraisal management companies by the department of state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The executive law is amended by adding a new article 6-H to read as follows:

### ARTICLE 6-H

#### REAL ESTATE APPRAISAL MANAGEMENT COMPANIES

##### Section 160-aaaa. Definitions.

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

160-vvvv. Violations.

160-www. Severability.

160-xxxx. Judicial review.

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

1. "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis.

2. "Appraisal management company" or "AMC" means an individual or business entity that:

(a) provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates;

(b) provides such services in connection with valuing a consumer's real property as security for consumer credit transactions secured by a consumer's principal dwelling; and

(c) within a given year, oversees an appraisal panel of more than fifteen appraisers working in New York state or twenty-five or more appraisers working in two or more states. An AMC shall not include a department or division of an entity that provides appraisal management services only to that entity.

3. "Appraisal management services" means to, directly or indirectly, provide any of the following services on behalf of a lender, financial institution, client, or any other person in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations:

(a) administer an appraiser panel;

(b) recruit, retain or select appraisers;

(c) qualify or verify licensing or certification and negotiate fees and service level expectations with persons who are part of an appraiser panel;

(d) contract with appraisers to perform appraisal assignments;

(e) receive an order for an appraisal from one person, and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;

(f) manage the process of having an appraisal performed, including providing administrative duties, such as receiving appraisal orders and reports, submitting completed appraisal reports to creditors and underwriters for services provided, and reimbursing appraisers for services performed;

(g) track and determine the status of orders for appraisals;

(h) conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal;

(i) provide a completed appraisal performed by an appraiser to one or more clients; or

(j) compensate appraisers for services rendered.

An individual who hires an appraiser solely for his or her own purposes, shall not be deemed an appraisal management company.

4. "Appraiser" means a person licensed or certified pursuant to article six-E of this chapter.

5. "Appraiser panel" means a network, list or roster of licensed or certified appraisers approved by the appraisal management company to perform appraisals as independent contractors of the appraisal management company.

6. "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment. Appraisal reviews must be performed by a person who is certified as a real estate appraiser pursuant to article six-E of this chapter.

7. "Board" means the state board of real estate appraisal which shall advise the department, as necessary, on implementation of, and enforcement of this article.

8. "Competent appraiser" means an appraiser that satisfies each provision of the competency rule of the uniform standards of professional appraisal practice for a specific appraisal assignment or valuation service that the appraiser has received, or may receive, from an appraisal management company.

9. "Controlling person" means:

(a) an owner, officer or director of an appraisal management company, or an individual who holds an ownership interest of ten percent or more of such company;

(b) an individual employed, appointed or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(c) an individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

10. "Department" means the New York state department of state.

11. "Hybrid firm or entity" means an entity that hires both real estate appraisers as employees to perform appraisals of real property, and engage independent contractors to perform such appraisals. A hybrid firm or entity shall be treated as an AMC for purposes of state registration if it oversees more than fifteen real estate appraisers completing valuation services in an individual state or twenty-five or more real estate appraisers in two or more states within a given year. The numerical calculation for a hybrid firm or entity should only include real estate appraisers engaged as independent contractors.

12. "Person" means an individual, partnership, corporation, or any other entity recognized under New York state law.

13. "Real estate" means an identified parcel or tract of land, including improvements, if any.

14. "Real property" means the interest, benefits, and rights inherent in the ownership of real estate.

15. "Uniform standards of professional appraisal practice" or "USPAP" means the appraisal standards promulgated by the appraisal standards board of the appraisal foundation.

16. "Secondary mortgage market participant" means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. Secondary mortgage market participant only includes an individual investor in a mortgage-backed security if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for such mortgage-backed security.

§ 160-bbbb. Registration required. It shall be unlawful for a person to, directly or indirectly, engage or attempt to engage in business as an appraisal management company, or to advertise or hold oneself out as engaging in or conducting business as an appraisal management company without first obtaining a certificate of registration issued by the department under the provisions of this article.

1     § 160-cccc. Exemptions. The provisions of this article shall not apply  
2 to any person that exclusively employs appraisers for the performance of  
3 appraisals or to any appraisal management company that is a wholly-owned  
4 subsidiary of a financial institution, which is regulated by the federal  
5 financial institution regulatory agency. The registration provisions of  
6 this article shall not apply to the state, any state agency or authori-  
7 ty, or any political subdivision of the state that employs appraisers.

8     § 160-dddd. Forms. An applicant for a certificate of registration as  
9 an appraisal management company shall submit an application on such  
10 forms as prescribed by the department.

11     § 160-eeee. Denial of registration. The department may investigate the  
12 good character of applicants for a certificate of registration under  
13 this article and may deny the issuance of such certificate of registra-  
14 tion based upon lack of good moral character which may include, but is  
15 not limited to, any of the grounds enumerated in this article. For the  
16 purposes of this article, a non-substantive ground for denial, revoca-  
17 tion, or surrender of an appraiser's license should not be construed as  
18 an automatic prohibition.

19     § 160-ffff. Expiration of license. A certificate of registration  
20 granted by the department pursuant to this article shall be valid for a  
21 period of two years from the date upon which it is issued.

22     § 160-gggg. Fees. 1. The department shall collect a fee of two hundred  
23 fifty dollars for a certificate of registration issued or reissued under  
24 the provisions of this article. Additionally, the department shall  
25 assess twenty-five dollars for each appraiser added to an appraisal  
26 management company's appraiser panel.

27     2. The department shall collect from each appraisal management company  
28 seeking to be registered, the amount determined by the appraisal subcom-  
29 mittee to be a national registry fee for each appraiser, that performs  
30 appraisal services within New York on the appraiser panel of an  
31 appraisal management company pursuant to Section 1109(a)(4) of the  
32 federal Financial Institutions Reform, Recovery, and Enforcement Act of  
33 1989 as amended by the Dodd-Frank Wall Street Reform and Consumer  
34 Protection Act of 2010. The department may transmit the annual registry  
35 fee to the appraisal subcommittee. The department shall provide its  
36 roster of appraisal management companies to the appraisal subcommittee.  
37 These transmittals shall occur at least annually.

38     3. Except for changes made on a renewal application, appraisal manage-  
39 ment companies shall provide the department with notice of a change in  
40 the appraisal management's principal address. Change of address notifi-  
41 cations shall be accompanied by a fee of ten dollars.

42     4. Except for changes made on a renewal application, the department  
43 shall collect a fee of ten dollars for changing a name on a certificate  
44 of registration.

45     5. In lieu of the fee set forth in subdivision one of this section,  
46 the department shall collect a fee of three hundred fifty dollars to  
47 reissue a certificate of registration under this article which was  
48 submitted after the expiration of the immediately preceding registration  
49 term.

50     § 160-hhhh. Owner requirements. An appraisal management company apply-  
51 ing for a certificate of registration shall not be owned in whole or in  
52 part, directly or indirectly, by a person who has had a license, regis-  
53 tration or certificate to act as a real estate appraiser denied,  
54 revoked, or surrendered in lieu of pending discipline in any state or by  
55 a person holding ten percent or more of the company where that person  
56 has had a license, registration or certificate to act as a real estate

1 appraiser denied, revoked, or surrendered in lieu of possible discipline  
2 in any state.

3 § 160-iiii. Controlling persons. 1. Each appraisal management company  
4 applying for a certificate of registration shall designate one control-  
5 ling person who shall be the main contact for all communication between  
6 the department and the appraisal management company. Such designated  
7 controlling person shall never have had a license or certificate to act  
8 as an appraiser denied, revoked, or surrendered in lieu of possible  
9 discipline in any state and shall be of good moral character, as deter-  
10 mined by the department. Applicants shall cooperate with any such back-  
11 ground investigation conducted by the department.

12 2. Each person that owns more than ten percent of an appraisal manage-  
13 ment company shall be of good moral character, as determined by the  
14 department. Applicants shall cooperate with any such background inves-  
15 tigation conducted by the department.

16 3. Each appraisal management company applying for a certificate of  
17 registration shall certify to the department that it has reviewed each  
18 entity that owns more than ten percent of the appraisal management  
19 company and that no entity that owns more than ten percent of the  
20 appraisal management company is more than ten percent owned by any  
21 person that has had a license or certificate to act as an appraiser  
22 denied, revoked, or surrendered in lieu of a pending revocation.

23 § 160-jjjj. Employee requirements. 1. An appraisal management company  
24 that applies for a certificate of registration shall not knowingly  
25 employ, utilize, or engage, for any real estate appraisal, valuation  
26 service or appraisal review assignment, a person who has had a license  
27 or certificate to act as an appraiser in this state or in any other  
28 state denied, revoked, or surrendered in lieu of possible discipline,  
29 unless such license has been reinstated.

30 2. Prior to placing an assignment for an appraisal or valuation  
31 service with an appraiser on the appraiser panel of an appraisal manage-  
32 ment company, the appraisal management company shall verify that the  
33 appraiser receiving the assignment is a competent appraiser as defined  
34 by the USPAP Competency Rule with regards to geographic area and the  
35 type of property being appraised. An appraiser is deemed part of an  
36 appraisal management company panel as of the earliest date on which: (a)  
37 the appraisal management company accepts the appraiser for consideration  
38 for future appraisal assignments in covered transactions or for second-  
39 ary mortgage market participants in connection with covered trans-  
40 actions; or (b) engages the appraiser to perform one or more appraisals  
41 on behalf of a creditor for a covered transaction or secondary mortgage  
42 market participant in connection with covered transactions.

43 3. An appraisal management company may not hire, employ or engage, or  
44 in any way contract with or pay a person who is not licensed or certi-  
45 fied as a real estate appraiser by the department pursuant to article  
46 six-E of this chapter, unless the work being performed is a comparative  
47 market analysis for the purpose of or intention to list or sell real  
48 estate.

49 4. An appraiser shall be considered part of an appraisal management  
50 company's appraiser panel until: (a) the appraisal management company  
51 sends a written notice to such appraiser removing such appraiser with an  
52 explanation; or (b) receives a written notice from such appraiser asking  
53 to be removed or of the death or incapacity of such appraiser.

54 § 160-kkkk. Restrictions. An appraisal management company that applies  
55 for a certificate of registration shall not knowingly:



1 1. Employ any person in a position in which the person has the respon-  
2 sibility to order appraisals or valuation services or to review  
3 completed appraisals who has had a license, registration or certificate  
4 to act as an appraiser in this state or in any other state, denied,  
5 revoked, or surrendered in lieu of a pending revocation, unless such  
6 license has been reinstated;

7 2. Enter into any independent contractor arrangement, whether in  
8 verbal, written, or by other form, with any person who has had a  
9 license, registration or certificate to act as an appraiser in this  
10 state or in any other state, denied, revoked, or surrendered in lieu of  
11 a pending revocation, unless such license has been reinstated; and

12 3. Enter into any contract, agreement, or other business relationship,  
13 whether in verbal, written, or other form, with any entity that employs,  
14 has entered into an independent contract arrangement, or has entered  
15 into any contract, agreement, or other business relationship, whether in  
16 verbal, written, or any other form, with any person who has ever had a  
17 license, registration or certificate to act as an appraiser in this  
18 state or in any other state, denied, revoked, or surrendered in lieu of  
19 a pending revocation, unless such license has been reinstated.

20 § 160-1111. Recordkeeping. Each appraisal management company shall  
21 maintain a detailed record of each service request that it receives and  
22 the real estate appraiser that performs such appraisal for the appraisal  
23 management company. Records shall be maintained for a period of at least  
24 five years after such appraisal is completed or two years after final  
25 disposition of a judicial proceeding related to such assignment, which-  
26 ever period expires later. Appraisal management companies shall make  
27 records available to the department upon request. Appraisal management  
28 companies shall also allow the department to examine the books and  
29 records of the appraisal management company and require it to submit  
30 reports, information and documents upon request. Appraisal management  
31 companies shall also allow the department to verify that the appraisers  
32 on such panel hold a valid license or certification.

33 § 160-mmmmm. Appraiser independence; unlawful acts. Each appraisal  
34 management company shall ensure that real estate appraisals are  
35 conducted independently and free from inappropriate influence and coer-  
36 cion. Notwithstanding any other provision of this article, it shall be  
37 unlawful for any employee, director, officer, or agent of an appraisal  
38 management company registered in this state pursuant to this article to:

39 1. Compensate, coerce, extort, collude, instruct, induce, bribe, or  
40 intimidate, or attempt to compensate, coerce, extort, collude, instruct,  
41 induce, bribe, or intimidate a person, firm or other entity conducting  
42 or involved in an appraisal for the purpose of causing the appraised  
43 value assigned under the appraisal or other valuation services to the  
44 property to be based on any factor other than the independent judgment  
45 of the appraiser;

46 2. Mischaracterize the appraised value of a property in conjunction  
47 with a consumer credit transaction;

48 3. Seek to influence an appraiser or otherwise to encourage a targeted  
49 value in order to facilitate the making or pricing of a consumer credit  
50 transaction;

51 4. Act without just cause to withhold or threaten to withhold timely  
52 payment for an appraisal report or for other valuation services rendered  
53 with such appraisal report or services provided in accordance with the  
54 contract between parties;

55 5. Act without just cause to withhold or threaten to withhold future  
56 business, or to demote or terminate an appraiser without just cause;

1 6. Expressly or implicitly promise future business, promotions, or  
2 increased compensation for an appraiser in exchange for the real estate  
3 appraiser inflating or deflating his or her appraised value of real  
4 property;

5 7. Require a real estate appraiser to indemnify an appraisal manage-  
6 ment company or hold an appraisal management company harmless for any  
7 liability, damage, losses, or claims arising out of the services  
8 performed by such appraisal management company, and not the services  
9 performed by the appraiser;

10 8. Condition the request for an appraisal or the payment of an earned  
11 fee, salary or bonus, on the opinion, conclusion, or valuation to be  
12 reached, or on a preliminary estimate or opinion requested from an  
13 appraiser;

14 9. Request that an appraiser provide an estimated, predetermined, or  
15 desired valuation in an appraisal report, or provide estimated values or  
16 comparable sales at any time prior to the appraiser's completion of an  
17 appraisal;

18 10. Provide to an appraiser an anticipated, estimated, encouraged, or  
19 desired value for a subject property or a proposed or target amount to  
20 be loaned to the borrower, except that a copy of the sales contract for  
21 purchase transactions may be provided; or

22 11. Provide to an appraiser, or any entity or person related to the  
23 appraiser, stock or any other financial or non-financial benefits in  
24 exchange for appraising property in a manner other than that which is  
25 within the independent opinion of the appraiser.

26 Nothing in this section shall be construed as prohibiting the  
27 appraisal management company from asking an appraiser to consider addi-  
28 tional, appropriate property information, including: additional compa-  
29 rable properties to make or support an appraisal; provide further  
30 detail, substantiation, or explanation for the appraiser's value conclu-  
31 sion; or correct errors in the appraisal report.

32 § 160-nnnn. Mandatory reporting. An appraisal management company that  
33 has a reasonable basis to believe an appraiser within the appraisal  
34 management company's appraisal panel is failing to comply with the  
35 uniform standards of professional appraisal practice, is violating  
36 applicable laws, or is otherwise engaging in unethical or unprofessional  
37 conduct shall immediately refer such matter to the department.

38 § 160-oooo. Unprofessional conduct. 1. Appraisal management companies  
39 shall not engage in unprofessional conduct including, but not limited to  
40 the following:

41 (a) Requiring an appraiser to modify any aspect of an appraisal report  
42 or valuation service report, unless such modifications are appropriate  
43 according to USPAP;

44 (b) Requiring an appraiser to prepare an appraisal report or valuation  
45 service report if such appraiser, in their professional judgment,  
46 believes they don't have the necessary expertise for the specific  
47 geographic and or specific area type;

48 (c) Requiring an appraiser to prepare an appraisal report or valuation  
49 service under a time frame that such appraiser believes, in their  
50 professional judgment, does not afford such appraiser the ability to  
51 meet all the relevant legal and professional obligations including USPAP  
52 requirements. Notwithstanding the foregoing provisions of this para-  
53 graph, all appraisal reports should be completed within a reasonable  
54 timeframe and appraisers may not unnecessarily delay completing  
55 appraisal assignments;

1 (d) Prohibiting or inhibiting communication between the appraiser and  
2 the lender, a real estate licensee, or any other person from whom such  
3 appraiser, in their professional judgment is relevant;

4 (e) Requiring the appraiser to do anything that does not comply with  
5 USPAP, or any assignment conditions and certifications required by the  
6 client;

7 (f) Making any portion of the appraiser's fee or the appraisal manage-  
8 ment company's fee contingent upon a favorable outcome, including, but  
9 not limited to, the closing of a loan, requiring a specific dollar  
10 amount be achieved by such appraiser in the appraisal report, making  
11 requests for the purpose of facilitating a mortgage loan transaction,  
12 setting a broker price opinion, or setting any other real property price  
13 or value estimation that does not qualify as an appraisal; or

14 (g) Each appraisal management company operating in this state shall  
15 make payment to an appraiser for the completion of an appraisal or valu-  
16 ation assignment within thirty days of the date on which such appraiser  
17 transmits or otherwise provides the completed appraisal or valuation  
18 services to the appraisal management company or its assignee;

19 2. It shall be unlawful for an appraisal management company to:

20 (a) Knowingly fail to compensate an appraiser at a rate that is  
21 reasonable and customary for appraisal or other valuation services being  
22 performed in the market area of the property being appraised without the  
23 services of an appraisal management company in a manner that is either  
24 inconsistent with, or would violate section 1639(e) of the federal Truth  
25 in Lending Act (15 USC §1639(e));

26 (b) Knowingly include any fees for appraisal management services that  
27 are performed by the appraisal management company for a lender, client,  
28 or other person in the amount that it charges the lender, client, or  
29 other person for the actual completion of an appraisal or valuation  
30 service by an appraiser that is part of the appraiser panel of the  
31 appraisal management company;

32 (c) Knowingly fail to separate any and all fees charged to a client by  
33 the appraisal management company for the actual completion of an  
34 appraisal by an appraiser from the fees charged to a lender, client, or  
35 any other person by an appraisal management company for appraisal  
36 management services;

37 (d) Knowingly prohibit an appraiser from recording the fee that such  
38 appraiser was paid by the appraisal management company for the perform-  
39 ance of the appraisal within the appraisal report that is submitted by  
40 such appraiser to the appraisal management company;

41 (e) Knowingly fail to separately state the fees paid to an appraiser  
42 for appraisal services and the fees charged by the appraisal management  
43 company for services associated with the management of the appraisal  
44 process to the client, borrower and any other payer. Appraisal manage-  
45 ment companies shall provide a copy of the appraiser's invoice with a  
46 copy of any appraisal report submitted to a client or a client's repre-  
47 sentative;

48 (f) Knowingly allow the removal from rotation of an appraiser from an  
49 appraiser panel, without prior written notice to such appraiser with  
50 just cause; or

51 (g) Knowingly obtain, use, or pay for a second or subsequent appraisal  
52 or the ordering of an automated valuation model or any other valuation  
53 service in connection with a mortgage financing transaction unless there  
54 is a reasonable basis to believe that the initial appraisal was flawed  
55 or tainted and such basis is clearly and appropriately noted in the loan  
56 file, or unless such appraisal or automated valuation model is done



1 pursuant to a bona fide pre- or post-funding appraisal review or quality  
2 control process. Nothing in this paragraph shall prohibit an AMC from  
3 obtaining additional appraisals if required by a lending program, or if  
4 such additional appraisals are required by applicable local, state, or  
5 federal law.

6 § 160-pppp. Alteration of appraisal reports. An appraisal management  
7 company shall not alter, modify, or otherwise change a completed  
8 appraisal or valuation service report submitted by an appraiser by  
9 removing such appraiser's signature or seal or by adding information to,  
10 or removing information from such report with intent to change the valu-  
11 ation conclusion. An appraisal management company shall not require an  
12 appraiser to provide such appraisal management company with such  
13 appraiser's digital signature or seal.

14 § 160-gqqq. Enforcement. The department may revoke or suspend the  
15 license of an appraisal management company, or in lieu thereof may  
16 impose a fine, per violation, not to exceed twenty-five thousand dollars  
17 if the department finds that the licensee has made a material misstate-  
18 ment in the application for such license, or if such licensee has been  
19 found guilty of fraud or fraudulent practices, or for dishonest or  
20 misleading advertising, or has demonstrated untrustworthiness or incom-  
21 petency to act as an appraisal management company, or has violated any  
22 provision of this article or a regulation promulgated thereunder. The  
23 department shall report any such violations by appraisal management  
24 companies to the appraisal subcommittee.

25 § 160-rrrr. Disciplinary hearings. The department shall, before revok-  
26 ing or suspending any license or imposing any fine or reprimand on the  
27 holder thereof, and at least twenty days prior to the date set for the  
28 hearing, notify, in writing, the holder of such license of any charges  
29 made and shall afford such licensee an opportunity to be heard in person  
30 or by counsel in reference thereto. Such written notice may be served  
31 by personal delivery to the licensee, or by certified mail to the last  
32 known business address of such licensee or unlicensed person, or by any  
33 method authorized by the civil practice law and rules. The hearing on  
34 such charges shall be at such time and place as the department shall  
35 prescribe.

36 § 160-ssss. Power to suspend a license. In cases where the health,  
37 safety, or welfare of the public is endangered, the department shall  
38 have the authority to immediately suspend a license pending a hearing  
39 before an administrative law judge.

40 § 160-tttt. Investigation. The department shall have the power to  
41 enforce the provisions of this article and upon complaint of any person,  
42 or on its own initiative, to investigate any violation thereof or to  
43 investigate the business, business practices and business methods of an  
44 appraisal management company, if in the opinion of the department such  
45 investigation is warranted. Each such applicant or licensee shall be  
46 obliged, on request of the department, to supply such information as may  
47 be required concerning his or its business, business practices or busi-  
48 ness methods, or proposed business practices or methods.

49 For the purpose of enforcing the provisions of this article, and in  
50 making investigations relating to any violation thereof, and for the  
51 purpose of investigating the character, competency and integrity of the  
52 applicants or licensees hereunder, and for the purpose of investigating  
53 the business, business practices and business methods of any applicant  
54 or licensee, or of the officers or agents thereof, the department,  
55 acting by such officer or person in the department as the secretary of  
56 state may designate, shall have the power to subpoena and bring before

1 the officer or person so designated any person in this state and require  
2 the production of any books, records or papers which he deems relevant  
3 to the inquiry and administer an oath to and take testimony of any  
4 person or cause his or her deposition to be taken, except that any  
5 applicant or licensee or officer or agent thereof shall not be entitled  
6 to fees and/or mileage. A subpoena issued under this section shall be  
7 regulated by the civil practice law and rules.

8 § 160-uuuu. Rule-making authority. The department may adopt rules not  
9 inconsistent with the provisions of this chapter which may be reasonably  
10 necessary to implement, administer, and enforce the provisions of this  
11 chapter.

12 § 160-vvvv. Violations. 1. Any person or company who fails to obtain a  
13 certificate of registration required pursuant to this article shall be  
14 guilty of a misdemeanor.

15 2. Criminal actions for failure to obtain a certificate of registra-  
16 tion may also be prosecuted by the attorney general, or his or her depu-  
17 ty, in the name of the people of the state, and in any such prosecution  
18 the attorney general, or his or her deputy, may exercise all the powers  
19 and perform all the duties the district attorney is otherwise authorized  
20 to exercise or to perform therein.

21 § 160-www. Severability. Should the courts of this state declare any  
22 provision of this article unconstitutional, or unauthorized, or in  
23 conflict with any other section or provision of this article, such deci-  
24 sion shall affect only such section or provision so declared to be  
25 unconstitutional or unauthorized and shall not affect any other section  
26 or part of this article.

27 § 160-xxxx. Judicial review. The actions of the department in granting  
28 or refusing to grant or to renew a license under this article or in  
29 revoking or suspending such a license or imposing any fine or reprimand  
30 on the holder thereof or refusing to revoke or suspend such a license or  
31 impose any fine or reprimand shall be subject to review by a proceeding  
32 brought under and pursuant to article seventy-eight of the civil prac-  
33 tice law and rules at the instance of the applicant for such license,  
34 the holder of a license so revoked, suspended, fined, or reprimanded or  
35 the person aggrieved.

36 § 2. This act shall take effect on the one hundred twentieth day after  
37 it shall have become a law; provided, however, that the department of  
38 state is authorized to propose, adopt, amend and/or repeal any rule or  
39 regulation necessary for the implementation of this act immediately.