

STATE OF NEW YORK

S. 7508--A

A. 9508--A

SENATE - ASSEMBLY

January 18, 2018

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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the transportation law, in relation to enhancing the ability of the state to enforce state and federal law relating to motor carriers, commercial drivers and bus operators and to increase penalties for violations of state law relating thereto (Part A); to amend the highway law, in relation to roadside rest areas (Part B); to amend the transportation law, in relating to enhancing the ability of the state to enforce state and federal law relating to the safety of rail fixed guideway public transportation systems under the oversight of the public transportation safety board (Part C); to amend the public authorities law, in relation to agreements for fiber optics (Part D); to amend the transportation law, in relation to authorizing the department of transportation to charge one hundred twenty dollars for a semi-annual inspection of certain for-profit fleets (Part E); to amend the highway law and the transportation corporations law, in relation to occupancy of the state right of way for a fee; and to amend the general municipal law, in relation to small wireless facilities development (Part F); to amend the vehicle and traffic law, in relation to seat belt requirements, proper safety restraints for children under the age of 8, prohibiting the use of mobile telephones and portable electronic devices by persons under the age of 18, and permitting junior license holders to operate a vehicle in New York City; and to amend the vehicle and traffic law and the public officers law, in relation to authorizing political subdivisions and commuter railroads to establish demonstration programs and to implement railroad grade crossing monitoring systems by means of photo devices (Part G); to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology

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

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gy, in relation to demonstrations and tests; in relation to the submission or reports; and in relation to extending the effectiveness thereof; relates to demonstrations and testing of motor vehicles equipped with autonomous vehicle technology; and to repeal section 1226 of the vehicle and traffic law, relating to control of steering mechanisms (Part H); to amend the state finance law, in relation to removing the authorization for the OSC to prescribe a reporting requirement to the city of New York (Part I); to amend the vehicle and traffic law, in relation to establishing a pre-licensing course internet program; and providing for the repeal of such provisions upon expiration thereof (Part J); to amend the vehicle and traffic law, in relation to the disposition of certain proceeds collected by the commissioner of motor vehicles; to amend the transportation law and the tax law, in relation to the disposition of certain fees and assessments; to amend the state finance law, in relation to the special obligation reserve and payment account of the dedicated highway and bridge trust fund; to amend the public authorities law, in relation to the metropolitan transportation authority finance fund; and to amend the state finance law, in relation to the metropolitan transportation authority financial assistance fund; to repeal subdivision 5 of section 317 of the vehicle and traffic law relating to certain assessments charged and collected by the commissioner of motor vehicles; to repeal subdivision 6 of section 423-a of the vehicle and traffic law relating to funds collected by the department of motor vehicles from the sale of certain assets; and to repeal subdivision 4 of section 94 of the transportation law relating to certain fees collected by the commissioner of transportation (Part K); to amend the public authorities law, in relation to creation of transportation improvement subdistricts; and to amend the real property tax law, in relation to authorizing a tax levy to fund certain operations of the Metropolitan Transportation Authority (Part L); to amend the public authorities law, in relation to the funding of the capital program of the metropolitan transportation authority (Part M); to amend the public authorities law, in relation to acceleration of procurement contracts made with foreign enterprises; in relation to acceleration of procurements made for smaller purchases; and in relation to the modification of service or funding agreements (Part N); 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 O); to amend the chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part P); to amend the executive law, the state finance law, the public authorities law, the public buildings law, and the penal law, in relation to the reauthorization of the minority and women-owned business enterprise program; to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure fund, in relation to the effectiveness of certain provisions thereof; and to amend the executive law, in relation to establishing the workforce diversity program; and providing for the repeal of certain provisions upon expiration thereof (Part Q); to amend the infrastructure investment act, in relation to authorized entities and design-build contracts (Part R); 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 S); to amend the business corporation law, the cooperative corporations law, the executive law, the general associations law, the general business law, the limited liability company law, the not-for-profit corporation law, the partnership law, the private housing finance law, the arts and cultural affairs law, the real property law and the tax law, in relation to streamlining the process by which service of process is served against a corporate or other entity with the secretary of state; and to repeal certain provisions of the real property law relating thereto (Part T); to amend the general municipal law, in relation to brownfield opportunity areas (Part U); to repeal section 159-j of the executive law, relating to the local share requirement for providers under the federal community services block grant program (Part V); to amend the banking law, in relation to student loan servicers (Subpart A); to amend the financial services law, in relation to student debt collectors (Subpart B); and to amend the education law, in relation to student loan debtors (Subpart C)(Part W); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part X); to amend part S of chapter 58 of the laws of 2016, amending the New York state urban development corporation act relating to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, in relation to the effectiveness thereof (Part Y); to amend the real property tax law, in relation to the taxation of forest land; to amend the environmental conservation law, in relation to timber harvest notification and the creation of forest protection and management programs; and to amend the state finance law, in relation to the procurement of wood and wood fiber projects (Part Z); to amend the state finance law and the environmental conservation law, in relation to the environmental protection fund, the hazardous waste remedial fund and the mitigation and remediation of solid waste sites; and to repeal certain provisions of the state finance law and the environmental conservation law relating thereto (Part AA); to amend the environmental conservation law, in relation to the donation of excess food and recycling of food scraps (Part BB); to amend the environmental conservation law, in relation to the Central Pine Barrens area and core preservation area (Part CC); authorizing utility and cable television assessments to provide funds to the department of health from cable television assessment revenues and to the departments of agriculture and markets, environmental conservation, office of parks, recreation and historic preservation, and state from utility assessment revenues (Part DD); authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY programs, as well as the department of environmental conservation's climate change program and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part EE); to amend the public authorities law, in relation to energy-related projects, programs and services of the power authority of the state of New York (Part FF); to amend the public authorities law, in relation to the provision of renewable power and energy by the

power authority of the state of New York (Part GG); and ; to amend the real property actions and proceedings law, in relation to reverse mortgages (Part HH); and to amend the vehicle and traffic law, the general municipal law, and the public officers law, in relation to owner liability for failure of an operator to comply with stopping requirements in certain portions of the city of New York; and providing for the repeal of such provisions upon expiration thereof (Part II)

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 2018-2019
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through II. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part,
7 including the effective date of the Part, which makes a reference to a
8 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.

12 PART A

13 Section 1. Subparagraph (iii) of paragraph (b) of subdivision 2 of
14 section 510 of the vehicle and traffic law, as amended by chapter 349 of
15 1993, is amended to read as follows:

16 (iii) such registrations shall be suspended when necessary to comply
17 with subdivision nine of section one hundred forty or subdivision four
18 of section one hundred forty-five of the transportation law or with an
19 out of service order issued by the United States department of transpor-
20 tation. The commissioner shall have the authority to deny a registration
21 or renewal application to any other person for the same vehicle and may
22 deny a registration or renewal application for any other motor vehicle
23 registered in the name of the applicant where it has been determined
24 that such registrant's intent has been to evade the purposes of this
25 subdivision and where the commissioner has reasonable grounds to believe
26 that such registration or renewal will have the effect of defeating the
27 purposes of this subdivision. Any suspension issued pursuant to this
28 subdivision by reason of an out of service order issued by the United
29 States department of transportation shall remain in effect until such
30 time as the commissioner is notified by the United States department of
31 transportation or the commissioner of transportation that the order
32 resulting in the suspension is no longer in effect.

33 § 2. Subdivision 3 of section 145 of the transportation law, as added
34 by chapter 635 of the laws of 1983, is amended to read as follows:

35 3. In addition to, or in lieu of, any sanctions set forth in this
36 section, the commissioner may, after a hearing, impose a penalty not to
37 exceed a maximum of five thousand dollars in any one proceeding upon any
38 person if the commissioner finds that such person or officer, agent or
39 employee thereof has failed to comply with the requirements of this
40 chapter or any rule, regulation or order of the commissioner promulgated
41 thereunder. Provided, however, that the commissioner may, after a hear-

ing, impose a penalty not to exceed ten thousand dollars in a second proceeding for another violation committed within eighteen months and a penalty not to exceed twenty-five thousand dollars in a third proceeding for additional violations committed within eighteen months. If such penalty is not paid within four months, the amount thereof may be entered as a judgment in the office of the clerk of the county of Albany and in any other county in which the person resides, has a place of business or through which it operates. Thereafter, if said judgment has not been satisfied within ninety days, any certificate or permit held by any such person may be revoked upon notice but without a further hearing. Provided, however, that if a person shall apply for a rehearing of the determination of the penalty pursuant to the provisions of section eighty-nine of this chapter, judgment shall not be entered until a determination has been made on the application for a rehearing. Further provided however, that if after a rehearing a penalty is imposed and such penalty is not paid within four months of the date of service of the rehearing decision, the amount of such penalty may be entered as a judgment in the office of the clerk of the county of Albany and in any other county in which the person resides, has a place of business or through which it operates. Thereafter, if said judgment has not been satisfied within ninety days, any certificate or permit held by any such person may be revoked upon notice but without a further hearing.

§ 3. This act shall take effect immediately.

PART B

Section 1. Subdivision 3 of section 20 of the highway law, as amended by chapter 736 of the laws of 1984, is amended to read as follows:

3. The commissioner may in his discretion develop such sites by providing any or all of the following: a water supply, sanitary facilities, parking space for automobiles or such other commercial or non-commercial facilities as are suitable for rest and relaxation stops by highway travelers. The commissioner may also permit the installation of vending machines dispensing such food, drink and other articles as he deems appropriate or desirable. Such sites shall be suitably marked and markings indicating their location may be erected on highways leading thereto.

§ 2. This act shall take effect immediately.

PART C

Section 1. Section 217 of the transportation law is amended by adding a new subdivision 9 to read as follows:

9. To enforce the requirements of section five thousand three hundred twenty-nine of title forty-nine of the United States Code, as amended from time to time, as it pertains to rail fixed guideway public transportation systems.

§ 2. This act shall take effect immediately.

PART D

Section 1. Subdivision 6 of section 2897 of the public authorities law is amended by adding a new paragraph f to read as follows:

f. Notwithstanding anything to the contrary contained in this section, disposals for use of the New York state thruway authority's fiber optic

1 system, or any part thereof, may be made through agreements based on set
2 fees rather than public auction or negotiation, provided that:

3 (i) the thruway authority has determined the disposal of such property
4 complies with all applicable provisions of this chapter;

5 (ii) disposal of such property is in the best interest of the thruway
6 authority; and

7 (iii) the set fees established for use of the fiber optic system, or
8 part thereof, will be based on an appraisal of the fair market value of
9 the property.

10 Disposals of the fiber optic system, or any part thereof, will not
11 require the explanatory statements required by this section.

12 § 2. This act shall take effect immediately.

13 PART E

14 Section 1. The transportation law is amended by adding a new section
15 144 to read as follows:

16 § 144. Fees and charges. The commissioner or authorized officer or
17 employee of the department shall charge and collect one hundred twenty
18 dollars for the inspection or re-inspection of all motor vehicles trans-
19 porting passengers subject to the department's inspection requirements
20 pursuant to section one hundred forty of this article, except such motor
21 vehicles operated under contract with a municipality to provide state-
22 wide mass transportation operating assistance eligible service or motor
23 vehicles used primarily to transport passengers pursuant to subpara-
24 graphs (i), (iii) and (v) of paragraph a of subdivision two of section
25 one hundred forty of this article. The department may deny inspection of
26 any motor vehicle transporting passengers subject to the department's
27 inspection requirements if such fee is not paid within ninety days of
28 the date noted on the department invoice.

29 § 2. This act shall take effect immediately.

30 PART F

31 Section 1. The first undesignated paragraph of subdivision 24-b of
32 section 10 of the highway law, as amended by chapter 155 of laws of
33 1985, is amended to read as follows:

34 Have power, whenever such commissioner of transportation deems it is
35 necessary as a result of work of construction, reconstruction or mainte-
36 nance of state highways, to provide for the removal, relocation,
37 replacement or reconstruction of privately, publicly or cooperatively
38 owned water, storm and sewer lines and facilities, facilities for the
39 transmission and/or distribution of communications, power, electricity,
40 light, heat, gas, crude products, steam and other similar commodities,
41 municipal utility facilities, or facilities of a corporation organized
42 pursuant to the transportation corporations law that are located on
43 privately owned property. Notwithstanding any other provision of any
44 law, the commissioner of transportation may enter into an agreement with
45 a fiber optic utility for occupancy of the state right of way, provided
46 however, any provider occupying a right of way in fulfillment of a state
47 grant award through the New NY Broadband Program shall not be subject to
48 a fee for such occupancy, and provided further, any fee for occupancy
49 charged to a fiber optic utility shall be prohibited from being passed
50 through in whole or in part as a fee, charge, increased service cost, or
51 by any other means by a fiber optic utility to any person or entity that
52 contracts with such fiber optic utility for service, and provided

1 further that any compensation received by the state pursuant to such
2 agreement shall be deposited by the comptroller into the special obli-
3 gation reserve and payment account of the dedicated highway and bridge
4 trust fund established pursuant to section eighty-nine-b of the state
5 finance law. If such work requires additional property or if it is
6 necessary that the relocation of such facilities be made to other prop-
7 erty, he may acquire such property as may be necessary for the purposes
8 of this subdivision, in the same manner as other property is acquired
9 for state highway purposes pursuant to this chapter, and he and the
10 owner of such facilities may enter into a written agreement to convey
11 such property as deemed necessary for the purposes of this subdivision
12 to such owner on terms beneficial to the state. The expense of such
13 removal, relocation, replacement or reconstruction and cost of property
14 acquisition shall be a proper charge against funds available for the
15 construction, reconstruction or maintenance of state highways. Except
16 when such facilities are owned by a corporation organized pursuant to
17 the transportation corporations law, the work of such removal, relo-
18 cation, replacement or reconstruction shall be performed by contract in
19 the same manner as provided for state highways in article three of this
20 chapter, or, by the use of departmental forces and equipment and of
21 materials purchased therefor, unless the commissioner of transportation
22 consents to having the owner of such facilities provide for the work of
23 such removal, relocation, replacement or reconstruction. In the case
24 where such facilities are owned by a corporation organized pursuant to
25 the transportation corporations law, the work of such removal, relo-
26 cation, replacement or reconstruction shall be provided for by such
27 corporation unless it consents to having the commissioner of transporta-
28 tion provide for such work to be performed by contract, in accordance
29 with specifications provided by such corporation, in the same manner as
30 provided for state highways in article three of this chapter, or, by the
31 use of departmental forces and equipment and of materials purchased
32 therefor. Upon the completion of the work, such facilities shall be
33 maintained by the owners thereof.

34 § 2. The transportation corporations law is amended by adding a new
35 section 7 to read as follows:

36 § 7. Agreement for fiber optic utility occupancy of state right of
37 way. Notwithstanding any other provision of any law, the commissioner of
38 transportation may enter into an agreement with a fiber optic utility
39 for occupancy of the state right of way, provided however, any provider
40 occupying a right of way in fulfillment of a state grant award through
41 the New NY Broadband Program shall not be subject to a fee for such
42 occupancy, and provided further, any fee for occupancy charged to a
43 fiber optic utility shall be prohibited from being passed through in
44 whole or in part as a fee, charge, increased service cost, or by any
45 other means by a fiber optic utility to any person or entity that
46 contracts with such fiber optic utility for service, and provided
47 further that any compensation received by the state pursuant to such
48 agreement shall be deposited by the comptroller into the special obli-
49 gation reserve and payment account of the dedicated highway and bridge
50 trust fund established pursuant to section eighty-nine-b of the state
51 finance law.

52 § 3. The general municipal law is amended by adding a new article 13-E
53 to read as follows:

54 ARTICLE 13-E

55 SMALL WIRELESS FACILITIES DEPLOYMENT

56 Section 300. Definitions.

1 301. Use of right of way.

2 302. Collocation of small wireless facilities and micro wireless
3 facilities.

4 303. Access to municipal corporation structures.

5 304. Local authority

6 305. Dispute resolution.

7 306. Indemnification.

8 § 300. Definitions. For the purposes of this article, the following
9 terms shall have the following meanings unless the context indicates
10 otherwise:

11 1. "Antenna" means communications equipment that transmits or receives
12 electromagnetic radio frequency signals used in the provision of wire-
13 less services.

14 2. "Applicable codes" means the New York State uniform fire prevention
15 and building code as adopted, and as may be amended, pursuant to article
16 eighteen of the executive law.

17 3. "Applicant" means any person or entity that files an application
18 with a municipal corporation to install or modify wireless facilities on
19 behalf of a communications service provider or wireless provider.

20 4. "Application" means a request submitted by an applicant to a local
21 government for a permit to collocate small wireless facilities; or to
22 approve the installation or modification of a utility pole or wireless
23 support structure.

24 5. "Application fee" means the one time fee charged to an applicant by
25 a municipal corporation for review of an application. The application
26 fee may not exceed the actual reasonable costs incurred by the municipal
27 corporation in connection with its review of the application.

28 6. "Pole" means: (i) a utility pole, other than a utility pole for
29 designated services, owned or operated by a municipal corporation in the
30 right of way, including a utility pole that provides lighting or traffic
31 control functions, including light poles, traffic signals, and struc-
32 tures for signage; and (ii) a pole or similar structure owned or oper-
33 ated by a municipal corporation in the right of way that supports only
34 wireless facilities.

35 7. "Base station" means wireless facilities or a wireless support
36 structure or utility pole that currently supports wireless facilities.
37 The term does not include a tower, as defined in 47 C.F.R. § 1.
38 40001(b)(9), or associated wireless facilities.

39 8. "Collocate" means to install, mount, maintain, modify, operate, or
40 replace wireless facilities on or adjacent to a wireless support struc-
41 ture or utility pole. The term "collocation" has a corresponding mean-
42 ing.

43 9. "Communications service provider" means a cable operator, as
44 defined in 47 U.S.C. § 522(5); a provider of information service, as
45 defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined
46 in 47 U.S.C. § 153(51); or a wireless provider.

47 10. "FCC" means the Federal Communications Commission of the United
48 States.

49 11. "Fee" means a one-time charge.

50 12. "Law" means federal, state, or local law, statute, common law,
51 code, rule, regulation, order, or ordinance.

52 13. "Micro wireless facility" means a wireless facility that meets the
53 following qualifications: (i) is not larger in dimension than twenty-
54 four inches in length, fifteen inches in width, and twelve inches in
55 height; and (ii) any exterior antenna is no longer than eleven inches.

14. "Permit" means a written authorization required by a municipal corporation to perform an action or initiate, continue, or complete a project relating to the installation or modification of wireless facilities.

15. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

16. "Rate" means a recurring charge.

17. "Right of way" or "ROW" means the area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway.

18. "Small wireless facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

19. "Substantial modification" means a proposed modification to an existing wireless support structure or base station which will substantially change the physical dimensions of the wireless support structure or base station under the objective standard for substantial change adopted by the Federal Communications Commission pursuant to 47 C.F.R. § 1.40001.

20. "Utility pole" means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, signage, or a similar function. Such term shall not include structures supporting only wireless facilities.

21. "Utility pole for designated services" means a utility pole owned or operated in the ROW by a municipal corporation, a public utility district, an electric membership corporation, or a rural electric cooperative that is designed to, or used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable, or electric service.

22. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities and micro wireless facilities. The term does not include the structure or improvements on, under, or within which the equipment is collocated. The term does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

23. "Wireless infrastructure provider" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment,

1 wireless facilities or wireless support structures, but that is not a
2 wireless services provider.

3 24. "Wireless provider" means a wireless infrastructure provider or a
4 wireless services provider.

5 25. "Wireless services" means any services, whether at a fixed
6 location or mobile, provided using wireless facilities.

7 26. "Wireless services provider" means any person or entity that
8 provides wireless services.

9 27. "Wireless support structure" means a freestanding structure, such
10 as a monopole; tower, either guyed or self-supporting; billboard; or,
11 other existing or proposed structure designed to support or capable of
12 supporting wireless facilities. Such term shall not include a utility
13 pole.

14 § 301. Use of right of way. 1. Applicability. This section shall only
15 apply to the activities of a wireless provider within the right of way.

16 2. Exclusive use prohibited. A municipal corporation may not enter
17 into an exclusive arrangement with any person for use of the right of
18 way for the construction, operation, marketing, or maintenance of wire-
19 less facilities or wireless support structures or the collocation of
20 small wireless facilities or micro wireless facilities.

21 3. Right of way rates and fees. A municipal corporation may only
22 charge a wireless provider a rate or fee for the use of the right of way
23 with respect to the construction, installation, mounting, maintenance,
24 modification, operation, or replacement of a wireless facility or wire-
25 less support structure in the right of way, including collocation in
26 such right of way, if the municipal corporation charges other communi-
27 cations service providers or publicly, cooperatively, or municipally
28 owned utilities for the use of the right of way. If a municipal corpo-
29 ration is authorized by applicable law to charge a rate or fee to those
30 persons or entities, and does so, any such rate or fee for a wireless
31 provider must be: (i) limited to no more than the direct and actual cost
32 of managing the right of way; and (ii) competitively neutral with regard
33 to other users of the right of way, including investor, municipal corpo-
34 ration, or cooperatively owned entities. No rate or fee may: (i) result
35 in a double recovery where existing rates, fees, or taxes already
36 recover the direct and actual costs of managing the rights of way; (ii)
37 be in the form of a franchise or other fee based on revenue or customer
38 counts; (iii) be unreasonable or discriminatory; (iv) violate any appli-
39 cable law; or (v) exceed an annual amount equal to twenty dollars times
40 the number of utility poles or wireless support structures in the munic-
41 ipal corporation's geographic jurisdiction on which the wireless provid-
42 er has collocated a small wireless facility antenna. Notwithstanding the
43 foregoing, in recognition of the public benefits of the deployment of
44 wireless services, a municipal corporation is permitted, on a nondiscri-
45 minatory basis, to refrain from charging any rate or fee to a wireless
46 provider for the use of the right of way.

47 4. Rate or fee adjustment. Should a municipal corporation have an
48 existing rate or fee to construct, install, mount, maintain, modify,
49 operate, or replace a wireless facility or wireless support structure in
50 the ROW, including collocation in such ROW, controlled by the municipal
51 corporation and such rate or fee does not comply with the requirements
52 in subdivision three of this section, not later than six months follow-
53 ing the effective date of this article, the municipal corporation shall
54 implement a revised rate or fee to ensure compliance with such subdivi-
55 sion three for all affected persons.

1 5. Right of access. Subject to the provisions of this section and
2 approval of an application, if required, a wireless provider shall have
3 the right, as a permitted use not subject to zoning review or approval,
4 but subject to the issuance of a permit by the municipal corporation as
5 provided in this article, to collocate wireless facilities and
6 construct, modify, maintain, and operate utility poles, wireless support
7 structures, conduit, cable, and related appurtenances and facilities
8 along, across, upon, and under the ROW. Such structures and facilities
9 shall be so constructed and maintained as not to obstruct or hinder the
10 usual travel or public safety on such ROW or obstruct the legal use of
11 such ROW by other utilities. Each new or modified utility pole and wire-
12 less support structure installed in the ROW shall not exceed the greater
13 of (i) ten feet in height above the tallest existing utility pole in
14 place as of the effective date of this article located within five
15 hundred feet of the new pole in the same ROW; or (ii) fifty feet above
16 ground level. New wireless facilities in the ROW may not extend (i) more
17 than ten feet above an existing utility pole or wireless support struc-
18 ture in place as of the effective date of this article; or (ii) above
19 the height permitted for a new utility pole or wireless support struc-
20 ture under this section. Notwithstanding the foregoing:

21 a. Subject to this article, a wireless provider shall have the right
22 to construct, modify and maintain a utility pole, wireless support
23 structure, or wireless facility that exceeds these size limits along,
24 across, upon and under the ROW, subject to review in accordance with
25 applicable municipal zoning regulations; and

26 b. Applicants shall comply with nondiscriminatory undergrounding
27 requirements after obtaining prior zoning approval in areas zoned for
28 single family residential use, provided that such requirements shall not
29 prohibit the replacement of existing structures or result in an effec-
30 tive prohibition of services. In all other zoning districts, prior
31 zoning approval shall not be required for undergrounding new infrastruc-
32 ture associated with small wireless facilities.

33 6. No discrimination. The municipal corporation, in the exercise of
34 its administration and regulation related to the management of the ROW
35 must be competitively neutral with regard to other users of the ROW,
36 including that terms may not be unreasonable or discriminatory and may
37 not violate any applicable law.

38 7. Damage and repair. The municipal corporation may require a wireless
39 provider to repair all damage to the ROW directly caused by the activ-
40 ities of the wireless provider, while occupying, installing, repairing
41 or maintaining wireless facilities, wireless support structures, or
42 utility poles in the ROW and to return the ROW to its functional equiv-
43 alence before the damage pursuant to the competitively neutral, reason-
44 able requirements and specifications of the municipal corporation. If
45 the wireless provider fails to make the repairs reasonably required by
46 the municipal corporation within a reasonable time after written notice,
47 the municipal corporation may effect those repairs and charge the appli-
48 cable party the reasonable, documented actual cost of such repairs.

49 § 302. Collocation of small wireless facilities and micro wireless
50 facilities. 1. Applicability. The provisions of this section shall apply
51 to activities of a wireless provider within or outside of the right of
52 way.

53 2. Except as expressly provided in this article, no municipal corpo-
54 ration may regulate, prohibit or charge for the collocation of
55 small/micro wireless facilities.

1 3. Small wireless facilities and micro wireless facilities shall be
2 classified as permitted uses and not subject to zoning review or
3 approval if they are collocated: (i) in the right of way in any zoning
4 district; or (ii) outside the right of way in property not zoned exclu-
5 sively for single family residential use.

6 4. A municipal corporation may require an applicant to obtain one or
7 more permits to collocate a small wireless facility, provided such
8 permits are of general applicability and do not apply exclusively to
9 wireless facilities. A municipal corporation shall receive applications
10 for, process, and issue such Permits subject to the following require-
11 ments: (i) no municipal corporation may, directly or indirectly, require
12 an applicant to perform services unrelated to the collocation for which
13 approval is sought, such as in-kind contributions to the municipal
14 corporation, including reserving fiber, conduit, or pole space for the
15 municipal corporation; (ii) no applicant shall be required to provide
16 more information to obtain a permit than communications service provid-
17 ers that are not wireless providers; (iii) within ten days of receiving
18 an application, a municipal corporation shall determine and notify the
19 applicant whether the application is complete. If an application is
20 incomplete, the municipal corporation shall specifically identify what
21 information is missing; (iv) an application shall be processed on a
22 nondiscriminatory basis and shall be deemed approved if the municipal
23 corporation fails to otherwise approve or deny the application within
24 sixty days of receipt; and (v) a municipal corporation shall approve an
25 application unless it does not meet the requirements of this article.
26 The municipal corporation shall document the basis for any denial,
27 including the specific code provisions on which the denial was based,
28 and send the documentation to the applicant on or before the day the
29 municipal corporation denies the application. The applicant may cure the
30 deficiencies identified by the municipal corporation and resubmit the
31 application within thirty days of the denial without paying an addi-
32 tional application fee. The municipal corporation shall approve or deny
33 the revised application within thirty days. Any subsequent review shall
34 be limited to the deficiencies cited in the denial; (vi) an applicant
35 seeking to collocate small wireless facilities within the jurisdiction
36 of a single municipal corporation shall be allowed, at the applicant's
37 discretion, to file a consolidated application and receive a single
38 permit for the collocation of multiple small wireless facilities; (vii)
39 collocation for which a permit has been granted shall commence within
40 one year of approval and shall be pursued to completion; and (viii) no
41 municipal corporation may institute, either expressly or de facto, a
42 moratorium on: a. filing, receiving, or processing applications; or b.
43 issuing permits or other approvals, if any, for the collocation of small
44 wireless facilities.

45 5. Application fees shall be subject to the following requirements:
46 (i) a municipal corporation may charge an application fee only if such
47 fee is required for similar types of commercial development within the
48 municipal corporation's jurisdiction; (ii) a municipal corporation shall
49 only charge a fee for the actual, direct, and reasonable costs incurred
50 by the municipal corporation relating to the granting or processing of
51 an application. Such fees shall be reasonably related in time to the
52 incurring of such costs. Where such costs are already recovered by
53 existing fees, rates, or taxes paid by a wireless provider, no applica-
54 tion fee shall be assessed to recover such costs; (iii) a fee may not
55 include: a. travel expenses incurred by a third party in its review of
56 an application; or b. direct payment or reimbursement of third party

1 rates or fees charged on a contingency basis or a result-based arrange-
2 ment; (iv) in any controversy concerning the appropriateness of a fee,
3 the municipal corporation shall have the burden of proving that the fee
4 is reasonably related to the actual, direct, and reasonable costs
5 incurred by the municipal corporation; (v) total application fees, where
6 permitted, shall not exceed the lesser of the amount charged by the
7 municipal corporation for: a. a building permit for any similar commer-
8 cial construction, activity, or land use development; or b. one hundred
9 dollars each for up to five small wireless facilities addressed in an
10 application and fifty dollars for each additional small wireless facili-
11 ty addressed in the application.

12 6. No municipal corporation shall require an application for: (i)
13 routine maintenance; (ii) the replacement of wireless facilities with
14 wireless facilities that are substantially similar or the same size or
15 smaller; or (iii) the installation, placement, maintenance, operation or
16 replacement of micro wireless facilities that are strung on cables
17 between existing utility poles, in compliance with the national elec-
18 trical safety code. A municipal corporation may require a permit to work
19 within the right of way for such activities, if applicable. Any such
20 permits shall be subject to the requirements of this section.

21 § 303. Access to municipal corporation structures. 1. Collocation of
22 small wireless facilities on or adjacent to municipal corporation poles
23 and utility poles for designated services. (i) Exclusive arrangements
24 prohibited. A person owning or controlling municipal poles or utility
25 poles for designated services may not enter into an exclusive arrange-
26 ment with any person for the right to attach to or adjacent to such
27 poles.

28 (ii) Rates. a. The rates and fees for collocations on or adjacent to
29 municipal corporation poles or utility poles for designated services
30 shall be nondiscriminatory regardless of the services provided by the
31 collocating person; b. the rate to collocate on or adjacent to utility
32 poles for designated services may not exceed the annual recurring rate
33 that would be permitted under rules adopted by the FCC under 47 U.S.C. §
34 224(e) if the rates were regulated by the FCC or twenty dollars per year
35 per wooden utility pole or two hundred dollars per year per metal,
36 concrete, or fiberglass utility pole, whichever is less; c. the rate to
37 collocate on municipal corporation poles shall recover the actual,
38 direct, and reasonable costs related to the applicant's application for
39 and use of space on the municipal corporation pole; d. the total annual
40 rate for collocations and any activities related to such collocations
41 shall not exceed the lesser of actual, direct, and reasonable costs
42 related to the collocation on or adjacent to the pole or twenty dollars
43 per year per wooden utility pole or two hundred dollars per year per
44 metal, concrete, or fiberglass utility pole, whichever is less; e. in
45 any controversy concerning the appropriateness of a rate for a municipal
46 corporation's pole, the municipal corporation shall have the burden of
47 proving that the rates are reasonably related to the actual, direct, and
48 reasonable costs incurred for use of space on the pole for such period;
49 f. should a municipal corporation, municipally-owned or operated-per-
50 son, public utility district, or cooperative have an existing pole
51 attachment rate, fee, or other term that does not comply with the
52 requirements of this section, the municipal corporation, municipally-
53 owned or operated person, public utility district, or cooperative shall,
54 not later than six months following the effective date of this article,
55 reform such rate, fee, or term in compliance with this subdivision.

(iii) Rates, fees, and terms to be offered. Persons owning or controlling municipal corporation poles and utility poles for designated services shall offer rates, fees, and other terms that comply with the provision set forth in this section within the later of six months of the effective date of this article or three months after receiving a request to collocate its first small wireless facility on a municipal corporation pole or a utility pole for designated services owned or controlled by a municipal corporation.

2. Collocation on or adjacent to municipal corporation wireless support structures and utility poles outside the right of way. A municipal corporation shall authorize the collocation of small wireless facilities and micro wireless facilities on or adjacent to wireless support structures and utility poles owned or controlled by a municipal corporation that are not located within the right of way to the same extent the municipal corporation permits access to such structures for other commercial projects or uses. Such collocations shall be subject to reasonable and nondiscriminatory rates, fees, and terms as provided in an agreement between the municipal corporation and the wireless provider.

§ 304. Local authority. Subject to the provisions of this article and applicable federal law, a municipal corporation may continue to exercise zoning, land use, planning and permitting authority within its territorial boundaries, including with respect to wireless support structure and utility poles; except that no municipal corporation shall have or exercise any jurisdiction or authority over the design, engineering, construction, installation, or operation of any small wireless facility or micro wireless facility located in an interior structure or upon the site of any campus, stadium, or athletic facility not otherwise owned or controlled by the municipal corporation, other than to comply with applicable codes. Nothing in this article authorizes the state or any political subdivision, including a municipal corporation, to require wireless facility deployment or to regulate wireless services.

§ 305. Dispute resolution. Courts of competent jurisdiction shall have jurisdiction to determine all disputes arising under this article.

§ 306. Indemnification. No municipal corporation shall require a wireless provider to indemnify and hold the municipal corporation and its officers and employees harmless against any claims, lawsuits, judgments, costs, liens, losses, expenses or fees, except when a court of competent jurisdiction has found that the negligence of the wireless provider while installing, repairing or maintaining caused the harm that created such claims, lawsuits, judgments, costs, liens, losses, expenses, or fees or to require a wireless provider to obtain insurance naming the municipal corporation or its officers and employees an additional insured against any of the foregoing.

§ 4. This act shall take effect immediately; provided, however, that section three of this act shall take effect on the thirtieth day after it shall have become a law.

PART G

Section 1. Paragraph (c) of subdivision 3 of section 501 of the vehicle and traffic law, as added by chapter 449 of the laws of 1989, is amended to read as follows:

(c) in the city of New York, driving shall be prohibited except from five o'clock in the morning to nine o'clock in the evening when accompanied by a person at least twenty-one years of age and who is a duly

1 licensed parent, guardian, person in a position of loco parentis to the
2 licensee, driver education teacher, or driving school instructor when
3 operating a vehicle equipped with dual brake controls.

4 § 2. Subdivision 2 of section 510-c of the vehicle and traffic law, as
5 amended by section 5 of part B of chapter 55 of the laws of 2014, is
6 amended to read as follows:

7 2. For purposes of this section, the term "serious traffic violation"
8 shall mean operating a motor vehicle in violation of any of the follow-
9 ing provisions of this chapter: articles twenty-five and twenty-six;
10 subdivision one of section six hundred; section six hundred one;
11 sections eleven hundred eleven, eleven hundred seventy, eleven hundred
12 seventy-two and eleven hundred seventy-four; subdivisions (a), (b), (c),
13 (d) and (f) of section eleven hundred eighty, provided that the
14 violation involved ten or more miles per hour over the established
15 limit; section eleven hundred eighty-two; subdivision [~~three-a~~] three-b
16 of section twelve hundred twenty-nine-c for violations involving use of
17 safety belts or seats by a child under the age of sixteen; and section
18 twelve hundred twelve of this chapter.

19 § 3. Subdivision 3 of section 1225-c of the vehicle and traffic law,
20 as added by chapter 69 of the laws of 2001, is amended and a new subdi-
21 vision 2-a is added to read as follows:

22 2-a. No person under eighteen years of age shall operate a motor vehi-
23 cle upon a public highway while engaging in a call with a hand-held or
24 hands-free mobile telephone. For the purposes of this subdivision,
25 engaging in a call shall include making or receiving a call with a hand-
26 held or hands-free mobile telephone.

27 3. [~~Subdivision~~] Subdivisions two and two-a of this section shall not
28 apply to (a) the use of a mobile telephone for the sole purpose of
29 communicating with any of the following regarding an emergency situ-
30 ation: an emergency response operator; a hospital, physician's office or
31 health clinic; an ambulance company or corps; a fire department,
32 district or company; or a police department, (b) any of the following
33 persons while in the performance of their official duties: a police
34 officer or peace officer; a member of a fire department, district or
35 company; or the operator of an authorized emergency vehicle as defined
36 in section one hundred one of this chapter, or (c) except as applied to
37 persons under the age of eighteen years, the use of a hands-free mobile
38 telephone.

39 § 4. Paragraphs (a) and (b) of subdivision 2 of section 1225-d of the
40 vehicle and traffic law, as amended by section 8 of part C of chapter 58
41 of the laws of 2013, are amended to read as follows:

42 (a) "Portable electronic device" shall mean any hand-held mobile tele-
43 phone, as defined by subdivision one of section twelve hundred twenty-
44 five-c of this article, personal digital assistant (PDA), handheld
45 device with mobile data access, laptop computer, pager, broadband
46 personal communication device, two-way messaging device, electronic
47 game, or portable computing device, or any other [~~electronic~~] personal
48 wireless communications device when used to input, write, send, receive,
49 or read text or images for present or future communication, including
50 doing so for the purpose of SMS texting, emailing, instant messaging, or
51 engaging in any other form of electronic data retrieval or electronic
52 data communication.

53 (b) "Using" shall mean holding or making contact with a portable elec-
54 tronic device [~~while~~] for the purpose of viewing, taking or transmitting
55 images, playing games, or, for the purpose of present or future communi-
56 cation: performing a command or request to access a world wide web page,

1 composing, sending, reading, viewing, accessing, browsing, transmitting,
2 saving or retrieving e-mail, text messages, instant messages, or other
3 electronic data.

4 § 5. Subdivision 2 of section 1225-d of the vehicle and traffic law is
5 amended by adding a new paragraph (e) to read as follows:

6 (e) "Personal wireless communications device" (i) means a device
7 through which personal wireless services (as defined in section
8 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C.
9 332(c)(7)(C)(i))) are transmitted; and

10 (ii) does not include a global navigation satellite system receiver
11 used for positioning, emergency notification, or navigation purposes.

12 § 6. Subdivision 4 of section 1225-d of the vehicle and traffic law,
13 as amended by section 10 of part C of chapter 58 of the laws of 2013, is
14 amended to read as follows:

15 4. A person who [~~holds~~] uses a portable electronic device in a
16 conspicuous manner while operating a motor vehicle or while operating a
17 commercial motor vehicle on a public highway including while temporarily
18 stationary because of traffic, a traffic control device, or other momen-
19 tary delays but not including when such commercial motor vehicle is
20 stopped at the side of, or off, a public highway in a location where
21 such vehicle is not otherwise prohibited from stopping by law, rule,
22 regulation or any lawful order or direction of a police officer is
23 presumed to be using such device, except that a person operating a
24 commercial motor vehicle while using a portable electronic device when
25 such vehicle is stopped at the side of, or off, a public highway in a
26 location where such vehicle is not otherwise prohibited from stopping by
27 law, rule, regulation or any lawful order or direction of a police offi-
28 cer shall not be presumed to be using such device. The presumption
29 established by this subdivision is rebuttable by evidence tending to
30 show that the operator was not using the device within the meaning of
31 this section.

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

35 3. No person shall operate a motor vehicle unless such person is
36 restrained by a safety belt approved by the commissioner. No person
37 sixteen years of age or over shall be a passenger in [~~the front seat of~~]
38 a motor vehicle unless such person is restrained by a safety belt
39 approved by the commissioner.

40 § 8. Subdivision 13 of section 1229-c of the vehicle and traffic law,
41 as amended by chapter 20 of the laws of 2008, is amended to read as
42 follows:

43 13. Notwithstanding the provisions of subdivision four of this
44 section, no person shall operate a school bus for which there are no
45 applicable federal school bus safety standards unless all occupants are
46 restrained by a safety belt approved by the commissioner or, regarding
47 occupants age four or older but under age [~~seven~~] eight, are restrained
48 pursuant to subdivision one or two of this section.

49 § 9. The vehicle and traffic law is amended by adding a new section
50 1170-a to read as follows:

51 § 1170-a. Owner liability for failure of operator to obey signal indi-
52 cating approach of train. (a) 1. Notwithstanding any other provision of
53 law, any political subdivision as defined herein is hereby authorized
54 and empowered to adopt and amend a local law, ordinance or resolution
55 establishing a demonstration program imposing monetary liability on the
56 owner of a vehicle for failure of an operator thereof to comply with

1 section eleven hundred seventy of this article. Such demonstration
2 program shall empower a political subdivision with the concurrence of
3 the subject commuter railroad to install and operate railroad grade
4 crossing photo violation-monitoring devices at any railroad grade cross-
5 ing located within its jurisdiction. The cost of the photo violation
6 monitoring devices may be borne by the political subdivision, a commuter
7 railroad operating within such political subdivision, or a combination
8 of both such political subdivision and commuter railroad pursuant to a
9 memorandum of understanding.

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

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

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

32 1. "Owner" shall have the meaning provided in article two-B of this
33 chapter;

34 2. "Railroad grade crossing photo violation-monitoring system" shall
35 mean a vehicle sensor installed to work in conjunction with a railroad
36 sign or signal which automatically produces two or more photographs, two
37 or more microphotographs, a videotape or other recorded images of each
38 vehicle at the time it is used or operated in violation of section elev-
39 en hundred seventy of this article;

40 3. "Political subdivision" shall mean a county, city, town, or village
41 located in the metropolitan commuter transportation district, as such
42 district is defined in section twelve hundred sixty-two of the public
43 authorities law; and

44 4. "Commuter railroad" shall mean a railroad owned and operated by the
45 metropolitan transportation authority within the metropolitan commuter
46 transportation district, as such term is defined in section twelve
47 hundred sixty-two of the public authorities law.

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

1 proceeding to adjudicate the liability for such violation pursuant to a
2 local law, ordinance or 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 two hundred fifty dollars for
9 each violation; provided, however, that an adjudicating authority may
10 provide for an additional penalty not in excess of fifty 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 any liability imposed upon owners by this section
41 shall be by a traffic violations bureau established pursuant to section
42 three hundred seventy of the general municipal law or, if there be none
43 by the court having jurisdiction over traffic infractions, except that
44 any city which has established or designated an administrative tribunal
45 to hear and determine owner liability established by article twenty-four
46 of the vehicle and traffic law for failure to comply with traffic
47 control indications shall use such tribunal to adjudicate the liability
48 imposed by this section.

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

1 cient that a certified copy of a police report on the stolen vehicle be
2 sent by first class mail to the court having jurisdiction or parking
3 violations bureau.

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

23 2. (i) In any 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 this section and shall
48 be sent a notice of liability pursuant to subdivision (g) of this
49 section.

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

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

1 out the consent of the owner at the time such operator failed to comply
2 with the provisions of section eleven hundred seventy of this article.
3 For purposes of this subdivision there shall be a presumption that the
4 operator of such vehicle was operating such vehicle with the consent of
5 the owner at the time such operator failed to comply with the provisions
6 of section eleven hundred seventy of this article.

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

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

18 1. a description of the location where railroad grade crossing photo
19 violation-monitoring system was used;

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

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

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

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

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

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

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

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

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

43 (n) It shall be an affirmative defense to any prosecution for a
44 violation of section eleven hundred seventy of this article pursuant to
45 a local law or ordinance adopted pursuant to this section that there is
46 verified evidence that the railroad signal indications were malfunction-
47 ing at the time of the alleged violation.

48 § 10. The vehicle and traffic law is amended by adding a new section
49 1633 to read as follows:

50 § 1633. Railroad grade crossing enforcement; demonstration program.

51 (a) 1. Notwithstanding any other provision of law, the Long Island Rail
52 Road and the Metro-North Commuter Railroad (hereinafter referred to as
53 "the commuter railroads") are hereby authorized and empowered to imple-
54 ment a demonstration program imposing monetary liability on the owner of
55 a vehicle for failure of an operator thereof to comply with section
56 eleven hundred seventy of this chapter. Such demonstration program shall

1 empower each of the commuter railroads to install and operate railroad
2 grade crossing photo verification-monitoring devices at any railroad
3 sign or signal that indicates the approach of one of its trains.

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

13 (b) Within the jurisdiction of any such commuter railroad pursuant to
14 subdivision (a) of this section, and subject to the adjudicatory process
15 of the appropriate political subdivision, the owner of a vehicle shall
16 be liable for a penalty imposed pursuant to this section if such vehicle
17 was used or operated with the permission of the owner, express or
18 implied, in violation of section eleven hundred seventy of this chapter,
19 and such violation is evidenced by information obtained from a railroad
20 grade crossing photo violation-monitoring system; provided, however,
21 that no owner of a vehicle shall be liable for a penalty imposed pursu-
22 ant to this section where the operator of such vehicle has been
23 convicted of the underlying violation of section eleven hundred seventy
24 of this chapter.

25 (c) For purposes of this section, the following terms shall have the
26 following meaning:

27 1. "Owner" shall have the meaning provided in article two-B of this
28 chapter;

29 2. "Railroad grade crossing photo violation-monitoring system" shall
30 mean a vehicle sensor installed to work in conjunction with a railroad
31 sign or signal which automatically produces two or more photographs, two
32 or more microphotographs, a videotape or other recorded images of each
33 vehicle at the time it is used or operated in violation of section elev-
34 en hundred seventy of this chapter;

35 3. "Political subdivision" shall mean a county, city, town or village
36 located in the metropolitan commuter transportation district, as such
37 district is defined in section twelve hundred sixty-two of the public
38 authorities law;

39 (d) A certificate, sworn to or affirmed by a technician employed by
40 the commuter railroad where the charged violation occurred, or a facsim-
41 ile thereof, based upon inspection of photographs, microphotographs,
42 videotape or other recorded images produced by a railroad grade crossing
43 photo violation-monitoring system, shall be prima facie evidence of the
44 facts contained therein. Any photographs, microphotographs, videotape
45 or other recorded images evidencing such a violation shall be available
46 for inspection in any proceeding to adjudicate the liability for such
47 violation pursuant to law.

48 (e) An owner liable for a violation of section eleven hundred seventy
49 of this chapter pursuant to a railroad grade crossing demonstration
50 project adopted pursuant to this section shall be liable for monetary
51 penalties not to exceed two hundred fifty dollars for each violation;
52 provided, however, that an adjudicating authority may provide for an
53 additional penalty of not in excess of fifty dollars for each violation
54 for the failure to respond to a notice of liability within the
55 prescribed period of time.

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

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

12 2. A notice of liability shall contain the name and address of the
13 person alleged to be liable as an owner for a violation of section elev-
14 en hundred seventy of this chapter pursuant to this section, the regis-
15 tration number of the vehicle involved in such violation, the location
16 where such violation took place, the date and time of such violation and
17 the identification number of the camera which recorded the violation or
18 other document locator number.

19 3. The notice of liability shall contain information advising the
20 person charged of the manner and the time in which he or she may contest
21 the liability alleged in the notice. Such notice of liability shall also
22 contain a warning to advise the person charged that failure to contest
23 in the manner and time provided shall be deemed an admission of liabil-
24 ity and that a default judgment may be entered thereon.

25 4. The notice of liability shall be prepared and mailed by the commu-
26 ter railroad, or by any other entity authorized by such commuter rail-
27 road to prepare and mail such notification of violation.

28 (h) Adjudication of any liability imposed upon owners by this section
29 shall be by a traffic violations bureau established pursuant to section
30 three hundred seventy of the general municipal law or, if there be none
31 by the court having jurisdiction over traffic infractions, except that
32 any city which has established or designated an administrative tribunal
33 to hear and determine owner liability established by article twenty-four
34 of the vehicle and traffic law for failure to comply with traffic
35 control indications shall use such tribunal to adjudicate the liability
36 imposed by this section.

37 (i) If an owner receives a notice of liability pursuant to this
38 section for any time period during which the vehicle was reported to a
39 law enforcement agency as having been stolen, it shall be a valid
40 defense to an allegation of liability for a violation of section eleven
41 hundred seventy of this chapter pursuant to this section that the vehi-
42 cle had been reported to the police as stolen prior to the time the
43 violation occurred and has not been recovered by such time. For purposes
44 of asserting the defense provided by this subdivision it shall be suffi-
45 cient that a certified copy of a police report on the stolen vehicle be
46 sent by first class mail to the court having jurisdiction or parking
47 violations bureau.

48 (j) 1. In any political subdivision where the adjudication of liabil-
49 ity imposed upon owners pursuant to this section is by a court having
50 jurisdiction, an owner who is a lessor of a vehicle to which a notice of
51 liability was issued pursuant to subdivision (g) of this section shall
52 not be liable for the violation of section eleven hundred seventy of
53 this chapter, provided that he or she send to the court having jurisdic-
54 tion a copy of the rental, lease or other such contract document cover-
55 ing such vehicle on the date of the violation, with the name and address
56 of the lessee clearly legible, within thirty-seven days after receiving

1 notice from the court of the date and time of such violation, together
2 with the other information contained in the original notice of liability.
3 Failure to send such information within such thirty-seven day time
4 period shall render the owner liable for the penalty prescribed by this
5 section. Where the lessor complies with the provisions of this para-
6 graph, the lessee of such vehicle on the date of such violation shall be
7 deemed to be the owner of such vehicle for purposes of this section,
8 shall be subject to liability for the violation of section eleven
9 hundred seventy of this chapter pursuant to this section and shall be
10 sent a notice of liability pursuant to subdivision (g) of this section.

11 2. (i) In any political subdivision which has authorized the adjudi-
12 cation of liability imposed upon owners by this section by a parking
13 violations bureau, an owner who is a lessor of a vehicle to which a
14 notice of liability was issued pursuant to subdivision (g) of this
15 section shall not be liable for the violation of section eleven hundred
16 seventy of this chapter, provided that:

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

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

29 (ii) Failure to comply with clause (B) of subparagraph (i) of this
30 paragraph shall render the owner liable for the penalty prescribed in
31 this section.

32 (iii) Where the lessor complies with the provision of this paragraph,
33 the lessee of such vehicle on the date of such violation shall be deemed
34 to be the owner of such vehicle for purposes of this section, shall be
35 subject to liability for such violation pursuant to this section and
36 shall be sent a notice of liability pursuant to subdivision (g) of this
37 section.

38 (k) 1. If the owner liable for a violation of section eleven hundred
39 seventy of this chapter pursuant to this section was not the operator of
40 the vehicle at the time of the violation, the owner may maintain an
41 action for indemnification against the operator.

42 2. Notwithstanding any other provision of this section, no owner of a
43 vehicle shall be subject to a monetary fine imposed pursuant to this
44 section if the operator of such vehicle was operating such vehicle with-
45 out the consent of the owner at the time such operator failed to obey a
46 railroad sign or signal indicating the approach of a train. For purposes
47 of this subdivision there shall be a presumption that the operator of
48 such vehicle was operating such vehicle with the consent of the owner at
49 the time such operator failed to obey a railroad sign or signal indicat-
50 ing the approach of a train.

51 (l) Nothing in this section shall be construed to limit the liability
52 of an operator of a vehicle for any violation of section eleven hundred
53 seventy of this chapter.

54 (m) Where a commuter railroad adopts a demonstration program pursuant
55 to subdivision (a) of this section, such railroad shall submit an annual
56 report on the results of the use of a railroad grade crossing photo

1 violation-monitoring system to the governor, the temporary president of
2 the senate and the speaker of the assembly on or before June first, two
3 thousand eighteen and on the same date in each succeeding year in which
4 the demonstration program is operable. Such report shall include, but
5 not be limited to:

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

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

12 3. The aggregate number, type and severity of accidents reported at
13 intersections where a railroad grade crossing photo violation-monitoring
14 system is used, to the extent the information is maintained by the
15 department;

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

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

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

23 7. the number of violations adjudicated and results of such adjudi-
24 cations including breakdowns of dispositions made for violations
25 recorded by such systems;

26 8. the total amount of revenue realized by all applicable political
27 subdivision from such adjudications;

28 9. expenses incurred by such commuter railroad in connection with the
29 program; and

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

31 (n) It shall be an affirmative defense to any prosecution for a
32 violation of section eleven hundred seventy of this chapter pursuant to
33 a local law or ordinance adopted pursuant to this section that there is
34 verified evidence that the railroad signal indications were malfunction-
35 ing at the time of the alleged violation.

36 § 11. The opening paragraph of subdivision 1 of section 1803 of the
37 vehicle and traffic law, as amended by chapter 385 of the laws of 1999,
38 is amended to read as follows:

39 Except as otherwise provided in subdivision five of section two
40 hundred twenty-seven of this chapter [~~and as provided in~~], section
41 sixteen hundred thirty-three of this chapter and section eleven hundred
42 ninety-seven of this chapter, section ninety of the state finance law
43 and sections fourteen-f and one hundred forty of the transportation law,
44 all fines and penalties collected under a sentence or judgment of
45 conviction of a violation of this chapter or of any act relating to the
46 use of highways by motor vehicles or trailers, now in force or hereafter
47 enacted, shall be distributed in the following manner:

48 § 12. Section 1803 of the vehicle and traffic law is amended by adding
49 a new subdivision 10 to read as follows:

50 10. Where a commuter railroad establishes a railroad grade crossing
51 demonstration program pursuant to section sixteen hundred thirty-three
52 of this chapter, all fines, penalties and forfeitures collected pursuant
53 to such section shall be paid to the county, city, town, or village
54 having jurisdiction of the railroad grade crossing.

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

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

§ 14. This act shall take effect immediately; provided, however, that:

(a) sections one, two, seven and eight of this act of this act shall take effect on the first of November next succeeding the date on which it shall have become a law;

(b) sections three, four, five and six of this act shall take effect October 1, 2018; and provided, further that:

(c) sections nine, ten, eleven, twelve and thirteen of this act shall take effect on the thirtieth day after it shall have become a law.

PART H

Section 1. Paragraph a of section 1 of part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, is amended to read as follows:

a. Notwithstanding the provisions of section 1226 of the vehicle and traffic law, the New York state commissioner of motor vehicles may approve demonstrations and tests consisting of the operation of a motor vehicle equipped with autonomous vehicle technology while such motor vehicle is engaged in the use of such technology on public highways within this state for the purposes of demonstrating and assessing the current development of autonomous vehicle technology and to begin identifying potential impacts of such technology on safety, traffic control, traffic enforcement, emergency services, and such other areas as may be identified by such commissioner. Provided, however, that such ~~demonstrations and tests shall only take place under the direct supervision of the New York state police. Such~~ demonstrations and tests shall take place in a manner and form prescribed by the commissioner of motor vehicles including, but not limited to: a requirement that a natural person holding a valid license for the operation of the motor vehicle's class be present within such vehicle for the duration of the time it is operated on public highways; a requirement that the motor vehicle utilized in such demonstrations and tests complies with all applicable federal motor vehicle safety standards and New York state motor vehicle inspection standards; and a requirement that the motor vehicle utilized in such demonstrations and tests has in place, at a minimum, financial security in the amount of five million dollars. Nothing in this act shall authorize the motor vehicle utilized in such demonstrations and tests to operate in violation of article 22 or title 7 of the vehicle and traffic law, excluding section 1226 of such law.

§ 2. Section 2 of part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, is amended to read as follows:

§ 2. The commissioner of motor vehicles shall, in consultation with the superintendent of state police, submit a report to the governor, the temporary president of the senate, the speaker of the assembly, and the chairs of the senate and assembly transportation committees on the demonstrations and tests authorized by section one of this act. Such report shall include, but not be limited to, a description of the parameters and purpose of such demonstrations and tests, the location or locations where demonstrations and tests were conducted, the demonstrations' and tests' impacts on safety, traffic control, traffic enforcement, emergency services, and such other areas as may be identified by such commissioner. Such commissioner shall submit such report on

1 or before June [~~1, 2018~~] first of each year section one of this act
2 remains in effect.

3 § 3. Section 3 of part FF of chapter 55 of the laws of 2017 relating
4 to motor vehicles equipped with autonomous vehicle technology, is
5 amended to read as follows:

6 § 3. This act shall take effect April 1, 2017; provided, however, that
7 section one of this act shall expire and be deemed repealed April 1,
8 [~~2018~~] 2020.

9 § 4. a. The New York state commissioner of motor vehicles may approve
10 demonstrations and tests consisting of the operation of a motor vehicle
11 equipped with autonomous vehicle technology while such motor vehicle is
12 engaged in the use of such technology on public highways within this
13 state for the purposes of demonstrating and assessing the current devel-
14 opment of autonomous vehicle technology and to begin identifying poten-
15 tial impacts of such technology on safety, traffic control, traffic
16 enforcement, emergency services, and such other areas as may be identi-
17 fied by such commissioner. Such demonstrations and tests shall take
18 place in a manner and form prescribed by the commissioner of motor vehi-
19 cles including, but not limited to: a requirement that the motor vehicle
20 utilized in such demonstrations and tests complies with all applicable
21 federal motor vehicle safety standards and New York state motor vehicle
22 inspection standards; and a requirement that the motor vehicle utilized
23 in such demonstrations and tests has in place, at a minimum, financial
24 security in the amount of five million dollars. Nothing in this act
25 shall authorize the motor vehicle utilized in such demonstrations and
26 tests to operate in violation of article 22 or title 7 of the vehicle
27 and traffic law, excluding section 1226 of such law.

28 b. For the purposes of this section, the term "autonomous vehicle
29 technology" shall mean the hardware and software that are collectively
30 capable of performing part or all of the dynamic driving task on a
31 sustained basis, and the term "dynamic driving task" shall mean all of
32 the real-time operational and tactical functions required to operate a
33 vehicle in on-road traffic, excluding the strategic functions such as
34 trip scheduling and selection of destinations and waypoints.

35 § 5. The commissioner of motor vehicles shall, in consultation with
36 the superintendent of state police, submit a report to the governor, the
37 temporary president of the senate, the speaker of the assembly, and the
38 chairs of the senate and assembly transportation committees on the
39 demonstrations and tests authorized by section four of this act. Such
40 report shall include, but not be limited to, a description of the param-
41 eters and purpose of such demonstrations and tests, the location or
42 locations where demonstrations and tests were conducted, the demon-
43 strations' and tests' impacts on safety, traffic control, traffic
44 enforcement, emergency services, and such other areas as may be identi-
45 fied by such commissioner. Such commissioner shall submit such report on
46 or before June first of each year section four of this act remains in
47 effect.

48 § 6. Section 1226 of the vehicle and traffic law is REPEALED.

49 § 7. The commissioner of motor vehicles and the superintendent of
50 financial services shall establish regulations consistent with this act.

51 § 8. This act shall take effect immediately; provided, however, that:

52 (a) the amendments to subdivision a of section 1 of part FF of chapter
53 55 of the laws of 2017 made by section one of this act shall not affect
54 the repeal of such section and shall be deemed to be repealed therewith;
55 and

(b) sections four, five and six of this act shall take effect April 1, 2020.

PART I

Section 1. The closing paragraph of subdivision 3 of section 99-a of the state finance law, as amended by section 3 of part GG of chapter 55 of the laws of 2017, is amended to read as follows:

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

§ 2. The closing paragraph of subdivision 3 of section 99-a of the state finance law, as amended by section 10 of chapter 157 of the laws of 2017, is amended to read as follows:

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

§ 3. This act shall take effect immediately; provided, however, that the amendments to the closing paragraph of subdivision 3 of section 99-a of the state finance law as made by section two of this act shall take effect on the same date and in the same manner as section 10 of chapter 157 of the laws of 2017 takes effect, and shall be subject to the expiration of such subdivision pursuant to section 4 of part GG of chapter 55 of the laws of 2017, as amended, and shall be deemed expired thereafter.

PART J

Section 1. The vehicle and traffic law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-DPRE-LICENSING COURSE INTERNET PILOT PROGRAMSection 399-p. Pre-licensing course internet pilot program.399-q. Application.399-r. Regulations and fees.399-s. Pilot program scope and duration.399-t. Report by commissioner.

§ 399-p. Pre-licensing course internet pilot program. The commissioner shall establish, by regulation, a comprehensive pilot program to allow use of the internet, for the administration and completion of an approved pre-licensing course, which shall be deemed the equivalent of the course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter.

§ 399-q. Application. An applicant for participation in the pilot program established pursuant to this article shall be an approved spon-

1 sor of an internet accident prevention course, pursuant to article
2 twelve-C of this title, prior to the effective date of this article. In
3 order to be approved for participation in such pilot program, the course
4 must comply with provisions of law, rules and regulations applicable
5 thereto. The commissioner may, in his or her discretion, impose a fee
6 for the submission of each application. Such fee shall not exceed seven
7 thousand five hundred dollars, which shall be deposited in the dedicated
8 highway and bridge trust fund established pursuant to section eighty-
9 nine-b of the state finance law.

10 § 399-r. Regulations and fees. 1. The commissioner is authorized to
11 promulgate any rules and regulations necessary to implement the
12 provisions of this article and to insure that the internet pilot
13 program, as approved by the commissioner, can validate: student identity
14 at registration and throughout the course; participation throughout the
15 course; that time the requirements are met; and successful completion of
16 the course. Provided, however, that any rules and regulations promulgat-
17 ed pursuant to this article shall not stipulate any particular location
18 for delivery of a pre-licensing course or limit the time of day during
19 which such course may be taken.

20 2. The commissioner is authorized to impose a fee upon each pre-li-
21 censing course sponsoring agency approved to deliver such course, which
22 shall not exceed eight dollars for each student who completes such
23 course, and which shall be deposited in the dedicated highway and bridge
24 trust fund established pursuant to section eighty-nine-b of the state
25 finance law.

26 § 399-s. Pilot program scope and duration. The commissioner shall
27 conduct a pilot program designed to evaluate utilizing the internet for
28 delivering an approved pre-licensing course, which shall be deemed the
29 equivalent of the course required by subparagraph (i) of paragraph (a)
30 of subdivision four of section five hundred two of this chapter, by
31 permitting qualified applicants to participate in the pilot program for
32 a period of five years.

33 § 399-t. Report by commissioner. Within five years of the establish-
34 ment and implementation of this article, the commissioner shall report
35 to the governor, the temporary president of the senate and the speaker
36 of the assembly on the pre-licensing course internet pilot program and
37 its results. Such reports shall include recommendations as to the future
38 use of internet as an effective way, in addition to classroom presenta-
39 tion, to deliver to the public approved pre-licensing courses, and qual-
40 ifications for participants in such approved internet delivered
41 programs.

42 § 2. Paragraph (h) of subdivision 4 of section 502 of the vehicle and
43 traffic law, as added by section 1 of part L of chapter 59 of the laws
44 of 2009, is amended to read as follows:

45 (h) Course completion certificate fee. The fee for a course completion
46 certificate provided by the department to an entity that is approved by
47 the commissioner to offer the pre-licensing course, required by this
48 subdivision, for issuance by such entity to students upon their
49 completion of such pre-licensing course shall be one dollar. Such fee
50 shall be paid by such entity and shall not be charged to a person who
51 takes the course in any manner. The provisions of this paragraph shall
52 not apply to a pre-licensing course established pursuant to article
53 twelve-D of this chapter.

54 § 3. This act shall take effect on the one hundred eightieth day after
55 it shall have become a law and shall expire and be deemed repealed five
56 years after the date that the pre-licensing course internet pilot

1 program is established and implemented by the commissioner of motor
2 vehicles pursuant to article 12-D of the vehicle and traffic law, as
3 added by section one of this act; provided that any rules and regu-
4 lations necessary to implement the provisions of this act on its effec-
5 tive date are authorized and directed to be completed on or before such
6 date; and provided, further, that the commissioner of motor vehicles
7 shall notify the legislative bill drafting commission of the date he or
8 she establishes and implements the pre-licensing course internet pilot
9 program pursuant to article 12-D of the vehicle and traffic law, as
10 added by section one of this act, in order that such commission may
11 maintain an accurate and timely effective data base of the official text
12 of the laws of the state of New York in furtherance of effecting the
13 provisions of section 44 of the legislative law and section 70-b of the
14 public officers law.

15 PART K

16 Section 1. Section 399-1 of the vehicle and traffic law, as amended by
17 section 1 of part D of chapter 58 of the laws of 2016, is amended to
18 read as follows:

19 § 399-1. Application. Applicants for participation in the pilot
20 program established pursuant to this article shall be among those acci-
21 dent prevention course sponsoring agencies that have a course approved
22 by the commissioner pursuant to article twelve-B of this title prior to
23 the effective date of this article and which deliver such course to the
24 public. Provided, however, the commissioner may, in his or her
25 discretion, approve applications after such date. In order to be
26 approved for participation in such pilot program, the course must comply
27 with the provisions of law, rules and regulations applicable thereto.
28 The commissioner may, in his or her discretion, impose a fee for the
29 submission of each application to participate in the pilot program
30 established pursuant to this article. Such fee shall not exceed seven
31 thousand five hundred dollars. ~~[The proceeds from such fee shall be
32 deposited by the comptroller into the special obligation reserve and
33 payment account of the dedicated highway and bridge trust fund estab-
34 lished pursuant to section eighty nine b of the state finance law for
35 the purposes established in this section.]~~

36 § 2. Paragraph a of subdivision 5 of section 410 of the vehicle and
37 traffic law, as amended by section 4 of part D of chapter 58 of the laws
38 of 2016, is amended to read as follows:

39 a. The annual fee for registration or reregistration of a motorcycle
40 shall be eleven dollars and fifty cents. Beginning April first, nine-
41 teen hundred ninety-eight the annual fee for registration or reregistra-
42 tion of a motorcycle shall be seventeen dollars and fifty cents~~[, of
43 which two dollars and fifty cents shall be deposited by the comptroller
44 into the special obligation reserve and payment account of the dedicated
45 highway and bridge trust fund established pursuant to section eighty-
46 nine b of the state finance law for the purposes established in this
47 section].~~

48 § 3. Paragraph (c-1) of subdivision 2 of section 503 of the vehicle
49 and traffic law, as amended by section 5 of part D of chapter 58 of the
50 laws of 2016, is amended to read as follows:

51 (c-1) In addition to the fees established in paragraphs (b) and (c) of
52 this subdivision, a fee of fifty cents for each six months or portion
53 thereof of the period of validity shall be paid upon the issuance of any
54 permit, license or renewal of a license which is valid for the operation

1 of a motorcycle, except a limited use motorcycle. [~~Fees collected pursuant to this paragraph shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.~~]

6 § 4. Subdivision 5 of section 317 of the vehicle and traffic law is REPEALED.

8 § 5. Paragraph (b) of subdivision 1-a of section 318 of the vehicle and traffic law, as amended by section 9 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

11 (b) Notwithstanding the provisions of paragraph (a) of this subdivision, an order of suspension issued pursuant to paragraph (a) or (e) of this subdivision may be terminated if the registrant pays to the commissioner a civil penalty in the amount of eight dollars for each day up to thirty days for which financial security was not in effect, plus ten dollars for each day from the thirty-first to the sixtieth day for which financial security was not in effect, plus twelve dollars for each day from the sixty-first to the ninetieth day for which financial security was not in effect. [~~Of each eight dollar penalty, six dollars will be deposited in the general fund and two dollars in the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.~~] Of each ten dollar penalty collected, [~~six~~] eight dollars will be deposited in the general fund[, ~~two dollars will be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section,~~] and two dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law. Of each twelve dollar penalty collected, [~~six~~] eight dollars will be deposited into the general fund[, ~~two dollars will be deposited into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section,~~] and four dollars shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law and the dedicated mass transportation fund established pursuant to section eighty-nine-c of the state finance law and distributed according to the provisions of subdivision (d) of section three hundred one-j of the tax law. The foregoing provision shall apply only once during any thirty-six month period and only if the registrant surrendered the certificate of registration and number plates to the commissioner not more than ninety days from the date of termination of financial security or submits to the commissioner new proof of financial security which took effect not more than ninety days from the termination of financial security.

51 § 6. Subdivision 6 of section 423-a of the vehicle and traffic law is REPEALED.

53 § 7. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 11 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five[~~, section four hundred twenty-three-a, section four hundred ten, section three hundred seventeen, section three hundred eighteen, article twelve-C, and paragraph (c-1) of subdivision two of section five hundred three~~] of the vehicle and traffic law, section two of the chapter of the laws of two thousand three that amended this paragraph, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and [~~sections ninety-four, one hundred thirty-five, and~~] section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 8. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 12 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen and eleven hundred sixty-seven of the tax law, section four hundred one of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five[~~, section four hundred twenty-three-a, section four hundred ten, section three hundred seventeen, section three hundred eighteen, article twelve-C, and paragraph (c-1) of subdivision two of section five hundred three~~] of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and [~~sections ninety-four, one hundred thirty-five, and~~] section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

1 § 9. Subdivision 4 of section 94 of the transportation law is
2 REPEALED.

3 § 10. Subdivision 4 of section 135 of the transportation law, as
4 amended by section 4 of part C of chapter 57 of the laws of 2014, is
5 amended to read as follows:

6 4. ~~[All revenues collected pursuant to this section shall be deposited~~
7 ~~by the comptroller into the special obligation reserve and payment~~
8 ~~account of the dedicated highway and bridge trust fund established~~
9 ~~pursuant to section eighty-nine-b of the state finance law for the~~
10 ~~purposes established in this section.]~~ Fees will be based on revenues
11 from the preceding calendar year and shall be assessed on or before July
12 first and are payable by September first of each year. On or before
13 January first of each year following assessment of fees pursuant to this
14 section, the commissioner shall report to the railroad companies annual
15 costs associated with this assessment.

16 § 11. Subsection (b) of section 805 of the tax law, as amended by
17 section 1 of part C of chapter 25 of the laws of 2009, is amended to
18 read as follows:

19 (b) On or before the twelfth and twenty-sixth day of each succeeding
20 month, after reserving such amount for such refunds and deducting such
21 amounts for such costs, as provided for in subsection (a) of this
22 section, the commissioner shall certify to the comptroller the amount of
23 all revenues so received during the prior month as a result of the
24 taxes, interest and penalties so imposed. The amount of revenues so
25 certified shall be paid over by the fifteenth and the final business day
26 of each succeeding month from such account without appropriation into
27 the ~~[mobility tax trust account of the metropolitan transportation~~
28 ~~authority financial assistance fund established pursuant to section~~
29 ~~ninety-two-ff of the state finance law, for payment, pursuant to appro-~~
30 ~~priations by the legislature to the]~~ metropolitan transportation author-
31 ity finance fund established pursuant to section twelve hundred seven-
32 ty-h of the public authorities law, provided, however, that the
33 comptroller shall ensure that any payments to the metropolitan transpor-
34 tation authority finance fund which are due to be paid by the final
35 business day in the month of December pursuant to this subsection shall
36 be received by the metropolitan transportation authority finance fund on
37 the same business day in which it is paid.

38 § 12. Section 4 of the state finance law is amended by adding a new
39 subdivision 12 to read as follows:

40 12. Notwithstanding subdivision one of this section and any other law
41 to the contrary, the revenue (including taxes, interest and penalties)
42 from the metropolitan commuter transportation mobility tax imposed
43 pursuant to article twenty-three of the tax law which are paid in
44 accordance with subsection (b) of section eight hundred five of the tax
45 law into the metropolitan transportation authority finance fund estab-
46 lished by section twelve hundred seventy-h of the public authorities law
47 shall be made pursuant to statute but without an appropriation.

48 § 13. Subdivision 2 of section 1270-h of the public authorities law,
49 as added by section 16 of part H of chapter 25 of the laws of 2009, is
50 amended to read as follows:

51 2. The comptroller shall deposit into the metropolitan transportation
52 authority finance fund (a) monthly, pursuant to appropriation, ~~[into the~~
53 ~~metropolitan transportation authority finance fund]~~ the moneys deposited
54 in the mobility tax trust account of the metropolitan transportation
55 authority financial assistance fund pursuant to ~~[article twenty-three of~~
56 ~~the tax law, and]~~ any ~~[other]~~ provision of law directing or permitting

1 the deposit of moneys in such fund, and (b) without appropriation, the
2 revenue including taxes, interest and penalties collected in accordance
3 with article twenty-three of the tax law.

4 § 14. Subdivisions 3 and 5 of section 92-ff of the state finance law,
5 as added by section 16 of part G of chapter 25 of the laws of 2009, are
6 amended to read as follows:

7 3. Such fund shall consist of all moneys collected [~~therefore~~] there-
8 for or credited or transferred thereto from any other fund, account or
9 source, including, without limitation, the [~~revenues derived from the~~
10 ~~metropolitan commuter transportation mobility tax imposed by article~~
11 ~~twenty-three of the tax law,~~] revenues derived from the special supple-
12 mental tax on passenger car rentals imposed by section eleven hundred
13 sixty-six-a of the tax law; revenues derived from the transportation
14 surcharge imposed by article twenty-nine-A of the tax law; the supple-
15 mental registration fees imposed by article seventeen-C of the vehicle
16 and traffic law; and the supplemental metropolitan commuter transporta-
17 tion district license fees imposed by section five hundred three of the
18 vehicle and traffic law. Any interest received by the comptroller on
19 moneys on deposit in the metropolitan transportation authority financial
20 assistance fund shall be retained in and become a part of such fund.

21 5. (a) The "mobility tax trust account" shall consist of [~~revenues~~
22 ~~required to be deposited therein pursuant to the provisions of article~~
23 ~~twenty-three of the tax law and all other~~] moneys credited or trans-
24 ferred thereto from any [~~other~~] fund or source pursuant to law.

25 (b) Moneys in the "mobility tax trust account" shall, pursuant to
26 appropriation by the legislature, be transferred on a monthly basis to
27 the metropolitan transportation authority finance fund established by
28 section twelve hundred seventy-h of the public authorities law and
29 utilized in accordance with said section. It is the intent of the legis-
30 lature to enact two appropriations from the mobility tax trust account
31 to the metropolitan transportation authority finance fund established by
32 section twelve hundred seventy-h of the public authorities law. One such
33 appropriation shall be equal to the amounts expected to be available
34 [~~for such purpose pursuant to article twenty-three of the tax law or~~
35 from any [~~other~~] monies described in paragraph (a) of this subdivision
36 during the two thousand [~~nine~~] eighteen--two thousand [~~ten~~] nineteen
37 fiscal year and shall be effective in that fiscal year. The other such
38 appropriation shall be equal to the amounts expected to be available
39 [~~for such purpose pursuant to article twenty-three of the tax law or~~
40 from any [~~other~~] monies described in paragraph (a) of this subdivision
41 during the two thousand [~~ten~~] nineteen--two thousand [~~eleven~~] twenty
42 fiscal year and shall, notwithstanding the provisions of section forty
43 of this chapter, take effect on the first day of the two thousand [~~ten~~]
44 nineteen--two thousand [~~eleven~~] twenty fiscal year and lapse on the last
45 day of that fiscal year. It is the intent of the governor to submit and
46 the legislature to enact for each fiscal year after the two thousand
47 [~~nine~~] eighteen--two thousand [~~ten~~] nineteen fiscal year in an annual
48 budget bill: (i) an appropriation for the amount expected to be avail-
49 able in the mobility tax trust account during such fiscal year for the
50 metropolitan transportation authority [~~pursuant to article twenty-three~~
51 ~~of the tax law or~~] from any [~~other~~] monies described in paragraph (a) of
52 this subdivision; and (ii) an appropriation for the amount projected by
53 the director of the budget to be deposited in the mobility tax trust
54 account [~~pursuant to article twenty-three of the tax law or~~] from any
55 [~~other~~] monies described in paragraph (a) of this subdivision for the
56 next succeeding fiscal year. Such appropriation for payment of revenues

1 projected to be deposited in the succeeding fiscal year shall, notwith-
2 standing the provisions of section forty of this chapter, take effect on
3 the first day of such succeeding fiscal year and lapse on the last day
4 of such fiscal year. If for any fiscal year commencing on or after the
5 first day of April, two thousand ten the governor fails to submit a
6 budget bill containing the foregoing, or the legislature fails to enact
7 a bill with such provisions, then the metropolitan transportation
8 authority shall notify the comptroller, the director of the budget, the
9 chairperson of the senate finance committee and the chairperson of the
10 assembly ways and means committee of amounts required to be disbursed
11 from the appropriation made during the preceding fiscal year for payment
12 in such fiscal year. In no event shall the comptroller make any payments
13 from such appropriation prior to May first of such fiscal year, and
14 unless and until the director of the budget, the chairperson of the
15 senate finance committee and the chairperson of the assembly ways and
16 means committee have been notified of the required payments and the
17 timing of such payments to be made from the mobility tax trust account
18 to the metropolitan transportation authority finance fund established by
19 section twelve hundred seventy-h of the public authorities law at least
20 forty-eight hours prior to any such payments. Until such time as
21 payments pursuant to such appropriation are made in full, revenues in
22 the mobility tax trust account shall not be paid over to any person
23 other than the metropolitan transportation authority.

24 § 15. This act shall take effect April 1, 2018; provided however, that
25 the amendments to section 399-1 of the vehicle and traffic law made by
26 section one of this act shall not affect the repeal of such section and
27 shall be deemed repealed therewith; and provided further, however, that
28 the amendments to paragraph (a) of subdivision 3 of section 89-b of the
29 state finance law made by section seven of this act shall be subject to
30 the expiration and reversion of such paragraph pursuant to section 13 of
31 part Ul of chapter 62 of the laws of 2003, as amended, when upon such
32 date the provisions of section eight of this act shall take effect.

33 PART L

34 Section 1. Legislative findings and declaration. It is hereby found
35 and declared that:

36 Within the metropolitan commuter transportation district created and
37 established by section 1262 of the public authorities law there have
38 been and will be geographic areas that receive special economic and
39 other benefits from capital elements undertaken in connection with a
40 capital program approved pursuant to section 1269-b of the public
41 authorities law.

42 It is further found and declared that it is a matter of statewide
43 concern that the transportation facilities of the metropolitan transpor-
44 tation authority, the New York city transit authority and their subsid-
45 iaries be maintained and expanded to ensure the economic health of the
46 metropolitan commuter transportation district and in furtherance thereof
47 that all of the real property within those subdistricts that are deter-
48 mined to be the beneficiary of such special economic and other benefits
49 should contribute to the funding of the metropolitan transportation
50 authority's capital programs at a level determined to be appropriate to
51 the special benefits received within such subdistrict.

52 For these reasons it is declared that these changes are necessary to
53 protect and promote the sound enhancement, renewal and expansion of the
54 transportation facilities of the metropolitan transportation authority,

1 the New York city transit authority and their subsidiaries, including
2 the planning, design, acquisition, construction, reconstruction, reha-
3 bilitation and improvement of such facilities through the establishment
4 of transportation improvement subdistricts and the use of increases in
5 the fair market value of real property in such subdistricts resulting
6 from such improvements to transportation facilities to provide funding
7 for the metropolitan transportation authority's approved capital
8 programs.

9 § 2. Section 1261 of the public authorities law is amended by adding a
10 new subdivision 25 to read as follows:

11 25. "Transportation improvement subdistrict" shall mean an area within
12 the metropolitan commuter transportation district which area has been
13 established pursuant to section twelve hundred sixty-nine-h of this
14 article and included on the list of transportation improvement subdis-
15 tricts as provided in article fifteen-D of the real property tax law.

16 § 3. The public authorities law is amended by adding a new section
17 1269-h to read as follows:

18 § 1269-h. Transportation improvement subdistricts. 1. The board of the
19 metropolitan transportation authority shall establish a transportation
20 improvement subdistrict pursuant to the procedure set forth in this
21 section including, but not limited to, the projects listed below:

22 (a) Phases one, two, three and four of the Second Avenue Subway
23 project;

24 (b) The project to bring the Long Island Rail Road into Grand Central
25 Terminal ("East Side Access Project");

26 (c) Penn Station Access; and

27 (d) 125th MNR and subway stations.

28 2. From time to time, the board of the metropolitan transportation
29 authority may create and establish transportation improvement subdis-
30 tricts as it deems necessary and appropriate provided that the planned
31 capital program elements in an approved capital program that are
32 expected to result in an increase in the fair market value of real prop-
33 erty in such transportation improvement subdistrict have an estimated
34 capital cost greater than one hundred million dollars.

35 3. Prior to the vote by the board of the metropolitan transportation
36 authority to create and establish a transportation improvement subdis-
37 trict, the following shall have occurred:

38 (a) The legal description of the boundaries of the transportation
39 improvement subdistrict shall have been prepared. A transportation
40 improvement subdistrict may be established anywhere within a city of a
41 population of one million or more that is within the metropolitan commu-
42 ter transportation district provided that a transportation improvement
43 subdistrict shall include only whole tax parcels, but shall extend no
44 further than one mile in any direction from any part of the transporta-
45 tion improvement.

46 (b) There shall have been an analysis performed by or on behalf of the
47 authority and submitted to the board of the metropolitan transportation
48 authority that indicates that the aggregate fair market value of the
49 real property within the proposed boundaries of such transportation
50 improvement subdistrict increased or is forecast to increase more than
51 it would have increased if no work performed or anticipated to be
52 performed pursuant to one or more capital program elements had occurred.
53 Such analysis shall identify generally the estimated level of average
54 incremental increase in the fair market value of real property within
55 the proposed transportation improvement subdistrict as a result of the

1 implementation of the specified capital program elements since nineteen
2 hundred eighty-one.

3 (c) The authority shall conduct a public hearing on the establishment
4 of such proposed transportation improvement subdistrict. Notice of the
5 hearing shall: (i) be written in a clear and coherent manner; (ii)
6 generally identify the boundaries of the proposed transportation
7 improvement subdistrict; (iii) state the percentage of the incremental
8 real property tax levied on all parcels within the proposed transporta-
9 tion improvement subdistrict that the authority proposes to be assessed;
10 (iv) provide the internet address where a detailed map of the boundaries
11 of the proposed transportation improvement subdistrict is publicly
12 accessible, together with a copy of the analysis provided to the board
13 of the metropolitan transportation authority pursuant to paragraph (b)
14 of this subdivision; (v) be sent to the mayor of a city with a popu-
15 lation of one million or more in which the proposed transportation
16 improvement subdistrict is located at least thirty days prior to such
17 public hearing; and (vi) be posted on the authority's website for at
18 least thirty days prior to such public hearing.

19 (d) After such hearing and at any time prior to the adoption of the
20 resolution recommending establishment of a transportation improvement
21 subdistrict, the authority may amend the boundaries of the recommended
22 transportation improvement subdistrict.

23 (e) The resolution by which the board of the metropolitan transporta-
24 tion authority shall establish a transportation improvement subdistrict
25 shall include a detailed statement of the reasons why the board consid-
26 ers that the proposed transportation improvement subdistrict has bene-
27 fitted or will benefit from implementation of the specified capital
28 program elements and shall specify the percentage of the incremental
29 real property tax levied on all parcels within each of the following
30 transportation improvement subdistricts that shall be assessed provided
31 that such percentage may not exceed fifty percent.

32 (f) Upon approval by the board of the metropolitan transportation
33 authority of a resolution establishing a transportation improvement
34 subdistrict, the authority shall add it to the list of approved trans-
35 portation improvement subdistricts set forth in article fifteen-D of the
36 real property tax law that it shall maintain on the authority's publicly
37 available website and also shall notify the metropolitan transportation
38 authority capital program review board.

39 (g) The adoption by the board of the metropolitan transportation
40 authority of a resolution establishing a transportation improvement
41 subdistrict shall not be subject to provisions of article eight, nine-
42 teen, twenty-four or twenty-five of the environmental conservation law,
43 or to any local law or ordinance adopted pursuant to such article.

44 § 4. The real property tax law is amended by adding a new article 15-D
45 to read as follows:

46 ARTICLE 15-D

47 TRANSPORTATION IMPROVEMENT DISTRICTS

48 Section 1596. Definitions.

49 1597. Levying assessment.

50 1598. Collection of assessment.

51 § 1596. Definitions. As used or referred to in this article, unless a
52 different meaning clearly appears from the context:

53 1. "Baseline real property tax" shall mean the total real property
54 taxes levied on a parcel last levied prior to the effective date of the
55 resolution of the metropolitan transportation authority establishing the
56 transportation improvement subdistrict in which such parcel is located

1 and shall also include any payments in lieu of taxes made with respect
2 to any such parcel.

3 2. "Incremental real property tax" shall mean that portion of the real
4 property taxes levied on a parcel each year in excess of the baseline
5 real property tax and shall include any payments in lieu of taxes made
6 with respect to any parcel.

7 3. "Real property" shall mean "real property" as defined in subdivi-
8 sion twelve of section one hundred two of this chapter.

9 4. "Parcel" shall mean a "parcel" as defined in subdivision eleven of
10 section one hundred two of this chapter.

11 5. "Taxing jurisdiction" shall mean a municipal corporation or special
12 district which imposes a charge upon real property located within a city
13 of a population of one million or more.

14 6. "Transportation improvement subdistrict" shall mean a transporta-
15 tion improvement subdistrict duly approved by the board of the metropol-
16 itan transportation authority pursuant to section twelve hundred sixty-
17 nine-h of the public authorities law and added to the list of such
18 transportation improvement subdistricts maintained by the metropolitan
19 transportation authority.

20 § 1597. Levying assessment. 1. For the sole purpose of providing an
21 additional stable and reliable dedicated funding source for the metro-
22 politan transportation authority, the New York city transit authority
23 and their subsidiaries to preserve, operate and improve essential trans-
24 it and transportation services in the metropolitan commuter transporta-
25 tion district, an assessment equal to not more than seventy-five percent
26 of the incremental real property tax levied on all parcels within each
27 of the following transportation improvement subdistricts shall be
28 levied, commencing, for each parcel in a transportation improvement
29 subdistrict, with the first levy of real property taxes on such parcel
30 occurring on or after the date of calculation of the baseline real prop-
31 erty tax for such parcel. For the transportation improvement subdis-
32 tricts established pursuant to subdivision two of section twelve hundred
33 sixty-nine-h of the public authorities law, such assessment shall
34 commence for each parcel in such subdistrict with the first levy of real
35 property taxes on such parcel on or after the date that the metropolitan
36 transportation authority adopts a resolution establishing such subdis-
37 trict. The baseline real property tax that shall be used to determine
38 the amount of such assessment shall be the first levy of real property
39 taxes on any parcel in such subdistrict following the approval of the
40 planning process for such project by the capital program review board.

41 2. Notwithstanding any law to the contrary, the metropolitan transpor-
42 tation authority shall have no liability to any taxing jurisdiction or
43 to any real property taxpayer for any tax certiorari proceeding or any
44 other judicial or administrative proceeding commenced with respect to
45 any real property tax assessment.

46 § 1598. Collection of assessment. 1. Each taxing jurisdiction will
47 timely collect and pay over the assessment to the metropolitan transpor-
48 tation authority in a form and manner prescribed by such authority.

49 2. In the event that any taxing jurisdiction with responsibility for
50 collecting the transportation improvement subdistrict assessment does
51 not pay such assessments within thirty days of the receipt of such
52 assessment, the metropolitan transportation authority shall notify the
53 state comptroller in writing and such comptroller shall, upon review and
54 determination that an assessment was not paid, deduct any amount not
55 paid from any amount of state aid or any other state payment due to such

1 taxing jurisdiction. The state comptroller shall remit the amounts so
2 deducted and recovered to the metropolitan transportation authority.

3 § 5. This act shall take effect immediately.

4 PART M

5 Section 1. Legislative intent. Historically, under existing law, and
6 pursuant to its master lease with the New York city transit authority
7 (NYCT), the city of New York is required to pay for the capital needs of
8 the NYCT. This obligation has never ceased from the initial chapter
9 establishing the NYCT and transferring the operation of the city's
10 subway system to the NYCT in 1953. This legislation clarifies this long-
11 standing obligation and establishes a process for state assistance when
12 a disaster emergency is declared.

13 § 2. Subdivision 1 of section 1269-b of the public authorities law, as
14 amended by chapter 637 of the laws of 1996, is amended to read as
15 follows:

16 1. (a) On or before October first, nineteen hundred eighty-one, and
17 on or before October first of every fifth year thereafter, through and
18 including October first, nineteen hundred ninety-one, the authority
19 shall submit to the metropolitan transportation authority capital
20 program review board two capital program plans for the five year period
21 commencing January first of the following year;

22 (b) not later than ten days after the effective date of this paragraph
23 the authority shall submit to the metropolitan transportation authority
24 capital program review board two capital program plans for the five-year
25 period commencing January first, nineteen hundred ninety-five; and

26 (c) on or before October first, nineteen hundred ninety-nine and every
27 fifth year thereafter, the authority shall submit to the metropolitan
28 transportation authority capital program review board two capital
29 program plans for the five-year period commencing January first of the
30 following year.

31 For each of the periods described above, one such plan shall contain
32 the capital program for the transit facilities operated by the New York
33 city transit authority and its subsidiaries and for the Staten Island
34 rapid transit operating authority; the other such plan shall contain the
35 capital program for the railroad facilities, not including the Staten
36 Island rapid transit operating authority, under the jurisdiction of the
37 authority.

38 Each plan shall set system-wide goals and objectives for capital
39 spending, establish standards for service and operations, and describe
40 each capital element proposed to be initiated in each of the years
41 covered by the plan and explain how each proposed element supports the
42 achievement of the service and operational standards established in the
43 plan. Each plan shall also set forth an estimate of the amount of capi-
44 tal funding required each year and the expected sources of such funding,
45 except that for such capital funding required each year for transit
46 facilities operated by the New York city transit authority and its
47 subsidiaries, the city of New York shall provide in full all funding
48 required to meet the capital needs of the New York city transit authori-
49 ty in such plan. Each plan subsequent to the first such plan and each
50 proposed amendment or modification thereof shall also describe the
51 current status of each capital element included in the previously
52 approved plan, if any. Each plan shall be accompanied or supplemented by
53 such supporting materials as the metropolitan transportation authority
54 capital program review board shall require.

1 A capital element shall mean either a category of expenditure itemized
2 in a plan, as hereinafter provided, for which a specified maximum dollar
3 amount is proposed to be expended, or a particularly described capital
4 project within one or more categories for which no maximum expenditure
5 is proposed, but for which an estimate of expected cost is provided. A
6 capital element shall be deemed to have been initiated for purposes of
7 this section if in connection with such element the authority shall
8 certify that (i) purchase or construction contracts have been entered
9 into, obligating in the aggregate an amount exceeding ten percent of the
10 maximum or estimated cost of the element as set forth in a plan, (ii)
11 financing specific to the project has been undertaken, or (iii) in a
12 case where such element is limited to design or engineering, a contract
13 therefor has been entered into.

14 § 3. Section 1269-b of the public authorities law is amended by adding
15 a new subdivision 10 to read as follows:

16 10. In the case of a disaster emergency declared pursuant to section
17 twenty-eight of the executive law, where such disaster emergency relates
18 to the continuing failures and the condition of the track, signals and
19 other infrastructure of the transit facilities operated by the New York
20 city transit authority, the state may appropriate revenues it deems
21 necessary and appropriate to fund the capital costs of repairs and
22 construction deemed essential to ensure the continued safe and effective
23 operation of such transit facilities. Upon any such appropriation, the
24 city of New York shall, within sixty days, appropriate an identical sum
25 to provide for capital repairs and construction.

26 § 4. This act shall take effect immediately.

27 PART N

28 Section 1. Paragraph (a) of subdivision 5 of section 2879 of the
29 public authorities law, as amended by chapter 531 of the laws of 1993,
30 is amended to read as follows:

31 (a) Each corporation shall notify the commissioner of economic devel-
32 opment of the award of a procurement contract for the purchase of goods
33 or services from a foreign business enterprise in an amount equal to or
34 greater than one million dollars simultaneously with notifying the
35 successful bidder therefor. ~~[No corporation shall thereafter enter into~~
36 ~~a procurement contract for said goods or services until at least fifteen~~
37 ~~days has elapsed, except for procurement contracts awarded on an emer-~~
38 ~~gency or critical basis, or where the commissioner of economic develop-~~
39 ~~ment waives the provisions of this sentence.]~~ The notification to the
40 commissioner of economic development shall include the name, address and
41 telephone and facsimile number of the foreign business enterprise, a
42 brief description of the goods or services to be obtained pursuant to
43 the proposed procurement contract, the amount of the proposed procure-
44 ment contract, the term of the proposed procurement contract, and the
45 name of the individual at the foreign business enterprise or acting on
46 behalf of the same who is principally responsible for the proposed
47 procurement contract. Such notification shall be used by the commission-
48 er of economic development solely to provide notification to New York
49 state business enterprises of opportunities to participate as subcon-
50 tractors and suppliers on such procurement contracts, to promote and
51 encourage the location and development of new business in the state, to
52 assist New York state business enterprises in obtaining offset credits
53 from foreign countries, and to otherwise investigate, study and under-
54 take means of promoting and encouraging the prosperous development and

1 protection of the legitimate interest and welfare of New York state
2 business enterprises, industry and commerce.

3 § 2. Subdivision 7 of section 1209 of the public authorities law, as
4 amended by section 1 of part 00 of chapter 54 of the laws of 2016, is
5 amended to read as follows:

6 7. (a) Except as otherwise provided in this section, all purchase
7 contracts for supplies, materials or equipment involving an estimated
8 expenditure in excess of one [~~hundred-thousand~~] million dollars and all
9 contracts for public work involving an estimated expenditure in excess
10 of one [~~hundred-thousand~~] million dollars shall be awarded by the
11 authority to the lowest responsible bidder after obtaining sealed bids
12 in the manner hereinafter set forth. The aforesaid shall not apply to
13 contracts for personal, architectural, engineering or other professional
14 services. The authority may reject all bids and obtain new bids in the
15 manner provided by this section when it is deemed in the public interest
16 to do so or, in cases where two or more responsible bidders submit iden-
17 tical bids which are the lowest bids, award the contract to any of such
18 bidders or obtain new bids from such bidders. Nothing herein shall obli-
19 gate the authority to seek new bids after the rejection of bids or after
20 cancellation of an invitation to bid. Nothing in this section shall
21 prohibit the evaluation of bids on the basis of costs or savings includ-
22 ing life cycle costs of the item to be purchased, discounts, and
23 inspection services so long as the invitation to bid reasonably sets
24 forth the criteria to be used in evaluating such costs or savings. Life
25 cycle costs may include but shall not be limited to costs or savings
26 associated with installation, energy use, maintenance, operation and
27 salvage or disposal.

28 (b) Section twenty-eight hundred seventy-nine of this chapter shall
29 apply to the authority's acquisition of goods or services of any kind,
30 in the actual or estimated amount of fifteen thousand dollars or more,
31 provided that (i) a contract for services in the actual or estimated
32 amount of less than one [~~hundred-thousand~~] million dollars shall not
33 require approval by the board of the authority regardless of the length
34 of the period over which the services are rendered, and provided further
35 that a contract for services in the actual or estimated amount of one
36 [~~hundred-thousand~~] million dollars or more shall require approval by the
37 board of the authority regardless of the length of the period over which
38 the services are rendered unless such a contract is awarded to the
39 lowest responsible bidder after obtaining sealed bids and (ii) the board
40 of the authority may by resolution adopt guidelines that authorize the
41 award of contracts to small business concerns, to service disabled
42 veteran owned businesses certified pursuant to article seventeen-B of
43 the executive law, or minority or women-owned business enterprises
44 certified pursuant to article fifteen-A of the executive law, or
45 purchases of goods or technology that are recycled or remanufactured, in
46 an amount not to exceed four hundred thousand dollars without a formal
47 competitive process and without further board approval. The board of the
48 authority shall adopt guidelines which shall be made publicly available
49 for the awarding of such contract without a formal competitive process.

50 § 3. Subparagraph (i) of paragraph (f) and subparagraph (i) of para-
51 graph (g) of subdivision 9 of section 1209 of the public authorities
52 law, as amended by section 3 of part 00 of chapter 54 of the laws of
53 2016, are amended to read as follows:

54 (i) Except for a contract with a value of one [~~hundred~~] million
55 dollars or less that is awarded pursuant to this paragraph to the propo-
56 ser whose proposal is the lowest cost, the authority may award a

1 contract pursuant to this paragraph only after a resolution approved by
2 a two-thirds vote of its members then in office at a public meeting of
3 the authority with such resolution (A) disclosing the other proposers
4 and the substance of their proposals, (B) summarizing the negotiation
5 process including the opportunities, if any, available to proposers to
6 present and modify their proposals, and (C) setting forth the criteria
7 upon which the selection was made provided however that for purposes of
8 this subparagraph the board may, at its discretion, require such a
9 resolution be approved for contracts with a value of one [~~hundred~~]
10 million dollars or less.

11 (i) Except for a contract with a value of one [~~hundred~~] million
12 dollars or less that is awarded pursuant to this paragraph to the propo-
13 ser whose proposal is the lowest cost, the authority may award a
14 contract pursuant to this paragraph only after a resolution approved by
15 a vote of not less than two-thirds of its members then in office at a
16 public meeting of the authority with such resolution (A) disclosing the
17 other proposers and the substance of their proposals, (B) summarizing
18 the negotiation process including the opportunities, if any, available
19 to proposers to present and modify their proposals, and (C) setting
20 forth the criteria upon which the selection was made provided however
21 that for purposes of this subparagraph the board may, at its discretion,
22 require such a resolution be approved for contracts with a value of one
23 [~~hundred~~] million dollars or less.

24 § 4. Paragraphs (a) and (b) of subdivision 2 of section 1265-a of the
25 public authorities law, as amended by section 8 of part 00 of chapter 54
26 of the laws of 2016, are amended to read as follows:

27 (a) Except as otherwise provided in this section, all purchase
28 contracts for supplies, materials or equipment involving an estimated
29 expenditure in excess of one [~~hundred-thousand~~] million dollars and all
30 contracts for public work involving an estimated expenditure in excess
31 of one [~~hundred-thousand~~] million dollars shall be awarded by the
32 authority to the lowest responsible bidder after obtaining sealed bids
33 in the manner hereinafter set forth. For purposes hereof, contracts for
34 public work shall exclude contracts for personal, engineering and archi-
35 tectural, or professional services. The authority may reject all bids
36 and obtain new bids in the manner provided by this section when it is
37 deemed in the public interest to do so or, in cases where two or more
38 responsible bidders submit identical bids which are the lowest bids,
39 award the contract to any of such bidders or obtain new bids from such
40 bidders. Nothing herein shall obligate the authority to seek new bids
41 after the rejection of bids or after cancellation of an invitation to
42 bid. Nothing in this section shall prohibit the evaluation of bids on
43 the basis of costs or savings including life cycle costs of the item to
44 be purchased, discounts, and inspection services so long as the invita-
45 tion to bid reasonably sets forth the criteria to be used in evaluating
46 such costs or savings. Life cycle costs may include but shall not be
47 limited to costs or savings associated with installation, energy use,
48 maintenance, operation and salvage or disposal.

49 (b) Section twenty-eight hundred seventy-nine of this chapter shall
50 apply to the authority's acquisition of goods or services of any kind,
51 in the actual or estimated amount of fifteen thousand dollars or more,
52 provided (i) that a contract for services in the actual or estimated
53 amount of less than one [~~hundred-thousand~~] million dollars shall not
54 require approval by the board of the authority regardless of the length
55 of the period over which the services are rendered, and provided further
56 that a contract for services in the actual or estimated amount of one

1 [~~hundred-thousand~~] million dollars or more shall require approval by the
2 board of the authority regardless of the length of the period over which
3 the services are rendered unless such a contract is awarded to the
4 lowest responsible bidder after obtaining sealed bids, and (ii) the
5 board of the authority may by resolution adopt guidelines that authorize
6 the award of contracts to small business concerns, to service disabled
7 veteran owned businesses certified pursuant to article seventeen-B of
8 the executive law, or minority or women-owned business enterprises
9 certified pursuant to article fifteen-A of the executive law, or
10 purchases of goods or technology that are recycled or remanufactured, in
11 an amount not to exceed four hundred thousand dollars without a formal
12 competitive process and without further board approval. The board of the
13 authority shall adopt guidelines which shall be made publicly available
14 for the awarding of such contract without a formal competitive process.

15 § 5. Subdivision 22 of section 553 of the public authorities law, as
16 added by section 12 of part 00 of chapter 54 of the laws of 2016, is
17 amended to read as follows:

18 22. Section twenty-eight hundred seventy-nine of this chapter shall
19 apply to the authority's acquisition of goods or services of any kind,
20 in the actual or estimated amount of fifteen thousand dollars or more,
21 provided that (i) a contract for services in the actual or estimated
22 amount of less than one [~~hundred-thousand~~] million dollars shall not
23 require approval by the board of the authority regardless of the length
24 of the period over which the services are rendered, and provided further
25 that a contract for services in the actual or estimated amount of one
26 [~~hundred-thousand~~] million dollars or more shall require approval by the
27 board of the authority regardless of the length of the period over which
28 the services are rendered unless such a contract is awarded to the
29 lowest responsible bidder after obtaining sealed bids and (ii) the board
30 of the authority may by resolution adopt guidelines that authorize the
31 award of contracts to small business concerns, to service disabled
32 veteran owned businesses certified pursuant to article [~~seventeen-b~~]
33 seventeen-B of the executive law, or minority or women-owned business
34 enterprises certified pursuant to article [~~fifteen-a~~] fifteen-A of the
35 executive law, or purchases of goods or technology that are recycled or
36 remanufactured, in an amount not to exceed four hundred thousand dollars
37 without a formal competitive process and without further board approval.
38 The board of the authority shall adopt guidelines which shall be made
39 publicly available for the awarding of such contract without a formal
40 competitive process.

41 § 6. Section 1266 of the public authorities law is amended by adding a
42 new subdivision 19 to read as follows:

43 19. The board of the authority shall be authorized to terminate, modi-
44 fy or amend any service or funding agreement approved prior to the
45 effective date of this subdivision that does not include a defined dura-
46 tion term, or contains an initial term that explicitly or in effect has
47 a duration longer than twenty years.

48 § 7. This act shall take effect April 1, 2018; provided that the
49 amendments to subdivisions 7 and 9 of section 1209, subdivision 2 of
50 section 1265-a, and subdivision 22 of section 553 of the public authori-
51 ties law made by sections two, three, four, and five of this act shall
52 be subject to the expiration and reversion or repeal of such provisions
53 pursuant to section 15 of part 00 of chapter 54 of the laws of 2016, as
54 amended, and shall expire and be deemed repealed therewith.

1 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
2 of the laws of 1968 constituting the New York state urban development
3 corporation act, as amended by section 1 of part M of chapter 58 of the
4 laws of 2017, is amended to read as follows:

5 3. The provisions of this section shall expire, notwithstanding any
6 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
7 the laws of 1996 or of any other law, on July 1, ~~2018~~ 2019.

8 § 2. This act shall take effect immediately and shall be deemed to
9 have been in full force and effect on and after July 1, 2018.

10 PART P

11 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
12 New York state urban development corporation act, relating to the powers
13 of the New York state urban development corporation to make loans, as
14 amended by section 1 of part N of chapter 58 of the laws of 2017, is
15 amended to read as follows:

16 § 2. This act shall take effect immediately provided, however, that
17 section one of this act shall expire on July 1, ~~2018~~ 2019, at which
18 time the provisions of subdivision 26 of section 5 of the New York state
19 urban development corporation act shall be deemed repealed; provided,
20 however, that neither the expiration nor the repeal of such subdivision
21 as provided for herein shall be deemed to affect or impair in any manner
22 any loan made pursuant to the authority of such subdivision prior to
23 such expiration and repeal.

24 § 2. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after April 1, 2018.

26 PART Q

27 Section 1. Subdivisions 2, 7, 8, 13, 14, 15, 16, 19, 20, 21 and 22 of
28 section 310 of the executive law, subdivisions 2, 8 and 14 as added by
29 chapter 261 of the laws of 1988, subdivisions 7 and 15 as amended by
30 chapter 22 of the laws of 2014, subdivision 13 as amended by chapter 506
31 of the laws of 2009, subdivision 16, as amended by section 3 of part BB
32 of chapter 59 of the laws of 2006, subdivisions 19, 20, 21 and 22 as
33 added by chapter 175 of the laws of 2010 are amended and a new subdivi-
34 sion 24 is added to read as follows:

35 2. "Contracting agency" shall mean a state agency or state-funded
36 entity which is a party or a proposed party to a state contract or, in
37 the case of a state contract described in paragraph (c) of subdivision
38 thirteen of this section, shall mean the New York state housing finance
39 agency, housing trust fund corporation or affordable housing corpo-
40 ration, whichever has made or proposes to make the grant or loan for the
41 state assisted housing project.

42 7. "Minority-owned business enterprise" shall mean a business enter-
43 prise, including a sole proprietorship, partnership, limited liability
44 company or corporation that is:

45 (a) at least fifty-one percent owned by one or more minority group
46 members;

47 (b) an enterprise in which such minority ownership is real, substan-
48 tial and continuing;

49 (c) an enterprise in which such minority ownership has and exercises
50 the authority to control independently the day-to-day business decisions
51 of the enterprise;

1 (d) an enterprise authorized to do business in this state and inde-
2 pendently owned and operated;

3 (e) an enterprise owned by an individual or individuals, whose owner-
4 ship, control and operation are relied upon for certification, with a
5 personal net worth that does not exceed three million five hundred thou-
6 sand dollars, or such other amount as the director shall set forth in
7 regulations, as adjusted annually on the first of January for inflation
8 according to the consumer price index of the previous year; and

9 (f) an enterprise that is a small business pursuant to subdivision
10 twenty of this section.

11 8. "Minority group member" shall mean a United States citizen or
12 permanent resident alien who is and can demonstrate membership in one of
13 the following groups:

14 (a) Black persons having origins in any of the Black African racial
15 groups;

16 (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
17 Central or South American of either Indian or Hispanic origin, regard-
18 less of race;

19 (c) Native American or Alaskan native persons having origins in any of
20 the original peoples of North America.

21 (d) Asian and Pacific Islander persons having origins in any of the
22 Far East countries, South East Asia, the Indian subcontinent or the
23 Pacific Islands.

24 13. "State contract" shall mean: (a) a written agreement or purchase
25 order instrument, providing for a total expenditure in excess of [~~twen-~~
26 ~~ty-five~~] fifty thousand dollars, whereby a contracting agency is commit-
27 ted to expend or does expend or grant funds in return for labor,
28 services including but not limited to legal, financial and other profes-
29 sional services, supplies, equipment, materials or any combination of
30 the foregoing, to be performed for, or rendered or furnished to the
31 contracting agency; (b) a written agreement in excess of [~~one~~] two
32 hundred thousand dollars whereby a contracting agency is committed to
33 expend or does expend or grant funds for the acquisition, construction,
34 demolition, replacement, major repair or renovation of real property and
35 improvements thereon; [~~and~~] (c) a written agreement in excess of [~~one~~]
36 two hundred thousand dollars whereby the owner of a state assisted hous-
37 ing project is committed to expend or does expend funds for the acquisi-
38 tion, construction, demolition, replacement, major repair or renovation
39 of real property and improvements thereon for such project; and (d) a
40 written agreement or purchase order instrument, providing for a total
41 expenditure in excess of fifty thousand dollars, whereby a state-funded
42 entity is committed to expend or does expend funds paid to the state-
43 funded entity by the state of New York, including those paid to the
44 state-funded entity pursuant to an appropriation, for any product or
45 service.

46 14. "Subcontract" shall mean an agreement [~~providing for a total~~
47 ~~expenditure in excess of twenty-five thousand dollars for the~~
48 ~~construction, demolition, replacement, major repair, renovation, plan-~~
49 ~~ning or design of real property and improvements thereon]~~ between a
50 contractor and any individual or business enterprise, including a sole
51 proprietorship, partnership, corporation, or not-for-profit corporation,
52 in which a portion of a contractor's obligation under a state contract
53 is undertaken or assumed, but shall not include any construction, demo-
54 lition, replacement, major repair, renovation, planning or design of
55 real property or improvements thereon for the beneficial use of the
56 contractor.

15. "Women-owned business enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:

(a) at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;

(b) an enterprise in which the ownership interest of such women is real, substantial and continuing;

(c) an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

(d) an enterprise authorized to do business in this state and independently owned and operated;

(e) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed three million five hundred thousand dollars, or such other amount as the director shall set forth in regulations, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and

(f) an enterprise that is a small business pursuant to subdivision twenty of this section.

A firm owned by a minority group member who is also a woman may be certified as a minority-owned business enterprise, a women-owned business enterprise, or both, and may be counted towards either a minority-owned business enterprise goal or a women-owned business enterprise goal, in regard to any contract or any goal, set by an agency or authority, but such participation may not be counted towards both such goals. Such an enterprise's participation in a contract may not be divided between the minority-owned business enterprise goal and the women-owned business enterprise goal.

16. "Statewide advocate" shall mean the person appointed by the ~~commissioner~~ director to serve in the capacity of the minority and women-owned business enterprise statewide advocate.

19. "Personal net worth" shall mean the aggregate adjusted net value of the assets of an individual remaining after total liabilities are deducted. Personal net worth includes the individual's share of assets held jointly with said individual's spouse and does not include the individual's ownership interest in the certified minority and women-owned business enterprise, the individual's ~~equity in his or her primary residence~~ ownership interest in any holding company that leases real property, machinery, equipment, or vehicles exclusively to the certified minority or women-owned business enterprise, up to two hundred percent of the median value of owner-occupied housing units in the municipality in which the individual resides, or up to five hundred thousand dollars of the present cash value of any qualified retirement savings plan or individual retirement account held by the individual less any penalties for early withdrawal.

20. "Small business" as used in this section, unless otherwise indicated, shall mean a business which has a significant business presence in the state, is independently owned and operated, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director~~, but not to exceed three hundred~~, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto. The director may issue regulations on the construction of the terms in this definition.

21. "The ~~[2010]~~ disparity study" shall refer to the most recent disparity study commissioned by the ~~[empire state development corporation]~~ department of economic development, pursuant to section three hundred twelve-a of this article~~[, and published on April twenty-nine, two thousand ten]~~.

22. "Diversity practices" shall mean the contractor's practices and policies with respect to:

(a) ~~[utilizing]~~ mentoring certified minority and women-owned business enterprises in contracts awarded by a state agency or other public corporation, as subcontractors and suppliers; ~~[and]~~

(b) entering into partnerships, joint ventures or other similar arrangements with certified minority and women-owned business enterprises as defined in this article or other applicable statute or regulation governing an entity's utilization of minority or women-owned business enterprises; and

(c) the representation of minority group members and women as members of the board of directors or executive officers of the contractor.

24. "State-funded entity" shall mean any unit of local government, including, but not limited to, a county, city, town, village, or school district that is paid pursuant to an appropriation in any state fiscal year.

§ 2. Subdivision 4 of section 311 of the executive law, as amended by chapter 361 of the laws of 2009, is amended to read as follows:

4. The director ~~[may]~~ shall provide assistance to, and facilitate access to programs serving ~~[certified businesses as well as applicants]~~ minority and women-owned business enterprises to ensure that such businesses benefit, as needed, from technical, managerial and financial, and general business assistance; training; marketing; organization and personnel skill development; project management assistance; technology assistance; bond and insurance education assistance; and other business development assistance. The director shall maintain a toll-free number at the department of economic development to be used to answer questions concerning the MWBE certification process. In addition, the director may, either independently or in conjunction with other state agencies:

(a) develop a clearinghouse of information on programs and services provided by entities that may assist such businesses;

(b) review bonding and paperwork requirements imposed by contracting agencies that may unnecessarily impede the ability of such businesses to compete; and

(c) seek to maximize utilization by minority and women-owned business enterprises of available federal resources including but not limited to federal grants, loans, loan guarantees, surety bonding guarantees, technical assistance, and programs and services of the federal small business administration.

§ 3. Section 311-a of the executive law, as added by section 4 of part BB of chapter 59 of the laws of 2006, is amended to read as follows:

§ 311-a. Minority and women-owned business enterprise statewide advocate. 1. There is hereby established within the ~~[department of economic development]~~ division of minority and women's business development ~~[an office of the minority and women-owned business enterprise]~~ a statewide advocate. The statewide advocate shall be appointed by the ~~[commissioner with the advice of the small business advisory board as established in section one hundred thirty-three of the economic development law and shall serve in the unclassified service of the]~~ director. ~~[The statewide advocate shall be located in the Albany empire state development office.]~~

2. The advocate shall act as a liaison for minority and women-owned business enterprises (MWBES) to assist them in obtaining technical, managerial, financial and other business assistance for certified businesses and applicants. The advocate shall receive and investigate complaints brought by or on behalf of MWBES concerning ~~[certification delays and instances of]~~ violations of ~~[law]~~ the requirements of this article by contractors and state agencies. ~~[The statewide advocate shall assist certified businesses and applicants in the certification process. Other functions of the statewide advocate shall be directed by the commissioner. The advocate may request and the director may appoint staff and employees of the division of minority and women business development to support the administration of the office of the statewide advocate.]~~

3. The statewide advocate ~~[shall establish a toll-free number at the department of economic development to be used to answer questions concerning the MWBE certification process]~~ shall conduct periodic audits of state agencies' compliance with the requirements of section three hundred fifteen of this article, which audits shall include a review of the books and records of state agencies concerning, among other things, annual agency expenditures, annual participation of minority and women-owned business enterprises as prime contractors and subcontractors in state agencies' state contracts, and documentation of state agencies' good faith efforts to maximize minority and women-owned business enterprise participation in such state agencies' contracting.

~~[4. The statewide advocate shall report to the director and commissioner by November fifteenth on an annual basis on all activities related to fulfilling the obligations of the office of the statewide advocate. The commissioner shall include the unedited text of the statewide advocate's report within the reports submitted by the department of economic development to the governor and the legislature.]~~

§ 4. Section 312-a of the executive law, as amended by section 1 of part Q of chapter 58 of the laws of 2015, is amended to read as follows:

§ 312-a. Study of minority and women-owned business ~~[enterprise programs]~~ enterprises. 1. The director of the division of minority and ~~[women-owned]~~ women's business development ~~[in the department of economic development]~~ is authorized and directed to recommission a statewide disparity study regarding the participation of minority and women-owned business enterprises in state contracts since the amendment of this article to be delivered to the governor and legislature ~~[no later than August fifteenth, two thousand sixteen]~~. The study shall be prepared by an entity independent of the department and selected through a request for proposal process. The purpose of such study is:

(a) to determine whether there is a disparity between the number of qualified minority and women-owned businesses ready, willing and able to perform state contracts for commodities, services and construction, and the number of such contractors actually engaged to perform such contracts, and to determine what changes, if any, should be made to state policies affecting minority and women-owned business enterprises; and (b) to determine whether there is a disparity between the number of qualified minorities and women ready, willing and able, with respect to labor markets, qualifications and other relevant factors, to participate in contractor employment, management level bodies, including boards of directors, and as senior executive officers within contracting entities and the number of such group members actually employed or affiliated with state contractors in the aforementioned capacities, and to determine what changes, if any, should be made to state policies affecting

1 minority and women group populations with regard to state contractors'
2 employment and appointment practices relative to diverse group members.
3 Such study shall include, but not be limited to, an analysis of the
4 history of minority and women-owned business enterprise programs and
5 their effectiveness as a means of securing and ensuring participation by
6 minorities and women, and a disparity analysis by market area and region
7 of the state. Such study shall distinguish between minority males,
8 minority females and non-minority females in the statistical analysis.

9 2. The director of the division of minority and [~~women-owned~~] women's
10 business development is directed to transmit the disparity study to the
11 governor and the legislature [~~not later than August fifteenth, two thou-~~
12 ~~sand sixteen~~], and to post the study on the website of the department of
13 economic development.

14 § 5. Section 313 of the executive law, as amended by chapter 175 of
15 the laws of 2010, is amended to read as follows:

16 § 313. Opportunities for minority and women-owned business enter-
17 prises. 1. [~~Goals and requirements for agencies and contractors. Each~~
18 ~~agency shall structure procurement procedures for contracts made direct-~~
19 ~~ly or indirectly to minority and women-owned business enterprises, in~~
20 ~~accordance with the findings of the two thousand ten disparity study,~~
21 ~~consistent with the purposes of this article, to attempt to achieve the~~
22 ~~following results with regard to total annual statewide procurement:~~

23 ~~(a) construction industry for certified minority-owned business enter-~~
24 ~~prises: fourteen and thirty-four hundredths percent;~~

25 ~~(b) construction industry for certified women-owned business enter-~~
26 ~~prises: eight and forty-one hundredths percent;~~

27 ~~(c) construction-related professional services industry for certified~~
28 ~~minority-owned business enterprises: thirteen and twenty-one hundredths~~
29 ~~percent;~~

30 ~~(d) construction-related professional services industry for certified~~
31 ~~women-owned business enterprises: eleven and thirty-two hundredths~~
32 ~~percent;~~

33 ~~(e) non-construction related services industry for certified minori-~~
34 ~~ty-owned business enterprises: nineteen and sixty hundredths percent;~~

35 ~~(f) non-construction related services industry for certified women-~~
36 ~~owned business enterprises: seventeen and forty-four hundredths percent;~~

37 ~~(g) commodities industry for certified minority-owned business enter-~~
38 ~~prises: sixteen and eleven hundredths percent;~~

39 ~~(h) commodities industry for certified women-owned business enter-~~
40 ~~prises: ten and ninety-three hundredths percent;~~

41 ~~(i) overall agency total dollar value of procurement for certified~~
42 ~~minority-owned business enterprises: sixteen and fifty-three hundredths~~
43 ~~percent;~~

44 ~~(j) overall agency total dollar value of procurement for certified~~
45 ~~women-owned business enterprises: twelve and thirty-nine hundredths~~
46 ~~percent; and~~

47 ~~(k) overall agency total dollar value of procurement for certified~~
48 ~~minority, women-owned business enterprises: twenty-eight and ninety-two~~
49 ~~hundredths percent.~~

50 ~~1-a. The director shall ensure that each state agency has been~~
51 ~~provided with a copy of the two thousand ten disparity study.~~

52 ~~1-b. Each agency shall develop and adopt agency specific goals based~~
53 ~~on the findings of the two thousand ten disparity study.~~

54 ~~2.] The director shall promulgate rules and regulations [pursuant to~~
55 ~~the goals established in subdivision one of this section] that provide~~
56 measures and procedures to ensure that certified minority and women-

owned businesses shall be given the opportunity for maximum feasible participation in the performance of state contracts and to assist in the agency's identification of those state contracts for which minority and women-owned certified businesses may best bid to actively and affirmatively promote and assist their participation in the performance of state contracts [~~so as to facilitate the agency's achievement of the maximum feasible portion of the goals for state contracts to such businesses~~].

[~~2-a~~] 2. The director shall promulgate rules and regulations that will accomplish the following:

(a) provide for the certification and decertification of minority and women-owned business enterprises for all agencies through a single process that meets applicable requirements;

(b) require that each contract solicitation document accompanying each solicitation set forth the expected degree of minority and women-owned business enterprise participation based, in part, on:

(i) the potential subcontract opportunities available in the prime procurement contract; [~~and~~]

(ii) the availability[~~, as contained within the study,~~] of certified minority and women-owned business enterprises to respond competitively to the potential subcontract opportunities, as reflected in the division's directory of certified minority and women-owned business enterprises; and

(iii) the findings of the disparity study.

(c) [~~require that each agency provide a current list of certified minority business enterprises to each prospective contractor,~~

~~(d)]~~ allow a contractor that is a certified minority-owned or women-owned business enterprise to use the work it performs to meet requirements for use of certified minority-owned or women-owned business enterprises as subcontractors;

(d) establish criteria for agencies to credit the participation of minority and women-owned business enterprises towards the achievement of the minority and women-owned business enterprise participation goals on a state contract based on the commercially useful function provided by each minority and women-owned business enterprise on the contract;

(e) provide for joint ventures, which a bidder may count toward meeting its minority and women-owned business enterprise participation;

(f) consistent with subdivision six of this section, provide for circumstances under which an agency or state-funded entity may waive obligations of the contractor relating to minority and women-owned business enterprise participation;

(g) require that an agency or state-funded entity verify that minority and women-owned business enterprises listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted;

(h) provide for the collection of statistical data by each agency concerning actual minority and women-owned business enterprise participation; [~~and~~]

(i) require each agency to consult the most current disparity study when calculating [~~agency-wide and contract-specific~~] contract-specific participation goals pursuant to this article; and

(j) provide for the periodic collection of reports from state-funded entities in such form and at such time as the director shall require.

3. Solely for the purpose of providing the opportunity for meaningful participation by certified businesses in the performance of state contracts as provided in this section, state contracts shall include

1 leases of real property by a state agency to a lessee where: the terms
2 of such leases provide for the construction, demolition, replacement,
3 major repair or renovation of real property and improvements thereon by
4 such lessee; and the cost of such construction, demolition, replacement,
5 major repair or renovation of real property and improvements thereon
6 shall exceed the sum of ~~[one]~~ two hundred thousand dollars. Reports to
7 the director pursuant to section three hundred fifteen of this article
8 shall include activities with respect to all such state contracts.
9 Contracting agencies shall include or require to be included with
10 respect to state contracts for the acquisition, construction, demoli-
11 tion, replacement, major repair or renovation of real property and
12 improvements thereon, such provisions as may be necessary to effectuate
13 the provisions of this section in every bid specification and state
14 contract, including, but not limited to: (a) provisions requiring
15 contractors to make a good faith effort to solicit active participation
16 by enterprises identified in the directory of certified businesses
17 ~~[provided to the contracting agency by the office]~~; (b) requiring the
18 parties to agree as a condition of entering into such contract, to be
19 bound by the provisions of section three hundred sixteen of this arti-
20 cle; and (c) requiring the contractor to include the provisions set
21 forth in paragraphs (a) and (b) of this subdivision in every subcontract
22 in a manner that the provisions will be binding upon each subcontractor
23 as to work in connection with such contract. Provided, however, that no
24 such provisions shall be binding upon contractors or subcontractors in
25 the performance of work or the provision of services that are unrelated,
26 separate or distinct from the state contract as expressed by its terms,
27 and nothing in this section shall authorize the director or any
28 contracting agency to impose any requirement on a contractor or subcon-
29 tractor except with respect to a state contract.

30 4. In the implementation of this section, the contracting agency shall
31 (a) consult the findings contained within the disparity study evidencing
32 relevant industry specific ~~[availability of certified businesses]~~
33 disparities in the utilization of minority and women-owned businesses
34 relative to their availability;

35 (b) implement a program that will enable the agency to evaluate each
36 contract to determine the ~~[appropriateness of the]~~ appropriate goal
37 ~~[pursuant to subdivision one of this section]~~ for participation by
38 minority-owned business enterprises and women-owned business
39 enterprises;

40 (c) consider where practicable, the severability of construction
41 projects and other bundled contracts; and

42 (d) consider compliance with the requirements of any federal law
43 concerning opportunities for minority and women-owned business enter-
44 prises which effectuates the purpose of this section. The contracting
45 agency shall determine whether the imposition of the requirements of any
46 such law duplicate or conflict with the provisions hereof and if such
47 duplication or conflict exists, the contracting agency shall waive the
48 applicability of this section to the extent of such duplication or
49 conflict.

50 5. (a) Contracting agencies shall administer the rules and regulations
51 promulgated by the director in a good faith effort to ~~[meet]~~ achieve the
52 maximum feasible ~~[portion of the agency's goals adopted]~~ participation
53 of minority and women-owned business enterprises pursuant to this arti-
54 cle and the regulations of the director. Such rules and regulations:
55 shall require a contractor to submit a utilization plan after bids are
56 opened, when bids are required, but prior to the award of a state

1 contract; shall require the contracting agency to review the utilization
2 plan submitted by the contractor [~~and to post the utilization plan and~~
3 ~~any waivers of compliance issued pursuant to subdivision six of this~~
4 ~~section on the website of the contracting agency~~] within a reasonable
5 period of time as established by the director; shall require the
6 contracting agency to notify the contractor in writing within a period
7 of time specified by the director as to any deficiencies contained in
8 the contractor's utilization plan; shall require remedy thereof within a
9 period of time specified by the director; shall require the contractor
10 to submit periodic compliance reports relating to the operation and
11 implementation of any utilization plan; shall not allow any automatic
12 waivers but shall allow a contractor to apply for a partial or total
13 waiver of the minority and women-owned business enterprise participation
14 requirements pursuant to subdivisions six and seven of this section;
15 shall allow a contractor to file a complaint with the director pursuant
16 to subdivision eight of this section in the event a contracting agency
17 has failed or refused to issue a waiver of the minority and women-owned
18 business enterprise participation requirements or has denied such
19 request for a waiver; and shall allow a contracting agency to file a
20 complaint with the director pursuant to subdivision nine of this section
21 in the event a contractor is failing or has failed to comply with the
22 minority and women-owned business enterprise participation requirements
23 set forth in the state contract where no waiver has been granted.

24 (b) The rules and regulations promulgated pursuant to this subdivision
25 regarding a utilization plan shall provide that where enterprises have
26 been identified within a utilization plan, a contractor shall attempt,
27 in good faith, to utilize such enterprise at least to the extent indi-
28 cated. A contracting agency may require a contractor to indicate, within
29 a utilization plan, what measures and procedures he or she intends to
30 take to comply with the provisions of this article, but may not require,
31 as a condition of award of, or compliance with, a contract that a
32 contractor utilize a particular enterprise in performance of the
33 contract.

34 (c) Without limiting other grounds for the disqualification of bids or
35 proposals on the basis of non-responsibility, a contracting agency may
36 disqualify the bid or proposal of a contractor as being non-responsible
37 for failure to remedy notified deficiencies contained in the contrac-
38 tor's utilization plan within a period of time specified in regulations
39 promulgated by the director after receiving notification of such defi-
40 ciencies from the contracting agency. Where failure to remedy any noti-
41 fied deficiency in the utilization plan is a ground for disqualifica-
42 tion, that issue and all other grounds for disqualification shall be
43 stated in writing by the contracting agency. Where the contracting agen-
44 cy states that a failure to remedy any notified deficiency in the utili-
45 zation plan is a ground for disqualification the contractor shall be
46 entitled to an administrative hearing, on a record, involving all
47 grounds stated by the contracting agency. Such hearing shall be
48 conducted by the appropriate authority of the contracting agency to
49 review the determination of disqualification. A final administrative
50 determination made following such hearing shall be reviewable in a
51 proceeding commenced under article seventy-eight of the civil practice
52 law and rules, provided that such proceeding is commenced within thirty
53 days of the notice given by certified mail return receipt requested
54 rendering such final administrative determination. Such proceeding shall
55 be commenced in the supreme court, appellate division, third department
56 and such proceeding shall be preferred over all other civil causes

except election causes, and shall be heard and determined in preference to all other civil business pending therein, except election matters, irrespective of position on the calendar. Appeals taken to the court of appeals of the state of New York shall be subject to the same preference.

6. Where it appears that a contractor cannot, after a good faith effort, comply with the minority and women-owned business enterprise participation requirements set forth in a particular state contract, a contractor may file a written application with the contracting agency requesting a partial or total waiver of such requirements setting forth the reasons for such contractor's inability to meet any or all of the participation requirements together with an explanation of the efforts undertaken by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the contracting agency shall consider the number and types of minority and women-owned business enterprises ~~located~~ available to provide goods or services required under the contract in the region in which the state contract is to be performed, the total dollar value of the state contract, the scope of work to be performed and the project size and term. If, based on such considerations, the contracting agency determines there is not a reasonable availability of contractors on the list of certified business to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the contracting agency shall first consider the availability of other business enterprises located in the region and shall thereafter consider the financial ability of minority and women-owned businesses located outside the region in which the contract is to be performed to perform the state contract.

7. For purposes of determining a contractor's good faith effort to comply with the requirements of this section or to be entitled to a waiver therefrom the contracting agency shall consider:

(a) whether the contractor has ~~[advertised in general circulation media, trade association publications, and minority focus and women focus media and, in such event, (i) whether or not certified minority or women owned businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending]~~ attended a pre-bid conference, if any, scheduled by the state agency awarding the state contract with certified minority and women-owned business enterprises; and

~~[(ii) whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the contracting agency's bid date; and]~~

(b) whether ~~[there has been]~~ the contractor provided timely written notification of subcontracting opportunities on the state contract to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to paragraph (f) of subdivision three of section three hundred eleven of this article; and

(c) whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

8. In the event that a contracting agency fails or refuses to issue a waiver to a contractor as requested within twenty days after having made application therefor pursuant to subdivision six of this section or if the contracting agency denies such application, in whole or in part, the contractor may file a complaint with the director pursuant to section

1 three hundred sixteen of this article setting forth the facts and
2 circumstances giving rise to the contractor's complaint together with a
3 demand for relief. The contractor shall serve a copy of such complaint
4 upon the contracting agency by personal service or by certified mail,
5 return receipt requested. The contracting agency shall be afforded an
6 opportunity to respond to such complaint in writing.

7 9. If, after the review of a contractor's minority and women owned
8 business utilization plan or review of a periodic compliance report and
9 after such contractor has been afforded an opportunity to respond to a
10 notice of deficiency issued by the contracting agency in connection
11 therewith, it appears that a contractor is failing or refusing to comply
12 with the minority and women-owned business participation requirements as
13 set forth in the state contract and where no waiver from such require-
14 ments has been granted, the contracting agency may file a written
15 complaint with the director pursuant to section three hundred sixteen of
16 this article setting forth the facts and circumstances giving rise to
17 the contracting agency's complaint together with a demand for relief.
18 The contracting agency shall serve a copy of such complaint upon the
19 contractor by personal service or by certified mail, return receipt
20 requested. The contractor shall be afforded an opportunity to respond to
21 such complaint in writing.

22 § 6. Section 314 of the executive law, as added by chapter 261 of the
23 laws of 1988, subdivision 2-a as amended by chapter 175 of the laws of
24 2010, subdivision 4 as amended and subdivision 5 as added by chapter 399
25 of the laws of 2014, is amended to read as follows:

26 § 314. Statewide certification program. 1. The director shall promul-
27 gate rules and regulations providing for the establishment of a state-
28 wide certification program including rules and regulations governing the
29 approval, denial or revocation of any such certification. Such rules
30 shall set forth the maximum personal net worth of a minority group
31 member or woman who may be relied upon to certify a business as a minor-
32 ity-owned business enterprise or women-owned business enterprise, and
33 may establish different maximum levels of personal net worth for minori-
34 ty group members and women on an industry-by-industry basis for such
35 industries as the director shall determine. Such rules and regulations
36 shall include, but not be limited to, such matters as may be required to
37 ensure that the established procedures thereunder shall at least be in
38 compliance with the code of fair procedure set forth in section seven-
39 ty-three of the civil rights law.

40 2. For the purposes of this article, the office shall be responsible
41 for verifying businesses as being owned, operated, and controlled by
42 minority group members or women and for certifying such verified busi-
43 nesses. The director shall prepare a directory of certified businesses
44 for use by contracting agencies and contractors in carrying out the
45 provisions of this article. The director shall periodically update the
46 directory.

47 2-a. (a) The director shall establish a procedure enabling the office
48 to accept New York municipal corporation certification verification for
49 minority and women-owned business enterprise applicants in lieu of
50 requiring the applicant to complete the state certification process. The
51 director shall promulgate rules and regulations to set forth criteria
52 for the acceptance of municipal corporation certification. All eligible
53 municipal corporation certifications shall require business enterprises
54 seeking certification to meet the following standards:

(i) have at least fifty-one percent ownership by a minority or a women-owned enterprise and be owned by United States citizens or permanent resident aliens;

(ii) be an enterprise in which the minority and/or women-ownership interest is real, substantial and continuing;

(iii) be an enterprise in which the minority and/or women-ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

(iv) be an enterprise authorized to do business in this state;

(v) be subject to a physical site inspection to verify the fifty-one percent ownership requirement;

(vi) be owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed three million five hundred thousand dollars, or such other amount as the director shall set forth in regulations, as adjusted annually for inflation according to the consumer price index; and

(vii) be an enterprise that is a small business pursuant to subdivision twenty of section three hundred ten of this article.

(b) The director shall work with all municipal corporations that have a municipal minority and women-owned business enterprise program to develop standards to accept state certification to meet the municipal corporation minority and women-owned business enterprise certification standards.

(c) The director shall establish a procedure enabling the division to accept federal certification verification for minority and women-owned business enterprise applicants, provided said standards comport with those required by the state minority and women-owned business program, in lieu of requiring the applicant to complete the state certification process. The director shall promulgate rules and regulations to set forth criteria for the acceptance of federal certification.

2-b. Each business applying for minority or women-owned business enterprise certification pursuant to this section must agree to allow: (i) the department of taxation and finance to share its tax information with the division and (ii) the department of labor to share its tax and employer information with the division.

3. Following application for certification pursuant to this section, the director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies [~~within thirty days~~]. Within [~~sixty~~ thirty] days of submission of a final completed application, the director shall provide the applicant with written notice of a determination by the office approving or denying such certification and, in the event of a denial a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within thirty days from receipt of notice of such determination, be entitled to a hearing before an independent hearing officer designated for such purpose by the director. In the event that a request for a hearing is not made within such thirty day period, such determination shall be deemed to be final. The independent hearing officer shall conduct a hearing and upon the conclusion of such hearing, issue a written recommendation to the director to affirm, reverse or modify such determination of the director. Such written recommendation shall be issued to the parties. The director, within thirty days, by order, must accept, reject or modify such recommendation of the hearing officer and set

1 forth in writing the reasons therefor. The director shall serve a copy
2 of such order and reasons therefor upon the business enterprise by
3 personal service or by certified mail return receipt requested. The
4 order of the director shall be subject to review pursuant to article
5 seventy-eight of the civil practice law and rules.

6 4. The director may, after performing an availability analysis and
7 upon a finding that industry-specific factors coupled with personal net
8 worth or small business eligibility requirements pursuant to subdivi-
9 sions nineteen and twenty of section three hundred ten of this article,
10 respectively, have led to the significant exclusion of businesses owned
11 by minority group members or women in that industry, grant provisional
12 MWBE certification status to applicants from that designated industry,
13 provided, however, that all other eligibility requirements pursuant to
14 subdivision seven or fifteen of section three hundred ten of this arti-
15 cle, as applicable, are satisfied. Any industry-based determination made
16 under this section by the director shall be made widely available to the
17 public and posted on the division's website.

18 5. With the exception of provisional MWBE certification, as provided
19 for in subdivision twenty-three of section three hundred ten of this
20 article, all minority and women-owned business enterprise certifications
21 shall be valid for a period of three years.

22 § 7. Subdivisions 2, 3, 4, 5, 6 and 7 of section 315 of the executive
23 law, subdivision 2 as added by chapter 261 of the laws of 1988, and
24 subdivision 3 as amended and subdivisions 4, 5, 6 and 7 as added by
25 chapter 175 of the laws of 2010, are amended to read as follows:

26 2. ~~[Each contracting agency shall provide to prospective bidders a~~
27 ~~current copy of the directory of certified businesses, and a copy of the~~
28 ~~regulations required pursuant to sections three hundred twelve and three~~
29 ~~hundred thirteen of this article at the time bids or proposals are~~
30 ~~solicited.]~~

31 ~~3.]~~ Each contracting agency shall report to the director with respect
32 to activities undertaken to promote employment of minority group members
33 and women and promote and increase participation by certified businesses
34 with respect to state contracts and subcontracts. Such reports shall be
35 submitted periodically, but not less frequently than annually, as
36 required by the director, and shall include such information as is
37 necessary for the director to determine whether the contracting agency
38 and contractor have complied with the purposes of this article, includ-
39 ing, without limitation, a summary of all waivers of the requirements of
40 subdivisions six and seven of section three hundred thirteen of this
41 article allowed by the contracting agency during the period covered by
42 the report, ~~[including a description of the basis of the waiver request~~
43 ~~and the rationale for granting any such waiver]~~ any instances in which
44 the state agency has deemed a contractor to have committed a violation
45 pursuant to section three hundred sixteen-a of this article, and such
46 other information as the director shall require. Each agency shall also
47 include in such annual report whether or not it has been required to
48 prepare a remedial plan, and, if so, the plan and the extent to which
49 the agency has complied with each element of the plan.

50 ~~[4.]~~ 3. The division of minority and women's business development
51 shall issue an annual report which: (a) summarizes the report submitted
52 by each contracting agency pursuant to subdivision ~~[three]~~ two of this
53 section; (b) contains such comparative or other information as the
54 director deems appropriate, including but not limited to goals compared
55 to actual participation of minority and women-owned business enterprises
56 in state contracting, to evaluate the effectiveness of the activities

undertaken by each such contracting agency to promote increased participation by certified minority or women-owned businesses with respect to state contracts and subcontracts; (c) contains a summary of all waivers of the requirements of subdivisions six and seven of section three hundred thirteen of this article allowed by each contracting agency during the period covered by the report~~[, including a description of the basis of the waiver request and the contracting agency's rationale for granting any such waiver]; and~~ (d) ~~[describes any efforts to create a database or other information storage and retrieval system containing information relevant to contracting with minority and women-owned business enterprises; and (e)]~~ contains a summary of (i) all determinations of violations of this article by a contractor or a contracting agency made during the period covered by the annual report pursuant to section three hundred sixteen-a of this article and

(ii) the penalties or sanctions, if any, assessed in connection with such determinations and the rationale for such penalties or sanctions. Copies of the annual report shall be provided to the commissioner, the governor, the comptroller, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, the minority leader of the assembly and shall also be made widely available to the public via, among other things, publication on a website maintained by the division of minority and women's business development.

~~[5-]~~ 4. Each agency shall include in its annual report to the governor and legislature pursuant to section one hundred sixty-four of ~~[the executive law]~~ this chapter its annual goals for contracts with minority-owned and women-owned business enterprises, the number of actual contracts issued to minority-owned and women-owned business enterprises; and a summary of all waivers of the requirements of subdivisions six and seven of section three hundred thirteen of this article allowed by the reporting agency during the preceding year, including a description of the basis of the waiver request and the rationale for granting such waiver. Each agency shall also include in such annual report whether or not it has been required to prepare a remedial plan, and, if so, the plan and the extent to which the agency has complied with each element of the plan.

~~[6-]~~ 5. Each contracting agency that substantially fails to ~~[meet the goals supported by the disparity study]~~ make a good faith effort, as defined by regulation of the director, to achieve the maximum feasible participation of minority and women-owned business enterprises in such agency's contracting shall be required to submit to the director a remedial action plan to remedy such failure.

~~[7-]~~ 6. If it is determined by the director that any agency has failed to act in good faith to implement the remedial action plan, pursuant to subdivision ~~[six]~~ five of this section within one year, the director shall provide written notice of such a finding, which shall be publicly available, and direct implementation of remedial actions to:

(a) assure that sufficient and effective solicitation efforts to women and minority-owned business enterprises are being made by said agency;

(b) divide contract requirements, when economically feasible, into quantities that will expand the participation of women and minority-owned business enterprises;

(c) eliminate extended experience or capitalization requirements, when programmatically and economically feasible, that will expand participation by women and minority-owned business enterprises;

(d) identify specific proposed contracts as particularly attractive or appropriate for participation by women and minority-owned business

enterprises with such identification to result from and be coupled with the efforts of paragraphs (a), (b), and (c) of this subdivision; and

(e) upon a finding by the director that an agency has failed to take affirmative measures to implement the remedial plan and to follow any of the remedial actions set forth by the director, and in the absence of any objective progress towards the agency's goals, require some or all of the agency's procurement, for a specified period of time, be placed under the direction and control of another agency or agencies.

§ 8. Section 316-a of the executive law, as added by chapter 175 of the laws of 2010, is amended to read as follows:

§ 316-a. Prohibitions in contracts; violations. Every contracting agency shall include a provision in its state contracts expressly providing that any contractor who ~~[willfully and intentionally]~~ fails to make a good faith effort to comply with the minority and women-owned participation requirements of this article as set forth in such state contract shall be liable to the contracting agency for liquidated or other appropriate damages and shall provide for other appropriate remedies on account of such breach. A contracting agency that elects to proceed against a contractor for breach of contract as provided in this section shall be precluded from seeking enforcement pursuant to section three hundred sixteen of this article; provided however, that the contracting agency shall include a summary of all enforcement actions undertaken pursuant to this section in its annual report submitted pursuant to ~~[subdivision three of]~~ section three hundred fifteen of this article.

§ 9. Subdivision 6 of section 163 of the state finance law, as amended by chapter 569 of the laws of 2015, is amended to read as follows:

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to articles fifteen-A and seventeen-B of the executive law, or commodities or technology that are recycled or remanufactured, or commodities that are food, including milk and milk products, grown, produced or harvested in New York state in an amount not exceeding ~~[two]~~ four hundred thousand dollars without a formal competitive process.

§ 10. Subparagraph (i) of paragraph (b) of subdivision 3 of section 2879 of the public authorities law, as amended by chapter 174 of the laws of 2010, is amended to read as follows:

(i) for the selection of such contractors on a competitive basis, and provisions relating to the circumstances under which the board may by resolution waive competition, including, notwithstanding any other provision of law requiring competition, the purchase of goods or services from small business concerns or those certified as minority or women-owned business enterprises, or goods or technology that are recycled or remanufactured, in an amount not to exceed ~~[two]~~ four hundred thousand dollars without a formal competitive process;

§ 11. Paragraph a of subdivision 3 of section 139-j of the state finance law is amended by adding two new subparagraphs 10 and 11 to read as follows:

(10) Complaints by minority-owned business enterprises or women-owned business enterprises, certified as such by the division of minority and

women's business development, to the minority and women-owned business enterprise statewide advocate concerning the procuring governmental entity's failure to comply with the requirements of section three hundred fifteen of the executive law;

(11) Communications between the minority and women-owned business enterprise statewide advocate and the procuring governmental entity in furtherance of an investigation of the minority and women-owned business enterprise statewide advocate pursuant to section three hundred twelve-a of the executive law;

§ 12. Subdivision 6 of section 8 of the public buildings law, as amended by chapter 840 of the laws of 1980, is amended to read as follows:

6. All contracts for amounts in excess of five thousand dollars for the work of construction, reconstruction, alteration, repair or improvement of any state building, whether constructed or to be constructed must be offered for public bidding and may be awarded to the lowest responsible and reliable bidder, as will best promote the public interest, by the said department or other agency with the approval of the comptroller for the whole or any part of the work to be performed, and, in the discretion of the said department or other agency, such contracts may be sublet; provided, however, that no such contract shall be awarded to a bidder other than the lowest responsible and reliable bidder, except for certain contracts awarded to minority or women-owned business enterprises as provided herein, without the written approval of the comptroller. When a proposal consists of unit prices of items specified to be performed, the lowest bid shall be deemed to be that which specifically states the lowest gross sum for which the entire work will be performed, except for certain contracts awarded to minority or women-owned business enterprises as provided herein, including all the items specified in the proposal thereof. The lowest bid shall be determined by the commissioner of general services on the basis of the gross sum for which the entire work will be performed, arrived at by a correct computation of all the items specified in the proposal therefor at the unit prices contained in the bid. Provided, however, that where a responsible and reliable bidder certified as a minority-owned business enterprise or women-owned business enterprise pursuant to article fifteen-A of the executive law submits a bid of one million four hundred thousand dollars or less, as adjusted annually for inflation beginning January first, two thousand nineteen, the bid of the minority or women-owned business enterprise shall be deemed the lowest bid unless it exceeds the bid of any other bidder by more than ten percent.

§ 13. The penal law is amended by adding a new article 181 to read as follows:

ARTICLE 181

MINORITY OR WOMEN-OWNED BUSINESS ENTERPRISE FRAUD

Section 181.00 Definitions.

181.10 Minority or women-owned business enterprise fraud in the third degree.

181.20 Minority or women-owned business enterprise fraud in the second degree.

181.30 Minority or women-owned business enterprise fraud in the first degree.

§ 181.00 Definitions.

1 1. "Minority-owned business enterprise" means a business enterprise
2 certified as such pursuant to article fifteen-A of the executive law.

3 2. "State contract" shall have the same meaning as in article
4 fifteen-A of the executive law.

5 3. "Women-owned business enterprise" means a business enterprise
6 certified as such pursuant to article fifteen-A of the executive law.

7 § 181.10 Minority or women-owned business enterprise fraud in the third
8 degree.

9 A person is guilty of minority or women-owned business enterprise
10 fraud in the third degree when he or she knowingly provides materially
11 false information or omits material information concerning the use or
12 identification of a minority or women-owned business enterprise for the
13 purpose of being awarded, or demonstrating compliance with the minority
14 and women-owned business participation requirements of, a state
15 contract.

16 Minority or women-owned business enterprise fraud in the third degree
17 is a class A misdemeanor.

18 § 181.20 Minority or women-owned business enterprise fraud in the second
19 degree.

20 A person is guilty of minority or women-owned business enterprise
21 fraud in the second degree when he or she knowingly provides materially
22 false information or omits material information concerning the use or
23 identification of a minority or women-owned business enterprise for the
24 purpose of being awarded, or demonstrating compliance with the minority
25 and women-owned business participation requirements of, a state
26 contract, and the state contract is valued in excess of fifty thousand
27 dollars.

28 Minority or women-owned business enterprise fraud in the second degree
29 is a class E felony.

30 § 181.30 Minority or women-owned business enterprise fraud in the first
31 degree.

32 A person is guilty of minority or women-owned business enterprise
33 fraud in the first degree when he or she knowingly provides materially
34 false information or omits material information concerning the use or
35 identification of a minority or women-owned business enterprise for the
36 purpose of being awarded, or demonstrating compliance with the minority
37 and women-owned business participation requirements of, a state
38 contract, and the state contract is valued in excess of one million
39 dollars.

40 Minority or women-owned business enterprise fraud in the first degree
41 is a class D felony.

42 § 14. The opening paragraph of subdivision (h) of section 121 of chap-
43 ter 261 of the laws of 1988, amending the state finance law and other
44 laws relating to the New York state infrastructure trust fund, as
45 amended by section 1 of part CCC of chapter 59 of laws of 2017, is
46 amended to read as follows:

47 The provisions of sections sixty-two through sixty-six of this act
48 shall expire [~~April fifteenth, two thousand eighteen, provided, however,~~
49 ~~that if the statewide disparity study regarding the participation of~~
50 ~~minority and women-owned business enterprises in state contracts~~
51 ~~required pursuant to subdivision one of section three hundred twelve-a~~
52 ~~of the executive law is completed and delivered to the governor and the~~
53 ~~legislature on or before June thirtieth, two thousand seventeen, then~~
54 ~~the provisions of sections sixty-two through sixty-six of this act shall~~
55 ~~expire]~~ and be deemed repealed on December thirty-first, two thousand
56 [eighteen] twenty-three, except that:

§ 15. The executive law is amended by adding a new article 28 as follows:

ARTICLE 28
WORKFORCE DIVERSITY PROGRAM

Section 821. Definitions.

822. Workforce participation goals.

823. Reporting.

824. Enforcement.

825. Powers and responsibilities of the division.

826. Severability.

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

1. "Contractor" shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a state contract, or a bidder in conjunction with the award of a state contract or a proposed party to a state contract.

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

3. "Director" shall mean the director of the division of minority and women's business development.

4. "Disparity study" shall mean the most recent study of disparities between the utilization of minority group members and women in the performance of state contracts and the availability of minority group members and women to perform such work by the director pursuant to article fifteen-A of this chapter.

5. "Division" shall mean the department of economic development's division of minority and women's business development.

6. "List of non-compliant contractors" shall mean a list of contractors and subcontractors, maintained by the division and published on the website of the division, that are ineligible to participate as contractors or subcontractors in the performance of state contracts for a term determined by the director.

7. "Minority group member" shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:

(a) Black persons having origins in any of the Black African racial groups;

(b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;

(c) Native American or Alaskan native persons having origins in any of the original peoples of North America;

(d) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

8. "Non-compliant contractor" shall mean a contractor or subcontractor that has failed to make a good faith effort to meet the workforce participation goal established by a state agency on a state contract, and has been listed by the division on its list of non-compliant contractors.

9. "State agency" shall mean (a)(i) any state department, or (ii) any division, board, commission or bureau of any state department, or (iii) the state university of New York and the city university of New York, including all their constituent units except community colleges and the

1 independent institutions operating statutory or contract colleges on
2 behalf of the state, or (iv) a board, a majority of whose members are
3 appointed by the governor or who serve by virtue of being state officers
4 or employees as defined in subparagraph (i), (ii) or (iii) of paragraph
5 (i) of subdivision one of section seventy-three of the public officers
6 law.

7 (b) a "state authority," as defined in subdivision one of section two
8 of the public authorities law, and the following:

9 Albany County Airport Authority;

10 Albany Port District Commission;

11 Alfred, Almond, Hornellsville Sewer Authority;

12 Battery Park City Authority;

13 Cayuga County Water and Sewer Authority;

14 (Nelson A. Rockefeller) Empire State Plaza Performing Arts Center

15 Corporation;

16 Industrial Exhibit Authority;

17 Livingston County Water and Sewer Authority;

18 Long Island Power Authority;

19 Long Island Rail Road;

20 Long Island Market Authority;

21 Manhattan and Bronx Surface Transit Operating Authority;

22 Metro-North Commuter Railroad;

23 Metropolitan Suburban Bus Authority;

24 Metropolitan Transportation Authority;

25 Natural Heritage Trust;

26 New York City Transit Authority;

27 New York Convention Center Operating Corporation;

28 New York State Bridge Authority;

29 New York State Olympic Regional Development Authority;

30 New York State Thruway Authority;

31 Niagara Falls Public Water Authority;

32 Niagara Falls Water Board;

33 Port of Oswego Authority;

34 Power Authority of the State of New York;

35 Roosevelt Island Operating Corporation;

36 Schenectady Metroplex Development Authority;

37 State Insurance Fund;

38 Staten Island Rapid Transit Operating Authority;

39 State University Construction Fund;

40 Syracuse Regional Airport Authority;

41 Triborough Bridge and Tunnel Authority;

42 Upper Mohawk valley regional water board;

43 Upper Mohawk valley regional water finance authority;

44 Upper Mohawk valley memorial auditorium authority;

45 Urban Development Corporation and its subsidiary corporations.

46 (c) the following only to the extent of state contracts entered into for
47 its own account or for the benefit of a state agency as defined in para-
48 graph (a) or (b) of this subdivision:

49 Dormitory Authority of the State of New York;

50 Facilities Development Corporation;

51 New York State Energy Research and Development Authority;

52 New York State Science and Technology Foundation.

53 10. "State contract" shall mean: (a) a written agreement or purchase
54 order instrument, providing for a total expenditure in excess of fifty
55 thousand dollars, whereby a state agency is committed to expend or does
56 expend or grant funds in return for labor, services including but not

1 limited to legal, financial and other professional services, supplies,
2 equipment, materials or any combination of the foregoing, to be
3 performed on behalf of, for, or rendered or furnished to the state agen-
4 cy; (b) a written agreement in excess of two hundred thousand dollars
5 whereby a state agency is committed to expend or does expend or grant
6 funds for the acquisition, construction, demolition, replacement, major
7 repair or renovation of real property and improvements thereon; and (c)
8 a written agreement in excess of two hundred thousand dollars whereby
9 the owner of a state assisted housing project is committed to expend or
10 does expend funds for the acquisition, construction, demolition,
11 replacement, major repair or renovation of real property and improve-
12 ments thereon for such project.

13 11. "Subcontractor" shall mean any individual or business enterprise
14 that provides goods or services to any individual or business for use in
15 the performance of a state contract, whether or not such goods or
16 services are provided to a party to a state contract.

17 § 822. Workforce participation goals. 1. The director, in consulta-
18 tion with the department, shall develop aspirational goals for the
19 utilization of minority group members and women in construction trade,
20 profession, and occupation.

21 (a) Aspirational goals for the utilization of minority group members
22 and women must set forth the expected participation of minority group
23 members and women in each construction trade, profession, and occupa-
24 tion, and shall be expressed as a percentage of the total hours of work
25 to be performed by each trade, profession, and occupation based on the
26 availability of minority group members and women within each trade,
27 profession, and occupation.

28 (i) The aspirational goals shall set forth separate levels of expected
29 participation by men and women for each minority group, and for Cauca-
30 sian women, in each construction trade, profession, and occupation.

31 (ii) Aspirational goals for the expected participation of minority
32 group members and women shall be established for each county of the
33 state. The director may establish aspirational goals for the expected
34 participation of minority group members and women for municipalities
35 where the director deems feasible and appropriate.

36 (iii) The director shall, in establishing the aspirational goals,
37 consider the findings of the most recent disparity study and any rele-
38 vant data published by the United States Census Bureau.

39 (b) The director shall update the aspirational goals on a periodic
40 basis, no less than annually.

41 2. State agencies shall, for each invitation for bids, request for
42 proposals, or other solicitation that will result in the award of a
43 state contract, set forth the expected degree of workforce participation
44 by minority group members and women.

45 (a) Each workforce participation goal established by a state agency
46 shall set forth the expected level of participation by minority group
47 members and women in the performance of each trade, profession, and
48 occupation required in the performance of the contract.

49 (b) Goals for the participation of minority group members and women
50 shall set forth separate goals for each of the following groups in each
51 trade, profession, and occupation:

52 (i) Black men;

53 (ii) Black women;

54 (iii) Hispanic men;

55 (iv) Hispanic women;

56 (v) Native American men;

1 (vi) Native American women;

2 (vii) Asian men;

3 (viii) Asian women;

4 (ix) Caucasian women.

5 (c) In establishing workforce participation goals, state agencies
6 shall consider factors including, but not limited to:

7 (i) the findings of the disparity study;

8 (ii) any relevant data published by the United States Census Bureau;
9 and

10 (iii) if applicable, any aspirational goal established by the divi-
11 sion.

12 (d) In any case where a state agency establishes a workforce partic-
13 ipation goal on an invitation for bids, request for proposals, or other
14 solicitation that will result in the award of a state contract for
15 construction that deviates from the aspirational goal for construction
16 work in the county or municipality in which the work will be performed,
17 the state agency shall document numerical evidence demonstrating that
18 the application of the aspirational goal would not be practical, feasi-
19 ble, or appropriate.

20 3. Every contractor responding to an invitation for bids, request for
21 proposals, or other solicitation that will result in the award of a
22 state contract subject to workforce participation goals pursuant to this
23 section shall agree to make a good faith effort to achieve such work-
24 force participation goal or request a waiver of such goal.

25 (a) A contractor that certifies that it will make a good faith effort
26 to achieve a workforce participation goal shall provide with its
27 response to the applicable invitation for bids, request for proposals,
28 or other solicitation:

29 (i) A certification stating that the contractor will make a good faith
30 effort to achieve the applicable workforce participation goal and will
31 contractually require any subcontractors to the contractor to make a
32 good faith effort to achieve the applicable workforce participation goal
33 in any subcontracted work, which certification shall acknowledge that
34 failure by the contractor or any of its subcontractors to make a good
35 faith effort to achieve the applicable workforce participation goal may
36 result in a determination by the contracting state agency that the
37 contractor or its subcontractor is a non-compliant contractor;

38 (ii) The level of anticipated participation by minority group members
39 and women as employees to the contractor, or, if the state agency has
40 specifically indicated that such documentation is not required as part
41 of the response to the invitation for bids, request for proposals, or
42 other solicitation, a date certain for the submission of such documenta-
43 tion after the award of the state contract;

44 (iii) A list of all subcontractors anticipated to perform work on the
45 state contract and the level of anticipated participation by minority
46 group members and women as employees to each subcontractor, or, if the
47 state agency has specifically indicated that such documentation is not
48 required as part of the response to the invitation for bids, request for
49 proposals, or other solicitation, a date certain for the submission of
50 such documentation after the award of the state contract; and

51 (iv) Such other information as the contracting state agency shall
52 require.

53 (b) A contractor that requests a waiver of a workforce participation
54 goal shall provide with its response to the applicable invitation for
55 bids, request for proposals, or other solicitation:

1 (i) Numerical evidence setting forth why the achievement of the work-
2 force participation goal is not practical, feasible, or appropriate in
3 light of the trades, professions, and occupations required to perform
4 the work of the state contract;

5 (ii) Documentation of the contractor's efforts, and any efforts by
6 subcontractors to the contractor, to promote the inclusion of minority
7 group members and women in trades, professions, and occupations required
8 in the performance of the state contract;

9 (iii) The maximum feasible level of participation by minority group
10 members and women in each of the trades, professions, and occupations
11 required in the performance of the work of the state contract;

12 (iv) The level of anticipated participation by minority group members
13 and women as employees to the contractor;

14 (v) A list of all subcontractors anticipated to perform work on the
15 state contract and the level of anticipated participation by minority
16 group members and women as employees to each subcontractor; and

17 (vi) Any other relevant information evidencing that the contractor's
18 achievement of the workforce participation goal would not be practical,
19 feasible, or appropriate.

20 4. A state agency shall not award a state contract to a contractor
21 unless the contractor has (i) certified that it will make a good faith
22 effort to achieve the applicable workforce participation goal and
23 provided documentation of the workforce anticipated to perform the work
24 of the state contract or (ii) submitted a waiver request which the state
25 agency deems to reflect the maximum feasible participation of minority
26 group members and women in each of the trades, professions, and occupa-
27 tions required in performance of the work of the state contract.

28 (a) In the event that a contractor submits a certification or waiver
29 request that is accepted by the state agency, the state agency shall
30 establish in the state contract the expected level of participation by
31 minority group members and women in each of the trades, professions, and
32 occupations required in performance of the work of the state contract,
33 require that the contractor make good faith efforts to achieve such
34 workforce participation goals, require that the contractor require any
35 subcontractors to make a good faith effort to achieve the applicable
36 workforce participation goal in any subcontracted work, and indicate
37 that the failure of the contractor or any of its subcontractors to make
38 a good faith effort to achieve the workforce participation goal may
39 result in the contractor or subcontractor being deemed a non-compliant
40 contractor.

41 (b) In the event that a contractor fails to submit a certification,
42 waiver request, or any other information required by the state agency,
43 or the state agency determines that a contractor's waiver request does
44 not demonstrate that the applicable workforce participation goal is
45 impractical, unfeasible, or inappropriate, the state agency shall notify
46 the contractor of the deficiency in writing and provide the contractor
47 five business days to remedy the noticed deficiency. A state agency
48 shall reject any bid or proposal of a contractor that fails to timely
49 respond to a notice of deficiency or to provide documentation remedying
50 the deficiency to the satisfaction of the state agency.

51 (i) Where failure to remedy any notified deficiency in the workforce
52 utilization plan is a ground for disqualification, that issue and all
53 other grounds for disqualification shall be stated in writing by the
54 contracting state agency. The contractor shall be entitled to an admin-
55 istrative hearing, on a record, involving all grounds stated by the
56 contracting state agency in its notice of the contractor's disqualifica-

tion. Such hearing shall be conducted by the appropriate authority of the contracting agency to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in a proceeding commenced under article seventy-eight of the civil practice law and rules, provided that such proceeding is commenced within thirty days of the notice given by certified mail return receipt requested rendering such final administrative determination. Such proceeding shall be commenced in the supreme court, appellate division, third department and such proceeding shall be preferred over all other civil causes except election causes, and shall be heard and determined in preference to all other civil business pending therein, except election matters, irrespective of position on the calendar. Appeals taken to the court of appeals of the state of New York shall be subject to the same preference.

§ 823. Reporting. 1. State contracts shall require contractors to submit, and to require any subcontractors to submit, to the contracting state agency reports documenting the hours worked by employees of the contractor and any subcontractors in the performance of the work of the state contract. Such reports shall be submitted no less frequently than monthly for state contracts for construction and quarterly for all other state contracts. Such reports shall identify the race, ethnicity, gender, and trade, profession, or occupation of each employee performing work on a state contract.

2. State agencies shall submit periodic reports to the director, or the designee of the director, concerning the participation of minority group members and women in state contracts let by such agencies and such state agencies' compliance with this article. Such reports shall be submitted at such time, and include such information, as the director shall require in regulations. State agencies shall make available their facilities, books, and records for inspection, upon reasonable notice, by the director or the director's designee.

3. The department shall provide such assistance as the director shall require in carrying out the requirements of this section.

§ 824. Enforcement. 1. Where it appears that a contractor cannot, after a good faith effort, meet the workforce participation goals set forth in a particular state contract, a contractor may file a written application with the contracting state agency requesting a partial or total waiver of such requirements. Such request shall set forth the reasons for such contractor's inability to meet the workforce participation goal, specifically describe the reasons for any deviations from the anticipated workforce participation set forth in the contractor's bid or proposal leading to the award of the state contract, and describe the efforts by the contractor and any subcontractors to achieve the maximum feasible participation of minority group members and women in the performance of the work of the state contract. Where the contractor's inability to achieve the workforce participation goal on a state contract is attributable to the failure of one or more subcontractors to make good faith efforts to achieve the maximum feasible participation of minority group members and women in the performance of the work of the state contract, the contractor shall identify such subcontractor or subcontractors to the contracting state agency.

2. A state agency shall grant a request for a waiver of workforce participation goals on a state contract where:

(a) The contractor demonstrates that the contractor and its subcontractors made good faith efforts to achieve the workforce participation goal on the state contract, and that insufficient minority group members

1 or women were available in the trades, professions, and occupations
2 required to perform the work of the state contract; or,

3 (b) The contractor contractually required each of its subcontractors
4 to make a good faith effort to achieve the maximum feasible partic-
5 ipation of minority group members and women in the performance of the
6 subcontracted work, periodically monitored such subcontractors' deploy-
7 ment of minority group members and women in the performance of the
8 subcontracted work, provided notice to such subcontractors of any defi-
9 ciencies in their deployment of minority group members and women in the
10 performance of such subcontracted work, and could not achieve the work-
11 force participation goal for one or more trades, professions, or occupa-
12 tions without the good faith efforts of such subcontractors.

13 3. Where a state agency denies a contractor's request for a waiver of
14 workforce participation goals pursuant to this section, the state agency
15 shall recommend to the director and the department that the contractor
16 be deemed a non-compliant contractor.

17 4. Where a state agency grants a request for a waiver of workforce
18 participation goals pursuant to this section based on one or more
19 subcontractors' failure to make good faith efforts to achieve the maxi-
20 mum feasible participation of minority group members and women in the
21 performance of the subcontracted work, the state agency shall recommend
22 to the director and the department that the subcontractor be deemed a
23 non-compliant contractor.

24 5. Upon receipt of a recommendation from a state agency that a
25 contractor or subcontractor should be deemed a non-compliant contractor,
26 the director shall, with the assistance of the department, review the
27 facts and circumstances forming the basis of the recommendation and
28 issue a determination as to whether or not the contractor or subcontrac-
29 tor should be deemed a non-compliant contractor and, if so, the duration
30 of such status as a non-compliant contractor. In determining the dura-
31 tion of a contractor's or subcontractor's status as a non-compliant
32 contractor, the director shall consider:

33 (i) whether the contractor or subcontractor has previously been deemed
34 a non-compliant contractor;

35 (ii) the number of hours of expected participation by minority group
36 members and women lost as a result of the contractor's or subcontrac-
37 tor's failure to make good faith efforts to include minority group
38 members or women in the performance of one or more state contracts; and

39 (iii) whether the contractor or subcontractor has offered to provide
40 employment opportunities, training, or other remedial benefits to minor-
41 ity group members or women in relevant trades, professions, or occupa-
42 tions.

43 6. A contractor or subcontractor deemed a non-compliant contractor by
44 the director may request an administrative hearing before an independent
45 hearing officer to appeal the determination of the director. The deci-
46 sion of the hearing officer shall be final and may only be vacated or
47 modified as provided in article seventy-eight of the civil practice law
48 and rules upon an application made within the time provided by such
49 article.

50 7. Upon a final determination that a contractor or subcontractor is a
51 non-compliant contractor, the director shall list the contractor or
52 subcontractor as such on its website and indicate the term of such
53 contractor's or subcontractor's status as a non-compliant contractor. A
54 non-compliant contractor shall be ineligible to participate as a
55 contractor or subcontractor on any state contract.

1 § 825. Powers and responsibilities of the division. 1. The director
2 shall post to the website of the division on or before April first of
3 each year the aspirational goals for the utilization of minority group
4 members and women in construction required pursuant to section eight
5 hundred twenty-two of this article.

6 2. The director shall promulgate rules and regulations for the imple-
7 mentation of this article, including, but not limited to, procedures for
8 the submission of certifications and workforce utilization plans by
9 contractors, criteria for granting waivers of workforce participation
10 goals, and the contents of reports by state agencies concerning their
11 implementation of the requirements of this article.

12 3. The division shall, from time to time, review the facilities,
13 books, and records of state agencies to ascertain the accuracy of their
14 reports and their compliance with the requirements of this article. The
15 department shall provide such assistance as the director shall require
16 in carrying out the requirements of this section.

17 § 826. Severability. If any clause, sentence, paragraph, section or
18 part of this article shall be adjudged by any court of competent juris-
19 isdiction to be invalid, the judgment shall not affect, impair or invali-
20 date the remainder thereof, but shall be confined in its operation to
21 the clause, sentence, paragraph, section or part of this article direct-
22 ly involved in the controversy in which the judgment shall have been
23 rendered.

24 § 16. This act shall take effect on April 1, 2018; provided, however,
25 that

26 (a) the amendments to article 15-A of the executive law, made by
27 sections one, two, three, four, five, six, seven and eight of this act,
28 shall not affect the expiration and repeal of such article and shall
29 expire and be deemed repealed therewith;

30 (b) the amendments to section 163 of the state finance law, made by
31 section nine of this act, shall not affect the expiration and repeal of
32 such section, and shall expire and be deemed repealed therewith;

33 (c) the amendments to section 139-j of the state finance law, made by
34 section eleven of this act, shall not affect the expiration and repeal
35 of such section, and shall expire and be deemed repealed therewith; and

36 (d) section fifteen of this act shall expire and be deemed repealed
37 December 31, 2023.

38 PART R

39 Section 1. Paragraph (i) of subdivision (a) of section 2 of part F of
40 chapter 60 of the laws of 2015, constituting the infrastructure invest-
41 ment act, as amended by section 1 of part RRR of chapter 59 of the laws
42 of 2017, is amended to read as follows:

43 (i) "authorized state entity" shall mean the New York state thruway
44 authority, the department of transportation, the office of parks, recre-
45 ation and historic preservation, the department of environmental conser-
46 vation ~~[and]~~, the New York state bridge authority, the dormitory author-
47 ity, the New York state urban development corporation, the office of
48 general services, the department of health, and the New York state olym-
49 pic regional development authority.

50 § 2. Section 3 of part F of chapter 60 of the laws of 2015, constitut-
51 ing the infrastructure investment act, as amended by section 3 of part
52 RRR of chapter 59 of the laws of 2017, is amended to read as follows:

53 § 3. Notwithstanding the provisions of section 38 of the highway law,
54 section 136-a of the state finance law, ~~[section]~~ sections 359, 1678,

1 1680, 1680-a and 2879-a of the public authorities law, ~~[section]~~
2 sections 407-a, 6281 and 7210 of the education law, sections 8 and 9 of
3 the public buildings law, section 11 of chapter 795 of the laws of 1967,
4 sections 8 and 9 of section 1 of chapter 359 of the laws of 1968 as
5 amended, section 11 of section 1 of chapter 174 of the laws of 1968, as
6 amended, section 29 of chapter 337 of the laws of 1972, section 21 of
7 chapter 464 of the laws of 1972, section 103 of the general municipal
8 law, and the provisions of any other law to the contrary, and in
9 conformity with the requirements of this act, an authorized state entity
10 may utilize the alternative delivery method referred to as design-build
11 contracts, in consultation with relevant local labor organizations and
12 construction industry, for capital projects located in the state and
13 related to ~~[the state's]~~ physical infrastructure, including, but not
14 limited to, ~~[the state's]~~ buildings and appurtenant structures, high-
15 ways, bridges, dams, flood control projects, canals, and parks, includ-
16 ing, but not limited to, to repair damage caused by natural disaster, to
17 correct health and safety defects, to comply with federal and state
18 laws, standards, and regulations, to extend the useful life of or
19 replace ~~[the state's]~~ buildings and appurtenant structures, highways,
20 bridges, dams, flood control projects, canals, and parks or to improve
21 or add to ~~[the state's]~~ buildings and appurtenant structures, highways,
22 bridges, dams, flood control projects, canals, and parks; provided that
23 for the contracts executed by the department of transportation, the
24 office of parks, recreation and historic preservation, or the department
25 of environmental conservation, the office of the general services or the
26 department of health, the total cost of each such project shall not be
27 less than ten million dollars (\$10,000,000).

28 § 3. Section 7 of part F of chapter 60 of the laws of 2015, constitut-
29 ing the infrastructure investment act, is amended to read as follows:

30 § 7. If otherwise applicable, capital projects undertaken by the
31 authorized state entity pursuant to this act shall be subject to section
32 135 of the state finance law, section 101 of the general municipal law
33 and section 222 of the labor law; provided, however, that an authorized
34 entity may fulfill its obligations under section 135 of the state
35 finance law or section 101 of the general municipal law by requiring the
36 contractor to prepare separate specifications in accordance with section
37 135 of the state finance law or section 101 of the general municipal law
38 as the case may be.

39 § 4. Section 13 of part F of chapter 60 of the laws of 2015, consti-
40 tuting the infrastructure investment act, as amended by section 11 of
41 part RRR of chapter 59 of the laws of 2017, is amended to read as
42 follows:

43 § 13. Alternative construction awarding processes. (a) Notwithstand-
44 ing the provisions of any other law to the contrary, the authorized
45 state entity may award a construction contract:

46 1. To the contractor offering the best value~~[, or]~~:

47 ~~[2-]~~ (i) Utilizing a cost-plus not to exceed guaranteed maximum price
48 form of contract in which the authorized state entity shall be entitled
49 to monitor and audit all project costs. In establishing the schedule and
50 process for determining a guaranteed maximum price, the contract between
51 the authorized state entity and the contractor shall:

52 ~~[(i)]~~ (a) describe the scope of the work and the cost of performing
53 such work;

54 ~~[(ii)]~~ (b) include a detailed line item cost breakdown;

55 ~~[(iii)]~~ (c) include a list of all drawings, specifications and other
56 information on which the guaranteed maximum price is based;

~~(iv)~~ (d) include the dates for substantial and final completion on which the guaranteed maximum price is based; and

~~(v)~~ (e) include a schedule of unit prices; or

~~[3-]~~ (ii) Utilizing a lump sum contract in which the contractor agrees to accept a set dollar amount for a contract which comprises a single bid without providing a cost breakdown for all costs such as for equipment, labor, materials, as well as such contractor's profit for completing all items of work comprising the project which lump sum price may be negotiated and established by the authorized state entity based on a proposed guaranteed maximum price.

2. The design-build contract may include both lump sum elements and cost-plus not to exceed guaranteed maximum price elements, and also may provide for professional services on a fee-for-service basis.

(b) Capital projects undertaken by an authorized state entity may include an incentive clause in the contract for various performance objectives, but the incentive clause shall not include an incentive that exceeds the quantifiable value of the benefit received by the authorized state entity. ~~[The]~~ Notwithstanding the provisions of sections 136 and 137 of the state finance law, the authorized state entity shall establish such performance and payment bonds, bonds or other form of undertaking, as it deems necessary.

§ 5. Part F of chapter 60 of the laws of 2015, constituting the infrastructure investment act, is amended by adding a new section 15-a to read as follows:

§ 15-a. Any contract awarded pursuant to this act shall be deemed to be awarded pursuant to a competitive procurement for purposes of section 2879-a of the public authorities law.

§ 6. This act shall take effect immediately; provided, however that the amendments to the infrastructure investment act made by sections one through five of this act shall not affect the repeal of such act and shall be deemed repealed therewith.

PART S

Section 1. Section 2 of 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, as amended by section 1 of part Q of chapter 58 of the laws of 2017, is amended to read as follows:

§ 2. This act shall take effect immediately, provided however, that section one of this act shall be deemed to have been in full force and effect on and after April 1, 2003 and shall expire March 31, ~~2018~~ 2019.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2018.

PART T

Section 1. Paragraph (d) of section 304 of the business corporation law is amended to read as follows:

(d) Any designated post office address maintained by the secretary of state as agent of a domestic corporation or foreign corporation for the purpose of mailing process shall be the post office address, within or without the state, to which a person shall mail process against such corporation as required by this article. Any designated [~~post-office~~]

1 post office address to which the secretary of state or a person shall
2 mail a copy of any process served upon [~~him~~] the secretary of state as
3 agent of a domestic corporation or a foreign corporation, shall continue
4 until the filing of a certificate under this chapter directing the mail-
5 ing to a different [~~post-office~~] post office address.

6 § 2. Paragraph (a) of section 305 of the business corporation law, as
7 amended by chapter 131 of the laws of 1985, is amended to read as
8 follows:

9 (a) In addition to such designation of the secretary of state, every
10 domestic corporation or authorized foreign corporation may designate a
11 registered agent in this state upon whom process against such corpo-
12 ration may be served. The agent shall be a natural person who is a resi-
13 dent of or has a business address in this state [~~or~~], a domestic corpo-
14 ration or foreign corporation of any type or kind formed, or authorized
15 to do business in this state[~~r~~] under this chapter or under any other
16 statute of this state, or a domestic limited liability company or
17 foreign limited liability company formed or authorized to do business in
18 this state.

19 § 3. Subparagraph 1 of paragraph (b) of section 306 of the business
20 corporation law, as amended by chapter 419 of the laws of 1990, is
21 amended to read as follows:

22 (1) Service of process on the secretary of state as agent of a domes-
23 tic or authorized foreign corporation, or other business entity that has
24 designated the secretary of state as agent for service of process pursu-
25 ant to article nine of this chapter, shall be made by [~~personally deliv-~~
26 ~~ering to and leaving with the secretary of state or a deputy, or with~~
27 ~~any person authorized by the secretary of state to receive such service,~~
28 ~~at the office of the department of state in the city of Albany, dupli-~~
29 ~~cate copies of such process together with the statutory fee, which fee~~
30 ~~shall be a taxable disbursement] mailing the process and notice of
31 service thereof by certified mail, return receipt requested, to such
32 corporation or other business entity, at the post office address on file
33 in the department of state specified for this purpose. If a domestic or
34 authorized foreign corporation has no such address on file in the
35 department of state, the process and notice of service thereof shall be
36 mailed, in the case of a domestic corporation, in care of any director
37 named in its certificate of incorporation at the director's address
38 stated therein or, in the case of an authorized foreign corporation, to
39 such corporation at the address of its office within this state on file
40 in the department. On the same day that such process is mailed, a dupli-
41 cate copy of such process and proof of mailing together with the statu-
42 tory fee, which fee shall be a taxable disbursement, shall be personally
43 delivered to and left with the secretary of state or a deputy, or with
44 any person authorized by the secretary of state to receive such service,
45 at the office of the department of state in the city of Albany. Proof of
46 mailing shall be by affidavit of compliance with this section. Service
47 of process on such corporation or other business entity shall be
48 complete when the secretary of state is so served. [~~The secretary of~~
49 ~~state shall promptly send one of such copies by certified mail, return~~
50 ~~receipt requested, to such corporation, at the post office address, on~~
51 ~~file in the department of state, specified for the purpose. If a domes-~~
52 ~~tic or authorized foreign corporation has no such address on file in the~~
53 ~~department of state, the secretary of state shall so mail such copy, in~~
54 ~~the case of a domestic corporation, in care of any director named in its~~
55 ~~certificate of incorporation at the director's address stated therein~~
56 ~~or, in the case of an authorized foreign corporation, to such corpo-~~~~

1 ~~ration at the address of its office within this state on file in the~~
2 ~~department.]~~

3 § 4. Subparagraphs 2 and 3 of paragraph (a) of section 306-A of the
4 business corporation law, as added by chapter 469 of the laws of 1997,
5 are amended to read as follows:

6 (2) That the address of the party has been designated by the corpo-
7 ration as the post office address to which [~~the secretary of state~~] a
8 person shall mail a copy of any process served on the secretary of state
9 as agent for such corporation, specifying such address, and that such
10 party wishes to resign.

11 (3) That at least sixty days prior to the filing of the certificate of
12 resignation for receipt of process with the department of state the
13 party has sent a copy of the certificate of resignation for receipt of
14 process by registered or certified mail to the address of the registered
15 agent of the designating corporation, if other than the party filing the
16 certificate of resignation[~~r~~] for receipt of process, or if the [~~resign-~~
17 ~~ing~~] designating corporation has no registered agent, then to the last
18 address of the designating corporation known to the party, specifying
19 the address to which the copy was sent. If there is no registered agent
20 and no known address of the designating corporation, the party shall
21 attach an affidavit to the certificate stating that a diligent but
22 unsuccessful search was made by the party to locate the corporation,
23 specifying what efforts were made.

24 § 5. Subparagraph 7 of paragraph (a) of section 402 of the business
25 corporation law is amended to read as follows:

26 (7) A designation of the secretary of state as agent of the corpo-
27 ration upon whom process against it may be served and the post office
28 address, within or without this state, to which [~~the secretary of state~~]
29 a person shall mail a copy of any process against it served upon [~~him~~]
30 the secretary of state.

31 § 6. Subparagraph (c) of paragraph 1 of section 408 of the business
32 corporation law, as amended by section 3 of part S of chapter 59 of the
33 laws of 2015, is amended to read as follows:

34 (c) The post office address, within or without this state, to which
35 [~~the secretary of state~~] a person shall mail a copy of any process
36 against it served upon [~~him or her~~] the secretary of state. Such
37 address shall supersede any previous address on file with the department
38 of state for this purpose.

39 § 7. Subparagraph 4 of paragraph (b) of section 801 of the business
40 corporation law is amended to read as follows:

41 (4) To specify or change the post office address to which [~~the secre-~~
42 ~~tary of state~~] a person shall mail a copy of any process against the
43 corporation served upon [~~him~~] the secretary of state.

44 § 8. Subparagraph 2 of paragraph (b) of section 803 of the business
45 corporation law, as amended by chapter 803 of the laws of 1965, is
46 amended to read as follows:

47 (2) To specify or change the post office address to which [~~the secre-~~
48 ~~tary of state~~] a person shall mail a copy of any process against the
49 corporation served upon [~~him~~] the secretary of state.

50 § 9. Paragraph (b) of section 805-A of the business corporation law,
51 as added by chapter 725 of the laws of 1964, is amended to read as
52 follows:

53 (b) A certificate of change which changes only the post office address
54 to which [~~the secretary of state~~] a person shall mail a copy of any
55 process against a corporation served upon [~~him or~~] the secretary of
56 state and/or the address of the registered agent, provided such address

1 being changed is the address of a person, partnership, limited liability
2 company or other corporation whose address, as agent, is the address to
3 be changed or who has been designated as registered agent for such
4 corporation, may be signed[~~, verified~~] and delivered to the department
5 of state by such agent. The certificate of change shall set forth the
6 statements required under subparagraphs [~~(a)~~] (1), (2) and (3) of para-
7 graph (a) of this section; that a notice of the proposed change was
8 mailed to the corporation by the party signing the certificate not less
9 than thirty days prior to the date of delivery to the department and
10 that such corporation has not objected thereto; and that the party sign-
11 ing the certificate is the agent of such corporation to whose address
12 [~~the secretary of state~~] a person is required to mail copies of process
13 served on the secretary of state or the registered agent, if such be the
14 case. A certificate signed[~~, verified~~] and delivered under this para-
15 graph shall not be deemed to effect a change of location of the office
16 of the corporation in whose behalf such certificate is filed.

17 § 10. Subparagraph 8 of paragraph (a) of section 904-a of the business
18 corporation law, as amended by chapter 177 of the laws of 2008, is
19 amended to read as follows:

20 (8) If the surviving or resulting entity is a foreign corporation or
21 other business entity, a designation of the secretary of state as its
22 agent upon whom process against it may be served in the manner set forth
23 in paragraph (b) of section three hundred six of this chapter, in any
24 action or special proceeding, and a post office address, within or with-
25 out this state, to which [~~the secretary of state~~] a person shall mail a
26 copy of any process against it served upon [~~him~~] the secretary of state.
27 Such post office address shall supersede any prior address designated as
28 the address to which process shall be mailed;

29 § 11. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of
30 the business corporation law, as amended by chapter 494 of the laws of
31 1997, is amended to read as follows:

32 (G) A designation of the secretary of state as its agent upon whom
33 process against it may be served in the manner set forth in paragraph
34 (b) of section 306 (Service of process), in any action or special
35 proceeding, and a post office address, within or without this state, to
36 which [~~the secretary of state~~] a person shall mail a copy of any process
37 against it served upon [~~him~~] the secretary of state. Such post office
38 address shall supersede any prior address designated as the address to
39 which process shall be mailed.

40 § 12. Subparagraph 6 of paragraph (a) of section 1304 of the business
41 corporation law, as amended by chapter 684 of the laws of 1963 and as
42 renumbered by chapter 590 of the laws of 1982, is amended to read as
43 follows:

44 (6) A designation of the secretary of state as its agent upon whom
45 process against it may be served and the post office address, within or
46 without this state, to which [~~the secretary of state~~] a person shall
47 mail a copy of any process against it served upon [~~him~~] the secretary of
48 state.

49 § 13. Subparagraph 7 of paragraph (a) of section 1308 of the business
50 corporation law, as amended by chapter 725 of the laws of 1964 and as
51 renumbered by chapter 186 of the laws of 1983, is amended to read as
52 follows:

53 (7) To specify or change the post office address to which [~~the secre-~~
54 ~~tary of state~~] a person shall mail a copy of any process against it
55 served upon [~~him~~] the secretary of state.

§ 14. Subparagraph 2 of paragraph (a) and paragraph (c) of section 1309-A of the business corporation law, subparagraph 2 of paragraph (a) as added by chapter 725 of the laws of 1964 and paragraph (c) as amended by chapter 172 of the laws of 1999, are amended to read as follows:

(2) To specify or change the post office address to which ~~[the secretary of state]~~ a person shall mail a copy of any process against it served upon ~~[him]~~ the secretary of state.

(c) A certificate of change of application for authority which changes only the post office address to which ~~[the secretary of state]~~ a person shall mail a copy of any process against an authorized foreign corporation served upon ~~[him or which]~~ the secretary of state and/or changes the address of its registered agent, provided such address is the address of a person, partnership, limited liability company or other corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such authorized foreign corporation, may be signed and delivered to the department of state by such agent. The certificate of change of application for authority shall set forth the statements required under subparagraphs (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of the proposed change was mailed by the party signing the certificate to the authorized foreign corporation not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such foreign corporation to whose address ~~[the secretary of state]~~ a person is required to mail copies of process served on the secretary of state or the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

§ 15. Subparagraphs 1 and 6 of paragraph (a) of section 1310 of the business corporation law, subparagraph 1 as amended by chapter 590 of the laws of 1982, are amended to read as follows:

(1) The name of the foreign corporation as it appears on the index of names of existing domestic and authorized foreign corporations of any type or kind in the department of state, division of corporations ~~[or]~~ and the fictitious name, if any, the corporation has agreed to use in this state pursuant to paragraph (d) of section 1301 of this ~~[chapter]~~ article.

(6) A post office address, within or without this state, to which ~~[the secretary of state]~~ a person shall mail a copy of any process against it served upon ~~[him]~~ the secretary of state.

§ 16. Subparagraph 4 of paragraph (d) of section 1310 of the business corporation law is amended to read as follows:

(4) The changed post office address, within or without this state, to which ~~[the secretary of state]~~ a person shall mail a copy of any process against it served upon ~~[him]~~ the secretary of state.

§ 17. Section 1311 of the business corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:

§ 1311. Termination of existence.

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified

1 copy of an order or decree of a court of such jurisdiction directing the
2 dissolution of such foreign corporation, the termination of its exist-
3 ence or the cancellation of its authority shall be delivered to the
4 department of state. The filing of the certificate, order or decree
5 shall have the same effect as the filing of a certificate of surrender
6 of authority under section 1310 (Surrender of authority). The secretary
7 of state shall continue as agent of the foreign corporation upon whom
8 process against it may be served in the manner set forth in paragraph
9 (b) of section 306 (Service of process), in any action or special
10 proceeding based upon any liability or obligation incurred by the
11 foreign corporation within this state prior to the filing of such
12 certificate, order or decree and ~~[he]~~ the person serving such process
13 shall ~~[promptly cause a copy of any such]~~ send the process ~~[to be~~
14 mailed] by ~~[registered]~~ certified mail, return receipt requested, to
15 such foreign corporation at the post office address on file in ~~[his]~~ the
16 office of the secretary of state specified for such purpose and shall
17 provide the secretary of state with proof of such mailing in the manner
18 set forth in paragraph (b) of section 306 (Service of process). The
19 post office address may be changed by signing and delivering to the
20 department of state a certificate of change setting forth the statements
21 required under section 1309-A (Certificate of change; contents) to
22 effect a change in the post office address under subparagraph seven of
23 paragraph (a) [(4)] of section 1308 (Amendments or changes).

24 § 18. Subparagraph 6 of paragraph (a) of section 1530 of the business
25 corporation law, as added by chapter 505 of the laws of 1983, is amended
26 to read as follows:

27 (6) A designation of the secretary of state as its agent upon whom
28 process against it may be served and the post office address, within or
29 without this state, to which ~~[the secretary of state]~~ a person shall
30 mail a copy of any process against it served upon ~~[him]~~ the secretary of
31 state.

32 § 19. Subdivision 10 of section 11 of the cooperative corporations
33 law, as added by chapter 97 of the laws of 1969, is amended to read as
34 follows:

35 10. A designation of the secretary of state as agent of the corpo-
36 ration upon whom process against it may be served and the post office
37 address, within or without this state, to which ~~[the secretary of state]~~
38 a person shall mail a copy of any process against it served upon ~~[him]~~
39 the secretary of state.

40 § 20. Subdivision 10 of section 96 of the executive law, as amended by
41 chapter 39 of the laws of 1987, is amended to read as follows:

42 10. For service of process on the secretary of state, acting as agent
43 for a third party pursuant to law, except as otherwise specifically
44 provided by law, forty dollars. No fee shall be collected for process
45 served on behalf of ~~[a]~~ any state official, department, board, agency,
46 authority, county, city, town or village or other political subdivision
47 of the state. The fees paid the secretary of state shall be a taxable
48 disbursement.

49 § 21. The opening paragraph of subdivision 2 and subdivision 3 of
50 section 18 of the general associations law, as amended by chapter 13 of
51 the laws of 1938, are amended and two new subdivisions 5 and 6 are added
52 to read as follows:

53 Every association doing business within this state shall file in the
54 department of state a certificate in its associate name, signed ~~[and~~
55 acknowledged] by its president, or a vice-president, or secretary, or
56 treasurer, or managing director, or trustee, designating the secretary

1 of state as an agent upon whom process in any action or proceeding
2 against the association may be served within this state, and setting
3 forth an address to which [~~the secretary of state~~] a person shall mail a
4 copy of any process against the association which may be served upon
5 [~~him~~] the secretary of state pursuant to law. Annexed to the certifi-
6 cate of designation shall be a statement, executed in the same manner
7 as the certificate is required to be executed under this section, which
8 shall set forth:

9 3. Any association, from time to time, may change the address to
10 which [~~the secretary of state~~] a person is directed to mail copies of
11 process served on the secretary of state, by filing a statement to that
12 effect, executed[~~7~~] and signed [~~and acknowledged~~] in like manner as a
13 certificate of designation as herein provided.

14 5. Any designated post office address maintained by the secretary of
15 state as agent in any action or proceeding against the association for
16 the purpose of mailing process shall be the post office address, within
17 or without the state, to which a person shall mail process against such
18 association as required by this article. Such address shall continue
19 until the filing of a certificate under this chapter directing the mail-
20 ing to a different post office address.

21 6. "Process" means judicial process and all orders, demands, notices
22 or other papers required or permitted by law to be personally served on
23 an association, for the purpose of acquiring jurisdiction of such asso-
24 ciation in any action or proceeding, civil or criminal, whether judi-
25 cial, administrative, arbitratative or otherwise, in this state or in the
26 federal courts sitting in or for this state.

27 § 22. Section 19 of the general associations law, as amended by chap-
28 ter 166 of the laws of 1991, is amended to read as follows:

29 § 19. Service of process. 1. Service of process against an associ-
30 ation upon the secretary of state shall be made by mailing the process
31 and notice of service thereof by certified mail, return receipt
32 requested, to such corporation or other business entity, at the post
33 office address on file in the department of state specified for this
34 purpose. On the same day that such process is mailed, a duplicate copy
35 of such process and proof of mailing shall be personally [~~delivering~~]
36 delivered to and [~~leaving~~] left with [~~him~~] the secretary of state or a
37 deputy [~~secretary of state or an associate attorney, senior attorney or~~
38 ~~attorney in the corporation division of the department of state, dupli-~~
39 ~~cate copies of such process at the office of the department of state in~~
40 ~~the city of Albany~~] so designated. At the time of such service the
41 plaintiff shall pay a fee of forty dollars to the secretary of state,
42 which shall be a taxable disbursement. [~~If the cost of registered mail~~
43 ~~for transmitting a copy of the process shall exceed two dollars, an~~
44 ~~additional fee equal to such excess shall be paid at the time of the~~
45 ~~service of such process. The secretary of state shall forthwith send by~~
46 ~~registered mail one of such copies to the association at the address~~
47 ~~fixed for that purpose, as herein provided.~~]

48 2. Proof of mailing shall be by affidavit of compliance with this
49 section. Service of process on such association shall be complete when
50 the secretary of state is so served. If the action or proceeding is
51 instituted in a court of limited jurisdiction, service of process may be
52 made in the manner provided in this section if the cause of action arose
53 within the territorial jurisdiction of the court and the office of the
54 defendant, as set forth in its statement filed pursuant to section eigh-
55 teen of this [~~chapter~~] article, is within such territorial jurisdiction.

1 § 23. Subdivision 2 of section 352-b of the general business law, as
2 amended by chapter 252 of the laws of 1983, is amended to read as
3 follows:

4 2. Service of such process upon the secretary of state shall be made
5 by personally delivering to and leaving with ~~[him-or]~~ the secretary of
6 state, a deputy secretary of state, or with a person authorized by the
7 secretary of state to receive such service, a copy thereof at the office
8 of the department of state in the city of Albany, and such service shall
9 be sufficient service provided that notice of such service and a copy of
10 such process are forthwith sent by the attorney general to such person,
11 partnership, corporation, company, trust or association, by registered
12 or certified mail with return receipt requested, at ~~[his-or-its]~~ the
13 office as set forth in the "broker-dealer's statement", "salesman's
14 statement" or "investment advisor's statement" filed in the department
15 of law pursuant to section three hundred fifty-nine-e or section three
16 hundred fifty-nine-eee of this article, or in default of the filing of
17 such statement, at the last address known to the attorney general.
18 Service of such process shall be complete on receipt by the attorney
19 general of a return receipt purporting to be signed by the addressee or
20 a person qualified to receive ~~[his-or-its]~~ registered or certified mail,
21 in accordance with the rules and customs of the post office department,
22 or, if acceptance was refused by the addressee or ~~[his-or-its]~~ their
23 agent, on return to the attorney general of the original envelope bear-
24 ing a notation by the postal authorities that receipt thereof was
25 refused.

26 § 24. Section 686 of the general business law, as added by chapter 730
27 of the laws of 1980, is amended to read as follows:

28 § 686. Designation of secretary of state as agent for service of proc-
29 ess; service of process. Any person who shall offer to sell or sell a
30 franchise in this state as a franchisor, subfranchisor or franchise
31 sales agent shall be deemed to have irrevocably appointed the secretary
32 of state as his or ~~[its]~~ her agent upon whom may be served any summons,
33 complaint, subpoena, subpoena duces tecum, notice, order or other proc-
34 ess directed to such person, or any partner, principal, officer, sales-
35 man or director thereof, or his or ~~[its]~~ her successor, administrator or
36 executor, in any action, investigation, or proceeding which arises under
37 this article or a rule hereunder, with the same force and validity as if
38 served personally on such person. Service of such process upon the
39 secretary of state shall be made by personally delivering to and leaving
40 with ~~[him-or]~~ the secretary of state, a deputy secretary of state, or
41 with any person authorized by the secretary of state to receive such
42 service, a copy thereof at the office of the department of state, and
43 such service shall be sufficient provided that notice of such service
44 and a copy of such process are sent forthwith by the department to such
45 person, by registered or certified mail with return receipt requested,
46 at ~~[his]~~ the address ~~[as]~~ set forth in the application for registration
47 of his or her offering prospectus or in the registered offering prospec-
48 tus itself filed with the department of law pursuant to this article, or
49 in default of the filing of such application or prospectus, at the last
50 address known to the department. Service of such process shall be
51 complete upon receipt by the department of a return receipt purporting
52 to be signed by the addressee or a person qualified to receive ~~[his-or-~~
53 ~~its]~~ registered or certified mail, in accordance with the rules and
54 customs of the post office department, or, if acceptance was refused or
55 unclaimed by the addressee or his or ~~[its]~~ her agent, or if the address-
56 ee moved without leaving a forwarding address, upon return to the

1 department of the original envelope bearing a notation by the postal
2 authorities that receipt thereof was refused or that such mail was
3 otherwise undeliverable.

4 § 25. Paragraph 4 of subdivision (e) of section 203 of the limited
5 liability company law, as added by chapter 470 of the laws of 1997, is
6 amended to read as follows:

7 (4) a designation of the secretary of state as agent of the limited
8 liability company upon whom process against it may be served and the
9 post office address, within or without this state, to which [~~the secre-~~
10 ~~tary of state~~] a person shall mail a copy of any process against the
11 limited liability company served upon [~~him or her~~] the secretary of
12 state;

13 § 26. Paragraph 4 of subdivision (a) of section 206 of the limited
14 liability company law, as amended by chapter 44 of the laws of 2006, is
15 amended to read as follows:

16 (4) a statement that the secretary of state has been designated as
17 agent of the limited liability company upon whom process against it may
18 be served and the post office address, within or without this state, to
19 which [~~the secretary of state~~] a person shall mail a copy of any process
20 against it served upon [~~him or her~~] the secretary of state;

21 § 27. Paragraph 6 of subdivision (d) of section 211 of the limited
22 liability company law is amended to read as follows:

23 (6) a change in the post office address to which [~~the secretary of~~
24 ~~state~~] a person shall mail a copy of any process against the limited
25 liability company served upon [~~him or her~~] the secretary of state if
26 such change is made other than pursuant to section three hundred one of
27 this chapter;

28 § 28. Section 211-A of the limited liability company law, as added by
29 chapter 448 of the laws of 1998, is amended to read as follows:

30 § 211-A. Certificate of change. (a) A limited liability company may
31 amend its articles of organization from time to time to (i) specify or
32 change the location of the limited liability company's office; (ii)
33 specify or change the post office address to which [~~the secretary of~~
34 ~~state~~] a person shall mail a copy of any process against the limited
35 liability company served upon [~~him~~] the secretary of state; and (iii)
36 make, revoke or change the designation of a registered agent, or specify
37 or change the address of the registered agent. Any one or more such
38 changes may be accomplished by filing a certificate of change which
39 shall be entitled "Certificate of Change of (name of limited
40 liability company) under section 211-A of the Limited Liability Company
41 Law" and shall be signed and delivered to the department of state. It
42 shall set forth:

43 (1) the name of the limited liability company, and if it has been
44 changed, the name under which it was formed;

45 (2) the date the articles of organization were filed by the department
46 of state; and

47 (3) each change effected thereby.

48 (b) A certificate of change which changes only the post office address
49 to which [~~the secretary of state~~] a person shall mail a copy of any
50 process against a limited liability company served upon [~~him or~~] the
51 secretary of state and/or the address of the registered agent, provided
52 such address being changed is the address of a person, partnership,
53 limited liability company or corporation whose address, as agent, is the
54 address to be changed or who has been designated as registered agent for
55 such limited liability company may be signed and delivered to the
56 department of state by such agent. The certificate of change shall set

1 forth the statements required under subdivision (a) of this section;
2 that a notice of the proposed change was mailed to the domestic limited
3 liability company by the party signing the certificate not less than
4 thirty days prior to the date of delivery to the department of state and
5 that such domestic limited liability company has not objected thereto;
6 and that the party signing the certificate is the agent of such limited
7 liability company to whose address [~~the secretary of state~~] a person is
8 required to mail copies of process served on the secretary of state or
9 the registered agent, if such be the case. A certificate signed and
10 delivered under this subdivision shall not be deemed to effect a change
11 of location of the office of the limited liability company in whose
12 behalf such certificate is filed.

13 § 29. Paragraph 2 of subdivision (b) of section 213 of the limited
14 liability company law is amended to read as follows:

15 (2) to change the post office address to which [~~the secretary of~~
16 ~~state~~] a person shall mail a copy of any process against the limited
17 liability company served upon [~~him or her~~] the secretary of state; and

18 § 30. Subdivisions (c) and (e) of section 301 of the limited liability
19 company law, subdivision (e) as amended by section 5 of part S of chap-
20 ter 59 of the laws of 2015, are amended to read as follows:

21 (c) Any designated post office address maintained by the secretary of
22 state as agent of a domestic limited liability company or foreign limit-
23 ed liability company for the purpose of mailing process shall be the
24 post office address, within or without the state, to which a person
25 shall mail process against such limited liability company as required by
26 this article. Any designated post office address to which the secretary
27 of state or a person shall mail a copy of process served upon [~~him or~~
28 ~~her~~] the secretary of state as agent of a domestic limited liability
29 company or a foreign limited liability company shall continue until the
30 filing of a certificate under this chapter directing the mailing to a
31 different post office address.

32 [~~(e)~~] (d) (1) Except as otherwise provided in this subdivision, every
33 limited liability company to which this chapter applies, shall biennial-
34 ly in the calendar month during which its articles of organization or
35 application for authority were filed, or effective date thereof if stat-
36 ed, file on forms prescribed by the secretary of state, a statement
37 setting forth the post office address within or without this state to
38 which [~~the secretary of state~~] a person shall mail a copy of any process
39 accepted against it served upon [~~him or her~~] the secretary of state.
40 Such address shall supersede any previous address on file with the
41 department of state for this purpose.

42 (2) The commissioner of taxation and finance and the secretary of
43 state may agree to allow limited liability companies to include the
44 statement specified in paragraph one of this subdivision on tax reports
45 filed with the department of taxation and finance in lieu of biennial
46 statements and in a manner prescribed by the commissioner of taxation
47 and finance. If this agreement is made, starting with taxable years
48 beginning on or after January first, two thousand sixteen, each limited
49 liability company required to file the statement specified in paragraph
50 one of this subdivision that is subject to the filing fee imposed by
51 paragraph three of subsection (c) of section six hundred fifty-eight of
52 the tax law shall provide such statement annually on its filing fee
53 payment form filed with the department of taxation and finance in lieu
54 of filing a statement under this section with the department of state.
55 However, each limited liability company required to file a statement
56 under this section must continue to file the biennial statement required

1 by this section with the department of state until the limited liability
2 company in fact has filed a filing fee payment form with the department
3 of taxation and finance that includes all required information. After
4 that time, the limited liability company shall continue to provide annu-
5 ally the statement specified in paragraph one of this subdivision on its
6 filing fee payment form in lieu of the biennial statement required by
7 this subdivision.

8 (3) If the agreement described in paragraph two of this subdivision is
9 made, the department of taxation and finance shall deliver to the
10 department of state the statement specified in paragraph one of this
11 subdivision contained on filing fee payment forms. The department of
12 taxation and finance must, to the extent feasible, also include the
13 current name of the limited liability company, department of state iden-
14 tification number for such limited liability company, the name, signa-
15 ture and capacity of the signer of the statement, name and street
16 address of the filer of the statement, and the email address, if any, of
17 the filer of the statement.

18 § 31. Paragraphs 2 and 3 of subdivision (a), subparagraph (ii) of
19 paragraph 2 and subparagraph (ii) of paragraph 3 of subdivision (e) of
20 section 301-A of the limited liability company law, as added by chapter
21 448 of the laws of 1998, are amended to read as follows:

22 (2) that the address of the party has been designated by the limited
23 liability company as the post office address to which [~~the secretary of~~
24 ~~state~~] a person shall mail a copy of any process served on the secretary
25 of state as agent for such limited liability company, such address and
26 that such party wishes to resign.

27 (3) that at least sixty days prior to the filing of the certificate
28 of resignation for receipt of process with the department of state the
29 party has sent a copy of the certificate of resignation for receipt of
30 process by registered or certified mail to the address of the registered
31 agent of the designated limited liability company, if other than the
32 party filing the certificate of resignation[~~r~~] for receipt of process,
33 or if the [~~resigning~~] designating limited liability company has no
34 registered agent, then to the last address of the designated limited
35 liability company known to the party, specifying the address to which
36 the copy was sent. If there is no registered agent and no known address
37 of the designating limited liability company, the party shall attach an
38 affidavit to the certificate stating that a diligent but unsuccessful
39 search was made by the party to locate the limited liability company,
40 specifying what efforts were made.

41 (ii) sent by or on behalf of the plaintiff to such limited liability
42 company by registered or certified mail with return receipt requested to
43 the last address of such limited liability company known to the plain-
44 tiff.

45 (ii) Where service of a copy of process was effected by mailing in
46 accordance with this section, proof of service shall be by affidavit of
47 compliance with this section filed, together with the process, within
48 thirty days after receipt of the return receipt signed by the limited
49 liability company or other official proof of delivery or of the original
50 envelope mailed. If a copy of the process is mailed in accordance with
51 this section, there shall be filed with the affidavit of compliance
52 either the return receipt signed by such limited liability company or
53 other official proof of delivery, if acceptance was refused by it, the
54 original envelope with a notation by the postal authorities that accept-
55 ance was refused. If acceptance was refused a copy of the notice and
56 process together with notice of the mailing by registered or certified

1 mail and refusal to accept shall be promptly sent to such limited
2 liability company at the same address by ordinary mail and the affidavit
3 of compliance shall so state. Service of process shall be complete ten
4 days after such papers are filed with the clerk of the court. The
5 refusal to accept delivery of the registered or certified mail or to
6 sign the return receipt shall not affect the validity of the service and
7 such limited liability company refusing to accept such registered or
8 certified mail shall be charged with knowledge of the contents thereof.

9 § 32. Subdivision (a) of section 303 of the limited liability company
10 law, as relettered by chapter 341 of the laws of 1999, is amended to
11 read as follows:

12 (a) Service of process on the secretary of state as agent of a domes-
13 tic limited liability company [~~or~~], authorized foreign limited liability
14 company, or other business entity that has designated the secretary of
15 state as agent for service of process pursuant to article ten of this
16 chapter, shall be made by mailing the process and notice of service
17 thereof by certified mail, return receipt requested, to such limited
18 liability company or other business entity, at the post office address
19 on file in the department of state specified for this purpose. On the
20 same day as such process is mailed, a duplicate copy of such process and
21 proof of mailing shall be [~~made by~~] personally [~~delivering~~] delivered
22 and [~~leaving~~] left with the secretary of state or his or her deputy, or
23 with any person authorized by the secretary of state to receive such
24 service, at the office of the department of state in the city of Albany,
25 [~~duplicate copies of such process~~] together with the statutory fee,
26 which fee shall be a taxable disbursement. Proof of mailing shall be by
27 affidavit of compliance with this section. Service of process on such
28 limited liability company or other business entity shall be complete
29 when the secretary of state is so served. [~~The secretary of state shall~~
30 ~~promptly send one of such copies by certified mail, return receipt~~
31 ~~requested, to such limited liability company at the post office address~~
32 ~~on file in the department of state specified for that purpose.~~]

33 § 33. Section 305 of the limited liability company law is amended to
34 read as follows:

35 § 305. Records of process served on the secretary of state. The
36 [~~secretary of state~~] department of state shall keep a record of each
37 process served upon the secretary of state under this chapter, including
38 the date of such service [~~and the action of the secretary of state with~~
39 ~~reference thereto~~]. It shall, upon request made within ten years of such
40 service, issue a certificate under its seal certifying as to the receipt
41 of the process by an authorized person, the date and place of such
42 service and the receipt of the statutory fee. Process served upon the
43 secretary of state under this chapter shall be destroyed by the depart-
44 ment of state after a period of ten years from such service.

45 § 34. Paragraph 4 of subdivision (a) of section 802 of the limited
46 liability company law, as amended by chapter 470 of the laws of 1997, is
47 amended to read as follows:

48 (4) a designation of the secretary of state as its agent upon whom
49 process against it may be served and the post office address, within or
50 without this state, to which [~~the secretary of state~~] a person shall
51 mail a copy of any process against it served upon [~~him or her~~] the
52 secretary of state;

53 § 35. Section 804-A of the limited liability company law, as added by
54 chapter 448 of the laws of 1998, is amended to read as follows:

55 § 804-A. Certificate of change. (a) A foreign limited liability compa-
56 ny may amend its application for authority from time to time to (i)

1 specify or change the location of the limited liability company's
2 office; (ii) specify or change the post office address to which [~~the~~
3 ~~secretary of state~~] a person shall mail a copy of any process against
4 the limited liability company served upon [~~him~~] the secretary of state;
5 and (iii) to make, revoke or change the designation of a registered
6 agent, or to specify or change the address of a registered agent. Any
7 one or more such changes may be accomplished by filing a certificate of
8 change which shall be entitled "Certificate of Change of (name
9 of limited liability company) under section 804-A of the Limited Liabil-
10 ity Company Law" and shall be signed and delivered to the department of
11 state. It shall set forth:

12 (1) the name of the foreign limited liability company and, if applica-
13 ble, the fictitious name the limited liability company has agreed to use
14 in this state pursuant to section eight hundred two of this article;

15 (2) the date its application for authority was filed by the department
16 of state; and

17 (3) each change effected thereby[~~7~~].

18 (b) A certificate of change which changes only the post office address
19 to which [~~the secretary of state~~] a person shall mail a copy of any
20 process against a foreign limited liability company served upon [~~him or~~]
21 the secretary of state and/or the address of the registered agent,
22 provided such address being changed is the address of a person, partner-
23 ship [~~or~~], corporation or other limited liability company whose address,
24 as agent, is the address to be changed or who has been designated as
25 registered agent for such limited liability company may be signed and
26 delivered to the department of state by such agent. The certificate of
27 change shall set forth the statements required under subdivision (a) of
28 this section; that a notice of the proposed change was mailed to the
29 foreign limited liability company by the party signing the certificate
30 not less than thirty days prior to the date of delivery to the depart-
31 ment of state and that such foreign limited liability company has not
32 objected thereto; and that the party signing the certificate is the
33 agent of such foreign limited liability company to whose address [~~the~~
34 ~~secretary of state~~] a person is required to mail copies of process
35 served on the secretary of state or the registered agent, if such be the
36 case. A certificate signed and delivered under this subdivision shall
37 not be deemed to effect a change of location of the office of the
38 foreign limited liability company in whose behalf such certificate is
39 filed.

40 § 36. Paragraph 6 of subdivision (b) of section 806 of the limited
41 liability company law is amended to read as follows:

42 (6) a post office address, within or without this state, to which [~~the~~
43 ~~secretary of state~~] a person shall mail a copy of any process against it
44 served upon [~~him or her~~] the secretary of state.

45 § 37. Paragraph 11 of subdivision (a) of section 1003 of the limited
46 liability company law, as amended by chapter 374 of the laws of 1998, is
47 amended to read as follows:

48 (11) a designation of the secretary of state as its agent upon whom
49 process against it may be served in the manner set forth in article
50 three of this chapter in any action or special proceeding, and a post
51 office address, within or without this state, to which [~~the secretary of~~
52 ~~state~~] a person shall mail a copy of any process served upon [~~him or~~
53 ~~her~~] the secretary of state. Such post office address shall supersede
54 any prior address designated as the address to which process shall be
55 mailed;

1 § 38. Clause (iv) of subparagraph (A) of paragraph 2 of subdivision
2 (c) of section 1203 of the limited liability company law, as amended by
3 chapter 44 of the laws of 2006, is amended to read as follows:

4 (iv) a statement that the secretary of state has been designated as
5 agent of the professional service limited liability company upon whom
6 process against it may be served and the post office address, within or
7 without this state, to which [~~the secretary of state~~] a person shall
8 mail a copy of any process against it served upon [~~him or her~~] the
9 secretary of state;

10 § 39. Paragraph 6 of subdivision (a) and subparagraph 5 of paragraph
11 (i) of subdivision (d) of section 1306 of the limited liability company
12 law, subparagraph 5 of paragraph (i) of subdivision (d) as amended by
13 chapter 44 of the laws of 2006, are amended to read as follows:

14 (6) a designation of the secretary of state as its agent upon whom
15 process against it may be served and the post office address, within or
16 without this state, to which [~~the secretary of state~~] a person shall
17 mail a copy of any process against it served upon [~~him or her~~] the
18 secretary of state; and

19 (5) a statement that the secretary of state has been designated as
20 agent of the foreign professional service limited liability company upon
21 whom process against it may be served and the post office address, with-
22 in or without this state, to which [~~the secretary of state~~] a person
23 shall mail a copy of any process against it served upon [~~him or her~~] the
24 secretary of state;

25 § 40. Paragraph (d) of section 304 of the not-for-profit corporation
26 law, as amended by chapter 358 of the laws of 2015, is amended to read
27 as follows:

28 (d) Any designated post office address maintained by the secretary of
29 state as agent of a domestic not-for-profit corporation or foreign not-
30 for-profit corporation for the purpose of mailing process shall be the
31 post office address, within or without the state, to which a person
32 shall mail process against such corporation as required by this article.
33 Any designated [~~post-office~~] post office address to which the secretary
34 of state or a person shall mail a copy of process served upon [~~him or~~
35 ~~her~~] the secretary of state as agent of a domestic corporation formed
36 under article four of this chapter or foreign corporation, shall contin-
37 ue until the filing of a certificate under this chapter directing the
38 mailing to a different [~~post-office~~] post office address.

39 § 41. Paragraph (a) of section 305 of the not-for-profit corporation
40 law, as amended by chapter 549 of the laws of 2013, is amended to read
41 as follows:

42 (a) Every domestic corporation or authorized foreign corporation may
43 designate a registered agent in this state upon whom process against
44 such corporation may be served. The agent shall be a natural person who
45 is a resident of or has a business address in this state or a domestic
46 corporation or foreign corporation of any kind formed[7] or authorized
47 to do business in this state[7] under this chapter or under any other
48 statute of this state, or a domestic limited liability company or a
49 foreign limited liability company authorized to do business in this
50 state.

51 § 42. Paragraph (b) of section 306 of the not-for-profit corporation
52 law, as amended by chapter 23 of the laws of 2014, is amended to read as
53 follows:

54 (b) Service of process on the secretary of state as agent of a domes-
55 tic corporation formed under article four of this chapter or an author-
56 ized foreign corporation shall be made by mailing the process and notice

1 of service thereof by certified mail, return receipt requested, to such
2 corporation or other business entity, at the post office address on file
3 in the department of state specified for this purpose. On the same day
4 that such process is mailed, a duplicate copy of such process and proof
5 of mailing shall be personally ~~delivering~~ delivered to and ~~leaving~~
6 left with the secretary of state or his or her deputy, or with any
7 person authorized by the secretary of state to receive such service, at
8 the office of the department of state in the city of Albany, ~~duplicate~~
9 ~~copies of such process~~ together with the statutory fee, which fee shall
10 be a taxable disbursement. Proof of mailing shall be by affidavit of
11 compliance with this section. Service of process on such corporation ~~or~~
12 other business entity shall be complete when the secretary of state is
13 so served. ~~[The secretary of state shall promptly send one of such~~
14 ~~copies by certified mail, return receipt requested, to such corporation,~~
15 ~~at the post office address, on file in the department of state, speci-~~
16 ~~fied for the purpose.]~~ If a domestic corporation formed under article
17 four of this chapter or an authorized foreign corporation has no such
18 address on file in the department of state, the ~~[secretary of state~~
19 ~~shall so mail such]~~ duplicate copy of the process shall be mailed to
20 such corporation at the address of its office within this state on file
21 in the department.

22 § 43. Subparagraph 6 of paragraph (a) of section 402 of the not-for-
23 profit corporation law, as added by chapter 564 of the laws of 1981 and
24 as renumbered by chapter 132 of the laws of 1985, is amended to read as
25 follows:

26 (6) A designation of the secretary of state as agent of the corpo-
27 ration upon whom process against it may be served and the post office
28 address, within or without this state, to which ~~[the secretary of state]~~
29 a person shall mail a copy of any process against it served upon ~~[him]~~
30 the secretary of state.

31 § 44. Subparagraph 7 of paragraph (b) of section 801 of the not-for-
32 profit corporation law, as amended by chapter 438 of the laws of 1984,
33 is amended to read as follows:

34 (7) To specify or change the post office address to which ~~[the secre-~~
35 ~~tary of state]~~ a person shall mail a copy of any process against the
36 corporation served upon ~~[him]~~ the secretary of state.

37 § 45. Subparagraph 2 of paragraph (c) of section 802 of the not-for-
38 profit corporation law, as amended by chapter 186 of the laws of 1983,
39 is amended to read as follows:

40 (2) To specify or change the post office address to which ~~[the secre-~~
41 ~~tary of state]~~ a person shall mail a copy of any process against the
42 corporation served upon ~~[him]~~ the secretary of state.

43 § 46. Subparagraph 6 of paragraph (a) of section 803 of the not-for-
44 profit corporation law, as amended by chapter 23 of the laws of 2014, is
45 amended to read as follows:

46 (6) A designation of the secretary of state as agent of the corpo-
47 ration upon whom process against it may be served and the post office
48 address, within or without this state, to which ~~[the secretary of~~
49 ~~state]~~ a person shall mail a copy of any process against it served upon
50 the secretary of state.

51 § 47. Paragraph (b) of section 803-A of the not-for-profit corporation
52 law, as amended by chapter 172 of the laws of 1999, is amended to read
53 as follows:

54 (b) A certificate of change which changes only the post office address
55 to which ~~[the secretary of state]~~ a person shall mail a copy of any
56 process against the corporation served upon ~~[him or]~~ the secretary of

1 state and/or the address of the registered agent, provided such address
2 being changed is the address of a person, partnership, limited liability
3 company or other corporation whose address, as agent, is the address to
4 be changed or who has been designated as registered agent for such
5 corporation, may be signed and delivered to the department of state by
6 such agent. The certificate of change shall set forth the statements
7 required under subparagraphs (1), (2) and (3) of paragraph (a) of this
8 section; that a notice of the proposed change was mailed to the corpo-
9 ration by the party signing the certificate not less than thirty days
10 prior to the date of delivery to the department and that such corpo-
11 ration has not objected thereto; and that the party signing the certif-
12 icate is the agent of such corporation to whose address [~~the secretary~~
13 ~~of state~~] a person is required to mail copies of any process against the
14 corporation served upon [~~him~~] the secretary of state or the registered
15 agent, if such be the case. A certificate signed and delivered under
16 this paragraph shall not be deemed to effect a change of location of the
17 office of the corporation in whose behalf such certificate is filed.

18 § 48. Clause (E) of subparagraph 2 of paragraph (d) of section 906 of
19 the not-for-profit corporation law, as amended by chapter 1058 of the
20 laws of 1971, is amended to read as follows:

21 (E) A designation of the secretary of state as its agent upon whom
22 process against it may be served in the manner set forth in paragraph
23 (b) of section 306 (Service of process), in any action or special
24 proceeding described in [~~subparagraph~~] clause (D) of this subparagraph
25 and a post office address, within or without this state, to which [~~the~~
26 ~~secretary of state~~] a person shall mail a copy of the process in such
27 action or special proceeding served upon the secretary of state.

28 § 49. Clause (F) of subparagraph 2 of paragraph (d) of section 908 of
29 the not-for-profit corporation law is amended to read as follows:

30 (F) A designation of the secretary of state as [~~his~~] its agent upon
31 whom process against it may be served in the manner set forth in para-
32 graph (b) of section 306 (Service of process), in any action or special
33 proceeding described in [~~subparagraph~~] clause (D) of this subparagraph
34 and a post office address, within or without the state, to which [~~the~~
35 ~~secretary of state~~] a person shall mail a copy of the process in such
36 action or special proceeding served upon by the secretary of state.

37 § 50. Subparagraph 6 of paragraph (a) of section 1304 of the not-for-
38 profit corporation law, as renumbered by chapter 590 of the laws of
39 1982, is amended to read as follows:

40 (6) A designation of the secretary of state as its agent upon whom
41 process against it may be served and the post office address, within or
42 without this state, to which [~~the secretary of state~~] a person shall
43 mail a copy of any process against it served upon [~~him~~] the secretary of
44 state.

45 § 51. Subparagraph 7 of paragraph (a) of section 1308 of the not-for-
46 profit corporation law, as renumbered by chapter 186 of the laws of
47 1983, is amended to read as follows:

48 (7) To specify or change the post office address to which [~~the secre-~~
49 ~~tary of state~~] a person shall mail a copy of any process against it
50 served upon [~~him~~] the secretary of state.

51 § 52. Subparagraph 2 of paragraph (a) and paragraph (c) of section
52 1310 of the not-for-profit corporation law, paragraph (c) as amended by
53 chapter 172 of the laws of 1999, are amended to read as follows:

54 (2) To specify or change the post office address to which [~~the secre-~~
55 ~~tary of state~~] a person shall mail a copy of any process against it
56 served upon [~~him~~] the secretary of state.

(c) A certificate of change of application for authority which changes only the post office address to which ~~[the secretary of state]~~ a person shall mail a copy of any process against an authorized foreign corporation served upon ~~[him or]~~ the secretary of state and/or which changes the address of its registered agent, provided such address is the address of a person, partnership, limited liability company or other corporation whose address, as agent, is the address to be changed or who has been designated as registered agent for such authorized foreign corporation, may be signed and delivered to the department of state by such agent. The certificate of change of application for authority shall set forth the statements required under subparagraphs (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of the proposed change was mailed by the party signing the certificate to the authorized foreign corporation not less than thirty days prior to the date of delivery to the department and that such corporation has not objected thereto; and that the party signing the certificate is the agent of such foreign corporation to whose address ~~[the secretary of state]~~ a person is required to mail copies of process served on the secretary of state or the registered agent, if such be the case. A certificate signed and delivered under this paragraph shall not be deemed to effect a change of location of the office of the corporation in whose behalf such certificate is filed.

§ 53. Subparagraph 6 of paragraph (a) and subparagraph 4 of paragraph (d) of section 1311 of the not-for-profit corporation law are amended to read as follows:

(6) A post office address, within or without this state, to which ~~[the secretary of state]~~ a person shall mail a copy of any process against it served upon ~~[him]~~ the secretary of state.

(4) The changed post office address, within or without this state, to which ~~[the secretary of state]~~ a person shall mail a copy of any process against it served upon ~~[him]~~ the secretary of state.

§ 54. Section 1312 of the not-for-profit corporation law, as amended by chapter 375 of the laws of 1998, is amended to read as follows:
§ 1312. Termination of existence.

When an authorized foreign corporation is dissolved or its authority or existence is otherwise terminated or cancelled in the jurisdiction of its incorporation or when such foreign corporation is merged into or consolidated with another foreign corporation, a certificate of the secretary of state, or official performing the equivalent function as to corporate records, of the jurisdiction of incorporation of such foreign corporation attesting to the occurrence of any such event or a certified copy of an order or decree of a court of such jurisdiction directing the dissolution of such foreign corporation, the termination of its existence or the cancellation of its authority shall be delivered to the department of state. The filing of the certificate, order or decree shall have the same effect as the filing of a certificate of surrender of authority under section 1311 (Surrender of authority). The secretary of state shall continue as agent of the foreign corporation upon whom process against it may be served in the manner set forth in paragraph (b) of section 306 (Service of process), in any action or special proceeding based upon any liability or obligation incurred by the foreign corporation within this state prior to the filing of such certificate, order or decree and ~~[he]~~ the person serving such process shall promptly cause a copy of any such process to be mailed by ~~[registered]~~ certified mail, return receipt requested, to such foreign corporation at the post office address on file ~~[in his office]~~ with the

1 department specified for such purpose. The post office address may be
2 changed by signing and delivering to the department of state a certifi-
3 cate of change setting forth the statements required under section 1310
4 (Certificate of change, contents) to effect a change in the post office
5 address under subparagraph ~~[(a)-(4)]~~ (7) of paragraph (a) of section
6 1308 (Amendments or changes).

7 § 55. Subdivision (c) of section 121-104 of the partnership law, as
8 added by chapter 950 of the laws of 1990, is amended to read as follows:

9 (c) Any designated post office address maintained by the secretary of
10 state as agent of a domestic limited partnership or foreign limited
11 partnership for the purpose of mailing process shall be the post office
12 address, within or without the state, to which a person shall mail proc-
13 ess against such limited partnership as required by this article. Any
14 designated post office address to which the secretary of state or a
15 person shall mail a copy of process served upon ~~[him]~~ the secretary of
16 state as agent of a domestic limited partnership or foreign limited
17 partnership shall continue until the filing of a certificate under this
18 article directing the mailing to a different post office address.

19 § 56. Paragraphs 1, 2 and 3 of subdivision (a) of section 121-104-A of
20 the partnership law, as added by chapter 448 of the laws of 1998, are
21 amended to read as follows:

22 (1) the name of the limited partnership and the date that its ~~[arti-~~
23 ~~cles of organization]~~ certificate of limited partnership or application
24 for authority was filed by the department of state.

25 (2) that the address of the party has been designated by the limited
26 partnership as the post office address to which ~~[the secretary of state]~~
27 a person shall mail a copy of any process served on the secretary of
28 state as agent for such limited partnership, and that such party wishes
29 to resign.

30 (3) that at least sixty days prior to the filing of the certificate of
31 resignation for receipt of process with the department of state the
32 party has sent a copy of the certificate of resignation for receipt of
33 process by registered or certified mail to the address of the registered
34 agent of the ~~[designated]~~ designating limited partnership, if other than
35 the party filing the certificate of resignation~~[7]~~ for receipt of proc-
36 ess, or if the ~~[resigning]~~ designating limited partnership has no regis-
37 tered agent, then to the last address of the ~~[designated]~~ designating
38 limited partnership, known to the party, specifying the address to which
39 the copy was sent. If there is no registered agent and no known address
40 of the designating limited partnership the party shall attach an affida-
41 vit to the certificate stating that a diligent but unsuccessful search
42 was made by the party to locate the limited partnership, specifying what
43 efforts were made.

44 § 57. Subdivision (a) of section 121-105 of the partnership law, as
45 added by chapter 950 of the laws of 1990, is amended to read as follows:

46 (a) In addition to the designation of the secretary of state, each
47 limited partnership or authorized foreign limited partnership may desig-
48 nate a registered agent upon whom process against the limited partner-
49 ship may be served. The agent must be (i) a natural person who is a
50 resident of this state or has a business address in this state, ~~[or]~~
51 (ii) a domestic corporation or a foreign corporation authorized to do
52 business in this state, or (iii) a domestic limited liability company or
53 a foreign limited liability company authorized to do business in this
54 state.

§ 58. Subdivisions (a) and (c) of section 121-109 of the partnership law, as added by chapter 950 of the laws of 1990 and as relettered by chapter 341 of the laws of 1999, are amended to read as follows:

(a) Service of process on the secretary of state as agent of a domestic or authorized foreign limited partnership, or other business entity that has designated the secretary of state as agent for service of process pursuant to this chapter, shall be made ~~[as follows]~~

~~(1) By~~ by mailing the process and notice of service of process pursuant to this section by certified mail, return receipt requested, to such domestic or authorized foreign limited partnership or other business entity, at the post office address on file in the department of state specified for this purpose. On the same day as the process is mailed, a duplicate copy of such process and proof of mailing shall be personally ~~[delivering]~~ delivered to and ~~[leaving]~~ left with ~~[him or his]~~ the secretary of state or a deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, ~~[duplicate copies of such process]~~ together with the statutory fee, which fee shall be a taxable disbursement. Proof of mailing shall be by affidavit of compliance with this section. Service of process on such limited partnership or other business entity shall be complete when the secretary of state is so served.

~~[(2) The service on the limited partnership is complete when the secretary of state is so served.]~~

~~[(3) The secretary of state shall promptly send one of such copies by certified mail, return receipt requested, addressed to the limited partnership at the post office address, on file in the department of state, specified for that purpose.]~~

(c) The ~~[secretary of state]~~ department of state shall keep a record of all process served upon ~~[him]~~ it under this section and shall record therein the date of such service ~~[and his action with reference thereto]~~. It shall, upon request made within ten years of such service, issue a certificate under its seal certifying as to the receipt of the process by an authorized person, the date and place of such service and the receipt of the statutory fee. Process served upon the secretary of state under this chapter shall be destroyed by the department after a period of ten years from such service.

§ 59. Paragraph 3 of subdivision (a) and subparagraph 4 of paragraph (i) of subdivision (c) of section 121-201 of the partnership law, paragraph 3 of subdivision (a) as amended by chapter 264 of the laws of 1991, and subparagraph 4 of paragraph (i) of subdivision (c) as amended by chapter 44 of the laws of 2006, are amended to read as follows:

(3) a designation of the secretary of state as agent of the limited partnership upon whom process against it may be served and the post office address, within or without this state, to which ~~[the secretary of state]~~ a person shall mail a copy of any process against it served upon ~~[him]~~ the secretary of state;

(4) a statement that the secretary of state has been designated as agent of the limited partnership upon whom process against it may be served and the post office address, within or without this state, to which ~~[the secretary of state]~~ a person shall mail a copy of any process against it served upon ~~[him or her]~~ the secretary of state;

§ 60. Paragraph 4 of subdivision (b) of section 121-202 of the partnership law, as amended by chapter 576 of the laws of 1994, is amended to read as follows:

(4) a change in the name of the limited partnership, or a change in the post office address to which ~~[the secretary of state]~~ a person shall

1 mail a copy of any process against the limited partnership served on
2 [~~him~~] the secretary of state, or a change in the name or address of the
3 registered agent, if such change is made other than pursuant to section
4 121-104 or 121-105 of this article.

5 § 61. Section 121-202-A of the partnership law, as added by chapter
6 448 of the laws of 1998, paragraph 2 of subdivision (a) as amended by
7 chapter 172 of the laws of 1999, is amended to read as follows:

8 § 121-202-A. Certificate of change. (a) A certificate of limited part-
9 nership may be changed by filing with the department of state a certif-
10 icate of change entitled "Certificate of Change of (name of limit-
11 ed partnership) under Section 121-202-A of the Revised Limited
12 Partnership Act" and shall be signed and delivered to the department of
13 state. A certificate of change may (i) specify or change the location of
14 the limited partnership's office; (ii) specify or change the post office
15 address to which [~~the secretary of state~~] a person shall mail a copy of
16 process against the limited partnership served upon [~~him~~] the secretary
17 of state; and (iii) make, revoke or change the designation of a regis-
18 tered agent, or to specify or change the address of its registered
19 agent. It shall set forth:

20 (1) the name of the limited partnership, and if it has been changed,
21 the name under which it was formed;

22 (2) the date its certificate of limited partnership was filed by the
23 department of state; and

24 (3) each change effected thereby.

25 (b) A certificate of change which changes only the post office address
26 to which [~~the secretary of state~~] a person shall mail a copy of any
27 process against a limited partnership served upon [~~him or~~] the secretary
28 of state and/or the address of the registered agent, provided such
29 address being changed is the address of a person, partnership, limited
30 liability corporation or corporation whose address, as agent, is the
31 address to be changed or who has been designated as registered agent for
32 such limited partnership shall be signed and delivered to the department
33 of state by such agent. The certificate of change shall set forth the
34 statements required under subdivision (a) of this section; that a notice
35 of the proposed change was mailed to the domestic limited partnership by
36 the party signing the certificate not less than thirty days prior to the
37 date of delivery to the department of state and that such domestic
38 limited partnership has not objected thereto; and that the party signing
39 the certificate is the agent of such limited partnership to whose
40 address [~~the secretary of state~~] a person is required to mail copies of
41 process served on the secretary of state or the registered agent, if
42 such be the case. A certificate signed and delivered under this subdivi-
43 sion shall not be deemed to effect a change of location of the office of
44 the limited partnership in whose behalf such certificate is filed.

45 § 62. Paragraph 4 of subdivision (a) and subparagraph 5 of paragraph
46 (i) of subdivision (d) of section 121-902 of the partnership law, para-
47 graph 4 of subdivision (a) as amended by chapter 172 of the laws of 1999
48 and subparagraph 5 of paragraph (i) of subdivision (d) as amended by
49 chapter 44 of the laws of 2006, are amended to read as follows:

50 (4) a designation of the secretary of state as its agent upon whom
51 process against it may be served and the post office address, within or
52 without this state, to which [~~the secretary of state~~] a person shall
53 mail a copy of any process against it served upon [~~him~~] the secretary of
54 state;

55 (5) a statement that the secretary of state has been designated as its
56 agent upon whom process against it may be served and the post office

1 address, within or without this state, to which [~~the secretary of state~~
2 a person] shall mail a copy of any process against it served upon [~~him or~~
3 ~~her~~] the secretary of state;

4 § 63. Section 121-903-A of the partnership law, as added by chapter
5 448 of the laws of 1998, is amended to read as follows:

6 § 121-903-A. Certificate of change. (a) A foreign limited partnership
7 may change its application for authority by filing with the department
8 of state a certificate of change entitled "Certificate of Change
9 of (name of limited partnership) under Section 121-903-A of the
10 Revised Limited Partnership Act" and shall be signed and delivered to
11 the department of state. A certificate of change may (i) change the
12 location of the limited partnership's office; (ii) change the post
13 office address to which [~~the secretary of state~~] a person shall mail a
14 copy of process against the limited partnership served upon [~~him~~] the
15 secretary of state; and (iii) make, revoke or change the designation of
16 a registered agent, or to specify or change the address of its regis-
17 tered agent. It shall set forth:

18 (1) the name of the foreign limited partnership and, if applicable,
19 the fictitious name the foreign limited partnership has agreed to use in
20 this state pursuant to section 121-902 of this article;

21 (2) the date its application for authority was filed by the department
22 of state; and

23 (3) each change effected thereby.

24 (b) A certificate of change which changes only the post office address
25 to which [~~the secretary of state~~] a person shall mail a copy of any
26 process against a foreign limited partnership served upon [~~him or~~] the
27 secretary of state and/or the address of the registered agent, provided
28 such address being changed is the address of a person, partnership,
29 limited liability company or corporation whose address, as agent, is the
30 address to be changed or who has been designated as registered agent for
31 such foreign limited partnership shall be signed and delivered to the
32 department of state by such agent. The certificate of change shall set
33 forth the statements required under subdivision (a) of this section;
34 that a notice of the proposed change was mailed to the foreign limited
35 partnership by the party signing the certificate not less than thirty
36 days prior to the date of delivery to the department of state and that
37 such foreign limited partnership has not objected thereto; and that the
38 party signing the certificate is the agent of such foreign limited part-
39 nership to whose address [~~the secretary of state~~] a person is required
40 to mail copies of process served on the secretary of state or the regis-
41 tered agent, if such be the case. A certificate signed and delivered
42 under this subdivision shall not be deemed to effect a change of
43 location of the office of the limited partnership in whose behalf such
44 certificate is filed.

45 § 64. Paragraph 6 of subdivision (b) of section 121-905 of the part-
46 nership law, as added by chapter 950 of the laws of 1990, is amended to
47 read as follows:

48 (6) a post office address, within or without this state, to which [~~the~~
49 ~~secretary of state~~] a person shall mail a copy of any process against it
50 served upon [~~him~~] the secretary of state.

51 § 65. Paragraph 7 of subdivision (a) of section 121-1103 of the part-
52 nership law, as added by chapter 950 of the laws of 1990, is amended to
53 read as follows:

54 (7) A designation of the secretary of state as its agent upon whom
55 process against it may be served in the manner set forth in section
56 121-109 of this article in any action or special proceeding, and a post

1 office address, within or without this state, to which [~~the secretary of~~
2 ~~state~~] a person shall mail a copy of any process served upon [~~him~~] the
3 secretary of state. Such post office address shall supersede any prior
4 address designated as the address to which process shall be mailed.

5 § 66. Subparagraphs 2 and 4 of paragraph (I) and clause 4 of subpara-
6 graph (A) of paragraph (II) of subdivision (a) of section 121-1500 of
7 the partnership law, subparagraph 2 of paragraph (I) as added by chapter
8 576 of the laws of 1994, subparagraph 4 of paragraph (I) as amended by
9 chapter 643 of the laws of 1995 and such paragraph as redesignated by
10 chapter 767 of the laws of 2005 and clause 4 of subparagraph (A) of
11 paragraph (II) as amended by chapter 44 of the laws of 2006, are amended
12 to read as follows:

13 (2) the address, within this state, of the principal office of the
14 partnership without limited partners;

15 (4) a designation of the secretary of state as agent of the partner-
16 ship without limited partners upon whom process against it may be served
17 and the post office address, within or without this state, to which the
18 [~~secretary of state~~] a person shall mail a copy of any process against
19 it or served [~~upon it~~] on the secretary of state;

20 (4) a statement that the secretary of state has been designated as
21 agent of the registered limited liability partnership upon whom process
22 against it may be served and the post office address, within or without
23 this state, to which [~~the secretary of state~~] a person shall mail a copy
24 of any process against it served upon [~~him or her~~] the secretary of
25 state;

26 § 67. Paragraphs (ii) and (iii) of subdivision (g) of section 121-1500
27 of the partnership law, as amended by section 8 of part S of chapter 59
28 of the laws of 2015, are amended to read as follows:

29 (ii) the address, within this state, of the principal office of the
30 registered limited liability partnership, (iii) the post office address,
31 within or without this state, to which [~~the secretary of state~~] a person
32 shall mail a copy of any process accepted against it served upon [~~him or~~
33 ~~her~~] the secretary of state, which address shall supersede any previous
34 address on file with the department of state for this purpose, and

35 § 68. Subdivision (j-1) of section 121-1500 of the partnership law, as
36 added by chapter 448 of the laws of 1998, is amended to read as follows:

37 (j-1) A certificate of change which changes only the post office
38 address to which [~~the secretary of state~~] a person shall mail a copy of
39 any process against a registered limited liability partnership served
40 upon [~~him~~] the secretary of state and/or the address of the registered
41 agent, provided such address being changed is the address of a person,
42 partnership, limited liability company or corporation whose address, as
43 agent, is the address to be changed or who has been designated as regis-
44 tered agent for such registered limited liability partnership shall be
45 signed and delivered to the department of state by such agent. The
46 certificate of change shall set forth: (i) the name of the registered
47 limited liability partnership and, if it has been changed, the name
48 under which it was originally filed with the department of state; (ii)
49 the date of filing of its initial registration or notice statement;
50 (iii) each change effected thereby; (iv) that a notice of the proposed
51 change was mailed to the limited liability partnership by the party
52 signing the certificate not less than thirty days prior to the date of
53 delivery to the department of state and that such limited liability
54 partnership has not objected thereto; and (v) that the party signing the
55 certificate is the agent of such limited liability partnership to whose
56 address [~~the secretary of state~~] a person is required to mail copies of

1 process served on the secretary of state or the registered agent, if
2 such be the case. A certificate signed and delivered under this subdivi-
3 sion shall not be deemed to effect a change of location of the office of
4 the limited liability partnership in whose behalf such certificate is
5 filed. The certificate of change shall be accompanied by a fee of five
6 dollars.

7 § 69. Subdivision (a) of section 121-1502 of the partnership law, as
8 amended by chapter 643 of the laws of 1995, paragraph (v) as amended by
9 chapter 470 of the laws of 1997, is amended to read as follows:

10 (a) In order for a foreign limited liability partnership to carry on
11 or conduct or transact business or activities as a New York registered
12 foreign limited liability partnership in this state, such foreign limit-
13 ed liability partnership shall file with the department of state a
14 notice which shall set forth: (i) the name under which the foreign
15 limited liability partnership intends to carry on or conduct or transact
16 business or activities in this state; (ii) the date on which and the
17 jurisdiction in which it registered as a limited liability partnership;
18 (iii) the address, within this state, of the principal office of the
19 foreign limited liability partnership; (iv) the profession or
20 professions to be practiced by such foreign limited liability partner-
21 ship and a statement that it is a foreign limited liability partnership
22 eligible to file a notice under this chapter; (v) a designation of the
23 secretary of state as agent of the foreign limited liability partnership
24 upon whom process against it may be served and the post office address
25 within or without this state, to which [~~the secretary of state~~] a person
26 shall mail a copy of any process against it [~~or~~] served upon [~~it~~] the
27 secretary of state; (vi) if the foreign limited liability partnership is
28 to have a registered agent, its name and address in this state and a
29 statement that the registered agent is to be the agent of the foreign
30 limited liability partnership upon whom process against it may be
31 served; (vii) a statement that its registration as a limited liability
32 partnership is effective in the jurisdiction in which it registered as a
33 limited liability partnership at the time of the filing of such notice;
34 (viii) a statement that the foreign limited liability partnership is
35 filing a notice in order to obtain status as a New York registered
36 foreign limited liability partnership; (ix) if the registration of the
37 foreign limited liability partnership is to be effective on a date later
38 than the time of filing, the date, not to exceed sixty days from the
39 date of filing, of such proposed effectiveness; and (x) any other
40 matters the foreign limited liability partnership determines to include
41 in the notice. Such notice shall be accompanied by either (1) a copy of
42 the last registration or renewal registration (or similar filing), if
43 any, filed by the foreign limited liability partnership with the juris-
44 diction where it registered as a limited liability partnership or (2) a
45 certificate, issued by the jurisdiction where it registered as a limited
46 liability partnership, substantially to the effect that such foreign
47 limited liability partnership has filed a registration as a limited
48 liability partnership which is effective on the date of the certificate
49 (if such registration, renewal registration or certificate is in a
50 foreign language, a translation thereof under oath of the translator
51 shall be attached thereto). Such notice shall also be accompanied by a
52 fee of two hundred fifty dollars.

53 § 70. Subparagraphs (ii) and (iii) of paragraph (I) of subdivision (f)
54 of section 121-1502 of the partnership law, as amended by section 9 of
55 part S of chapter 59 of the laws of 2015, are amended to read as
56 follows:

(ii) the address, within this state, of the principal office of the New York registered foreign limited liability partnership, (iii) the post office address, within or without this state, to which [~~the secretary of state~~] a person shall mail a copy of any process accepted against it served upon [~~him or her~~] the secretary of state, which address shall supersede any previous address on file with the department of state for this purpose, and

§ 71. Clause 5 of subparagraph (A) of paragraph (II) of subdivision (f) of section 121-1502 of the partnership law, as amended by chapter 44 of the laws of 2006, is amended to read as follows:

(5) a statement that the secretary of state has been designated as agent of the foreign limited liability partnership upon whom process against it may be served and the post office address, within or without this state, to which [~~the secretary of state~~] a person shall mail a copy of any process against it served upon [~~him or her~~] the secretary of state;

§ 72. Subdivision (i-1) of section 121-1502 of the partnership law, as added by chapter 448 of the laws of 1998, is amended to read as follows:

(i-1) A certificate of change which changes only the post office address to which [~~the secretary of state~~] a person shall mail a copy of any process against a New York registered foreign limited liability partnership served upon [~~him~~] the secretary of state and/or the address of the registered agent, provided such address being changed is the address of a person, partnership, limited liability company or corporation whose address, as agent, is the address to be changed or who has been designated as registered agent of such registered foreign limited liability partnership shall be signed and delivered to the department of state by such agent. The certificate of change shall set forth: (i) the name of the New York registered foreign limited liability partnership; (ii) the date of filing of its initial registration or notice statement; (iii) each change effected thereby; (iv) that a notice of the proposed change was mailed to the limited liability partnership by the party signing the certificate not less than thirty days prior to the date of delivery to the department of state and that such limited liability partnership has not objected thereto; and (v) that the party signing the certificate is the agent of such limited liability partnership to whose address [~~the secretary of state~~] a person is required to mail copies of process served on the secretary of state or the registered agent, if such be the case. A certificate signed and delivered under this subdivision shall not be deemed to effect a change of location of the office of the limited liability partnership in whose behalf such certificate is filed. The certificate of change shall be accompanied by a fee of five dollars.

§ 73. Subdivision (a) of section 121-1505 of the partnership law, as added by chapter 470 of the laws of 1997, is amended and two new subdivisions (d) and (e) are added to read as follows:

(a) Service of process on the secretary of state as agent of a registered limited liability partnership or New York registered foreign limited liability partnership under this article shall be made by mailing the process and notice of service thereof by certified mail, return receipt requested, to such registered limited liability partnership or New York registered foreign limited liability partnership, at the post office address on file in the department of state specified for such purpose. On the same date that such process is mailed, a duplicate copy of such process and proof of mailing together with the statutory fee, which fee shall be a taxable disbursement, shall be personally [~~deliver-~~

1 ~~ing]~~ delivered to and [~~leaving~~] left with the secretary of state or a
2 deputy, or with any person authorized by the secretary of state to
3 receive such service, at the office of the department of state in the
4 city of Albany, [~~duplicate copies of such process~~] together with the
5 statutory fee, which fee shall be a taxable disbursement. Proof of mail-
6 ing shall be by affidavit of compliance with this section. Service of
7 process on such registered limited liability partnership or New York
8 registered foreign limited liability partnership shall be complete when
9 the secretary of state is so served. [~~The secretary of state shall~~
10 ~~promptly send one of such copies by certified mail, return receipt~~
11 ~~requested, to such registered limited liability partnership, at the post~~
12 ~~office address on file in the department of state specified for such~~
13 ~~purpose.~~]

14 (d) The department of state shall keep a record of each process served
15 upon the secretary of state under this chapter, including the date of
16 such service. It shall, upon request made within ten years of such
17 service, issue a certificate under its seal certifying as to the receipt
18 of the process by an authorized person, the date and place of such
19 service and the receipt of the statutory fee. Process served upon the
20 secretary of state under this chapter shall be destroyed by the depart-
21 ment of state after a period of ten years from such service.

22 (e) Any designated post office address maintained by the secretary of
23 state as agent of a registered limited liability partnership or New York
24 registered foreign limited liability partnership for the purpose of
25 mailing process shall be the post office address, within or without the
26 state, to which a person shall mail process against such limited liabil-
27 ity company as required by this article. Such address shall continue
28 until the filing of a certificate under this chapter directing the mail-
29 ing to a different post office address.

30 § 74. Subdivision (b) of section 121-1506 of the partnership law, as
31 added by chapter 448 of the laws of 1998, paragraph 4 as amended by
32 chapter 172 of the laws of 1999, is amended to read as follows:

33 (b) The party (or the party's legal representative) whose post office
34 address has been supplied by a limited liability partnership as its
35 address for process may resign. A certificate entitled "Certificate of
36 Resignation for Receipt of Process under Section 121-1506(b) of the
37 Partnership Law" shall be signed by such party and delivered to the
38 department of state. It shall set forth:

39 (1) The name of the limited liability partnership and the date that
40 its certificate of registration was filed by the department of state.

41 (2) That the address of the party has been designated by the limited
42 liability partnership as the post office address to which [~~the secretary~~
43 ~~of state~~] a person shall mail a copy of any process served on the secre-
44 tary of state as agent for such limited liability partnership and that
45 such party wishes to resign.

46 (3) That at least sixty days prior to the filing of the certificate of
47 resignation for receipt of process with the department of state the
48 party has sent a copy of the certificate of resignation for receipt of
49 process by registered or certified mail to the address of the registered
50 agent of the [~~designated~~] designating limited liability partnership, if
51 other than the party filing the certificate of resignation, for receipt
52 of process, or if the [~~resigning~~] designating limited liability partner-
53 ship has no registered agent, then to the last address of the [~~desig-~~
54 ~~nated~~] designating limited liability partnership, known to the party,
55 specifying the address to which the copy was sent. If there is no regis-
56 tered agent and no known address of the designating limited liability

1 partnership the party shall attach an affidavit to the certificate stat-
2 ing that a diligent but unsuccessful search was made by the party to
3 locate the limited liability partnership, specifying what efforts were
4 made.

5 (4) That the [~~designated~~] designating limited liability partnership is
6 required to deliver to the department of state a certificate of amend-
7 ment providing for the designation by the limited liability partnership
8 of a new address and that upon its failure to file such certificate, its
9 authority to do business in this state shall be suspended.

10 § 75. Paragraph 16 of subdivision 1 of section 103 of the private
11 housing finance law, as added by chapter 22 of the laws of 1970, is
12 amended to read as follows:

13 (16) A designation of the secretary of state as agent of the corpo-
14 ration upon whom process against it may be served and the post office
15 address, within or without this state, to which [~~the secretary of state~~]
16 a person shall mail a copy of any process against it served upon [~~him~~]
17 the secretary of state.

18 § 76. Subdivision 7 of section 339-n of the real property law is
19 REPEALED and subdivisions 8 and 9 are renumbered subdivisions 7 and 8.

20 § 76-a. Subdivision 15 of section 20.03 of the arts and cultural
21 affairs law, as added by chapter 656 of the laws of 1991, is amended to
22 read as follows:

23 15. "Non-institutional portion" shall mean the part or portion of a
24 combined-use facility other than the institutional portion. If the non-
25 institutional portion, or any part thereof, consists of a condominium,
26 the consent of the trust which has developed or approved the developer
27 of such condominium shall be required prior to any amendment of the
28 declaration of such condominium pursuant to subdivision [~~nine~~] eight of
29 section three hundred thirty-nine-n of the real property law and prior
30 to any amendment of the by-laws of such condominium pursuant to para-
31 graph (j) of subdivision one of section three hundred thirty-nine-v of
32 the real property law, and whether or not such trust is a unit owner of
33 such condominium, it may exercise the rights of the board of managers
34 and an aggrieved unit owner under section three hundred thirty-nine-j of
35 the real property law in the case of a failure of any unit owner of such
36 condominium to comply with the by-laws of such condominium and with the
37 rules, regulations, and decisions adopted pursuant thereto.

38 § 77. Subdivision 2 of section 339-s of the real property law, as
39 added by chapter 346 of the laws of 1997, is amended to read as follows:

40 2. [~~Each such declaration, and any amendment or amendments thereof~~
41 ~~shall be filed with the department of state~~] (a) The board of managers
42 for each condominium subject to this article shall file with the secre-
43 tary of state a certificate, in writing, signed, designating the secre-
44 tary of state as agent of the board of managers upon whom process
45 against it may be served and the post office address to which a person
46 shall mail a copy of such process. The certificate shall be accompanied
47 by a fee of sixty dollars.

48 (b) Any board of managers may change the address to which a person
49 shall mail a copy of process served upon the secretary of state, by
50 filing a signed certificate of amendment with the department of state.
51 Such certificate shall be accompanied by a fee of sixty dollars.

52 (c) Service of process on the secretary of state as agent of a board
53 of managers shall be made by mailing the process and notice of service
54 of process pursuant to this section by certified mail, return receipt
55 requested, to such board of managers, at the post office address on file
56 in the department of state specified for this purpose. On the same day

1 that such process is mailed, a duplicate copy of such process and proof
2 of mailing shall be personally delivered to and left with the secretary
3 of state or a deputy, or with any person authorized by the secretary of
4 state to receive such service, at the office of the department of state
5 in the city of Albany, a duplicate copy of such process with proof of
6 mailing together with the statutory fee, which shall be a taxable
7 disbursement. Proof of mailing shall be by affidavit of compliance with
8 this section. Service of process on a board of managers shall be
9 complete when the secretary of state is so served.

10 (d) As used in this article, "process" shall mean judicial process and
11 all orders, demands, notices or other papers required or permitted by
12 law to be personally served on a board of managers, for the purpose of
13 acquiring jurisdiction of such board of managers in any action or
14 proceeding, civil or criminal, whether judicial, administrative, arbi-
15 trative or otherwise, in this state or in the federal courts sitting in
16 or for this state.

17 (e) Nothing in this section shall affect the right to serve process in
18 any other manner permitted by law.

19 (f) The department of state shall keep a record of each process served
20 under this section, including the date of service. It shall, upon
21 request, made within ten years of such service, issue a certificate
22 under its seal certifying as to the receipt of process by an authorized
23 person, the date and place of such service and the receipt of the statu-
24 tory fee. Process served on the secretary of state under this section
25 shall be destroyed by the department of state after a period of ten
26 years from such service.

27 (g) Any designated post office address maintained by the secretary of
28 state as agent of the board of managers for the purpose of mailing proc-
29 ess shall be the post office address, within or without the state, to
30 which a person shall mail process against such board as required by this
31 article. Such address shall continue until the filing of a certificate
32 under this chapter directing the mailing to a different post office
33 address.

34 § 78. Subdivisions 3 and 4 of section 442-g of the real property law,
35 as amended by chapter 482 of the laws of 1963, are amended to read as
36 follows:

37 3. Service of such process upon the secretary of state shall be made
38 by personally delivering to and leaving with ~~[him or his]~~ the secretary
39 of state or a deputy, or with any person authorized by the secretary of
40 state to receive such service, at the office of the department of state
41 in the city of Albany, ~~[duplicate copies]~~ a copy of such process and
42 proof of mailing together with a fee of five dollars if the action is
43 solely for the recovery of a sum of money not in excess of two hundred
44 dollars and the process is so endorsed, and a fee of ten dollars in any
45 other action or proceeding, which fee shall be a taxable disbursement.
46 If such process is served upon behalf of a county, city, town or
47 village, or other political subdivision of the state, the fee to be paid
48 to the secretary of state shall be five dollars, irrespective of the
49 amount involved or the nature of the action on account of which such
50 service of process is made. ~~[If the cost of registered mail for trans-~~
51 ~~mitting a copy of the process shall exceed two dollars, an additional~~
52 ~~fee equal to such excess shall be paid at the time of the service of~~
53 ~~such process.]~~ Proof of mailing shall be by affidavit of compliance with
54 this section. Proof of service shall be by affidavit of compliance with
55 this subdivision filed by or on behalf of the plaintiff together with
56 the process, within ten days after such service, with the clerk of the

1 court in which the action or special proceeding is pending. Service
2 made as provided in this section shall be complete ten days after such
3 papers are filed with the clerk of the court and shall have the same
4 force and validity as if served on him personally within the state and
5 within the territorial jurisdiction of the court from which the process
6 issues.

7 4. The [~~secretary of state~~] person serving such process shall [~~prompt-~~
8 ~~ly~~] send [~~one of~~] such [~~copies~~] process by [~~registered~~] certified mail,
9 return receipt requested, to the nonresident broker or nonresident
10 salesman at the post office address of his main office as set forth in
11 the last application filed by him.

12 § 79. Subdivision 2 of section 203 of the tax law, as amended by chap-
13 ter 100 of the laws of 1964, is amended to read as follows:

14 2. Every foreign corporation (other than a moneyed corporation)
15 subject to the provisions of this article, except a corporation having a
16 certificate of authority [~~under section two hundred twelve of the gener-~~
17 ~~al corporation law~~] or having authority to do business by virtue of
18 section thirteen hundred five of the business corporation law, shall
19 file in the department of state a certificate of designation in its
20 corporate name, signed and acknowledged by its president or a vice-pre-
21 sident or its secretary or treasurer, under its corporate seal, desig-
22 nating the secretary of state as its agent upon whom process in any
23 action provided for by this article may be served within this state, and
24 setting forth an address to which [~~the secretary of state~~] a person
25 shall mail a copy of any such process against the corporation which may
26 be served upon [~~him~~] the secretary of state. In case any such corpo-
27 ration shall have failed to file such certificate of designation, it
28 shall be deemed to have designated the secretary of state as its agent
29 upon whom such process against it may be served; and until a certificate
30 of designation shall have been filed the corporation shall be deemed to
31 have directed [~~the secretary of state~~] a person serving process to mail
32 copies of process served upon [~~him~~] the secretary of state to the corpo-
33 ration at its last known office address within or without the state.
34 When a certificate of designation has been filed by such corporation
35 [~~the secretary of state~~] a person serving process shall mail copies of
36 process thereafter served upon [~~him~~] the secretary of state to the
37 address set forth in such certificate. Any such corporation, from time
38 to time, may change the address to which [~~the secretary of state~~] a
39 person is directed to mail copies of process, by filing a certificate to
40 that effect executed, signed and acknowledged in like manner as a
41 certificate of designation as herein provided. Service of process upon
42 any such corporation or upon any corporation having a certificate of
43 authority [~~under section two hundred twelve of the general corporation~~
44 ~~law~~] or having authority to do business by virtue of section thirteen
45 hundred five of the business corporation law, in any action commenced at
46 any time pursuant to the provisions of this article, may be made by
47 either (1) personally delivering to and leaving with the secretary of
48 state, a deputy secretary of state or with any person authorized by the
49 secretary of state to receive such service [~~duplicate copies~~] a copy
50 thereof at the office of the department of state in the city of Albany,
51 in which event [~~the secretary of state~~] a person serving such process
52 shall forthwith send by [~~registered~~] certified mail, return receipt
53 requested, [~~one of such copies~~] a duplicate copy to the corporation at
54 the address designated by it or at its last known office address within
55 or without the state, or (2) personally delivering to and leaving with
56 the secretary of state, a deputy secretary of state or with any person

1 authorized by the secretary of state to receive such service, a copy
2 thereof at the office of the department of state in the city of Albany
3 and by delivering a copy thereof to, and leaving such copy with, the
4 president, vice-president, secretary, assistant secretary, treasurer,
5 assistant treasurer, or cashier of such corporation, or the officer
6 performing corresponding functions under another name, or a director or
7 managing agent of such corporation, personally without the state. Proof
8 of such personal service without the state shall be filed with the clerk
9 of the court in which the action is pending within thirty days after
10 such service, and such service shall be complete ten days after proof
11 thereof is filed.

12 § 80. Section 216 of the tax law, as added by chapter 415 of the laws
13 of 1944, the opening paragraph as amended by chapter 100 of the laws of
14 1964 and redesignated by chapter 613 of the laws of 1976, is amended to
15 read as follows:

16 § 216. Collection of taxes. Every foreign corporation (other than a
17 moneyed corporation) subject to the provisions of this article, except a
18 corporation having a certificate of authority [~~under section two hundred~~
19 ~~twelve of the general corporation law~~] or having authority to do busi-
20 ness by virtue of section thirteen hundred five of the business corpo-
21 ration law, shall file in the department of state a certificate of
22 designation in its corporate name, signed and acknowledged by its presi-
23 dent or a vice-president or its secretary or treasurer, under its corpo-
24 rate seal, designating the secretary of state as its agent upon whom
25 process in any action provided for by this article may be served within
26 this state, and setting forth an address to which [~~the secretary of~~
27 ~~state~~] a person shall mail a copy of any such process against the corpo-
28 ration which may be served upon [~~him~~] the secretary of state. In case
29 any such corporation shall have failed to file such certificate of
30 designation, it shall be deemed to have designated the secretary of
31 state as its agent upon whom such process against it may be served; and
32 until a certificate of designation shall have been filed the corporation
33 shall be deemed to have directed [~~the secretary of state~~] a person
34 mail [~~copies~~] a copy of process served upon [~~him~~] the secretary of state
35 to the corporation at its last known office address within or without
36 the state. When a certificate of designation has been filed by such
37 corporation [~~the secretary of state~~] a person serving such process shall
38 mail [~~copies~~] a copy of process thereafter served upon [~~him~~] a person
39 serving such process to the address set forth in such certificate. Any
40 such corporation, from time to time, may change the address to which
41 [~~the secretary of state~~] a person is directed to mail copies of process,
42 by filing a certificate to that effect executed, signed and acknowledged
43 in like manner as a certificate of designation as herein provided.
44 Service of process upon any such corporation or upon any corporation
45 having a certificate of authority [~~under section two hundred twelve of~~
46 ~~the general corporation law~~] or having authority to do business by
47 virtue of section thirteen hundred five of the business corporation law,
48 in any action commenced at any time pursuant to the provisions of this
49 article, may be made by either (1) personally delivering to and leaving
50 with the secretary of state, a deputy secretary of state or with any
51 person authorized by the secretary of state to receive such service
52 [~~duplicate copies~~] a copy thereof at the office of the department of
53 state in the city of Albany, in which event [~~the secretary of state~~] a
54 person serving such process shall forthwith send by [~~registered~~] certi-
55 fied mail, return receipt requested, [~~one of such copies~~] a duplicate
56 copy to the corporation at the address designated by it or at its last

1 known office address within or without the state, or (2) personally
2 delivering to and leaving with the secretary of state, a deputy secre-
3 tary of state or with any person authorized by the secretary of state to
4 receive such service, a copy thereof at the office of the department of
5 state in the city of Albany and by delivering a copy thereof to, and
6 leaving such copy with, the president, vice-president, secretary,
7 assistant secretary, treasurer, assistant treasurer, or cashier of such
8 corporation, or the officer performing corresponding functions under
9 another name, or a director or managing agent of such corporation,
10 personally without the state. Proof of such personal service without
11 the state shall be filed with the clerk of the court in which the action
12 is pending within thirty days after such service, and such service shall
13 be complete ten days after proof thereof is filed.

14 § 81. Subdivisions (a) and (b) of section 310 of the tax law, as added
15 by chapter 400 of the laws of 1983, are amended to read as follows:

16 (a) Designation for service of process.--Every petroleum business
17 which is a corporation, except such a petroleum business having a
18 certificate of authority [~~under section two hundred twelve of the gener-~~
19 ~~al corporation law~~] or having authority to do business by virtue of
20 section thirteen hundred five of the business corporation law, shall
21 file in the department of state a certificate of designation in its
22 corporate name, signed and acknowledged by its president or vice-presi-
23 dent or its secretary or treasurer, under its corporate seal, designat-
24 ing the secretary of state as its agent upon whom process in any action
25 provided for by this article may be served within this state, and
26 setting forth an address to which [~~the secretary of state~~] a person
27 shall mail a copy of any such process against such petroleum business
28 which may be served upon [~~him~~] the secretary of state. In case any such
29 petroleum business shall have failed to file such certificate of design-
30 nation, it shall be deemed to have designated the secretary of state as
31 its agent upon whom such process against it may be served; and until a
32 certificate of designation shall have been filed such a petroleum busi-
33 ness shall be deemed to have directed [~~the secretary of state~~] a person
34 to mail copies of process served upon [~~him~~] the secretary of state to
35 such petroleum business at its last known office address within or with-
36 out the state. When a certificate of designation has been filed by such
37 a petroleum business [~~the secretary of state~~] a person serving process
38 shall mail copies of process thereafter served upon [~~him~~] the secretary
39 of state to the address set forth in such certificate. Any such petrole-
40 um business, from time to time, may change the address to which [~~the~~
41 ~~secretary of state~~] a person is directed to mail copies of process, by
42 filing a certificate to that effect executed, signed and acknowledged in
43 like manner as a certificate of designation as herein provided.

44 (b) Service of process.--Service of process upon any petroleum busi-
45 ness which is a corporation (including any such petroleum business
46 having a certificate of authority [~~under section two hundred twelve of~~
47 ~~the general corporation law~~] or having authority to do business by
48 virtue of section thirteen hundred five of the business corporation
49 law), in any action commenced at any time pursuant to the provisions of
50 this article, may be made by either (1) personally delivering to and
51 leaving with the secretary of state, a deputy secretary of state or with
52 any person authorized by the secretary of state to receive such service
53 [~~duplicate copies~~] a copy thereof at the office of the department of
54 state in the city of Albany, in which event [~~the secretary of state~~] a
55 person serving process shall forthwith send by [~~registered~~] certified
56 mail, return receipt requested, [~~one of such copies~~] a duplicate copy to

1 such petroleum business at the address designated by it or at its last
2 known office address within or without the state, or (2) personally
3 delivering to and leaving with the secretary of state, a deputy secre-
4 tary of state or with any person authorized by the secretary of state to
5 receive such service, a copy thereof at the office of the department of
6 state in the city of Albany and by delivering a copy thereof to, and
7 leaving such copy with, the president, vice-president, secretary,
8 assistant secretary, treasurer, assistant treasurer, or cashier of such
9 petroleum business, or the officer performing corresponding functions
10 under another name, or a director or managing agent of such petroleum
11 business, personally without the state. Proof of such personal service
12 without the state shall be filed with the clerk of the court in which
13 the action is pending within thirty days after such service, and such
14 service shall be complete ten days after proof thereof is filed.

15 § 82. This act shall take effect on the one hundred twentieth day
16 after it shall have become a law.

17 PART U

18 Section 1. Section 970-r of the general municipal law, as added by
19 section 1 of part F of chapter 1 of the laws of 2003, subdivision 1,
20 paragraph f of subdivision 3 and paragraph h of subdivision 6 as amended
21 by section 1 of part F of chapter 577 of the laws of 2004, paragraph a
22 of subdivision 1 as amended and paragraph h of subdivision 1 as added by
23 chapter 386 of the laws of 2007, paragraph i of subdivision 1 as added
24 and paragraph e of subdivision 1, paragraph a of subdivision 2, para-
25 graph d of subdivision 2, the opening paragraph of paragraph e of subdi-
26 vision 2, subparagraph 6 of paragraph e of subdivision 2, paragraph f of
27 subdivision 2, paragraph g of subdivision 2, paragraph b of subdivision
28 3, the opening paragraph of paragraph f of subdivision 3, subparagraph 6
29 of paragraph f of subdivision 3, paragraph g of subdivision 3, paragraph
30 h of subdivision 3, paragraph i of subdivision 3, and subdivisions 7 and
31 9 as amended by chapter 390 of the laws of 2008, paragraph b of subdivi-
32 sion 2 as amended by section 26 and subparagraphs 2 and 5 of paragraph c
33 of subdivision 2 as amended by section 27, paragraph a of subdivision 3
34 as amended by section 28, subparagraphs 2 and 5 of paragraph e of subdivi-
35 sion 3 and subdivision 4 as amended by section 29, paragraph a and
36 subparagraphs 2 and 5 of paragraph e of subdivision 6 as amended by
37 section 30 and subdivision 10 as added by section 31 of part BB of chap-
38 ter 56 of the laws of 2015, is amended to read as follows:

39 § 970-r. State assistance for brownfield opportunity areas. 1. Defi-
40 nitions. a. "Applicant" shall mean the municipality, community board
41 and/or community based organization submitting an application in the
42 manner authorized by this section.

43 b. "Commissioner" shall mean the commissioner of the department of
44 environmental conservation.

45 c. "Community based organization" shall mean a not-for-profit corpo-
46 ration exempt from taxation under section 501(c)(3) of the internal
47 revenue code whose stated mission is promoting reuse of brownfield sites
48 or community revitalization within a specified geographic area in which
49 the community based organization is located; which has twenty-five
50 percent or more of its board of directors residing in the community in
51 such area; and represents a community with a demonstrated financial
52 need. "Community based organization" shall not include any not-for-pro-
53 fit corporation that has caused or contributed to the release or threat-
54 ened release of a contaminant from or onto the brownfield site, or any

1 not-for-profit corporation that generated, transported, or disposed of,
2 or that arranged for, or caused, the generation, transportation, or
3 disposal of contamination from or onto the brownfield site. This defi-
4 nition shall not apply if more than twenty-five percent of the members,
5 officers or directors of the not-for-profit corporation are or were
6 employed or receiving compensation from any person responsible for a
7 site under title thirteen or title fourteen of article twenty-seven of
8 the environmental conservation law, article twelve of the navigation law
9 or under applicable principles of statutory or common law liability.

10 d. "Brownfield site" shall have the same meaning as set forth in
11 section 27-1405 of the environmental conservation law.

12 e. "Department" shall mean the department of state.

13 f. "Contamination" or "contaminated" shall have the same meaning as
14 provided in section 27-1405 of the environmental conservation law.

15 g. "Municipality" shall have the same meaning as set forth in subdivi-
16 sion fifteen of section 56-0101 of the environmental conservation law.

17 h. "Community board" shall have the same meaning as set forth in
18 section twenty-eight hundred of the New York city charter.

19 i. "Secretary" shall mean the secretary of state.

20 j. "Nomination" shall mean a study, analysis, outline, and written
21 plan for redevelopment and revitalization of any area wherein one or
22 more known or suspected brownfield sites are located, that contains
23 those elements required by the secretary pursuant to this section,
24 whether or not such nomination was funded pursuant to this section, and
25 that is submitted to the secretary as a prerequisite for brownfield
26 opportunity area designation in accordance with the criteria established
27 by this section.

28 ~~2. [State assistance for pre-nomination study for brownfield opportu-~~
29 ~~nity areas. a. Within the limits of appropriations therefor, the secre-~~
30 ~~tary is authorized to provide, on a competitive basis, financial assist-~~
31 ~~ance to municipalities, to community based organizations, to community~~
32 ~~boards, or to municipalities and community based organizations acting in~~
33 ~~cooperation to prepare a pre-nomination study for a brownfield opportu-~~
34 ~~nity area designation. Such financial assistance shall not exceed ninety~~
35 ~~percent of the costs of such pre-nomination study for any such area.~~

36 ~~b. Activities eligible to receive such assistance shall include, but~~
37 ~~are not limited to, the assembly and development of basic information~~
38 ~~about:~~

39 ~~(1) the borders of the proposed brownfield opportunity area;~~
40 ~~(2) the number and size of known or suspected brownfield sites;~~
41 ~~(3) current and anticipated uses of the properties in the proposed~~
42 ~~brownfield opportunity area;~~

43 ~~(4) current and anticipated future conditions of groundwater in the~~
44 ~~proposed brownfield opportunity area;~~

45 ~~(5) known data about the environmental conditions of the properties in~~
46 ~~the proposed brownfield opportunity area;~~

47 ~~(6) ownership of the properties in the proposed brownfield opportunity~~
48 ~~area and whether the owners are participating in the brownfield opportu-~~
49 ~~nity area planning process; and~~

50 ~~(7) preliminary descriptions of possible remediation strategies, reuse~~
51 ~~opportunities, necessary infrastructure improvements and other public or~~
52 ~~private measures needed to stimulate investment, promote revitalization,~~
53 ~~and enhance community health and environmental conditions.~~

54 ~~c. Funding preferences shall be given to applications for such assist-~~
55 ~~ance that relate to areas having one or more of the following character-~~
56 ~~istics:~~

~~(1) areas for which the application is a partnered application by a municipality and a community based organization;~~

~~(2) areas with concentrations of known or suspected brownfield sites;~~

~~(3) areas for which the application demonstrates support from a municipality and a community based organization;~~

~~(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and~~

~~(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.~~

~~d. The secretary, upon the receipt of an application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall request the municipal government to review and state the municipal government's support or lack of support. The municipal government's statement shall be considered a part of the application.~~

~~e. Each application for assistance shall be submitted to the secretary in a format, and containing such information, as prescribed by the secretary but shall include, at a minimum, the following:~~

~~(1) a statement of the rationale or relationship between the proposed assistance and the criteria set forth in this subdivision for the evaluation and ranking of assistance applications;~~

~~(2) the processes by which local participation in the development of the application has been sought;~~

~~(3) the process to be carried out with the state assistance including, but not limited to, the goals of and budget for the effort, the work plan and timeline for the attainment of these goals, and the intended process for community participation in the process;~~

~~(4) the manner and extent to which public or governmental agencies with jurisdiction over issues that will be addressed in the data gathering process will be involved in this process;~~

~~(5) other planning and development initiatives proposed or in progress in the proposed brownfield opportunity area; and~~

~~(6) for each community based organization which is an applicant or a co-applicant, a copy of its determination of tax exempt status issued by the federal internal revenue service pursuant to section 501 of the internal revenue code, a description of the relationship between the community based organization and the area that is the subject of the application, its financial and institutional accountability, its experience in conducting and completing planning initiatives and in working with the local government associated with the proposed brownfield opportunity area.~~

~~f. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and speaker of the assembly.~~

~~g. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The secretary shall establish terms and conditions for such contracts as the secretary deems appropriate, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available.~~

1 ~~3-]~~ State assistance for nominations to designate brownfield opportu-
2 nity areas. a. Within the limits of appropriations therefor, the secre-
3 tary is authorized to provide, on a competitive basis, financial assist-
4 ance to municipalities, to community based organizations, to community
5 boards, or to municipalities and community based organizations acting in
6 cooperation to prepare a nomination for designation of a brownfield
7 opportunity area. Such financial assistance shall not exceed ninety
8 percent of the costs of such nomination for any such area. A nomination
9 study must include sufficient information to designate the brownfield
10 opportunity area. ~~[The contents of the nomination study shall be devel-~~
11 ~~oped based on pre nomination study information, which shall principally~~
12 ~~consist of an area wide study, documenting the historic brownfield uses~~
13 ~~in the area proposed for designation.]~~

14 b. An application for such financial assistance shall include an indi-
15 cation of support from owners of brownfield sites in the proposed brown-
16 field opportunity area. All residents and property owners in the
17 proposed brownfield opportunity area shall receive notice in such form
18 and manner as the secretary shall prescribe.

19 c. No application for such financial assistance shall be considered
20 unless the applicant demonstrates that it has, to the maximum extent
21 practicable, solicited and considered the views of residents of the
22 proposed brownfield opportunity area, the views of state and local offi-
23 cials elected to represent such residents and the local organizations
24 representing such residents.

25 d. Activities eligible to receive such financial assistance shall
26 include the identification, preparation, creation, development and
27 assembly of information and elements to be included in a nomination for
28 designation of a brownfield opportunity area~~7]~~.

29 e. A nomination for designation of a brownfield opportunity area shall
30 contain such elements as determined by the secretary of state, including
31 but not limited to:

- 32 (1) the borders of the proposed brownfield opportunity area;
- 33 (2) ~~[the]~~ an inventory of known or suspected brownfield sites, includ-
34 ing location and size of each known or suspected brownfield site in the
35 proposed brownfield opportunity area;
- 36 (3) the identification of strategic sites within the proposed brown-
37 field opportunity area;
- 38 (4) the type of potential developments anticipated for sites within
39 the proposed brownfield opportunity area proposed by either the current
40 or the prospective owners of such sites;
- 41 (5) local legislative or regulatory action which may be required to
42 implement a plan for the redevelopment of the proposed brownfield oppor-
43 tunity area;
- 44 (6) priorities for public and private investment in infrastructure,
45 open space, economic development, housing, or community facilities in
46 the proposed brownfield opportunity area;
- 47 (7) identification, discussion, and mapping of current and anticipated
48 uses of the properties and groundwater in the proposed brownfield oppor-
49 tunity area;
- 50 (8) existing detailed assessments of individual brownfield sites and,
51 where the consent of the site owner has been obtained, the need for
52 conducting on-site assessments;
- 53 (9) known data about the environmental conditions of properties in the
54 proposed brownfield opportunity area;
- 55 (10) ownership of the known or suspected brownfield properties in the
56 proposed brownfield opportunity area;

(11) descriptions of possible remediation strategies, reuse opportunities, brownfield redevelopment, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, and enhance community health and environmental conditions;

(12) the goals and objectives, both short term and long term, for the economic revitalization of the proposed brownfield opportunity area;

~~[and]~~

(13) the publicly controlled and other developable lands and buildings within the proposed brownfield opportunity area which are or could be made available for residential, industrial and commercial development~~[.]; and~~

(14) a community participation strategy to solicit and consider the views of residents, businesses and other stakeholders of the proposed brownfield opportunity area.

~~[e-]~~ f. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:

(1) areas for which the application is a partnered application by a municipality and a community based organization;

(2) areas with concentrations of known or suspected brownfield sites;

(3) areas for which the application demonstrates support from a municipality and a community based organization;

(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and

(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

~~[f-]~~ g. Each application for such assistance shall be submitted to the secretary in a format, and containing such information, as prescribed by the secretary but shall include, at a minimum, the following:

(1) a statement of the rationale or relationship between the proposed assistance and the criteria set forth in this section for the evaluation and ranking of assistance applications;

(2) the processes by which local participation in the development of the application has been sought;

(3) the process to be carried out under the state assistance including, but not limited to, the goals of and budget for the effort, the work plan and timeline for the attainment of these goals, and the intended process for public participation in the process;

(4) the manner and extent to which public or governmental agencies with jurisdiction over issues that will be addressed in the data gathering process will be involved in this process;

(5) other planning and development initiatives proposed or in progress in the proposed brownfield opportunity area;

(6) for each community based organization which is an applicant or a co-applicant, a copy of its determination of tax exempt status issued by the federal internal revenue service pursuant to section 501 of the internal revenue code, a description of the relationship between the community based organization and the area that is the subject of the application, its financial and institutional accountability, its experience in conducting and completing planning initiatives and in working with the local government associated with the proposed brownfield opportunity area; and

(7) the financial commitments the applicant will make to the brown-field opportunity area for activities including, but not limited to, marketing of the area for business development, human resource services for residents and businesses in the brownfield opportunity area, and services for small and minority and women-owned businesses.

~~[g. The secretary, upon the receipt of an]~~ h. An application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall ~~[request the municipal government to review and state the municipal government's support or lack of support]~~ include a statement of support from the city, town, or village with planning and land use authority in which the brownfield opportunity area is proposed. The ~~[municipal government's]~~ statement from such city, town, or village shall be considered a part of the application.

~~[h.]~~ i. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and speaker of the assembly.

~~[i.]~~ j. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The secretary shall establish terms and conditions for such contracts as the secretary deems appropriate, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available. Such contract shall further include a provision providing that if any responsible party payments become available to the applicant, the amount of such payments attributable to expenses paid by the award shall be paid to the department by the applicant; provided that the applicant may first apply such responsible party payments toward any actual project costs incurred by the applicant.

3. State assistance for activities to advance brownfield opportunity area revitalization. Within amounts appropriated therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, or to community boards to conduct predevelopment and other activities within a designated or proposed brownfield opportunity area to advance the goals and priorities set forth in a nomination as defined pursuant to this section. Such financial assistance shall not exceed ninety percent of the costs of such activities. Activities eligible to receive such assistance shall include: development and implementation of marketing strategies; development of plans and specifications; real estate services; building condition studies; infrastructure analyses; zoning and regulatory updates; environmental, housing and economic studies, analyses and reports; public outreach; building of local capacity; and other activities as determined by the secretary.

4. Designation of brownfield opportunity area. Upon completion of a nomination for designation of a brownfield opportunity area, it shall be forwarded by the applicant to the secretary, who shall determine whether it is consistent with the provisions of this section. The secretary may review and approve a nomination for designation of a brownfield opportunity area at any time. If the secretary determines that the nomination is consistent with the provisions of this section, the brownfield opportunity area shall be designated. If the secretary determines that the

1 nomination is not consistent with the provisions of this section, the
2 secretary shall make recommendations in writing to the applicant of the
3 manner and nature in which the nomination should be amended.

4 5. Priority and preference. The designation of a brownfield opportu-
5 nity area pursuant to this section is intended to serve as a planning
6 tool. It alone shall not impose any new obligations on any property or
7 property owner. To the extent authorized by law, projects in brownfield
8 opportunity areas designated pursuant to this section shall receive a
9 priority and preference when considered for financial assistance pursu-
10 ant to articles fifty-four and fifty-six of the environmental conserva-
11 tion law. To the extent authorized by law, projects in brownfield oppor-
12 tunity areas designated pursuant to this section may receive a priority
13 and preference when considered for financial assistance pursuant to any
14 other state, federal or local law.

15 6. State assistance for brownfield site assessments in brownfield
16 opportunity areas. a. Within the limits of appropriations therefor, the
17 secretary of state, is authorized to provide, on a competitive basis,
18 financial assistance to municipalities, to community based organiza-
19 tions, to community boards, or to municipalities and community based
20 organizations acting in cooperation to conduct brownfield site assess-
21 ments. Such financial assistance shall not exceed ninety percent of the
22 costs of such brownfield site assessment.

23 b. Brownfield sites eligible for such assistance must be owned by a
24 municipality, or volunteer as such term is defined in section 27-1405 of
25 the environmental conservation law.

26 c. Brownfield site assessment activities eligible for funding include,
27 but are not limited to, testing of properties to determine the nature
28 and extent of the contamination (including soil and groundwater), envi-
29 ronmental assessments, the development of a proposed remediation strate-
30 gy to address any identified contamination, and any other activities
31 deemed appropriate by the commissioner in consultation with the secre-
32 tary of state. Any environmental assessment shall be subject to the
33 review and approval of such commissioner.

34 d. Applications for such assistance shall be submitted to the commis-
35 sioner in a format, and containing such information, as prescribed by
36 the commissioner in consultation with the secretary of state.

37 e. Funding preferences shall be given to applications for such assist-
38 ance that relate to areas having one or more of the following character-
39 istics:

40 (1) areas for which the application is a partnered application by a
41 municipality and a community based organization;

42 (2) areas with concentrations of known or suspected brownfield sites;

43 (3) areas for which the application demonstrates support from a muni-
44 cipality and a community based organization;

45 (4) areas showing indicators of economic distress including low resi-
46 dent incomes, high unemployment, high commercial vacancy rates,
47 depressed property values; and

48 (5) areas with known or suspected brownfield sites presenting strate-
49 gic opportunities to stimulate economic development, community revitali-
50 zation or the siting of public amenities.

51 f. The commissioner, upon the receipt of an application for such
52 assistance from a community based organization not in cooperation with
53 the local government having jurisdiction over the proposed brownfield
54 opportunity area, shall request the municipal government to review and
55 state the municipal government's support or lack of support. The munici-

pal government's statement shall be considered a part of the application.

g. Prior to making an award for assistance, the commissioner shall notify the temporary president of the senate and the speaker of the assembly.

h. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The commissioner shall establish terms and conditions for such contracts as the commissioner deems appropriate in consultation with the secretary of state, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available. Such contract shall further include a provision providing that if any responsible party payments become available to the applicant, the amount of such payments attributable to expenses paid by the award shall be paid to the department by the applicant; provided that the applicant may first apply such responsible party payments towards actual project costs incurred by the applicant.

7. Amendments to designated area. Any proposed amendment to a brown-field opportunity area designated pursuant to this section shall be proposed, and reviewed by the secretary, in the same manner and using the same criteria set forth in this section and applicable to an initial nomination for the designation of a brownfield opportunity area.

8. Applications for brownfield opportunity area designation. ~~[a.] All applications for [pre-nomination study assistance or applications for]~~ designation of a brownfield opportunity area shall demonstrate that the following community participation activities have been ~~[or will be]~~ performed [by the applicant] in development of the nomination:

(1) identification of the interested public and preparation of a contact list;

(2) identification of major issues of public concern;

(3) ~~[provision to]~~ public access to ~~(i) the [draft and final application for pre-nomination assistance and]~~ nomination for designation of the brownfield opportunity area ~~[designation]~~, and (ii) any supporting documents in a manner ~~[convenient to the public]~~ as the secretary shall prescribe;

(4) public notice and newspaper notice of (i) the intent of the municipality and/or community based organization to ~~[undertake a pre-nomination process or prepare]~~ nominate a brownfield opportunity area ~~[plan for designation]~~, and (ii) the availability of such application~~[-~~

~~b. Application for nomination of a brownfield opportunity area shall provide the following minimum community participation activities.];~~

~~[(1)]~~ (5) a comment period of at least thirty days on a draft application; and

~~[(2)]~~ (6) a public meeting on a brownfield opportunity area ~~[draft]~~ application for designation.

9. Financial assistance; advance payment. Notwithstanding any other law to the contrary, financial assistance pursuant to this section provided by the commissioner and the secretary pursuant to an executed contract may include an advance payment up to twenty-five percent of the contract amount.

10. The secretary shall establish criteria for brownfield opportunity area conformance determinations for purposes of the brownfield redevelopment tax credit component pursuant to clause (ii) of subparagraph (B) of paragraph ~~[(5)]~~ five of subdivision (a) of section twenty-one of the tax law. In establishing criteria, the secretary shall be guided by, but not limited to, the following considerations: how the proposed use and development advances the designated brownfield opportunity area plan's vision statement, goals and objectives for revitalization; how the density of development and associated buildings and structures advances the plan's objectives, desired redevelopment and priorities for investment; and how the project complies with zoning and other local laws and standards to guide and ensure appropriate use of the project site.

§ 2. This act shall take effect immediately.

PART V

Section 1. Section 159-j of the executive law is REPEALED.

§ 2. This act shall take effect October 1, 2018.

PART W

Section 1. This act enacts into law major components of legislation relating to student loan servicers and student debt relief consultants. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found.

SUBPART A

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

ARTICLE XIV-A

STUDENT LOAN SERVICERS

Section 710. Definitions.

711. Licensing.

712. Application for a student loan servicer license; fees.

713. Application process to receive license to engage in the business of student loan servicing.

714. Changes in officers and directors.

715. Changes in control.

716. Grounds for suspension or revocation of license.

717. Books and records; reports and electronic filing.

718. Rules and regulations.

719. Prohibited practices.

720. Servicing student loans without a license.

721. Responsibilities.

722. Examinations.

723. Penalties for violation of this article.

724. Severability of provisions.

725. Compliance with other laws.

1 § 710. Definitions. 1. "Applicant" shall mean any person applying for
2 a license to be a student loan servicer.

3 2. "Borrower" shall mean any resident of this state who has received a
4 student loan or agreed in writing to pay a student loan or any person
5 who shares a legal obligation with such resident for repaying a student
6 loan.

7 3. "Borrower benefit" shall mean an incentive offered to a borrower in
8 connection with the origination of a student loan, including but not
9 limited to an interest rate reduction, principal rebate, fee waiver or
10 rebate, loan cancellation, or cosigner release.

11 4. "Exempt organization" shall mean any banking organization, foreign
12 banking corporation, national bank, federal savings association, federal
13 credit union, or any bank, trust company, savings bank, savings and loan
14 association, or credit union organized under the laws of any other
15 state, or any person licensed or supervised by the department exempted
16 by the superintendent pursuant to regulations promulgated in accordance
17 with this article.

18 5. "Person" shall mean any individual, association, corporation,
19 limited liability company, partnership, trust, unincorporated organiza-
20 tion, government, and any other entity.

21 6. "Servicer" or "student loan servicer" shall mean a person licensed
22 pursuant to section seven hundred eleven of this article to engage in
23 the business of servicing any student loan of a borrower.

24 7. "Servicing" shall mean:

25 (a) receiving any payment from a borrower pursuant to the terms of any
26 student loan;

27 (b) applying any payment to a borrower's account pursuant to the terms
28 of a student loan or the contract governing the servicing of any such
29 loan;

30 (c) providing any notification of amounts owed on a student loan by or
31 on account of any borrower;

32 (d) during a period when a borrower is not required to make a payment
33 on a student loan, maintaining account records for the student loan and
34 communicating with the borrower regarding the student loan on behalf of
35 the owner of the student loan promissory note;

36 (e) interacting with a borrower with respect to or regarding any
37 attempt to avoid default on the borrower's student loan, or facilitating
38 the activities described in paragraph (a) or (b) of this subdivision; or

39 (f) performing other administrative services with respect to a borrow-
40 er's student loan.

41 8. "Student loan" shall mean any loan to a borrower to finance postse-
42 condary education or expenses related to postsecondary education.

43 § 711. Licensing. 1. No person shall engage in the business of servic-
44 ing student loans owed by one or more borrowers residing in this state
45 without first being licensed by the superintendent as a student loan
46 servicer in accordance with this article and such regulations as may be
47 prescribed by the superintendent.

48 2. The licensing provisions of this subdivision shall not apply to any
49 exempt organization; provided that such exempt organization notifies the
50 superintendent that it is acting as a student loan servicer in this
51 state and complies with sections seven hundred nineteen and seven
52 hundred twenty-one of this article and any regulation applicable to
53 student loan servicers promulgated by the superintendent.

54 § 712. Application for a student loan servicer license; fees. 1. The
55 application for a license to be a student loan servicer shall be in
56 writing, under oath, and in the form prescribed by the superintendent.

1 Notwithstanding article three of the state technology law or any other
2 law to the contrary, the superintendent may require that an application
3 for a license or any other submission or application for approval as may
4 be required by this article be made or executed by electronic means if
5 he or she deems it necessary to ensure the efficient and effective
6 administration of this article. The application shall include a
7 description of the activities of the applicant, in such detail and for
8 such periods as the superintendent may require, including:

9 (a) an affirmation of financial solvency noting such capitalization
10 requirements as may be required by the superintendent, and access to
11 such credit as may be required by the superintendent;

12 (b) a financial statement prepared by a certified public accountant,
13 the accuracy of which is sworn to under oath before a notary public by
14 an officer or other representative of the applicant who is authorized to
15 execute such documents;

16 (c) an affirmation that the applicant, or its members, officers, part-
17 ners, directors and principals as may be appropriate, are at least twen-
18 ty-one years of age;

19 (d) information as to the character, fitness, financial and business
20 responsibility, background and experiences of the applicant, or its
21 members, officers, partners, directors and principals as may be appro-
22 priate;

23 (e) any additional detail or information required by the superinten-
24 dent.

25 2. An application to become a student loan servicer or any application
26 with respect to a student loan servicer shall be accompanied by a fee as
27 prescribed pursuant to section eighteen-a of this chapter.

28 § 713. Application process to receive license to engage in the busi-
29 ness of student loan servicing. 1. Upon the filing of an application for
30 a license, if the superintendent shall find that the financial responsi-
31 bility, experience, character, and general fitness of the applicant and,
32 if applicable, the members, officers, partners, directors and principals
33 of the applicant are such as to command the confidence of the community
34 and to warrant belief that the business will be operated honestly, fair-
35 ly, and efficiently within the purpose of this article, the superinten-
36 dent shall thereupon issue a license in duplicate to engage in the busi-
37 ness of servicing student loans described in section seven hundred ten
38 of this article in accordance with the provisions of this article. If
39 the superintendent shall not so find, the superintendent shall not issue
40 a license, and the superintendent shall so notify the applicant. The
41 superintendent shall transmit one copy of a license to the applicant and
42 file another in the office of the department. Upon receipt of such
43 license, a student loan servicer shall be authorized to engage in the
44 business of servicing student loans in accordance with the provisions of
45 this article. Such license shall remain in full force and effect until
46 it is surrendered by the servicer or revoked or suspended as hereinafter
47 provided.

48 2. The superintendent may refuse to issue a license pursuant to this
49 article if he or she shall find that the applicant, or any person who is
50 a director, officer, partner, agent, employee, member, substantial
51 stockholder of the applicant:

52 (a) has been convicted of a crime involving an activity which is a
53 felony under this chapter or under article one hundred fifty-five, one
54 hundred seventy, one hundred seventy-five, one hundred seventy-six, one
55 hundred eighty, one hundred eighty-five, one hundred eighty-seven, one
56 hundred ninety, two hundred, two hundred ten or four hundred seventy of

1 the penal law or any comparable felony under the laws of any other state
2 or the United States, provided that such crime would be a felony if
3 committed and prosecuted under the laws of this state;

4 (b) has had a license or registration revoked by the superintendent or
5 any other regulator or jurisdiction;

6 (c) has been an officer, director, partner, member or substantial
7 stockholder of an entity which has had a license or registration revoked
8 by the superintendent or any other regulator or jurisdiction; or

9 (d) has been an agent, employee, officer, director, partner or member
10 of an entity which has had a license or registration revoked by the
11 superintendent where such person shall have been found by the super-
12 intendent to bear responsibility in connection with the revocation.

13 3. The term "substantial stockholder", as used in this subdivision,
14 shall be deemed to refer to a person owning or controlling directly or
15 indirectly ten per centum or more of the total outstanding stock of a
16 corporation.

17 § 714. Changes in officers and directors. Upon any change of any of
18 the executive officers, directors, partners or members of any student
19 loan servicer, the student loan servicer shall submit to the superinten-
20 dent the name, address, and occupation of each new officer, director,
21 partner or member, and provide such other information as the superinten-
22 dent may require.

23 § 715. Changes in control. 1. It shall be unlawful, except with the
24 prior approval of the superintendent, for any action to be taken which
25 results in a change of control of the business of a student loan servi-
26 cer. Prior to any change of control, the person desirous of acquiring
27 control of the business of a student loan servicer shall make written
28 application to the superintendent and pay an investigation fee as
29 prescribed pursuant to section eighteen-a of this chapter to the super-
30 intendent. The application shall contain such information as the super-
31 intendent, by rule or regulation, may prescribe as necessary or appro-
32 priate for the purpose of making the determination required by
33 subdivision two of this section. This information shall include, but not
34 be limited to, the information and other material required for a student
35 loan servicer by subdivision one of section seven hundred twelve of this
36 article.

37 2. The superintendent shall approve or disapprove the proposed change
38 of control of a student loan servicer in accordance with the provisions
39 of section seven hundred thirteen of this article.

40 3. For a period of six months from the date of qualification thereof
41 and for such additional period of time as the superintendent may
42 prescribe, in writing, the provisions of subdivisions one and two of
43 this section shall not apply to a transfer of control by operation of
44 law to the legal representative, as hereinafter defined, of one who has
45 control of a student loan servicer. Thereafter, such legal represen-
46 tative shall comply with the provisions of subdivisions one and two of
47 this section. The provisions of subdivisions one and two of this section
48 shall be applicable to an application made under this section by a legal
49 representative. The term "legal representative", for the purposes of
50 this subdivision, shall mean a person duly appointed by a court of
51 competent jurisdiction to act as executor, administrator, trustee,
52 committee, conservator or receiver, including one who succeeds a legal
53 representative and one acting in an ancillary capacity thereto in
54 accordance with the provisions of such court appointment.

55 4. As used in this section the term "control" means the possession,
56 directly or indirectly, of the power to direct or cause the direction of

1 the management and policies of a student loan servicer, whether through
2 the ownership of voting stock of such student loan servicer, the owner-
3 ship of voting stock of any person which possesses such power or other-
4 wise. Control shall be presumed to exist if any person, directly or
5 indirectly, owns, controls or holds with power to vote ten per centum or
6 more of the voting stock of any student loan servicer or of any person
7 which owns, controls or holds with power to vote ten per centum or more
8 of the voting stock of any student loan servicer, but no person shall be
9 deemed to control a student loan servicer solely by reason of being an
10 officer or director of such student loan servicer. The superintendent
11 may in his discretion, upon the application of a student loan servicer
12 or any person who, directly or indirectly, owns, controls or holds with
13 power to vote or seeks to own, control or hold with power to vote any
14 voting stock of such student loan servicer, determine whether or not the
15 ownership, control or holding of such voting stock constitutes or would
16 constitute control of such student loan servicer for purposes of this
17 section.

18 § 716. Grounds for suspension or revocation of license. 1. After
19 notice and a hearing, the superintendent may revoke any license to
20 engage in the business of a student loan servicer issued pursuant to
21 this article if he or she shall find that:

22 (a) a servicer has violated any provision of this article, any rule or
23 regulation promulgated by the superintendent under and within the
24 authority of this article, or any other applicable law;

25 (b) any fact or condition exists which, if it had existed at the time
26 of the original application for such license, would have warranted the
27 superintendent refusing originally to issue such license;

28 (c) a servicer does not cooperate with an examination or investigation
29 by the superintendent;

30 (d) a servicer engages in fraud, intentional misrepresentation, or
31 gross negligence in servicing a student loan;

32 (e) the competence, experience, character, or general fitness of the
33 servicer, an individual controlling, directly or indirectly, ten percent
34 or more of the outstanding interests, or any person responsible for
35 servicing a student loan for the servicer indicates that it is not in
36 the public interest to permit the servicer to continue servicing student
37 loans;

38 (f) the servicer engages in an unsafe or unsound practice;

39 (g) the servicer is insolvent, suspends payment of its obligations, or
40 makes a general assignment for the benefit of its creditors; or

41 (h) a servicer has violated the laws of this state, any other state or
42 any federal law involving fraudulent or dishonest dealing, or a final
43 judgment has been entered against a student loan servicer in a civil
44 action upon grounds of fraud, misrepresentation or deceit.

45 2. The superintendent may, on good cause shown, or where there is a
46 substantial risk of public harm, suspend any license for a period not
47 exceeding thirty days, pending investigation. "Good cause", as used in
48 this subdivision, shall exist when a student loan servicer has defaulted
49 or is likely to default in performing its financial engagements or
50 engages in dishonest or inequitable practices which may cause substan-
51 tial harm to the persons afforded the protection of this article.

52 3. Except as provided in subdivision two of this section, no license
53 shall be revoked or suspended except after notice and a hearing thereon.
54 Any order of suspension issued after notice and a hearing may include as
55 a condition of reinstatement that the student loan servicer make resti-
56 tution to consumers of fees or other charges which have been improperly

1 charged or collected, including but not limited to by allocating
2 payments contrary to a borrower's direction or in a manner that fails to
3 help a borrower avoid default, as determined by the superintendent. Any
4 hearing held pursuant to the provisions of this section shall be
5 noticed, conducted and administered in compliance with the state admin-
6 istrative procedure act.

7 4. Any student loan servicer may surrender any license by delivering
8 to the superintendent written notice that it thereby surrenders such
9 license, but such surrender shall not affect the servicer's civil or
10 criminal liability for acts committed prior to such surrender. If such
11 surrender is made after the issuance by the superintendent of a state-
12 ment of charges and notice of hearing, the superintendent may proceed
13 against the servicer as if the surrender had not taken place.

14 5. No revocation, suspension, or surrender of any license shall impair
15 or affect the obligation of any pre-existing lawful contract between the
16 student loan servicer and any person, including the department.

17 6. Every license issued pursuant to this article shall remain in force
18 and effect until the same shall have been surrendered, revoked or
19 suspended in accordance with any other provisions of this article.

20 7. Whenever the superintendent shall revoke or suspend a license
21 issued pursuant to this article, he or she shall forthwith execute in
22 duplicate a written order to that effect. The superintendent shall file
23 one copy of such order in the office of the department and shall forth-
24 with serve the other copy upon the student loan servicer. Any such order
25 may be reviewed in the manner provided by article seventy-eight of the
26 civil practice law and rules.

27 § 717. Books and records; reports and electronic filing. 1. Each
28 student loan servicer and exempt organization shall keep and use in its
29 business such books, accounts and records as will enable the superinten-
30 dent to determine whether the servicer or exempt organization is comply-
31 ing with the provisions of this article and with the rules and regu-
32 lations lawfully made by the superintendent. Every servicer and exempt
33 organization shall preserve such books, accounts, and records, for at
34 least three years.

35 2. (a) Each student loan servicer shall annually, on or before a date
36 to be determined by the superintendent, file a report with the super-
37 intendent giving such information as the superintendent may require
38 concerning the business and operations during the preceding calendar
39 year of such servicer under authority of this article. Such report shall
40 be subscribed and affirmed as true by the servicer under the penalties
41 of perjury and shall be in the form prescribed by the superintendent.

42 (b) In addition to annual reports, the superintendent may require such
43 additional regular or special reports as he or she may deem necessary to
44 the proper supervision of student loan servicers under this article.
45 Such additional reports shall be subscribed and affirmed as true by the
46 servicer under the penalties of perjury and shall be in the form
47 prescribed by the superintendent.

48 3. Notwithstanding article three of the state technology law or any
49 other law to the contrary, the superintendent may require that any
50 submission or approval as may be required by the superintendent be made
51 or executed by electronic means if he or she deems it necessary to
52 ensure the efficient administration of this article.

53 § 718. Rules and regulations. 1. In addition to such powers as may
54 otherwise be prescribed by this chapter, the superintendent is hereby
55 authorized and empowered to promulgate such rules and regulations as may
56 in the judgment of the superintendent be consistent with the purposes of

1 this article, or appropriate for the effective administration of this
2 article, including, but not limited to:

3 (a) Such rules and regulations in connection with the activities of
4 student loan servicers and exempt organizations as may be necessary and
5 appropriate for the protection of borrowers in this state.

6 (b) Such rules and regulations as may be necessary and appropriate to
7 define unfair, deceptive or abusive acts or practices in connection with
8 the activities of student loan servicers and exempt organizations in
9 servicing student loans.

10 (c) Such rules and regulations as may define the terms used in this
11 article and as may be necessary and appropriate to interpret and imple-
12 ment the provisions of this article.

13 (d) Such rules and regulations as may be necessary for the enforcement
14 of this article.

15 2. The superintendent is hereby authorized and empowered to make such
16 specific rulings, demands and findings as the superintendent may deem
17 necessary for the proper conduct of the student loan servicing industry.

18 § 719. Prohibited practices. No student loan servicer shall:

19 1. Employ any scheme, device or artifice to defraud or mislead a
20 borrower.

21 2. Engage in any unfair, deceptive or predatory act or practice toward
22 any person or misrepresent or omit any material information in
23 connection with the servicing of a student loan, including, but not
24 limited to, misrepresenting the amount, nature or terms of any fee or
25 payment due or claimed to be due on a student loan, the terms and condi-
26 tions of the loan agreement or the borrower's obligations under the
27 loan.

28 3. Misapply payments to the outstanding balance of any student loan or
29 to any related interest or fees.

30 4. Provide inaccurate information to a consumer reporting agency.

31 5. Refuse to communicate with an authorized representative of the
32 borrower who provides a written authorization signed by the borrower,
33 provided that the servicer may adopt procedures reasonably related to
34 verifying that the representative is in fact authorized to act on behalf
35 of the borrower.

36 6. Make any false statement or make any omission of a material fact in
37 connection with any information or reports filed with a governmental
38 agency or in connection with any investigation conducted by the super-
39 intendent or another governmental agency.

40 § 720. Servicing student loans without a license. 1. Whenever, in the
41 opinion of the superintendent, a person is engaged in the business of
42 servicing student loans, either actually or through subterfuge, without
43 a license from the superintendent, the superintendent may order that
44 person to desist and refrain from engaging in the business of servicing
45 student loans in the state. If, within thirty days after an order is
46 served, a request for a hearing is filed in writing and the hearing is
47 not held within sixty days of the filing, the order shall be rescinded.

48 2. This section shall not apply to exempt organizations.

49 § 721. Responsibilities. 1. If a student loan servicer regularly
50 reports information to a consumer reporting agency, the servicer shall
51 accurately report a borrower's payment performance to at least one
52 consumer reporting agency that compiles and maintains files on consumers
53 on a nationwide basis as defined in Section 603(p) of the federal Fair
54 Credit Reporting Act (15 U.S.C. Sec. 1681a(p)), upon acceptance as a
55 data furnisher by that consumer reporting agency.

2. (a) Except as provided in federal law or required by a student loan agreement, a student loan servicer shall inquire of a borrower how to apply a borrower's nonconforming payment. A borrower's direction on how to apply a nonconforming payment shall remain in effect for any future nonconforming payment during the term of a student loan until the borrower provides different directions.

(b) For purposes of this subdivision, "nonconforming payment" shall mean a payment that is either more or less than the borrower's required student loan payment.

3. (a) If the sale, assignment, or other transfer of the servicing of a student loan results in a change in the identity of the person to whom the borrower is required to send subsequent payments or direct any communications concerning the student loan, a student loan servicer shall transfer all information regarding a borrower, a borrower's account, and a borrower's student loan, including but not limited to the borrower's repayment status and any borrower benefits associated with the borrower's student loan, to the new student loan servicer servicing the borrower's student loan within forty-five days.

(b) A student loan servicer shall adopt policies and procedures to verify that it has received all information regarding a borrower, a borrower's account, and a borrower's student loan, including but not limited to the borrower's repayment status and any borrower benefits associated with the borrower's student loan, when the servicer obtains the right to service a student loan.

4. If a student loan servicer sells, assigns, or otherwise transfers the servicing of a student loan to a new servicer, the sale, assignment or other transfer shall be completed at least seven days before the borrower's next payment is due.

5. (a) A student loan servicer that sells, assigns, or otherwise transfers the servicing of a student loan shall require as a condition of such sale, assignment or other transfer that the new student loan servicer shall honor all borrower benefits originally represented as being available to a borrower during the repayment of the student loan and the possibility of such benefits, including any benefits that were represented as being available but for which the borrower had not yet qualified.

(b) A student loan servicer that obtains the right to service a student loan shall honor all borrower benefits originally represented as being available to a borrower during the repayment of the student loan and the possibility of such benefits, including any benefits that were represented as being available but for which the borrower had not yet qualified.

6. A student loan servicer shall respond within thirty days after receipt to a written inquiry from a borrower or a borrower's representative.

7. A student loan servicer shall preserve records of each student loan and all communications with borrowers for not less than two years following the final payment on a student loan or the sale, assignment or other transfer of the servicing of a student loan, whichever occurs first, or such longer period as may be required by any other provision of law.

§ 722. Examinations. 1. The superintendent may at any time, and as often as he or she may determine, either personally or by a person duly designated by the superintendent, investigate the business and examine the books, accounts, records, and files used therein of every student loan servicer. For that purpose the superintendent and his or her duly

1 designated representative shall have free access to the offices and
2 places of business, books, accounts, papers, records, files, safes and
3 vaults of all student loan servicers. The superintendent and any person
4 duly designated by him or her shall have the authority to require the
5 attendance of and to examine under oath all persons whose testimony he
6 or she may require relative to such business.

7 2. No person subject to investigation or examination under this
8 section may knowingly withhold, abstract, remove, mutilate, destroy or
9 secrete any books, records, computer records or other information.

10 3. The expenses incurred in making any examination pursuant to this
11 section shall be assessed against and paid by the student loan servicer
12 so examined, except that traveling and subsistence expenses so incurred
13 shall be charged against and paid by servicers in such proportions as
14 the superintendent shall deem just and reasonable, and such propor-
15 tionate charges shall be added to the assessment of the other expenses
16 incurred upon each examination. Upon written notice by the superinten-
17 dent of the total amount of such assessment, the servicer shall become
18 liable for and shall pay such assessment to the superintendent.

19 4. In any hearing in which a department employee acting under authori-
20 ty of this chapter is available for cross-examination, any official
21 written report, worksheet, other related papers, or duly certified copy
22 thereof, compiled, prepared, drafted, or otherwise made by such depart-
23 ment employee, after being duly authenticated by the employee, may be
24 admitted as competent evidence upon the oath of the employee that such
25 worksheet, investigative report, or other related documents were
26 prepared as a result of an examination of the books and records of a
27 servicer or other person, conducted pursuant to the authority of this
28 chapter.

29 5. Unless otherwise exempt pursuant to subdivision two of section
30 seven hundred eleven of this article, affiliates of a student loan
31 servicer are subject to examination by the superintendent on the same
32 terms as the servicer, but only when reports from, or examination of, a
33 servicer provides evidence of unlawful activity between a servicer and
34 affiliate benefitting, affecting, or arising from the activities regu-
35 lated by this article.

36 § 723. Penalties for violation of this article. 1. In addition to such
37 penalties as may otherwise be applicable by law, the superintendent may,
38 after notice and hearing, require any person found violating the
39 provisions of this article or the rules or regulations promulgated here-
40 under to pay to the people of this state a penalty for each violation of
41 the article or any regulation or policy promulgated hereunder a sum not
42 to exceed an amount as determined pursuant to section forty-four of this
43 chapter for each such violation.

44 2. Nothing in this article shall limit any statutory or common-law
45 right of any person to bring any action in any court for any act, or the
46 right of the state to punish any person for any violation of any law.

47 § 724. Severability of provisions. If any provision of this article,
48 or the application of such provision to any person or circumstance,
49 shall be held invalid, illegal or unenforceable, the remainder of the
50 article, and the application of such provision to persons or circum-
51 stances other than those as to which it is held invalid, illegal or
52 unenforceable, shall not be affected thereby.

53 § 725. Compliance with other laws. 1. Student loan servicers shall
54 engage in the business of servicing student loans in conformity with the
55 provisions of the financial services law, this chapter, such rules and
56 regulations as may be promulgated by the superintendent thereunder and

1 all applicable federal laws and the rules and regulations promulgated
2 thereunder.

3 2. Nothing in this section shall be construed to limit any otherwise
4 applicable state or federal law or regulations.

5 § 2. Subdivision 10 of section 36 of the banking law, as amended by
6 chapter 182 of the laws of 2011, is amended to read as follows:

7 10. All reports of examinations and investigations, correspondence and
8 memoranda concerning or arising out of such examination and investi-
9 gations, including any duly authenticated copy or copies thereof in the
10 possession of any banking organization, bank holding company or any
11 subsidiary thereof (as such terms "bank holding company" and "subsidi-
12 ary" are defined in article three-A of this chapter), any corporation
13 or any other entity affiliated with a banking organization within the
14 meaning of subdivision six of this section and any non-banking subsid-
15 iary of a corporation or any other entity which is an affiliate of a
16 banking organization within the meaning of subdivision six-a of this
17 section, foreign banking corporation, licensed lender, licensed casher
18 of checks, licensed mortgage banker, registered mortgage broker,
19 licensed mortgage loan originator, licensed sales finance company,
20 registered mortgage loan servicer, licensed student loan servicer,
21 licensed insurance premium finance agency, licensed transmitter of
22 money, licensed budget planner, any other person or entity subject to
23 supervision under this chapter, or the department, shall be confidential
24 communications, shall not be subject to subpoena and shall not be made
25 public unless, in the judgment of the superintendent, the ends of
26 justice and the public advantage will be subserved by the publication
27 thereof, in which event the superintendent may publish or authorize the
28 publication of a copy of any such report or any part thereof in such
29 manner as may be deemed proper or unless such laws specifically author-
30 ize such disclosure. For the purposes of this subdivision, "reports of
31 examinations and investigations, and any correspondence and memoranda
32 concerning or arising out of such examinations and investigations",
33 includes any such materials of a bank, insurance or securities regulato-
34 ry agency or any unit of the federal government or that of this state
35 any other state or that of any foreign government which are considered
36 confidential by such agency or unit and which are in the possession of
37 the department or which are otherwise confidential materials that have
38 been shared by the department with any such agency or unit and are in
39 the possession of such agency or unit.

40 § 3. Subdivisions 1, 2, 3 and 5 of section 39 of the banking law,
41 subdivisions 1, 2 and 5 as amended by chapter 123 of the laws of 2009
42 and subdivision 3 as amended by chapter 155 of the laws of 2012, are
43 amended to read as follows:

44 1. To appear and explain an apparent violation. Whenever it shall
45 appear to the superintendent that any banking organization, bank holding
46 company, registered mortgage broker, licensed mortgage banker, licensed
47 student loan servicer, registered mortgage loan servicer, licensed mort-
48 gage loan originator, licensed lender, licensed casher of checks,
49 licensed sales finance company, licensed insurance premium finance agen-
50 cy, licensed transmitter of money, licensed budget planner, out-of-state
51 state bank that maintains a branch or branches or representative or
52 other offices in this state, or foreign banking corporation licensed by
53 the superintendent to do business or maintain a representative office in
54 this state has violated any law or regulation, he or she may, in his or
55 her discretion, issue an order describing such apparent violation and
56 requiring such banking organization, bank holding company, registered

1 mortgage broker, licensed mortgage banker, licensed student loan servi-
2 cer, licensed mortgage loan originator, licensed lender, licensed casher
3 of checks, licensed sales finance company, licensed insurance premium
4 finance agency, licensed transmitter of money, licensed budget planner,
5 out-of-state state bank that maintains a branch or branches or represen-
6 tative or other offices in this state, or foreign banking corporation to
7 appear before him or her, at a time and place fixed in said order, to
8 present an explanation of such apparent violation.

9 2. To discontinue unauthorized or unsafe and unsound practices. When-
10 ever it shall appear to the superintendent that any banking organiza-
11 tion, bank holding company, registered mortgage broker, licensed mort-
12 gage banker, licensed student loan servicer, registered mortgage loan
13 servicer, licensed mortgage loan originator, licensed lender, licensed
14 casher of checks, licensed sales finance company, licensed insurance
15 premium finance agency, licensed transmitter of money, licensed budget
16 planner, out-of-state state bank that maintains a branch or branches or
17 representative or other offices in this state, or foreign banking corpo-
18 ration licensed by the superintendent to do business in this state is
19 conducting business in an unauthorized or unsafe and unsound manner, he
20 or she may, in his or her discretion, issue an order directing the
21 discontinuance of such unauthorized or unsafe and unsound practices, and
22 fixing a time and place at which such banking organization, bank holding
23 company, registered mortgage broker, licensed mortgage banker, licensed
24 student loan servicer, registered mortgage loan servicer, licensed mort-
25 gage loan originator, licensed lender, licensed casher of checks,
26 licensed sales finance company, licensed insurance premium finance agen-
27 cy, licensed transmitter of money, licensed budget planner, out-of-state
28 state bank that maintains a branch or branches or representative or
29 other offices in this state, or foreign banking corporation may volun-
30 tarily appear before him or her to present any explanation in defense of
31 the practices directed in said order to be discontinued.

32 3. To make good impairment of capital or to ensure compliance with
33 financial requirements. Whenever it shall appear to the superintendent
34 that the capital or capital stock of any banking organization, bank
35 holding company or any subsidiary thereof which is organized, licensed
36 or registered pursuant to this chapter, is impaired, or the financial
37 requirements imposed by subdivision one of section two hundred two-b of
38 this chapter or any regulation of the superintendent on any branch or
39 agency of a foreign banking corporation or the financial requirements
40 imposed by this chapter or any regulation of the superintendent on any
41 licensed lender, registered mortgage broker, licensed mortgage banker,
42 licensed student loan servicer, licensed casher of checks, licensed
43 sales finance company, licensed insurance premium finance agency,
44 licensed transmitter of money, licensed budget planner or private banker
45 are not satisfied, the superintendent may, in the superintendent's
46 discretion, issue an order directing that such banking organization,
47 bank holding company, branch or agency of a foreign banking corporation,
48 registered mortgage broker, licensed mortgage banker, licensed student
49 loan servicer, licensed lender, licensed casher of checks, licensed
50 sales finance company, licensed insurance premium finance agency,
51 licensed transmitter of money, licensed budget planner, or private bank-
52 er make good such deficiency forthwith or within a time specified in
53 such order.

54 5. To keep books and accounts as prescribed. Whenever it shall appear
55 to the superintendent that any banking organization, bank holding compa-
56 ny, registered mortgage broker, licensed mortgage banker, licensed

1 student loan servicer, registered mortgage loan servicer, licensed mort-
2 gage loan originator, licensed lender, licensed casher of checks,
3 licensed sales finance company, licensed insurance premium finance agen-
4 cy, licensed transmitter of money, licensed budget planner, agency or
5 branch of a foreign banking corporation licensed by the superintendent
6 to do business in this state, does not keep its books and accounts in
7 such manner as to enable him or her to readily ascertain its true condi-
8 tion, he or she may, in his or her discretion, issue an order requiring
9 such banking organization, bank holding company, registered mortgage
10 broker, licensed mortgage banker, licensed student loan servicer, regis-
11 tered mortgage loan servicer, licensed mortgage loan originator,
12 licensed lender, licensed casher of checks, licensed sales finance
13 company, licensed insurance premium finance agency, licensed transmitter
14 of money, licensed budget planner, or foreign banking corporation, or
15 the officers or agents thereof, or any of them, to open and keep such
16 books or accounts as he or she may, in his or her discretion, determine
17 and prescribe for the purpose of keeping accurate and convenient records
18 of its transactions and accounts.

19 § 4. Paragraph (a) of subdivision 1 of section 44 of the banking law,
20 as amended by chapter 155 of the laws of 2012, is amended to read as
21 follows:

22 (a) Without limiting any power granted to the superintendent under any
23 other provision of this chapter, the superintendent may, in a proceeding
24 after notice and a hearing, require any safe deposit company, licensed
25 lender, licensed casher of checks, licensed sales finance company,
26 licensed insurance premium finance agency, licensed transmitter of
27 money, licensed mortgage banker, licensed student loan servicer, regis-
28 tered mortgage broker, licensed mortgage loan originator, registered
29 mortgage loan servicer or licensed budget planner to pay to the people
30 of this state a penalty for any violation of this chapter, any regu-
31 lation promulgated thereunder, any final or temporary order issued
32 pursuant to section thirty-nine of this article, any condition imposed
33 in writing by the superintendent in connection with the grant of any
34 application or request, or any written agreement entered into with the
35 superintendent.

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

SUBPART B

39 Section 1. The financial services law is amended by adding a new arti-
40 cle 7 to read as follows:

ARTICLE 7

STUDENT DEBT CONSULTANTS

Section 701. Definitions.

702. Prohibitions.

703. Disclosure requirements.

704. Student debt consulting contracts.

705. Penalties and other provisions.

706. Rules and regulations.

49 § 701. Definitions. (a) The term "advertisement" shall include, but
50 is not limited to, all forms of marketing, solicitation, or dissem-
51 ination of information related, directly or indirectly, to securing or
52 obtaining a student debt consulting contract or services. Further, it
53 shall include any and all commonly recognized forms of media marketing

1 via television, radio, print media, all forms of electronic communi-
2 cation via the internet, and all prepared sales presentations given in
3 person or over the internet to the general public.

4 (b) "Borrower" means any resident of this state who has received a
5 student loan or agreed in writing to pay a student loan or any person
6 who shares a legal obligation with such resident for repaying a student
7 loan.

8 (c) "FSA ID" means a username and password allocated to an individual
9 by the federal government to enable the individual to log in to certain
10 United States department of education websites, and may be used to sign
11 certain documents electronically.

12 (d) "Student loan" means any loan to a borrower to finance post-secon-
13 dary education or expenses related to post-secondary education.

14 (e) "Student debt consulting contract" or "contract" means an agree-
15 ment between a borrower and a consultant under which the consultant
16 agrees to provide student debt consulting services.

17 (f) "Student debt consultant" or "consultant" means an individual or a
18 corporation, partnership, limited liability company or other business
19 entity that, directly or indirectly, solicits or undertakes employment
20 to provide student debt consulting services. A consultant does not
21 include the following:

22 (1) a person or entity who holds or is owed an obligation on the
23 student loan while the person or entity performs services in connection
24 with the student loan;

25 (2) a bank, trust company, private banker, bank holding company,
26 savings bank, savings and loan association, thrift holding company,
27 credit union or insurance company organized under the laws of this
28 state, another state or the United States, or a subsidiary or affiliate
29 of such entity or a foreign banking corporation licensed by the super-
30 intendent of financial services or the comptroller of the currency;

31 (3) a bona fide not-for-profit organization that offers counseling or
32 advice to borrowers; or

33 (4) such other persons as the superintendent prescribes or interprets
34 by rule.

35 (g) "Student debt consulting services" means services that a student
36 debt consultant provides to a borrower that the consultant represents
37 will help to achieve any of the following:

38 (1) stop, enjoin, delay, void, set aside, annul, stay or postpone a
39 default, bankruptcy, tax offset, or garnishment proceeding;

40 (2) obtain a forbearance, deferment, or other relief that temporarily
41 halts repayment of a student loan;

42 (3) assist the borrower with preparing or filing documents related to
43 student loan repayment;

44 (4) advise the borrower which student loan repayment plan or forgive-
45 ness program to consider;

46 (5) enroll the borrower in any student loan repayment, forgiveness,
47 discharge, or consolidation program;

48 (6) assist the borrower in re-establishing eligibility for federal
49 student financial assistance;

50 (7) assist the borrower in removing a student loan from default; or

51 (8) educate the borrower about student loan repayment.

52 § 702. Prohibitions. A student debt consultant is prohibited from
53 doing the following:

54 (a) performing student debt consulting services without a written,
55 fully executed contract with a borrower;

1 (b) charging for or accepting any payment for student debt consulting
2 services before the full completion of all such services, including a
3 payment to be placed in escrow or any other account pending the
4 completion of such services;

5 (c) taking a power of attorney from a borrower;

6 (d) retaining any original loan document or other original document
7 related to a borrower's student loan;

8 (e) requesting that a borrower provide his or her FSA ID to the
9 consultant, or accepting a borrower's FSA ID;

10 (f) stating or implying that a borrower will not be able to obtain
11 relief on their own;

12 (g) misrepresenting, expressly or by implication, that:

13 (1) the consultant is a part of, affiliated with, or endorsed or spon-
14 sored by the government, government loan programs, the United States
15 department of education, or borrowers' student loan servicers; or

16 (2) some or all of a borrower's payments to the consultant will be
17 applied towards the borrower's student loans.

18 (h) inducing or attempting to induce a student debtor to enter a
19 contract that does not fully comply with the provisions of this article;
20 or

21 (i) engaging in any unfair, deceptive, or abusive act or practice.

22 § 703. Disclosure requirements. (a) A student debt consultant shall
23 clearly and conspicuously disclose in all advertisements:

24 (1) the actual services the consultant provides to borrowers;

25 (2) that borrowers can apply for and obtain consolidation loans from
26 the United States department of education at no cost, including provid-
27 ing a direct link in all written advertising to the application materi-
28 als for a Direct Consolidation Loan from the U.S. department of educa-
29 tion;

30 (3) that consolidation or other services offered by the consultant may
31 not be the best or only option for borrowers;

32 (4) that a borrower may obtain alternative federal student loan repay-
33 ment plans, including income-based programs, without consolidating
34 existing federal student loans; and

35 (5) that borrowers should consider consulting their student loan
36 servicer before signing any legal document concerning a student loan.

37 (b) The disclosures required by subsection (a) of this section, if
38 disseminated through print media or the internet, shall be clearly and
39 legibly printed or displayed in not less than twelve-point bold type,
40 or, if the advertisement is printed to be displayed in print that is
41 smaller than twelve point, in bold type print that is no smaller than
42 the print in which the text of the advertisement is printed or
43 displayed.

44 (c) The provisions of this section shall apply to all consultants who
45 disseminate advertisements in the state of New York or who intend to
46 directly or indirectly contact a borrower who has a student loan and is
47 in New York state. Consultants shall establish and at all times maintain
48 control over the content, form and method of dissemination of all adver-
49 tisements of their services. Further, all advertisements shall be
50 sufficiently complete and clear to avoid the possibility of deception or
51 the ability to mislead or deceive.

52 § 704. Student debt consulting contracts. (a) A student debt consult-
53 ing contract shall:

54 (1) contain the entire agreement of the parties;

55 (2) be provided in writing to the borrower for review before signing;

(3) be printed in at least twelve-point type and written in the same language that is used by the borrower and was used in discussions between the consultant and the borrower to describe the borrower's services or to negotiate the contract;

(4) fully disclose the exact nature of the services to be provided by the consultant or anyone working in association with the consultant;

(5) fully disclose the total amount and terms of compensation for such services;

(6) contain the name, business address and telephone number of the consultant and the street address, if different, and facsimile number or email address of the consultant where communications from the debtor may be delivered;

(7) be dated and personally signed by the borrower and the consultant and be witnessed and acknowledged by a New York notary public; and

(8) contain the following notice, which shall be printed in at least fourteen-point boldface type, completed with the name of the Provider, and located in immediate proximity to the space reserved for the debtor's signature:

"NOTICE REQUIRED BY NEW YORK LAW

You may cancel this contract, without any penalty or obligation, at any time before midnight of

..... (fifth business day after execution).

..... (Name of consultant) (the "Consultant") or anyone working for the Consultant may not take any money from you or ask you for money until the consultant has completely finished doing everything this Contract says the Consultant will do.

You should consider contacting your student loan servicer before signing any legal document concerning your student loan. In addition, you may want to visit the New York State Department of Financial Services' student lending resource center at www.dfs.ny.gov/studentprotection. The law requires that this contract contain the entire agreement between you and the Provider. You should not rely upon any other written or oral agreement or promise."

The Provider shall accurately enter the date on which the right to cancel ends.

(b) (1) The borrower has the right to cancel, without any penalty or obligation, any contract with a consultant until midnight of the fifth business day following the day on which the consultant and the borrower sign a consulting contract. Cancellation occurs when the borrower, or a representative of the borrower, either delivers written notice of cancellation in person to the address specified in the consulting contract or sends a written communication by facsimile, by United States mail or by an established commercial letter delivery service. A dated proof of facsimile delivery or proof of mailing creates a presumption that the notice of cancellation has been delivered on the date the facsimile is sent or the notice is deposited in the mail or with the delivery service. Cancellation of the contract shall release the borrower from all obligations to pay fees or any other compensation to the consultant.

(2) The contract shall be accompanied by two copies of a form, captioned "notice of cancellation" in at least twelve-point bold type. This form shall be attached to the contract, shall be easily detachable, and shall contain the following statement written in the same language as used in the contract, and the contractor shall insert accurate information as to the date on which the right to cancel ends and the contractor's contact information:

1 "NOTICE OF CANCELLATION

2 Note: You may cancel this contract, without any penalty or obligation,
3 at any time before midnight of (Enter date)

4 To cancel this contract, sign and date both copies of this cancellation
5 notice and personally deliver one copy or send it by facsimile, United
6 States mail, or an established commercial letter delivery service, indi-
7 cating cancellation to the Consultant at one of the following:

8 Name of Consultant

9 Street Address

10 City, State, Zip

11 Facsimile:

12 I hereby cancel this transaction.

13 Name of Borrower:

14 Signature of Borrower:

15 Date: "

16 (3) Within ten days following receipt of a notice of cancellation
17 given in accordance with this subsection, the consultant shall return
18 any original contract and any other documents signed by or provided by
19 the borrower. Cancellation shall release the borrower of all obligations
20 to pay any fees or compensation to the consultant.

21 § 705. Penalties and other provisions. (a) If the superintendent
22 finds, after notice and hearing, that a consultant has violated any
23 provision of this article, the superintendent may: (1) make null and
24 void any agreement between the borrower and the consultant; and (2)
25 impose a civil penalty of not more than ten thousand dollars for each
26 violation.

27 (b) If the consultant violates any provision of this article and the
28 borrower suffers damage because of the violation, the borrower may
29 recover actual and consequential damages and costs from the consultant
30 in an action based on this article. If the consultant intentionally or
31 recklessly violates any provision of this article, the court may award
32 the borrower treble damages, attorneys' fees and costs.

33 (c) Any provision of a student debt consulting contract that attempts
34 or purports to limit the liability of the consultant under this article
35 shall be null and void. Inclusion of such provision shall at the option
36 of the borrower render the contract void. Any provision in a contract
37 which attempts or purports to require arbitration of any dispute arising
38 under this article shall be void at the option of the borrower. Any
39 waiver of the provisions of this article shall be void and unenforceable
40 as contrary to public policy.

41 (d) The provisions of this article are not exclusive and are in addi-
42 tion to any other requirements, rights, remedies, and penalties provided
43 by law.

44 § 706. Rules and regulations. In addition to such powers as may
45 otherwise be prescribed by this chapter, the superintendent is hereby
46 authorized and empowered to promulgate such rules and regulations as may
47 in the judgment of the superintendent be consistent with the purposes of
48 this article, or appropriate for the effective administration of this
49 article.

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

52 SUBPART C

53 Section 1. The education law is amended by adding a new article 13-C
54 to read as follows:

ARTICLE 13-C
STUDENT LOAN DEBTORS

Section 633. No denial of licenses for student loan debtors.

§ 633. No denial of licenses for student loan debtors. 1. Notwithstanding any other provision of law, rule, or regulation to the contrary, any agency, department, office, board, or any other instrumentality of the state authorized to issue professional licenses in the state shall be prohibited from taking any adverse action against any licensee, including but not limited to fine, nonrenewal, suspension, or revocation of a professional license, based upon the status of any student loan obligation of such licensee.

2. Notwithstanding any other provision of law, rule, or regulation to the contrary, any agency, department, office, board, or any other instrumentality of the state authorized to issue professional licenses in the state shall be prohibited from taking any adverse action related to issuance of a professional license against any individual or applicant for a professional license, including but not limited to denial of a professional license or disapproval of an application for a professional license, based upon the status of any student loan obligation of such individual or applicant for a professional license.

3. For purposes of this section "professional license" means authorization, licensure, or certification to practice any professional activity in the state, whether temporary or permanent, issued by any agency, department, office, board, or any other instrumentality of the state.

4. For purposes of this section "student loan" means any loan to a borrower to finance postsecondary education or expenses related to postsecondary education.

§ 2. This act shall take effect immediately.

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

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A through C of this act shall be as specifically set forth in the last section of such Subparts.

PART X

Section 1. Section 2 of chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, as amended by section 1 of part P of chapter 58 of the laws of 2016, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [~~2018~~] 2020; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

§ 2. This act shall take effect immediately.

1

PART Y

2 Section 1. Section 3 of part S of chapter 58 of the laws of 2016
3 amending the New York state urban development corporation act relating
4 to transferring the statutory authority for the promulgation of market-
5 ing orders from the department of agriculture and markets to the New
6 York state urban development corporation is amended to read as follows:

7 § 3. This act shall take effect on the ninetieth day after it shall
8 have become a law [~~and shall expire and be deemed repealed two years~~
9 ~~after such date~~]; provided, however, that any assessment due and payable
10 under such marketing orders shall be remitted to the urban development
11 corporation starting 30 days after such effective date.

12 § 2. This act shall take effect immediately.

13

PART Z

14 Section 1. This act shall be known and may be cited as the "empire
15 forests for the future initiative".

16 § 2. Subdivision 9 of section 480 of the real property tax law, as
17 added by chapter 814 of the laws of 1974, is amended to read as follows:

18 9. No lands shall be classified pursuant to this section after Septem-
19 ber first, nineteen hundred seventy-four. As to lands classified pursu-
20 ant to this section prior to such date, the owner thereof may elect to
21 continue to have such lands so classified, subject to all the duties,
22 responsibilities and privileges under this section, or he or she may
23 elect to make application for certification pursuant to section four
24 hundred eighty-a hereof until March first, two thousand nineteen or
25 section four hundred eighty-b of this title.

26 § 3. Section 480-a of the real property tax law, as amended by chapter
27 428 of the laws of 1987, paragraph (a) of subdivision 1 as amended by
28 chapter 396 of the laws of 2008, subparagraph (ii) of paragraph (a) of
29 subdivision 3 as further amended by subdivision (b) of section 1 of part
30 W of chapter 56 of the laws of 2010, subdivision 4 as amended by chapter
31 316 of the laws of 1992 and paragraph (b) of subdivision 4 as further
32 amended by subdivision (b) of section 1 of part W of chapter 56 of the
33 laws of 2010, paragraphs (a) and (c) of subdivision 4 as amended by
34 chapter 440 of the laws of 1993 and paragraph (c) of subdivision 4 as
35 further amended by subdivision (b) of section 1 of part W of chapter 56
36 of the laws of 2010, paragraph (e) of subdivision 7 as amended by chap-
37 ter 590 of the laws of 1994 and paragraph (i) of subdivision 7 as added
38 by chapter 2 of the laws of 1997, is amended to read as follows:

39 § 480-a. Taxation of forest land under an approved management plan.

40 1. As used in this section:

41 (a) "Approved management plan" shall mean~~[(i)]~~ a plan approved by
42 the department for the management of an eligible tract which shall
43 contain requirements and standards to ensure the continuing production
44 of a merchantable forest crop selected by the owner. Every approved
45 management plan shall set forth requirements and standards relating to
46 stocking, cutting, forest management access, and any specified use of
47 the eligible tract other than for the production of a merchantable
48 forest crop which is desired by the owner and compatible with or
49 supportive of the continuing production of a merchantable forest crop.
50 Such plan shall include provisions accommodating endangered and threat-
51 ened animals and plants. Such plan must be prepared by or under the
52 direct supervision of a department approved forester who may be the

owner or an agent of the owner, including an industrial forester or a cooperating consultant forester[~~,-or~~

~~(ii) participation in a forest certification program (such as Forest Stewardship Council certification, Sustainable Forestry Initiative, American Tree Farm Program, etc.) recognized in the regulations of the department].~~

(b) "Commitment" shall mean a declaration to the [department] assessor and county clerk made on an annual basis by the owner of a certified eligible tract committing such tract to continued forest crop production for the next succeeding ten years under an approved management plan. The document on which the commitment is made shall be known as the "commitment form" and shall include the "verification of continued eligibility" as defined by paragraph (i) of this subdivision. A commitment form without a properly completed verification of continued eligibility shall have no legal effect.

(c) "Cooperating consultant forester" shall mean a qualified forester who, or a qualified forestry consultant firm which, has entered into an agreement with the department under the New York state cooperating consultant foresters program pursuant to section 9-0713 of the environmental conservation law.

(d) "Department" shall mean the department of environmental conservation.

(e) "Eligible tract" shall mean a tract of privately owned forest land of at least fifty contiguous acres, exclusive of any portion thereof not devoted to the production of forest crops. Lands divided by federal, state, county or town roads, easements or rights-of-way, or energy transmission corridors or similar facilities will be considered contiguous for purposes of this section, unless vehicular access for forest management purposes is precluded. Lands from which a merchantable forest crop has been cut or removed within three years prior to the time of application for certification under this section will be ineligible unless such cutting or removal was accomplished under a forest management program designed to provide for the continuing production of merchantable forest crops as determined by the state forester or his or her designee.

(f) "Forest land" shall mean land exclusively devoted to and suitable for forest crop production through natural regeneration or through forestation and shall be stocked with a stand of forest trees sufficient to produce a merchantable forest crop within thirty years of the time of original certification.

(g) "Merchantable forest crop" shall mean timber or pulpwood, including veneer bolts, sawlogs, poles, posts and fuelwood, that is produced on forest land, has a value in the market and may be sold.

(h) [~~"Stumpage value" shall mean the current market worth of a merchantable forest crop as it stands at the time of sale, cutting, required cutting or removal~~] "Certificate of eligibility" shall mean a certificate issued by the department to the landowner of an eligible tract that confirms such eligible tract meets all requirements of the approved management plan for the tract.

(i) "Verification of continued eligibility" shall mean a portion of the commitment form, prescribed by the department, prepared and signed by the landowner which certifies that such landowner continues to satisfy all conditions and requirements of his or her initial enrollment under this section.

2. (a) An owner of an eligible tract may [~~make application~~] apply to the department for [~~certification~~] a certificate of eligibility under this section on forms prescribed by the department. If the department

1 finds that such tract is an eligible tract it shall forward a certifi-
2 cate of [~~approval~~] eligibility to the owner thereof[, ~~together with the~~
3 ~~approved management plan, and a copy of a commitment certified by the~~
4 ~~department for the eligible tract~~].

5 (b) The department shall, after public hearings, adopt and promulgate
6 rules and regulations necessary for the implementation of the depart-
7 ment's responsibilities pursuant to this section. Such regulations
8 relating to approved management plans or amendments thereto may provide
9 for alternative or contingent requirements and standards based on the
10 size and nature of the tract and other criteria consistent with environ-
11 mentally and economically sound silvicultural practices.

12 (c) Any tract certified pursuant hereto shall be subject to the
13 provisions of this section. [~~The~~] When property is transferred or sold
14 to one or more family members of the landowner and the new owner or
15 owners choose to continue participating in the program as authorized by
16 paragraph (a) of subdivision twelve of this section, the obligations of
17 this section shall devolve upon and the benefits inure to [~~the~~] such new
18 owner[, ~~his heirs, successors and assigns~~] or owners.

19 (d) No new or additional tract shall be eligible for certification
20 under an approved management plan after March first, two thousand nine-
21 teen.

22 3. (a) To qualify for a forest land exemption under this section the
23 owner of a certified eligible tract shall:

24 (i) file the certificate of [~~approval~~] eligibility in the office of
25 the clerk of the county or counties in which such tract is situated.
26 Such certificate shall specify that the tract described therein is
27 committed to continued forest crop production under an approved manage-
28 ment plan for an initial period of ten years. Upon receipt of such
29 certificate, the county clerk shall record the same in the books kept
30 for the recording of deeds and shall index the same in the deed index
31 against the name of the owner of the property. Until notice of revoca-
32 tion of the certificate of [~~approval~~] eligibility has been recorded and
33 indexed as provided in subdivision seven or eight of this section, a
34 certificate that has been recorded and indexed pursuant to this subdivi-
35 sion shall give notice that the certified tract is subject to the
36 provisions of this section; and

37 (ii) prior to the taxable status date for the first assessment roll
38 upon which such exemption is sought, file an initial application for
39 exemption with the appropriate assessor on forms prescribed by the
40 commissioner. Such application must be accompanied by a [~~certified~~
41 ~~commitment~~] certificate of eligibility issued by the department [~~pursu-~~
42 ~~ant to subdivision two of this section~~] and the commitment form; and

43 (iii) prior to the taxable status date for each subsequent assessment
44 roll upon which such exemption is sought, file with the appropriate
45 assessor a [~~certified~~] commitment [~~of~~] form for such tract to continued
46 forest crop production under an approved management plan for the next
47 succeeding ten years [~~under the approved management plan. Application~~
48 ~~for such commitment shall be made by the owner of such tract to the~~
49 ~~department, and the commitment shall be certified by the department~~].

50 (b) If [~~the assessor is satisfied that~~] the requirements of this
51 section are met, [~~he or she~~] the assessor shall approve the application
52 and such eligible tract shall be exempt from taxation pursuant to subdivi-
53 sion four of this section to be effective as of the first taxable
54 status date occurring subsequent to such approval, and shall continue to
55 be so exempt thereafter upon receipt by the assessor of a [~~certified~~]
56 commitment form filed in accordance with subparagraph (iii) of paragraph

1 (a) of this subdivision and so long as the certification of the eligible
2 tract ~~[shall]~~ has not ~~[be]~~ been revoked by the department.

3 (c) Failure on the part of the owner to file the ~~[certified]~~ commit-
4 ment form in any year following initial certification will result in the
5 termination of the forest land exemption under this section~~[, if any,]~~
6 applicable to the property for that and succeeding taxable years for
7 which no such commitments are filed. Failure to file a commitment form
8 will not constitute a conversion of the tract or breach of the approved
9 management plan, pursuant to subdivision seven hereof, and the commit-
10 ment of the property to forest crop production under the approved
11 management plan shall remain in force for the next succeeding nine years
12 following the last taxable year for which a ~~[certified]~~ commitment form
13 was filed.

14 (d) Following failure to file a ~~[certified]~~ commitment form in one or
15 more years, in order to obtain a forest land exemption under this
16 section, an owner of a certified tract may submit a ~~[certified]~~ commit-
17 ment form to the assessor before the taxable status date in any subse-
18 quent year, except that a new application under paragraph (a) of subdi-
19 vision two of this section and subparagraph (i) of paragraph (a) of this
20 subdivision also shall be required if more than five years have elapsed
21 since the owner's last ~~[certified]~~ commitment form was filed. Such new
22 application also shall be required whenever, during the preceding year,
23 the approved management plan has been amended with respect to the acre-
24 age or location of forest land committed to forest crop production under
25 this section.

26 4. (a) Certified eligible tracts approved for exemption under this
27 section shall be exempt from taxation to the extent of eighty per centum
28 of the assessed valuation thereof, or to the extent that the assessed
29 valuation exceeds the amount resulting from multiplying the latest state
30 equalization rate or, where a special equalization rate has been estab-
31 lished pursuant to section twelve hundred twenty-four of this chapter
32 for the purposes of this section, the special equalization rate by forty
33 dollars per acre, whichever is the lesser.

34 (b) The assessed value of the exemption, if any, granted pursuant to
35 this section shall be entered by the assessor on the assessment roll in
36 such manner as shall be prescribed by the commissioner.

37 (c) Where a special equalization rate has been established by the
38 commissioner pursuant to section twelve hundred twenty-four of this
39 chapter, the assessor is directed and authorized to recompute the forest
40 land exemption on the assessment roll by applying such special equaliza-
41 tion rate instead of the latest state equalization rate in computing the
42 forest land exemption, and to make the appropriate corrections on the
43 assessment roll, subject to the provisions of title two of article
44 twelve of this chapter. Upon completion of the final assessment roll or,
45 where a special equalization rate has been established, upon recomputa-
46 tion of the forest land exemption, the assessor shall certify to the
47 department each exemption granted pursuant to this section in a manner
48 prescribed by the commissioner.

49 5. (a) Whenever any cutting of the merchantable forest crop on any
50 certified eligible tract is proposed during the period of commitment
51 pursuant to subdivision three of this section, the owner shall give not
52 less than thirty days' notice to the department in a manner and upon
53 such form as may be prescribed by the department. Such notice shall
54 include information as to the ~~[stumpage value,]~~ amount and location of
55 such cutting. ~~[The department shall, within fifteen days after receipt~~
56 ~~of such notice from the owner, certify the stumpage value, if any, to~~

~~the owner and to the county treasurer of the county or counties in which the tract is situated. No later than thirty days after receipt of such certification of value, the owner shall pay a six percentum tax on the certified stumpage value of the merchantable forest crop to such county treasurer.]~~

~~(b) [Notwithstanding the provisions of paragraph (a) of this subdivision, if the stumpage value of a merchantable forest crop will be determined with reference to a scale to be conducted after the commencement of the proposed cutting, the owner may elect to be taxed in accordance with this paragraph. Such election shall be made not less than thirty days in advance of commencement of the cutting, in such manner and upon such form as may be prescribed by the department. Such notice shall include information as to the estimated volume, scaling method, and the schedule and length of the cutting period, not to exceed one year. If a proper election has been made in accordance with this paragraph, the department shall so notify the owner before any cutting takes place on the eligible tract, and it shall certify the scaled stumpage value to the owner of the tract and to the county treasurer of the county or counties when the cutting has concluded. No later than thirty days after the receipt of such certification of value, the owner shall pay a six per centum tax on the stumpage value of the merchantable forest crop to such county treasurer.]~~

~~(c) In the event that a tax required by this subdivision or by subdivision six of this section shall not be timely paid, it shall be levied and collected, together with any penalty or penalties determined pursuant to subdivision seven of this section, in the same manner and at the same time as other taxes imposed and levied on the next completed tax roll of such county or counties.]~~

~~(d)]~~ Notwithstanding the foregoing provisions of this subdivision and the provisions of subdivision six of this section, the owner of any land certified under this section may make all intermediate noncommercial cuttings, as prescribed in the approved management plan, and may annually cut, in accordance with sound forestry practices, not more than ten standard cords or the equivalent for such owner's own use, without notice [~~and free of tax imposed by this section~~].

6. (a) The department may serve notice upon the owner of a certified tract directing such owner to make a cutting as prescribed in the approved management plan for such tract. Should such cutting involve the sale or utilization of a merchantable forest crop, not less than thirty days in advance of cutting the owner shall give notice to the department of the [~~stumpage value,~~] amount and location of the cutting on a form prescribed by the department. [~~The department shall within fifteen days after receipt of such notice from the owner, certify the stumpage value, if any, to the owner and to the county treasurer of the county or counties in which such tract is situated. No later than thirty days after receipt of such certification of value, the owner shall pay a six per centum tax on the certified stumpage value to such county treasurer.]~~

(b) Any cutting of a merchantable forest crop under this subdivision must be conducted within two years from the date of service of the notice upon the owner issued by the department. [~~Upon failure of the owner within such period to conduct such cutting, the department shall certify to the owner and the county treasurer of the county or counties the stumpage value of such merchantable forest crop. No later than thirty days after receipt of such certification of value, the owner shall pay a six per centum tax on the certified stumpage value to such county treasurer.]~~

(c) Any noncommercial cutting under this subdivision must be conducted within one year from the date of service of the notice upon the owner issued by the department.

(d) If such owner, within the period prescribed by this subdivision, makes such cuttings as directed by the department, the tract shall continue to be certified as long as the owner shall continue to comply with the provisions of this section and manage the same in the manner prescribed in the approved management plan for such tract.

7. (a) The department shall, after notice and hearing, issue a notice of violation of this section for any certified tract whenever it finds that:

(i) any tract or portion thereof is converted to a use which precludes management of the land for forest crop production; or

(ii) the owner fails to give written notice of a proposed cutting on such tract [~~or fails to timely pay the appropriate tax on the stumpage value of the merchantable forest crop determined pursuant to subdivision five or six of this section~~]; or

(iii) the owner fails to comply with the approved management plan for such tract at any time during the commitment period; or

(iv) the owner fails to make a timely cutting in accordance with the provisions of subdivision six of this section after service of notice by the department to make such a cutting.

(b) Notwithstanding the finding of an occurrence described by subparagraph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the department, upon prior notice to the appropriate assessor, may determine that a violation has not occurred if the failure to comply was due to reasons beyond the control of the owner and such failure can be corrected forthwith without significant effect on the overall purpose of the management plan.

(c) The owner of [~~such~~] an eligible tract, following the issuance of such notice by the department for one or more of the reasons set forth in paragraph (a) of this subdivision, shall be subject to a penalty as provided in paragraph (d) or (e) of this subdivision, whichever applies. Penalties imposed by this section shall be subject to interest charges at the rate established pursuant to section nine hundred twenty-four-a of this chapter for each applicable year or, for years prior to nineteen hundred eighty-four, at a rate of six per centum per annum compounded. Such interest shall accrue in the year with reference to which a penalty, or portion thereof, is attributed.

(d) Except as otherwise provided in paragraph (e) of this subdivision[~~7~~]:

(i) the penalty imposed under paragraph (c) of this subdivision for a parcel that has been enrolled under this section for less than ten years shall be computed by multiplying by two and one-half the amount of taxes that would have been levied on the forest land exemption entered on the assessment roll pursuant to subdivision four of this section for the current year and any prior years in which such an exemption was granted, utilizing the applicable tax rate for the current year and for such prior years[~~7, not to exceed a total of ten years~~].

(ii) the penalty imposed under paragraph (c) of this subdivision for a parcel that has been enrolled under this section for a minimum of ten years but less than twenty years shall be computed by multiplying by one and one-half the amount of taxes that would have been levied on the forest land exemption entered on the assessment roll pursuant to subdivision four of this section for the current year and prior years in which such an exemption was granted, utilizing the applicable tax rate

1 for the current year and for such prior years, not to exceed a total of
2 ten years.

3 (iii) the penalty imposed under paragraph (c) of this subdivision for
4 a parcel that has been enrolled under this section for a minimum of
5 twenty years shall be the amount of taxes that would have been levied on
6 the forest land exemption entered on the assessment roll pursuant to
7 subdivision four of this section for the current year and the prior
8 years in which such an exemption was granted, utilizing the applicable
9 tax rate for the current year and for such prior years, not to exceed a
10 total of ten years.

11 (e) The penalty imposed under paragraph (c) of this subdivision appli-
12 cable to converted land which constitutes only a portion of a certified
13 eligible tract shall be twice the amount determined under paragraph (d)
14 of this subdivision. In calculating such penalty, only that portion of
15 the tract that was actually converted to a use that precludes management
16 of the land for forest crop production shall be used as the basis for
17 determining the penalty.

18 (f) A notice of violation issued under this subdivision shall be given
19 by the department to the owner and to the county treasurer of the county
20 or counties in which such tract is located, and the penalty and interest
21 charges shall be computed for each of the municipal corporations in
22 which such tract is located by such county treasurer. Upon completion of
23 the computation of the penalty and interest, the county treasurer shall
24 give notice to the owner of the amount of the penalty and interest, and
25 the amount shall be entered on the next completed tax roll of such coun-
26 ty or counties. Such penalties and interest shall be levied and
27 collected in the same manner and at the same time as other taxes are
28 imposed and levied on such roll. Upon collection of such penalties and
29 interest, such county treasurer shall pay the amounts due to each of the
30 appropriate municipal corporations.

31 (g) Upon receipt of proof satisfactory to the department that all
32 penalties[~~, stumpage taxes~~] and interest imposed by this section have
33 been fully paid or satisfied, the department shall revoke the certifi-
34 cate of [~~approval~~] eligibility issued pursuant to subdivision two of
35 this section, and notice of such revocation shall be given to the owner
36 and to the county clerk of the county or counties in which the tract is
37 located. Upon receipt of such notice of revocation, the county clerk
38 shall record the same in the books kept for the recording of deeds and
39 shall index the same in the deed index against the name of the owner of
40 the property. The county clerk shall also note on the face of the last
41 certificate of [~~approval or certified~~] eligibility and commitment form
42 previously recorded pursuant to this section the word "REVOKED" followed
43 by a reference to the liber and page where the notice of revocation is
44 recorded pursuant to this subdivision.

45 (h) The certificate of [~~approval~~] eligibility of a certified tract for
46 which no notice of violation has been issued shall be revoked without
47 penalty upon receipt of proof satisfactory to the department that nine
48 years have passed from the year of the last [~~certified~~] commitment form
49 filed with the assessor by the owner pursuant to subdivision three of
50 this section. Notice of such revocation shall be recorded and indexed
51 as provided in paragraph (g) of this subdivision.

52 (i) No fee, penalty or rollback of taxes otherwise due pursuant to
53 this section may be imposed upon the city of New York for failure to
54 comply with [~~a-certified~~] an approved management plan for an eligible
55 tract that the city acquires for watershed purposes.

1 8. (a) The owner of a certified tract shall not be subject to any
2 penalty under this section that would otherwise apply because such tract
3 or any portion thereof is converted to a use other than forest crop
4 production by virtue of: (i) an involuntary taking by eminent domain or
5 other involuntary proceeding, except a tax sale, or (ii) a voluntary
6 proceeding, providing such proceeding involves the establishment of
7 rights-of-way for public highway or energy transmission purposes wherein
8 such corridors have been established subsequent to public hearing as
9 needed in the public interest and environmentally compatible, or (iii)
10 oil, gas or mineral exploration, development or extraction activity
11 undertaken by an independent grantee pursuant to a lease or other
12 conveyance of subsurface rights recorded more than ten years prior to
13 the date of the certificate of ~~[approval]~~ eligibility issued by the
14 department under subdivision two of this section, or (iv) where all or a
15 substantial portion of the certified tract is destroyed or irreparably
16 damaged by reason of an act of God or a natural disaster.

17 (b) In the event the land so converted to a use other than forest crop
18 production constitutes only a portion of such tract, the assessor shall
19 apportion the assessment, and enter that portion so converted as a sepa-
20 rately assessed parcel on the appropriate portion of the assessment
21 roll. The assessor shall then adjust the forest land exemption attribut-
22 able to the portion of the tract not so converted by subtracting the
23 proportionate part of the exemption of the converted parcel.

24 (c) If the portion so converted divides the tract into two or more
25 separate parcels, such remaining parcels not so converted will remain
26 ~~[certified]~~ eligible under this section, regardless of size, except that
27 should any remaining parcel be no longer accessible for continued forest
28 crop production, the department shall, after notice and hearing, revoke
29 the ~~[certification]~~ certificate of eligibility of the inaccessible
30 parcel or parcels, and notice of such revocation shall be recorded and
31 indexed as provided in subdivision seven of this section. Such revoca-
32 tion shall not subject the owner of the tract to penalty, but the
33 exemption under this section shall no longer apply to the tract or
34 portion thereof no longer accessible.

35 (d) The owner of a certified eligible tract shall not be subject to
36 penalty under this section that would otherwise apply because the forest
37 crop on the certified eligible tract or portion is, through no fault of
38 the owner, damaged or destroyed by fire, infestation, disease, storm,
39 flood, or other natural disaster, act of God, accident, trespass or war.
40 If a merchantable forest crop is to be cut or removed in connection with
41 necessary salvage operations resulting from any such event, the owner
42 shall give notice of cutting~~[, the department shall certify the stumpage~~
43 ~~value, and stumpage tax shall be payable, collected and enforced as~~
44 ~~provided in subdivisions five and seven of this section]~~. Nothing in
45 this paragraph shall be construed to subject any person to penalty under
46 subdivision seven of this section for immediate action taken in good
47 faith in the event of an emergency.

48 9. All ~~[stumpage tax,]~~ penalties and interest charges thereon
49 collected pursuant to subdivisions five, six and seven of this section
50 shall be apportioned to the applicable municipal corporations in which
51 such tract is situated.

52 10. (a) Management plans approved pursuant to this section shall not
53 be deemed to authorize or permit any practice or activity prohibited,
54 restricted or requiring further approval under the environmental conser-
55 vation law, or any other general or special law of the state, or any
56 lawful rule or regulation duly promulgated thereunder.

(b) No otherwise eligible tract, or portion thereof, shall be deemed to be ineligible for certification or qualification under this section, and no certificate of ~~[approval]~~ eligibility shall be revoked or penalty imposed, solely on the ground that any such law, rule or regulation partially restricts or requires further approval for forest crop production practices or activities on such tract or portion.

11. The owner of an eligible tract certified under an approved management plan under this section as of March first, two thousand nineteen may withdraw such eligible tract from commitment, without penalty or obligation to follow the approved management plan for the remaining commitment term, until February twenty-eighth, two thousand twenty. The owner of an eligible tract certified under an approved management plan under this section may withdraw such eligible tract from commitment, without penalty, upon commitment to sustainable forest management under a forest certification program of such eligible tract or implementing an approved forest management practice on a qualifying portion under section four hundred eighty-b of this title at any time.

12. Notwithstanding any law to the contrary, in the event that lands subject to an approved management plan and a certificate of eligibility pursuant to this section of law are:

(a) transferred or sold to family members of the landowner, as defined by regulations of the department, such lands may continue to be eligible to participate in the program and all management obligations of such lands may also be transferred if such new landowner desires to continue participation in such program. If such landowner does not want to continue to participate in the program authorized by this section, a notification must be provided to the department and such lands shall no longer be eligible for the program. The landowner shall be responsible for the remaining nine years of the commitment including all management obligations or such new landowner may apply for a program pursuant to section four hundred eighty-b of this title at any time.

(b) transferred or sold to non-family members of the landowner, such lands shall no longer be eligible for participation in the program. However, such new landowner shall be responsible for the remaining nine years of the commitment including all management obligations or such new landowner may apply, if desired, under section four hundred eighty-b of this title.

(c) the subject of an application for eligibility under a forest management practice plan pursuant to section four hundred eighty-b of this title after the sale or transfer of land as listed in paragraphs (a) and (b) of this subdivision, such landowners shall not be required to conduct a qualifying management practice to be eligible for the program authorized pursuant to section four hundred eighty-b of this title.

13. (a) Any county, town or school district in which the total assessed value exempted by this section and section four hundred eighty-b of this title represents one percent or more of the total taxable assessed value on the final tax roll, as computed and verified by the department of taxation and finance, shall be eligible to receive forestry exemption assistance.

(b)(i) The county treasurer of any eligible county shall annually submit to the department of taxation and finance a list of any changes to the assessed value, taxable status or acreage of all lands made subsequent to the filing of those assessments rolls upon which county taxes are extended, and the county tax rate and town tax rate extended against any parcel receiving one of those exemptions. Such list shall

1 include a statement of the total taxable assessed value, both before and
2 after application of the exemption, of the county and of each listed
3 town and parcel.

4 (ii) The business manager of any eligible school district shall annu-
5 ally submit to the department of taxation and finance a list of any
6 changes to the assessed value, taxable status or acreage of all lands
7 made subsequent to the filing of those assessment rolls upon which
8 school taxes are extended, and the school tax rate extended against any
9 parcel receiving one of those exemptions. Such list shall include a
10 statement of the total taxable assessed value, both before and after
11 application of the exemption, of the school district and of each listed
12 parcel.

13 (iii) Lists prepared pursuant to this paragraph shall be filed with
14 the department of taxation and finance within thirty days of the levy of
15 taxes each year. In the event that a tax roll or final roll is revised,
16 corrected, or altered for any reason within thirty-six months of the
17 filing of such list, a county, town or school district shall so notify
18 the department of taxation and finance. The department of taxation and
19 finance shall thereupon increase or decrease the next payment of such
20 assistance to the affected county, town and/or school district to the
21 extent the prior payment was too low or too high in light of such
22 revision, correction, or alteration.

23 (c) The department of taxation and finance shall annually compute the
24 amount of forestry exemption assistance payable to or for the benefit of
25 a county, town or school district.

26 (d) (i) Subject to appropriation, the amount of forestry exemption
27 assistance paid to a county, town or school district pursuant to this
28 subdivision in any year shall equal the tax exempt value that exceeds
29 one percent of the reduced total taxable assessed value, as computed by
30 paragraph (a) of this subdivision, multiplied by the applicable tax
31 rate, as determined by the commissioner of taxation and finance, in such
32 town, county, or school district.

33 (ii) Any forestry exemption assistance provided to a county or school
34 district under this subdivision in any year shall be reduced by the
35 amount of small government assistance paid to such county or school
36 district in the current state fiscal year, and, in the case of a town,
37 shall be reduced by the amount of small government assistance paid to
38 such town in state fiscal year two thousand four-two thousand five
39 pursuant to chapter fifty of the laws of two thousand four, and shall be
40 further reduced by the amount that was added to the base level grant for
41 such town pursuant to subparagraph eight of paragraph b of subdivision
42 ten of section fifty-four of the state finance law as added by section
43 two of part M of chapter fifty-six of the laws of two thousand five, as
44 reported to the department of taxation and finance by the division of
45 the budget.

46 (e) The department of taxation and finance shall annually certify to
47 the state comptroller the amount of forestry exemption assistance paya-
48 ble pursuant to this subdivision, and shall mail a copy of such certif-
49 ication to the county treasurer of each county and business manager of
50 each school district containing eligible private forest tracts. Such
51 forestry exemption assistance shall be paid on audit and warrant of the
52 comptroller out of monies appropriated by the legislature, provided that
53 if an appropriation does not fully reimburse all impacted towns, coun-
54 ties and school districts, the amount shall be provided on a pro rata
55 basis to each eligible town, county and school district.

§ 4. The real property tax law is amended by adding a new section 480-b to read as follows:

§ 480-b. Taxation of forest land under a forest practice program or forest certification program. 1. As used in this section:

(a) "Agricultural land" shall mean land that has received an agricultural assessment pursuant to section three hundred five or section three hundred six of the agriculture and markets law, provided that farm woodland that has received an agricultural assessment in each of the previous five years may qualify for the exemption provided by this section. Farm woodland that qualifies for and receives this exemption shall not also receive an agricultural assessment.

(b) "Commitment" shall mean a declaration to the assessor and county clerk made on an annual basis by the owner of a certified eligible tract either (i) committing such tract to sustainable forest management for the next succeeding ten years under a forest certification program, or (ii) committing such tract to sustainable forestry and open space preservation for the next succeeding ten years under a forest management practice plan. The commitment made shall be on a commitment form prescribed by the department, and shall include the verification of continued eligibility. A commitment form without a properly completed verification of continued eligibility shall be of no legal effect.

(c) "Certificate of eligibility" shall mean a certificate issued by the department and sent to the landowner of an eligible tract that demonstrates such tract meets all requirements of a forest certification program or forest management practice plan in which it is enrolled.

(d) "Department" shall mean the department of environmental conservation.

(e) "Eligible tract" shall mean a tract of privately owned land of at least twenty-five contiguous acres, exclusive of any portion thereof not devoted to forest or other open space, as defined in regulations, of which at least half of the acres must be forest land. Lands divided by federal, state, county or town roads, easements or rights-of-way, or energy transmission corridors or similar facilities will be considered contiguous for purposes of this section, unless vehicular access for forest management purposes is precluded. Lands from which a merchantable forest crop, as defined in section four hundred eighty-a of this title, has been cut or removed within three years prior to the time of application for certification under this section will be ineligible unless such cutting or removal was accomplished under a forest management practice plan designed to provide for sustainable forestry as determined by the state forester or his or her designee. Agricultural land is not eligible for enrollment under this program.

(f) "Forest land" shall mean land suitable for forest crop production through natural regeneration or through forestation and shall be stocked with a stand of forest trees sufficient to produce a merchantable forest crop in the future.

(g) "Forest certification program" shall mean a forest certification program, selected by the owner, and which is administered by a qualified third party to ensure sustainable forest management is practiced on the land, as specified in regulations promulgated by the department.

(h) "Qualifying forest management practice" shall mean any cutting of trees related to commercial harvesting including regeneration harvesting; timber stand improvement including weeding, thinning, or crop tree release; site preparation for planting; invasive and/or competing vegetation control; riparian buffer establishment or enhancement; or other activities as specified in regulations promulgated by the department.

1 (i) "Forest management practice plan" shall mean a plan approved by
2 the department for one or more qualifying forest management practice to
3 be conducted on a combined total of at least ten acres of an eligible
4 tract which shall set forth requirements and standards as defined in
5 regulations to ensure and enhance the future productivity and sustaina-
6 bility of the forest treated, and ensure successful regeneration of
7 desirable species, when planned. Such plan must be prepared by or under
8 the direct supervision of a department approved forester as specified in
9 regulations promulgated by the department.

10 (j) "Verification of continued eligibility" shall mean a portion of
11 the commitment form prepared and signed by the landowner which certifies
12 that such landowner continues to satisfy all conditions and requirements
13 of his or her initial enrollment under this section.

14 2. (a) An owner of an eligible tract may apply to the department for a
15 certificate of eligibility under a forest management practice plan or
16 forest certification program pursuant to this section on forms
17 prescribed by the department. If the department finds that such tract
18 is an eligible tract, it shall forward a certificate of eligibility to
19 the owner thereof.

20 (b) The department shall, after public hearings, adopt and promulgate
21 rules and regulations necessary for the implementation of this section,
22 including specifying forest management practices which would qualify a
23 tract for certification.

24 (c) Any tract certified pursuant to this subdivision shall be subject
25 to the provisions of this section. The obligations of this section shall
26 devolve upon and the benefits inure to the owner, his or her heirs,
27 successors and assigns.

28 3. (a) To qualify for a forest land exemption under this section the
29 owner of a certified eligible tract shall:

30 (i) file the certificate of eligibility in the office of the clerk of
31 the county or counties in which such tract is situated. Such certificate
32 shall specify that the tract described therein is committed to either
33 (A) sustainable forest management under a forest certification program
34 or (B) sustainable forestry and open space preservation under an
35 approved forest management practice plan, whichever is applicable, for
36 an initial period of ten years. Upon receipt of such certificate, the
37 county clerk shall record the same in the books kept for the recording
38 of deeds and shall index the same in the deed index against the name of
39 the owner of the property; and (ii) prior to the taxable status date for
40 the first assessment roll upon which such exemption is sought, file an
41 initial application for exemption with the appropriate assessor on forms
42 prescribed by the commissioner. Such application must be accompanied by
43 a certificate of eligibility issued by the department and the commitment
44 form; (iii) prior to the taxable status date for each subsequent assess-
45 ment roll upon which such exemption is sought, file with the appropriate
46 assessor the commitment form for such tract to either (A) sustainable
47 forest management under a forest certification program or (B) sustaina-
48 ble forestry and open space protection under an approved forest manage-
49 ment practice plan, whichever is applicable, for the next succeeding ten
50 years; and (iv) conduct an approved initial qualifying forest management
51 practice on a combined total of at least ten acres of forest land of an
52 eligible tract.

53 (b) If the requirements of this section are met, the assessor shall
54 approve the application and such eligible tract shall be exempt from
55 taxation pursuant to subdivision four of this section to be effective as
56 of the first taxable status date occurring subsequent to such approval,

1 and shall continue to be so exempt thereafter upon receipt by the asses-
2 sor of a commitment form filed in accordance with subparagraph (iii) of
3 paragraph (a) of this subdivision and so long as the certification of
4 the eligible tract has not been revoked by the department.

5 (c) Failure on the part of the owner to file the commitment form in
6 any year following initial certification will result in the termination
7 of the forest land exemption under this section applicable to the prop-
8 erty for that and each succeeding taxable years. Failure to file a
9 commitment form will not constitute a conversion of the tract or breach
10 of the commitment, pursuant to subdivision seven of this section, and
11 the commitment of the property to either (i) sustainable forest manage-
12 ment under a forest certification program or (ii) sustainable forestry
13 or open space preservation through the approved forest management prac-
14 tice plan option, whichever is applicable, shall remain in force for the
15 next succeeding nine years following the last taxable year for which a
16 commitment form was filed.

17 (d) Following failure to file a commitment form in one or more years,
18 in order to obtain a forest land exemption under this section, an owner
19 of a certified tract may submit a commitment form to the assessor before
20 the taxable status date in any subsequent year, except that a new appli-
21 cation under paragraph (a) of subdivision two of this section and
22 subparagraph (i) of paragraph (a) of this subdivision also shall be
23 required if more than five years have elapsed since the owner's last
24 commitment form and verification of continued eligibility was filed.
25 Such new application also shall be required whenever, during the preced-
26 ing year, the approved forest management practice plan has been amended
27 with respect to the acreage of land committed to sustainable forestry,
28 under a forest certification program or sustainable forestry and open
29 space preservation under this section.

30 4. (a) Certified eligible tracts approved for exemption under this
31 section shall be exempt from taxation to the extent of (i) seventy per
32 centum of the assessed valuation thereof in the case of an eligible
33 tract enrolled under a department recognized forest certification
34 program, or (ii) forty per centum of the assessed valuation thereof in
35 the case of an eligible tract enrolled through a forest management prac-
36 tice plan.

37 (b) The assessed value of the exemption granted pursuant to this
38 section shall be entered by the assessor on the assessment roll in such
39 manner as shall be prescribed by the commissioner.

40 5. (a) For lands eligible pursuant to a forest management practice
41 plan, whenever any forest management practice on any certified eligible
42 tract is proposed during the period of commitment pursuant to subdivi-
43 sion three of this section, the owner shall submit a forest management
44 practice plan to the department for approval no less than thirty days
45 prior to the anticipated commencement of such plan and in a manner and
46 upon such form as may be prescribed by the department.

47 (b) Notwithstanding the foregoing provisions of this subdivision and
48 the provisions of subdivision six of this section, the owner of any land
49 certified under this section may annually cut, in accordance with sound
50 forestry practices, not more than ten standard cords or the equivalent
51 for such owner's own use, without notice.

52 6. Any qualifying forest management practice under this subdivision
53 must be conducted within two years from the date of department approval
54 of the forest management practice plan.

1 7. (a) The department shall, after notice and hearing, issue a notice
2 of violation of this section for any certified tract whenever it finds
3 that:

4 (i) any tract or portion thereof is converted to a use which precludes
5 management of the land for sustainable forestry or open space; or

6 (ii) the owner fails to submit a forest management practice plan to
7 the department for approval prior to commencing such practice; or

8 (iii) the owner fails to maintain their participation in a department
9 recognized forest certification program during the commitment period; or

10 (iv) the owner fails to carry out a forest management practice in
11 accordance with the specifications of the qualifying forest management
12 practice plan.

13 (b) Notwithstanding the finding of an occurrence described by subpara-
14 graph (ii), (iii) or (iv) of paragraph (a) of this subdivision, the
15 department, upon prior notice to the appropriate assessor, may determine
16 that a violation has not occurred if the failure to comply was due to
17 reasons beyond the control of the owner and such failure can be
18 corrected forthwith without significant effect on the overall purpose of
19 the commitment.

20 (c) The owner of such tract, following the issuance of such notice by
21 the department for one or more of the reasons set forth in paragraph (a)
22 of this subdivision, shall be subject to a penalty as provided in para-
23 graph (d) or (e) of this subdivision, whichever applies. Penalties
24 imposed by this section shall be subject to interest charges at the rate
25 established pursuant to section nine hundred twenty-four-a of this chap-
26 ter for each applicable year. Such interest shall accrue in the year
27 with reference to which a penalty, or portion thereof, is attributed.

28 (d) Except as otherwise provided in paragraph (e) of this subdivision:

29 (i) the penalty imposed under paragraph (c) of this subdivision for a
30 parcel that has been enrolled under this section for less than ten years
31 shall be computed by multiplying by two and one-half the amount of taxes
32 that would have been levied on the forest land exemption entered on the
33 assessment roll pursuant to subdivision four of this section for the
34 current year and any prior years in which such an exemption was granted,
35 utilizing the applicable tax rate for the current year and for such
36 prior years.

37 (ii) the penalty imposed under paragraph (c) of this subdivision for a
38 parcel that has been enrolled under this section for a minimum of ten
39 years but less than twenty years shall be computed by multiplying by one
40 and one-half the amount of taxes that would have been levied on the
41 forest land exemption entered on the assessment roll pursuant to subdivi-
42 vision four of this section for the current year and prior years in
43 which such an exemption was granted, utilizing the applicable tax rate
44 for the current year and for such prior years, not to exceed a total of
45 ten years.

46 (iii) the penalty imposed under paragraph (c) of this subdivision for
47 a parcel that has been enrolled under this section for a minimum of
48 twenty years shall be the amount of taxes that would have been levied on
49 the forest land exemption entered on the assessment roll pursuant to
50 subdivision four of this section for the current year and prior years in
51 which such an exemption was granted, utilizing the applicable tax rate
52 for the current year and for such prior years, not to exceed a total of
53 ten years.

54 (e) The penalty imposed under paragraph (c) of this subdivision appli-
55 cable to converted land which constitutes only a portion of a certified
56 eligible tract shall be twice the amount determined under paragraph (d)

1 of this subdivision. In calculating such penalty, only that portion of
2 the tract that was actually converted to a use that precludes either (i)
3 sustainable forest management under a forest certification program or
4 (ii) management of the land for sustainable forest management and open
5 space, shall be used as the basis for determining the penalty, unless
6 the remaining portion no longer meets the minimum acreage requirements
7 of paragraph (e) of subdivision one of this section, in which case the
8 entire tract shall be deemed ineligible and subject to revocation and
9 penalties.

10 (f) A notice of violation issued under this subdivision shall be given
11 by the department to the owner and to the county treasurer of the county
12 or counties in which such tract is located, and the penalty and interest
13 charges shall be computed for each of the municipal corporations in
14 which such tract is located by such county treasurer. Upon completion of
15 the computation of the penalty and interest, the county treasurer shall
16 give notice to the owner of the amount of the penalty and interest, and
17 the amount shall be entered on the next completed tax roll of such coun-
18 ty or counties. Such penalties and interest shall be levied and
19 collected in the same manner and at the same time as other taxes are
20 imposed and levied on such roll. Upon collection of such penalties and
21 interest, such county treasurer shall pay the amounts due to each of the
22 appropriate municipal corporations.

23 (g) Upon a finding of a violation, the department shall revoke the
24 certificate of eligibility issued pursuant to subdivision two of this
25 section, and notice of such revocation shall be given to the owner and
26 to the county clerk of the county or counties in which the tract is
27 located. Upon receipt of such notice of revocation, the county clerk
28 shall record the same in the books kept for the recording of deeds and
29 shall index the same in the deed index against the name of the owner of
30 the property. The county clerk shall also note on the face of the last
31 certificate of eligibility and commitment form previously recorded
32 pursuant to this section the word "REVOKED" followed by a reference to
33 the liber and page where the notice of revocation is recorded pursuant
34 to this subdivision.

35 (h) The certificate of eligibility of a tract for which no notice of
36 violation has been issued shall be revoked without penalty upon receipt
37 of proof satisfactory to the department that nine years have passed from
38 the year of the last commitment form filed with the assessor by the
39 owner pursuant to subdivision three of this section. Notice of such
40 revocation shall be recorded and indexed as provided in paragraph (g) of
41 this subdivision.

42 (i) No fee, penalty or rollback of taxes otherwise due pursuant to
43 this section may be imposed upon the city of New York for failure to
44 comply with an approved forest management practice plan for an eligible
45 tract that the city acquires for watershed purposes.

46 8. (a) The owner of a certified eligible tract shall not be subject to
47 any penalty under this section that would otherwise apply because such
48 tract or any portion thereof is converted to a use other than (i)
49 sustainable forest management under a forest certification program or
50 (ii) sustainable forestry and open space preservation under an approved
51 forest management practice, whichever is applicable, by virtue of: (A)
52 an involuntary taking by eminent domain or other involuntary proceeding,
53 except a tax sale, or (B) a voluntary proceeding, provided such proceed-
54 ing involves the establishment of rights-of-way for public highway or
55 energy transmission purposes wherein such corridors have been estab-
56 lished subsequent to public hearing as needed in the public interest and

1 environmentally compatible, or (C) oil, gas or mineral exploration,
2 development or extraction activity undertaken by an independent grantee
3 pursuant to a lease or other conveyance of subsurface rights recorded
4 more than ten years prior to the date of the certificate of eligibility
5 issued by the department under subdivision two of this section, or (D)
6 where all or a substantial portion of the certified tract is destroyed
7 or irreparably damaged by reason of an act of God or a natural disaster.

8 (b) In the event the land so converted to a use other than (i)
9 sustainable forest management under a forest certification program or
10 (ii) sustainable forestry and open space preservation under an approved
11 forest management practice plan, whichever is applicable, constitutes
12 only a portion of such tract, the assessor shall apportion the assess-
13 ment, and enter that portion so converted as a separately assessed
14 parcel on the appropriate portion of the assessment roll. The assessor
15 shall then adjust the forest land exemption attributable to the portion
16 of the tract not so converted by subtracting the proportionate part of
17 the exemption of the converted parcel.

18 (c) If the portion so converted divides the tract into two or more
19 separate parcels, such remaining parcels not so converted will remain
20 eligible under this section, regardless of size.

21 (d) The owner of a certified tract shall not be subject to penalty
22 under this section that would otherwise apply because the forest or open
23 space on the certified tract or portion is, through no fault of the
24 owner, damaged or destroyed by fire, infestation, disease, storm, flood,
25 or other natural disaster, act of God, accident, trespass or war. If a
26 forest management practice is to occur in connection with necessary
27 salvage operations resulting from any such event, the owner shall submit
28 a forest management practice plan to the department for approval prior
29 to the commencement of such practice. Nothing in this paragraph shall be
30 construed to subject any person to penalty under subdivision seven of
31 this section for immediate action taken in good faith in the event of an
32 emergency.

33 9. All penalties and interest charges thereon collected pursuant to
34 subdivisions five, six and seven of this section shall be apportioned to
35 the applicable municipal corporations in which such tract is situated.

36 10. (a) Forest certification programs recognized and forest management
37 practice plans approved pursuant to this section shall not be deemed to
38 authorize or permit any practice or activity prohibited, restricted or
39 requiring further approval under the environmental conservation law, or
40 any other general or special law of the state, or any lawful rule or
41 regulation duly promulgated thereunder.

42 (b) No otherwise eligible tract, or portion thereof, shall be deemed
43 to be ineligible for certification or qualification under this section,
44 and no certificate of eligibility shall be revoked or penalty imposed,
45 solely on the ground that any such law, rule or regulation partially
46 restricts or requires further approval for forest management practices
47 or activities on such tract or portion.

48 § 5. Section 9-0815 of the environmental conservation law, as added
49 by chapter 602 of the laws of 2003, the section heading and subdivision
50 3 as amended by chapter 623 of the laws of 2003, is amended to read as
51 follows:

52 § 9-0815. [~~Request for comment on local laws or ordinances pertaining to~~
53 ~~the practice of forestry~~] Forestry practice requirements.

54 [~~The commissioner upon his or her own initiative, or upon the written~~
55 ~~request of a municipality or an owner of forest land within the muni-~~
56 ~~city, may elect to comment upon a proposed local law or ordinance~~

~~which may restrict the practice of forestry. The requesting municipality or owner of forest land shall provide, at a minimum, the full text of the proposed local law or ordinance to the commissioner with such request.]~~

~~1. [Upon receipt of such written request or upon the commissioner's determination to comment on a local law or ordinance, the commissioner shall notify the municipal legislative body, in writing, of the receipt date or the date of such determination]~~ a. Any municipality proposing an ordinance, local law, regulation or permit requirement which may restrict the practice of forestry, including but not limited to, timber harvesting, other forest management practices, and temporary storage or transport of logs or other wood products from harvest sites, shall submit such proposals to the department for review, comment and input, to ensure they do not adversely impact the landowner's right to practice forestry.

~~[2. An owner of forest land shall provide notice to the municipal legislative body proposing the local law or ordinance of a written request to the commissioner in the time, manner, and form as may be prescribed by the commissioner]~~ b. The requiring municipality shall provide, at a minimum, the full text of the proposed local law or ordinance to the commissioner.

~~[3.]~~ c. The commissioner, in preparing his or her comments for consideration by the municipality, may consider factors including, but not limited to, the impact of the proposed local law or ordinance upon the long-term viability of forests in the municipality and any modifications or alternatives which a municipality may undertake to minimize the impacts to the practice of forestry in preparing his or her comments.

~~[4.]~~ d. The commissioner shall have forty-five days after receipt of an ordinance to provide his or her comments, if any, to the municipal legislative body proposing the law or ordinance. Any municipal legislative body shall defer the adoption of such local law or ordinance pending receipt of comments, if any, from the commissioner or the passage of forty-five days from the date of receipt of the proposed local law or ordinance by the commissioner. The commissioner shall have the opportunity to [respond] review and provide comments only to the original proposal considered by the local governing body.

~~[5.]~~ e. For purposes of this section, "forest land" shall mean land that is suitable to forest crop production.

f. If the department recommends modification or disapproval of a proposed action, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

2. The department shall promulgate rules and regulations requiring all landowners, or their authorized agents, to provide notification to the department prior to engaging in any commercial timber harvest of a merchantable forest crop from ten or more acres of privately-owned forest land in any given year.

a. Such notification shall be in the manner and format prescribed by the department and, at minimum, shall include:

- (i) name and address of the landowner;
- (ii) name and address of any authorized agent of the landowner conducting forestry related activities, such as a forester, land manager or logger;
- (iii) location and acreage of the area to be harvested and planned point or points of access to public road or roads;
- (iv) approximate start and end dates of the harvest;

1 (v) approximate volume to be harvested;
2 (vi) products and species to be harvested;
3 (vii) whether the harvest is being conducted pursuant to a written
4 forest management plan under section four hundred eighty-a or a program
5 under section four hundred eighty-b of the real property tax law and, if
6 applicable, the name and address of the individual or entity that
7 prepared the plan;
8 (viii) whether the harvest is being conducted pursuant to a harvesting
9 contract; and

10 (ix) other information as deemed necessary and beneficial.

11 b. The department shall share timber harvest notifications with any
12 municipality that requests such notifications, in writing, for harvests
13 in such municipality.

14 c. Any provision of any local law or ordinance, or any rule or regu-
15 lation promulgated thereto, governing timber harvest notification shall
16 upon the effective date of a chapter of the laws of two thousand eigh-
17 teen that amended this section be preempted.

18 § 6. Article 9 of the environmental conservation law is amended by
19 adding two new titles 23 and 25 to read as follows:

20 TITLE 23

21 COMMUNITY FOREST GRANT PROGRAM

22 Section 9-2301. Definitions.

23 9-2303. Criteria for community forest projects.

24 9-2305. State assistance application procedure.

25 9-2307. Regulations.

26 9-2309. Contracts for state assistance payments.

27 9-2311. Powers and duties of the commissioner.

28 § 9-2301. Definitions.

29 For the purpose of this title, the following terms shall have the
30 following meanings:

31 1. "Eligible land" shall mean private forest land in the state that is
32 at least twenty-five acres in size, suitable to sustain natural vege-
33 tation, which is at least seventy-five percent forested.

34 2. "Municipality" shall mean a county, city, town, village, or Indian
35 nation or tribe recognized by the United States with a reservation whol-
36 ly or partly within the boundaries of the state, a local public authori-
37 ty or public benefit corporation, or any combination thereof.

38 3. "Not-for-profit conservation organization" means a not-for-profit
39 corporation organized for the conservation or preservation of real prop-
40 erty and which has the power to acquire interests in real property. Such
41 organization must have qualified as exempt for federal tax purposes
42 pursuant to section 501 (c)(3) of the internal revenue code or any simi-
43 lar successor statutory provision.

44 § 9-2303. Criteria for community forest projects.

45 1. The department shall provide, on a competitive basis, within
46 amounts appropriated state assistance to municipalities and not-for-pro-
47 fit conservation organizations for the purchase of lands for the
48 purposes herein provided, to establish forest plantations or for the
49 care and management of forests. The program shall require a fifty
50 percent non-state match.

51 2. The purpose of the program is to establish community forests to
52 protect forest land from conversion to non-forest uses and provide
53 community benefits such as sustainable forest management, environmental
54 benefits including clean air, water, and wildlife habitat; benefits from
55 forest-based educational programs; benefits from serving as models of

1 effective forest stewardship; and recreational benefits secured with
2 public access.

3 § 9-2305. State assistance application procedure.

4 1. A municipality upon the approval of its governing body, or not-for-
5 profit conservation organization, may submit an application to the
6 commissioner, in such form and containing such information as the
7 commissioner may require, for state assistance payments toward the cost
8 of a project which is eligible for state assistance pursuant to this
9 title.

10 2. The commissioner shall review such project application and may
11 approve, disapprove or recommend modifications thereto consistent with
12 applicable law, criteria, standards or rules and regulations relative to
13 such projects.

14 § 9-2307. Regulations.

15 The department may promulgate any rules and regulations necessary to
16 implement and administer this title including but not limited to appli-
17 cation procedures, review processes, and project approval guidelines and
18 criteria.

19 § 9-2309. Contracts for state assistance payments.

20 The commissioner shall impose such contractual requirements and condi-
21 tions upon any municipality and any not-for-profit conservation organ-
22 ization which receive funds pursuant to this title as may be necessary
23 and appropriate to assure that a public benefit shall accrue from the
24 use of public funds by such municipality and not-for-profit conservation
25 organization.

26 § 9-2311. Powers and duties of the commissioner.

27 In administering the provisions of this title the commissioner:

28 1. shall make an itemized estimate of funds or appropriations
29 requested annually for inclusion in the executive budget;

30 2. may, in the name of the state, as further provided within this
31 title, contract to make, within the limitations of appropriation avail-
32 able therefor, state assistance payments toward the costs of an approved
33 project. Such contracts shall be subject to approval by the state comp-
34 troller and, as to form, by the attorney general;

35 3. shall approve vouchers for the payments pursuant to an approved
36 contract. All such payments shall be paid on the audit and warrant of
37 the state comptroller; and

38 4. may perform such other and further acts as may be necessary, proper
39 or desirable to carry out the provisions of this article.

40 TITLE 25

41 EMPIRE FOREST INCENTIVE PROGRAM

42 Section 9-2501. Definitions.

43 9-2503. Criteria for empire forest incentive projects.

44 9-2505. State assistance application procedure.

45 9-2507. Regulations.

46 9-2509. Contracts for state assistance payments.

47 9-2511. Powers and duties of the commissioner.

48 § 9-2501. Definitions.

49 For the purpose of this title, "eligible land" shall mean private
50 forest land in the state that is at least twenty-five acres in size,
51 suitable to sustain natural vegetation.

52 § 9-2503. Criteria for empire forest incentive projects.

53 1. The department shall provide through a competitive process, within
54 amounts appropriated, state assistance payments pursuant to the empire
55 forest incentive program to landowners for the costs associated with
56 sound, scientifically based forest management practices on eligible

1 land. The program shall require a non-state match. The department may
2 contract with an independent third party organization to administer such
3 state assistance program, provided that not more than ten percent of all
4 funds may be made available to carry out the program for each fiscal
5 year for program administration and technical assistance under such
6 contract.

7 2. The projects that qualify for state assistance payments under this
8 title shall include but are not limited to:

9 a. Forest stewardship planning projects, including upgrading an exist-
10 ing plan to state approved standards. Forest stewardship planning
11 projects must be completed and approved by the department before the
12 landowner is eligible for other projects.

13 b. Forest stand improvement projects to enhance growth and quality of
14 wood fiber for activities such as tree marking, thinning, cull removal,
15 or grapevine removal.

16 c. Invasive species control projects to limit the spread of invasive
17 species in forested environments through eradication or management prac-
18 tices that support the forest owner's management goals. This project
19 does not include orchard, ornamental, nursery or Christmas tree
20 purposes.

21 d. Afforestation or reforestation projects to encourage regeneration
22 of forest cover through site preparation, planting, seeding, fencing, or
23 tree shelters for the purposes of timber or fiber production or carbon
24 sequestration. Planting shall be limited to non-invasive native or natu-
25 ralized species and cannot be used for orchard, ornamental, nursery or
26 Christmas tree purposes.

27 e. Water quality improvement projects to improve or protect water
28 quality, riparian areas, forest wetlands and forest watersheds through
29 the establishment, maintenance, renovation, and/or restoration of
30 approved projects.

31 f. Fish and wildlife habitat improvement projects to create, protect,
32 or maintain fish and wildlife habitat through establishment, mainte-
33 nance, and restoration projects.

34 g. Forest health projects to improve, protect or restore forest health
35 relative to detection of or damage by insects, diseases, and animals
36 affecting established stands. The project does not include cost-sharing
37 for applications of chemical or biological agents for control of forest
38 pests.

39 h. Wildfire and catastrophic event rehabilitation projects to restore
40 and rehabilitate forests following catastrophic natural events such as
41 wildfire, wind, and ice storms. Such activities may include stabilizing
42 firebreak soils or burned areas, tree designation for stand improvement,
43 and thinning.

44 § 9-2505. State assistance application procedure.

45 1. A landowner may submit an application to the commissioner, in such
46 form and containing such information as the commissioner may require,
47 for state assistance payments toward the cost of a qualifying project on
48 eligible land.

49 2. The commissioner shall review such project application and may
50 approve, disapprove or recommend modifications thereto consistent with
51 applicable law, criteria, standards or rules and regulations relative to
52 such projects.

53 § 9-2507. Regulations.

54 The department shall promulgate any rules and regulations necessary to
55 implement and administer this title including but not limited to the

amount or percentage for funding matches, application procedures, review processes, and project approval guidelines and criteria.

§ 9-2509. Contracts for state assistance payments.

The commissioner shall impose such contractual requirements and conditions upon any landowner and any independent third party organization which receive funds pursuant to this title as may be necessary and appropriate to assure that a public benefit shall accrue from the use of public funds by such landowner and independent third party organization.

§ 9-2511. Powers and duties of the commissioner.

In administering the provisions of this title the commissioner:

1. shall make an itemized estimate of funds or appropriations requested annually for inclusion in the executive budget;

2. may, in the name of the state, as further provided within this title, contract to make, within the limitations of appropriation available therefor, state assistance payments toward the costs of an approved project on eligible land. Such contracts shall be subject to approval by the state comptroller and, as to form, by the attorney general;

3. shall approve vouchers for the payments pursuant to an approved contract. All such payments shall be paid on the audit and warrant of the state comptroller; and

4. may perform such other and further acts as may be necessary, proper or desirable to carry out the provisions of this article.

§ 7. Subdivision 1 of section 163 of the state finance law is amended by adding a new paragraph 1 to read as follows:

1. "Wood products" shall mean any items made of wood or wood fiber from any species of tree.

§ 8. Subdivision 6 of section 163 of the state finance law, as amended by chapter 569 of the laws of 2015, is amended to read as follows:

6. Discretionary buying thresholds. Pursuant to guidelines established by the state procurement council: the commissioner may purchase services and commodities in an amount not exceeding eighty-five thousand dollars without a formal competitive process; state agencies may purchase services and commodities in an amount not exceeding fifty thousand dollars without a formal competitive process; and state agencies may purchase commodities or services from small business concerns or those certified pursuant to articles fifteen-A and seventeen-B of the executive law, or commodities or technology that are recycled or remanufactured, or commodities that are food, including milk and milk products, grown, produced or harvested in New York state; or wood products made from wood or wood fiber, grown and manufactured in New York state in an amount not exceeding two hundred thousand dollars without a formal competitive process.

§ 9. Subdivision 6-c of section 163 of the state finance law, as added by section 2 of part P of chapter 55 of the laws of 2013, is amended to read as follows:

6-c. Pursuant to the authority provided in subdivision six of this section, for the purchase of commodities that are food, including milk and milk products, grown, produced or harvested in New York state, or wood products made from wood or wood fiber, grown and manufactured in New York state where such commodities exceed fifty thousand dollars in value, state agencies must advertise the discretionary purchase on the state agency website for a reasonable period of time and make the discretionary purchase based on the lowest price that meets the state agency's form, function and utility.

§ 10. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to

1 be invalid, such judgment shall not affect, impair, or invalidate the
2 remainder thereof, but shall be confined in its operation to the clause,
3 sentence, paragraph, subdivision, section or part thereof directly
4 involved in the controversy in which such judgment shall have been
5 rendered. It is hereby declared to be the intent of the legislature that
6 this act would have been enacted even if such invalid provisions had not
7 been included herein.

8 § 11. This act shall take effect immediately, provided however the
9 amendments to sections 480-a and 480-b of the real property tax law made
10 by sections three and four of this act shall take effect on January 1,
11 2019, provided further that the amendments to section 163 of the state
12 finance law made by sections seven, eight and nine of this act shall not
13 affect the repeal of such section and shall be deemed repealed there-
14 with, provided further that, the forestry exemption assistance in subdi-
15 vision 13 of section 480-a of the real property tax law as added by
16 section three of this act shall apply beginning with final tax rolls
17 filed in 2019.

18 PART AA

19 Section 1. Subdivision 3 of section 92-s of the state finance law, as
20 amended by section 2-a of part JJ of chapter 58 of the laws of 2017, is
21 amended to read as follows:

22 3. Such fund shall consist of the amount of revenue collected within
23 the state from the amount of revenue, interest and penalties deposited
24 pursuant to section fourteen hundred twenty-one of the tax law, the
25 amount of fees and penalties received from easements or leases pursuant
26 to subdivision fourteen of section seventy-five of the public lands law
27 and the money received as annual service charges pursuant to section
28 four hundred four-n of the vehicle and traffic law, all moneys required
29 to be deposited therein from the contingency reserve fund pursuant to
30 section two hundred ninety-four of chapter fifty-seven of the laws of
31 nineteen hundred ninety-three, all moneys required to be deposited
32 pursuant to section thirteen of chapter six hundred ten of the laws of
33 nineteen hundred ninety-three, repayments of loans made pursuant to
34 section 54-0511 of the environmental conservation law, all moneys to be
35 deposited from the Northville settlement pursuant to section one hundred
36 twenty-four of chapter three hundred nine of the laws of nineteen
37 hundred ninety-six, provided however, that such moneys shall only be
38 used for the cost of the purchase of private lands in the core area of
39 the central Suffolk pine barrens pursuant to a consent order with the
40 Northville industries signed on October thirteenth, nineteen hundred
41 ninety-four and the related resource restoration and replacement plan,
42 the amount of penalties required to be deposited therein by section
43 71-2724 of the environmental conservation law, all moneys required to be
44 deposited pursuant to article thirty-three of the environmental conser-
45 vation law, all fees collected pursuant to subdivision eight of section
46 70-0117 of the environmental conservation law, all moneys collected
47 pursuant to title thirty-three of article fifteen of the environmental
48 conservation law, beginning with the fiscal year commencing on April
49 first, two thousand thirteen, nineteen million dollars, and all fiscal
50 years thereafter, twenty-three million dollars plus all funds received
51 by the state each fiscal year in excess of the greater of the amount
52 received from April first, two thousand twelve through March thirty-
53 first, two thousand thirteen or one hundred twenty-two million two
54 hundred thousand dollars, from the payments collected pursuant to subdi-

vision four of section 27-1012 of the environmental conservation law and all funds collected pursuant to section 27-1015 of the environmental conservation law, [~~provided such funds shall not be less than four million dollars for the fiscal year commencing April first, two thousand thirteen, and not less than eight million dollars for all fiscal years thereafter~~] and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

§ 2. Paragraph (i) of subdivision 2 and paragraphs (k) and (l) of subdivision 3 of section 97-b of the state finance law are REPEALED.

§ 3. Subdivision 1 of section 97-b of the state finance law, as amended by section 5 of part T of chapter 57 of the laws of 2017, is amended to read as follows:

1. There is hereby established in the custody of the state comptroller a nonlapsing revolving fund to be known as the "hazardous waste remedial fund", which shall consist of a "site investigation and construction account", an "industry fee transfer account", an "environmental restoration project account", "hazardous waste cleanup account", and a "hazardous waste remediation oversight and assistance account" [~~, a "solid waste mitigation account", and a "drinking water response account"~~].

§ 4. Subdivisions 4 and 7 of section 27-1201 of the environmental conservation law are REPEALED and subdivisions 5, 6, and 8 of section 27-1201 are renumbered subdivisions 4, 5, and 6.

§ 5. Subdivision 6 of section 27-1203 of the environmental conservation law, as added by section 4 of part T of chapter 57 of the laws of 2017, is amended to read as follows:

6. Where the department has determined through a preliminary investigation conducted pursuant to subdivision four of this section that a solid waste site is causing or substantially contributing to contamination of a public drinking water supply, the owner or operator of a solid waste site shall, at the department's written request, cooperate with any and all remedial measures deemed necessary and which shall be undertaken by the department, in conjunction with the department of health, for the mitigation and remediation of a solid waste site or area which is necessary to ensure that drinking water meets applicable standards, including maximum contaminant levels, notification levels, maximum residual disinfectant levels, or action levels established by the department of health. The department may implement necessary measures to mitigate and remediate the solid waste site within amounts appropriated for such purposes from the solid waste mitigation [~~account~~] program.

§ 6. Paragraph b of subdivision 6, subdivision 9, subdivision 11, and paragraph e of subdivision 12 of section 27-1205 of the environmental conservation law, as added by section 4 of part T of chapter 57 of the laws of 2017, are amended to read as follows:

b. the threat makes it prejudicial to the public interest to delay action until a hearing can be held pursuant to this title, the department may, pursuant to paragraph a of subdivision three of this section and within the funds available to the department from the drinking water response [~~account~~] program, develop and implement, in conjunction with the department of health, all reasonable and necessary mitigation and remedial measures to address drinking water contamination for such site to ensure that drinking water meets applicable standards, including maximum contaminant levels, notification levels, maximum residual disinfectant levels or action levels established by the department of health. Findings required pursuant to this subdivision shall be in writing and

1 may be made by the commissioner of health on an ex parte basis subject
2 to judicial review.

3 9. When a municipality develops and implements remediation to address
4 a drinking water contamination site, determined pursuant to subdivision
5 four of this section, and the plan is approved by the department, in
6 conjunction with the department of health, which is owned or has been
7 operated by such municipality or when the department, in conjunction
8 with the department of health, pursuant to an agreement with a munici-
9 pality, develops and implements such remediation, the commissioner
10 shall, in the name of the state, agree in such agreement to provide from
11 the drinking water response [~~account~~] program, within the limitations of
12 appropriations therefor, seventy-five percent of the eligible design and
13 construction costs of such program for which such municipality is liable
14 solely because of its ownership and/or operation of such site and which
15 are not recovered from or reimbursed or paid by a responsible party or
16 the federal government.

17 11. Moneys for actions taken or to be taken by the department, the
18 department of health or any other state agency pursuant to this title
19 shall be payable directly to such agencies from the drinking water
20 response [~~account~~] program pursuant to section ninety-seven-b of the
21 state finance law.

22 e. The expense of any such mitigation by the department or the depart-
23 ment of health shall be paid by the drinking water response [~~account~~]
24 program, but may be recovered from any responsible person in any action
25 or proceeding brought pursuant to the state finance law, this title,
26 other state or federal statute, or common law if the person so author-
27 ized in writing is an employee, agent, consultant, or contractor of a
28 responsible person acting at the direction of the department, then the
29 expense of any such sampling and analysis shall be paid by the responsi-
30 ble person.

31 § 7. The section heading and subdivisions 2 and 3 of section 27-1207
32 of the environmental conservation law, as added by section 4 of part T
33 of chapter 57 of the laws of 2017, are amended and a new subdivision 5
34 is added to read as follows:

35 Use and reporting of the solid waste mitigation [~~account~~] program and
36 the drinking water response [~~account~~] program.

37 2. The solid waste mitigation [~~account~~] program shall be made avail-
38 able to the department and the department of health, as applicable, for
39 the following purposes:

- 40 a. enumeration and assessment of solid waste sites;
- 41 b. investigation and environmental characterization of solid waste
- 42 sites, including environmental sampling;
- 43 c. mitigation and remediation of solid waste sites;
- 44 d. monitoring of solid waste sites; and
- 45 e. administration and enforcement of the requirements of section
- 46 27-1203 of this title.

47 3. The drinking water response [~~account~~] program shall be made avail-
48 able to the department and the department of health, as applicable, for
49 the following purposes:

- 50 a. mitigation of drinking water contamination;
- 51 b. investigation of drinking water contamination;
- 52 c. remediation of drinking water contamination; and
- 53 d. administration and enforcement of the requirements of this title
- 54 except the provisions of section 27-1203.

5. All moneys recovered pursuant to title twelve of article twenty-seven of this chapter shall be deposited into the capital projects fund (30000).

§ 8. This act shall take effect immediately.

PART BB

Section 1. Approximately 40 percent of the food produced in the United States today goes uneaten. Much of this organic waste is disposed of in solid waste landfills, where its decomposition accounts for over 15 percent of our nation's emissions of methane, a potent greenhouse gas. Meanwhile, an estimated 2.5 million New Yorkers are facing hunger and food insecurity. Recognizing the importance of food scraps on our environment, economy, and the health of New Yorkers, this act establishes a food scraps hierarchy for the state of New York. The first tier of the hierarchy is source reduction, reducing the volume of surplus food generated. The second tier is recovery, feeding wholesome food to hungry people. Third is repurposing, feeding animals. Fourth is recycling, processing any leftover food such as by composting or anaerobic digestion to create a nutrient-rich soil amendment. This legislation is designed to address each tier of the hierarchy by: encouraging the prevention of food scraps generation by commercial generators and residents; directing the recovery of excess wholesome food from high-volume commercial food scraps generators; and ensuring that a significant portion of inedible food scraps from high-volume food scraps generators is managed in a sustainable manner, and does not end up being sent to landfills or incinerators. In addition, the state is supporting the recovery of wholesome food by providing grants from the environmental protection fund to increase capacity of food banks, conduct food scraps audits of high-volume generators of food scraps, support implementation of pollution prevention projects identified by such audits, and expand capacity of generators and municipalities to donate and recycle food.

§ 2. Article 27 of the environmental conservation law is amended by adding a new title 22 to read as follows:

TITLE 22

FOOD RECOVERY AND RECYCLING

Section 27-2201. Definitions.

27-2203. Designated food scraps generator responsibilities.

27-2205. Transporter responsibilities.

27-2207. Transfer facility or other intermediary responsibilities.

27-2209. Food scraps disposal prohibition.

27-2211. Department responsibilities.

27-2213. Regulations.

27-2215. Exclusions.

27-2217. Preemption and severability.

§ 27-2201. Definitions.

1. "Designated food scraps generator" means a person who generates at a single location an annual average of two tons per week or more of excess food and food scraps, based on a methodology established by the department pursuant to regulations, including, but not limited to, supermarkets, restaurants, higher educational institutions, hotels, food processors, correctional facilities, sports or entertainment venues, and hospitals or other health care facilities. For a location with multiple independent food service businesses, such as a mall or college campus, the entity responsible for contracting with a transporter for solid

1 waste transportation services is responsible for managing excess food
2 and food scraps from the independent businesses for the purposes of
3 determining if the generator is a designated food scraps generator.

4 2. "Excess food" means wholesome food that is not sold or used by its
5 generator.

6 3. "Food scraps" means inedible solid or liquid food, trimmings from
7 the preparation of food, food-soiled paper, and excess food that is not
8 donated. Food scraps shall not include used cooking oil, yellow grease
9 or food from residential sources or any food which is subject to a
10 recall or seizure due to the presence of pathogens, including but not
11 limited to: Listeria Monocytogenes, confirmed Clostridium Botulinum, E.
12 coli 0157:H7 and all salmonella in ready-to-eat foods.

13 4. "Incinerator" shall have the same meaning as such term is defined
14 in section 27-0707 of this article.

15 5. "Organics recycler" means a facility that recycles food scraps
16 through use as animal feed or a feed ingredient, rendering, land appli-
17 cation, composting, aerobic digestion, anaerobic digestion, or fermenta-
18 tion. Animal scraps, food soiled paper, and post-consumer food scraps
19 are prohibited for use as animal feed or as a feed ingredient. The
20 proportion of the product created from food scraps by a composting or
21 digestion facility, including a wastewater treatment plant that operates
22 a digestion facility, or other treatment system, must be used in a bene-
23 ficial manner as a soil amendment and shall not be disposed of or incin-
24 erated. The department may designate other techniques or technologies
25 by regulation, provided they do not include incineration or landfilling.
26 If wastewater treatment plants recycling food scraps can demonstrate to
27 the department's satisfaction that beneficial use of biosolids is not
28 available or not economically feasible, the biosolids may be disposed of
29 in a landfill or incinerated at a facility authorized to accept those
30 wastes.

31 6. "Person" means any individual, business entity, partnership, compa-
32 ny, corporation, not-for-profit corporation, association, governmental
33 entity, public benefit corporation, public authority, firm, organization
34 or any other group of individuals, or any officer or employee or agent
35 thereof.

36 7. "Single location" means contiguous property under common ownership,
37 which may include one or more buildings.

38 8. "Transfer facility" means a facility that receives solid waste for
39 the purpose of subsequent transfer to another facility for further proc-
40 essing, treatment, transfer, or disposal.

41 § 27-2203. Designated food scraps generator responsibilities.

42 1. Beginning January first, two thousand twenty-one:

43 (a) all designated food scraps generators shall separate their excess
44 food for donation for human consumption to the maximum extent practica-
45 ble, and in accordance with applicable laws, rules and regulations
46 related to food donation; and

47 (b) except as provided in paragraph (c) of this subdivision, each
48 designated food scraps generator that is within a forty-mile radius of
49 an organics recycler regulated by the department, to the extent that the
50 recycler has capacity to accept a substantial portion or all of the
51 generator's food scraps as determined by the department on a yearly
52 basis, shall:

53 (i) separate its remaining food scraps from other solid waste;

54 (ii) ensure proper storage for food scraps collection on site which
55 shall preclude such materials from becoming odorous or attracting
56 vectors such as a container that has a lid and a latch that keeps the

1 lid closed, is resistant to tampering by rodents or other wildlife and
2 has sufficient capacity;

3 (iii) have information available and provide training for employees
4 concerning the proper methods to separate and store food scraps; and

5 (iv) obtain a transporter that will deliver its food scraps to an
6 organics recycler, either directly or through an intermediary, self-haul
7 its food scraps to an organics recycler, either directly or through an
8 intermediary, or provide for organics recycling on-site.

9 (c) The provisions of paragraph (b) of this subdivision shall not
10 apply to any designated food scraps generator that has all of its solid
11 waste processed in a mixed solid waste composting or other mixed solid
12 waste organics recycling facility.

13 2. All designated food scraps generators shall submit an annual report
14 to the department on or before March first, two thousand twenty-two, and
15 annually thereafter, in an electronic format. The annual report must
16 summarize the amount of excess food and food scraps generated, the
17 amount of excess food donated, an outline of its efforts to establish a
18 relationship with a food recovery organization, the amount of food
19 scraps recycled, the organics recycler or recyclers and associated
20 transporters used, and any other information as required by the depart-
21 ment.

22 3. A designated food scraps generator may petition the department for
23 a temporary waiver from some or all of the requirements of this title.
24 The petition must include evidence of undue hardship based on: (a) the
25 organics recycler located within a forty-mile radius of the designated
26 food scraps generator not having sufficient capacity; or (b) the unique
27 circumstances of the generator.

28 The department shall issue a waiver from the recycling requirements of
29 this section pursuant to paragraph (b) of this subdivision if the desig-
30 nated food scrap generator demonstrates that the cost of recycling food
31 scraps is more than the cost of disposing of or incinerating solid waste
32 by providing estimates from two disposal facilities, three haulers, and
33 two recyclers that are representative of the costs that would be appli-
34 cable to the generator under normal circumstances. A waiver shall be no
35 longer than one year in duration; provided, however, the department may
36 renew such waiver.

37 § 27-2205. Transporter responsibilities.

38 1. Any transporter that collects source-separated food scraps for
39 recycling from a designated food scraps generator shall:

40 (a) deliver collected food scraps to a transfer facility or other
41 intermediary that will deliver such food scraps to an organics recycler;
42 or

43 (b) deliver collected food scraps directly to an organics recycler.

44 2. Any transporter that collects source-separated food scraps from a
45 designated food scraps generator shall not commingle the food scraps
46 with any other solid waste unless such waste can be processed by an
47 organics recycler.

48 § 27-2207. Transfer facility or other intermediary responsibilities.

49 Any transfer facility or other intermediary that receives source-sepa-
50 rated food scraps from a designated food scraps generator must ensure
51 that the food scraps are taken to an organics recycler. No transfer
52 facility or other intermediary may commingle the food scraps with any
53 other solid waste unless such waste can be processed by an organics
54 recycler.

55 § 27-2209. Food scraps disposal prohibition.

No incinerator or landfill shall knowingly accept or commingle with solid waste source-separated food scraps from designated food scraps generators required to send food scraps to an organics recycler as outlined under section 27-2203 of this title, either directly or from an intermediary, after January first, two thousand twenty-one, unless the designated food scraps generator has received a temporary waiver under subdivision three of section 27-2203 of this title.

§ 27-2211. Department responsibilities.

1. The department shall publish on its website a list of all designated food scraps generators, organics recyclers, food recovery organizations, and all transporters that manage source-separated food scraps.

2. No later than June first, two thousand twenty, the department shall assess the capacity of organic recyclers and notify designated food scraps generators if they are required to comply with the provisions of paragraph (b) of subdivision one of section 27-2203 of this title.

3. The department shall develop and make available educational materials to assist designated food scraps generators with compliance with this title. The department shall also develop education materials on food waste minimization and encourage municipalities to disseminate these materials both on their municipal websites and in any relevant future mailings to their residents as they may distribute.

§ 27-2213. Regulations.

The department shall promulgate rules and regulations necessary to implement the provisions of this title. At a minimum, the department shall promulgate rules and regulations that set forth the methodology the department will use to determine who is a designated food scraps generator, after consulting with industry representatives, and what process a designated generator must follow to dispute such determination, the waiver process, and how designated food scraps generators shall comply with the provisions of paragraph (a) and subparagraph (i) of paragraph (b) of subdivision one of section 27-2203 of this title.

§ 27-2215. Exclusions.

1. This title shall not apply to any designated food scraps generators located in a city with a population of one million or more which has a local law, ordinance or regulation in place which requires the diversion of excess food and food scraps from disposal.

2. This title does not apply to elementary and secondary schools.

§ 27-2217. Preemption and severability.

1. Any provision of any local law or ordinance, or any regulation promulgated thereto, governing the recycling of food scraps shall upon the effective date of this title be preempted, except in a city with a population of one million or more. However, local laws or ordinances, or parts thereof, affecting the recycling of food scraps that include generators not covered by this title shall not be preempted.

2. The provisions of this title shall be severable and if any portion thereof or the applicability thereof to any person or circumstances is held invalid, the remainder of this title and the application thereof shall not be affected thereby.

§ 3. This act shall take effect immediately.

PART CC

Section 1. Subdivisions 10 and 11 of section 57-0107 of the environmental conservation law, as amended by chapter 267 of the laws of 2015, are amended to read as follows:

1 10. "Central Pine Barrens area" shall mean the contiguous area as
2 described and bounded as follows:

3 Beginning at a point where the southerly side of Route 25A intersects
4 the easterly side of Miller Place Road; thence southward along the east-
5 erly boundary of Miller Place Road to Helme Avenue; thence southward
6 along the easterly boundary of Helme Avenue to Miller Place-Middle
7 Island Road; thence southward along the easterly boundary of Miller
8 Place-Middle Island Road to Whiskey Road; thence westward along the
9 southerly boundary of Whiskey Road to Mount Sinai-Coram Road; thence
10 southward along the easterly boundary of Mount Sinai-Coram Road to
11 Middle Country Road (Route 25); thence westward along the southerly
12 boundary of Route 25 to Patchogue-Mount Sinai Road (County Route 83);
13 thence southward along the easterly boundary of County Route 83 to Bicy-
14 cle Path Drive; thence southeastward along the easterly side of Bicycle
15 Path Drive to Mt. McKinley Avenue; thence southward along the easterly
16 boundary of Mt. McKinley Avenue to Granny Road; thence northeastward
17 along the northerly boundary of Granny Road to Port Jefferson-Patchogue
18 Road (Route 112); thence southward along the easterly boundary of Route
19 112 to Horse Block Road (County Route 16); thence eastward along the
20 northerly boundary of County Route 16 to Maine Avenue; thence northward
21 along the westerly boundary of Maine Avenue to Fire Avenue; thence east-
22 ward along the northerly boundary of Fire Avenue to John Roe Smith
23 Avenue; thence southward along the easterly boundary of John Roe Smith
24 Avenue to Jeff Street; thence eastward along the northerly boundary of
25 Jeff Street to Hagerman Avenue; thence southward along the easterly
26 boundary of Hagerman Avenue to the Long Island Expressway (Route 495);
27 thence eastward along the northerly boundary of Route 495 to the wester-
28 ly side of Yaphank Avenue (County Road 21); thence southward along the
29 westerly side of Yaphank Avenue to the south side of the Long Island
30 Expressway (Route 495); thence eastward along the southerly side of the
31 Long Island Expressway (Route 495) to the easterly side of Yaphank
32 Avenue; thence southward along the easterly side of Yaphank Avenue,
33 crossing Sunrise Highway (Route 27) to the south side of Montauk Highway
34 (County Road 80); thence southwestward along the south side of Montauk
35 Highway (County Road 80) to South Country Road; thence southward along
36 the easterly side of South Country Road to Fireplace Neck Road; thence
37 southward along the easterly side of Fireplace Neck Road to Beaver Dam
38 Road; thence eastward along the northerly side of Beaver Dam Road to the
39 westerly boundary of the Carmans River and the lands owned by the United
40 States known as Wertheim National Wildlife Refuge (the "Refuge"); thence
41 generally westerly and southerly to the waters of Bellport Bay; thence
42 generally easterly across the Bay and northerly along the easterly boun-
43 dary of the Refuge, including all lands currently part of the Refuge and
44 any lands which may become part of the Refuge in the future, to the east
45 side of the southern terminus of Smith Road; thence northward along the
46 easterly side of Smith Road to the southwesterly corner of the property
47 identified as District 200, Section 974.50, Block 1, Lot 11; thence
48 eastward, northward and westward in a counter-clockwise direction along
49 the southern, eastern and northern boundaries of that property to the
50 easterly side of Smith Road; thence northward along the east side of
51 Smith Road to Merrick Road; thence northeasterly along the northerly
52 side of Merrick Road to the easterly side of Surrey Circle and the
53 southwest corner of the property identified as District 200, Section
54 880, Block 3, Lot 58.1; running thence easterly along the southerly side
55 of said lot to the west side of William Floyd Parkway (County Road 46);
56 thence northerly along the westerly side of William Floyd Parkway (Coun-

1 ty Road 46), crossing Route 27, to the Long Island Railroad (LIRR);
2 thence eastward along the northerly boundary of the Long Island Rail
3 Road tracks 7,500 feet; thence southward 500 feet; thence eastward 525
4 feet to the intersection of North Street and Manor-Yaphank Road; thence
5 southward along the easterly boundary of Manor-Yaphank Road to Morich-
6 es-Middle Island Road; thence eastward along the northerly boundary of
7 Moriches-Middle Island Road to Sunrise Highway (Route 27); thence east-
8 ward along the northerly boundary of Route 27 to an old railroad grade
9 (unpaved); thence southeastward along the northerly boundary of the old
10 railroad grade (unpaved) to Old County Road (Route 71); thence eastward
11 along the northerly boundary of Route 71 to the Long Island Rail Road
12 tracks; thence eastward along the northerly boundary of the Long Island
13 Rail Road tracks to Montauk Highway; thence eastward along the northerly
14 boundary of Montauk Highway to Route 24; thence northward along the
15 westerly boundary of Route 24 to Sunrise Highway (Route 27); thence
16 eastward along the northerly boundary of Route 27 to Squiretown Road;
17 thence northward along the westerly boundary of Squiretown Road to Upper
18 Red Creek Road; thence westward along the southern boundary of Upper Red
19 Creek to Lower Red Creek Road; thence southward along the easterly bound-
20 ary of Lower Red Creek Road to Hubbard County Park; thence westward
21 along the northern boundary of Hubbard County Park to Riverhead-Hampton
22 Bays Road (Route 24); thence westward along the southerly boundary of
23 Route 24 to Peconic Avenue; thence northward along the westerly boundary
24 of Peconic Avenue to the Riverhead-Southampton border; thence westward
25 along the Riverhead-Southampton border and the Riverhead-Brookhaven
26 border to the Forge Road Bridge; thence northward along the westerly
27 boundary of the Forge Road Bridge to Forge Road; thence northwestward
28 along the westerly boundary of Forge Road to the railroad tracks; thence
29 northward along the westerly boundary of Forge Road (unpaved) to the
30 intersection of Route 25 and River Road; thence westward along the
31 southerly boundary of River Road to Edwards Avenue; thence northward
32 along the westerly boundary of Edwards Avenue 3,800 feet; thence west-
33 ward 4,400 feet to an unnamed, unpaved road; thence northward along the
34 westerly boundary of the unnamed, unpaved road 150 feet; thence westward
35 and northwestward along the eastern boundary of the United States
36 Navy/Grumman Aerospace Corporation property (as of 1982) up to its
37 intersection with Middle Country Road (Route 25); thence westward along
38 the southerly boundary of Route 25 to the intersection of Route 25 and
39 25A; thence northeastward, westward, and southwestward along the eastern
40 and northern boundary of the United States Navy/Grumman Aerospace Corpo-
41 ration (as of 1982) and located immediately east of Route 25A, to its
42 intersection with Route 25A; thence westward along the southerly bounda-
43 ry of Route 25A to a point due south of the southeast corner of the
44 parcel identified as District 200, Section 128, Block 1, lot 3.1; thence
45 northeastward, northward and westward along the southerly, easterly and
46 northerly sides of the parcel identified as District 200, section 128,
47 Block 1, lot 1 to the southeast corner of the parcel identified as
48 District 200, Section 82, Block 1, Lot 5.2; thence northward along the
49 east side of this parcel to North Country Road; thence northward cross-
50 ing North Country Road to its northerly side; thence eastward along the
51 northerly side of North Country Road to the Brookhaven Town-Riverhead
52 Town line; thence in a generally northwestward direction along said town
53 line to a point in Wading River Creek with the coordinates 40.96225
54 latitude and -72.863633 longitude; thence westward a distance of approx-
55 imately 90 feet to the easterly side of LILCO Road; thence southward
56 along LILCO Road to its intersection with the north side of North Coun-

try Road; thence westward along the north side of North Country Road to the southeast corner of the parcel identified as District 200, Section 39, Block 1, Lot 2; thence in a northward and westward direction along the easterly and northerly sides of said parcel to its northwest corner; thence northward along the westerly boundary of the parcel identified as District 200, Section 83, Block 1, Lot 1.4 to its northwest corner; and thence continuing in a westward direction along the northerly side of the parcel identified as District 200, Section 39, Block 1, Lot 1.2 and the southerly extent of Long Island Sound to the northwest corner of the property identified as District 200, Section 39, Block 1, Lot 1.2; thence southward along the westerly boundary of said property to North Country Road; thence west along the southerly boundary of North Country Road to the northwestern corner of property identified as District 200, Section 82, Block 1, Lot 1.1; thence south along the westerly boundary of said property and the westerly boundary of the property identified as District 200, Section 82, Block 1, Lot 1.2 to the northwest corner of property identified as District 200, Section 82, Block 1, Lot 5.1; thence southward along the westerly boundary of said property to the northeast corner of the property identified as District 200, Section 105, Block 3, Lot 5, thence southward along the easterly boundary of said property to the north side of Route 25A; thence southward crossing Route 25A to its south side; thence westward along the southerly boundary of Route 25A to the point or place of beginning, and excluding ~~one~~ two distinct ~~area~~ areas described as follows: The first area defined as beginning at a point where the westerly side of William Floyd Parkway (County Road 46) meets northerly side of the Long Island Railroad (LIRR); thence westward along the northerly side of the LIRR to Moriches-Middle Island Road; thence generally northwestward along the northerly side of Moriches-Middle Island Road to the southerly side of Long Island Expressway (Route 495); thence eastward along the southerly side of the Long Island Expressway (Route 495) to the westerly side of William Floyd Parkway (County Road 46); thence southward along the westerly side of William Floyd Parkway (County Road 46) and containing the subdivision known as RB Industrial Park, to the point or place of beginning and the second area defined as the property described as District 200, Section 39, Block 1, Lot 1.1.

11. "Core preservation area" shall mean the core preservation area of the Central Pine Barrens area which comprise the largest intact areas of undeveloped pine barrens as described and bounded as follows:

Beginning at a point where the northwestern corner of the New York State Rocky Point Natural Resource Management Area (the "NYS Rocky Point Land") intersects the southerly side of NYS Route 25A; thence generally southward and eastward along the generally westerly and southerly boundaries of the NYS Rocky Point Land (including the Currans Road Pond State Wildlife Management Area, all adjacent or contiguous undeveloped Town of Brookhaven parks, preserves, open space areas, or reserved areas, and the crossings of the undeveloped Suffolk County property known as the Port Jefferson - Westhampton road right of way, Whiskey Road, County Route 21, and Currans Road), and including those properties identified as District 200, Section 346, Block 1, Lots 3 and 4, to the point where the NYS Rocky Point Land meets the northerly side of NYS Route 25 (Middle Country Road); thence eastward along the northerly boundary of NYS Route 25 to the southeastern corner of that property west of Woodlots Road which is identified as District 200, Section 349, Block 2, Lot 1.3; thence northward along the easterly boundary of that property to the Suffolk County Pine Trail Nature Preserve; thence eastward and

1 southeastward along the southerly boundary of the Suffolk County Pine
2 Trail Nature Preserve where the Preserve is adjacent to developed
3 parcels or parcels in agricultural or horticultural use, or along a line
4 parallel to, and 100 (one hundred) feet south of, the Preserve where the
5 Preserve is adjacent to parcels which are undeveloped as of June 1,
6 1993, to County Route 46; thence southward along the easterly boundary
7 of County Route 46 to NYS Route 25; thence eastward along the southerly
8 boundary of NYS Route 25 to the Suffolk County Pine Trail Nature
9 Preserve; thence southward along the westerly boundary of the Suffolk
10 County Pine Trail Nature Preserve where the Preserve is adjacent to
11 developed parcels, or along a line parallel to, and 100 (one hundred)
12 feet west of, the Preserve where the Preserve is adjacent to parcels
13 which are undeveloped as of June 1, 1993, to the northern boundary of
14 the United States land known as Brookhaven National Laboratory; thence
15 generally westward along the northerly boundary of Brookhaven National
16 Laboratory to County Route 46 (William Floyd Parkway); thence generally
17 northwestward on a straight line to the intersection of Sally Lane and
18 Pond Lane; thence westward along the southerly side of Pond Lane to Ruth
19 Lane; thence northward along the westerly side of Ruth Lane to NYS Route
20 25; thence westward along the northerly side of NYS Route 25 to the
21 southeast corner of the NYS Middle Island State Game Farm and Environ-
22 mental Education Center; thence northward, westward, and southward along
23 the easterly, northerly, and westerly boundaries of the NYS Middle
24 Island State Game Farm and Environmental Education Center to NYS Route
25 25; thence westward along the southerly side of NYS Route 25, excluding
26 all parcels abutting that road which are developed as of June 1, 1993,
27 to Giant Oak Road; thence southward along the easterly side of Giant Oak
28 Road to Medford Road; thence southwestward along the southeasterly side
29 of Medford Road crossing to the west side of Smith Road; thence southerly
30 along the westerly side of Smith Road to the southeast corner of
31 District 200, Section 406, Block 1, Lot 6; thence westward and northward
32 along the southerly and westerly sides of said parcel to the southerly
33 side of the developed lands known as Strathmore Ridge; thence westward,
34 northward and eastward along the southerly, westerly and northerly sides
35 of the developed lands known as Strathmore Ridge to the westerly side of
36 Smith Road; thence northerly along the westerly side of Smith Road to
37 the southerly side of NYS Route 25; thence westerly along the southerly
38 side of NYS Route 25, to the northwestern corner of that property which
39 is identified as District 200, Section 406, Block 1, Lot 4.3; thence
40 southerly along the westerly boundary of that property and continuing
41 southward along the westerly sides of the properties identified as
42 District 200, Section 406, Block 1, Lot 4.6; District 200, Section 406,
43 Block 1, Lot 4.4 and District 200, Section 504, Block 1, Lot 2 to the
44 southerly side of Longwood Road; thence eastward along the southerly
45 side of Longwood Road to the northwest corner of the property identified
46 as District 200, Section 504, Block 1, Lot 7.2; thence southward and
47 westward along the generally westerly boundary of that parcel to the
48 eastern end of Rugby Lane (also known as Rugby Avenue or Rugby Road), a
49 paper street shown on Suffolk County tax maps District 200, Sections
50 500, 502, and 503; thence westward along the northerly boundary of Rugby
51 Lane, across County Route 21, to the westerly boundary of County Route
52 21 (Yaphank - Middle Island Road); thence southward along the westerly
53 boundary of County Route 21 to the northeastern corner of the parcel
54 identified as District 200, Section 529, Block 1, Lot 28, and which is
55 coterminous with the southerly boundaries of the parcels located on the
56 south side of Rustic Lane; thence westward along the northerly boundary

1 of that parcel to the southwest corner of the parcel identified as
2 District 200, Section 528, Block 5, Lot 2; thence northward along a
3 portion of the easterly boundary of the Carmans River, which comprises
4 the easterly boundary of the parcel identified as District 200, Section
5 528, Block 5, Lot 1, to its intersection with the southern boundary of
6 the Suffolk County Nature Preserve parcel identified as District 200,
7 Section 500, Block 1, Lot 1.4; thence eastward along the southern bound-
8 ary of that parcel to the southeast corner of that parcel; thence north-
9 ward along the easterly boundary of that Suffolk County Nature Preserve
10 parcel to the southeast corner of the Suffolk County Nature Preserve
11 parcel identified as District 200, Section 500, Block 1, Lot 3.1, thence
12 generally northward along the easterly boundary of that parcel to the
13 north side of East Bartlett Road; thence easterly along the north side
14 of East Bartlett Road to the east side of County Road 21; thence south-
15 erly along the east side of County Road 21 to the southwest corner of
16 District 200, Section 501, Block 1, Lot 2.1; thence easterly and north-
17 erly along the southern and eastern sides of that property and northward
18 along the easterly side of District 0200, 50100, Block 0100, Lot 002002
19 and across to the north side of Longwood Road; thence westerly along the
20 north side of Longwood Road to the southeast corner of District 200,
21 Section 482, Block 1, Lot 3.1; thence northward and eastward along the
22 easterly and southerly boundaries of that parcel to the northwest corner
23 of the parcel identified as District 200, Section 483, Block 2, Lot 1.4;
24 thence eastward along the southerly property boundary of the parcel
25 identified as District 200, Section 482, Block 1, Lot 4 to the southeast
26 corner of that parcel; thence northward along the easterly boundary of
27 that parcel to the northeast corner of that parcel; thence eastward and
28 northward along the southerly and easterly boundaries of the parcel
29 identified as District 200, Section 456, Block 2, Lot 4 to the northeast
30 corner of that parcel; thence generally northerly and westerly along the
31 easterly and northerly boundary of Prosser Pines County Nature Preserve
32 to County Road 21; thence westward (directly across County Route 21)
33 along the southerly boundary of the property identified as District 200,
34 Section 434, Block 1, Lot 12.1, to the southwest corner of the property
35 identified as District 200, Section 434, Block 1, Lot 14.3, adjacent to
36 the eastern side of Cathedral Pines County Park; thence northward along
37 the eastern boundary of Cathedral Pines County Park to the southeast
38 corner of the property identified as District 200, Section 402, Block 1,
39 Lot 23.1, thence continuing northward along the easterly boundary of
40 that property to the southerly side of Lafayette Road; thence westward
41 along the southerly side of Lafayette Road to the eastern boundary of
42 the property identified as District 200, Section 402, Block 1, Lot 24.7;
43 thence generally in a counter-clockwise direction along the easterly,
44 northerly, westerly and northerly boundaries of that property to the
45 easterly boundary of the parcel identified as District 200, Section 402,
46 Block 1, Lot 19.2; thence northerly along the easterly side of said lot
47 to the southeast corner of the property identified as District 200,
48 Section 402, Block 1, Lot 20, thence westward and northward along the
49 southerly and westerly sides of that property to the southerly side of
50 NYS Route 25; thence westward along the southerly boundary of NYS Route
51 25 to the northwestern corner of the parcel identified as District 200,
52 Section 402, Block 1, Lot 16.4; thence generally southward along the
53 westerly boundary of that parcel to the northerly boundary of the parcel
54 identified as District 200, Section 454, Block 1, Lot 9.1; thence west-
55 ward along the northerly boundary of that parcel to East Bartlett Road;
56 thence southward along the easterly boundary of East Bartlett Road to

1 its intersection with Ashton Road; thence westward to the northeastern
2 corner of the old filed map shown on District 200, Section 499; thence
3 westward and southward along the northerly and westerly boundaries of
4 the old filed map shown on Suffolk County tax maps District 200,
5 Sections 498, 499, and 527 to Hillcrest Road; thence eastward along the
6 southerly boundary of Hillcrest Road to Ashton Road; thence southward
7 along the easterly side of Ashton Road to Granny Road; thence eastward
8 along the southerly side of Granny Road to the northwesterly corner of
9 District 200, Section 547, Block 1, Lot 18.1; thence generally south-
10 ward, westward, southward, eastward and northward in a counter-clockwise
11 direction along the western, northern, southern and eastern boundaries
12 of said parcel to the southeast corner of the parcel identified as
13 District 200, Section 548, Block 1, Lot 3; thence northward along the
14 easterly boundary of that parcel to its northeast corner; thence gener-
15 ally northward, northeastward and eastward along the westerly, northwes-
16 terly and northerly sides of German Boulevard to its intersection with
17 the northeasterly side of Lakeview Boulevard; thence southeastward along
18 the northeasterly side of Lakeview Boulevard to the westerly boundary of
19 the parcel identified as District 200, Section 611, Block 1, Lot 5;
20 thence northward along the westerly boundary of that parcel to its
21 northwest corner; thence southward along the westerly boundary of the
22 parcel identified as District 200, Section 579, Block 3, Lot 1, compris-
23 ing part of the western bank of the Carmans River also known as Upper
24 Lake, to the northerly side of Mill Road, also known as County Route
25 101; thence eastward along the northerly side of Mill Road to the north-
26 east corner of the parcel identified as District 200, Section 579, Block
27 3, Lot 19; thence westerly along the northerly boundary of that parcel
28 to the eastern boundary of the parcel identified as District 200,
29 Section 579, Block 3, Lot 1; thence northward along the easterly side of
30 that parcel, comprising part of the eastern bank of the Carmans River
31 also known as Upper Lake, to the southwest corner of the parcel identi-
32 fied as District 200, Section 548, Block 2, Lot 5.1; thence eastward
33 along the southern boundary of that parcel to its southeast corner;
34 thence eastward across County Route 21 to its easterly side; thence
35 northward along the easterly boundary of County Route 21 to the south-
36 west corner of the Suffolk County Nature Preserve parcel known as
37 Warbler Woods and identified as District 200, Section 551, Block 1, Lot
38 4; thence generally eastward along the southerly boundary of the Warbler
39 Woods parcel and then southward along the westerly boundary of an exten-
40 sion of that parcel's southerly boundary to the southeast corner of the
41 southern terminus of Harold Road; thence generally westward, southward
42 and westward in a counter-clockwise direction along the northerly,
43 westerly, northerly and westerly boundaries of the Suffolk County Nature
44 Preserve parcel known as Fox Lair, and identified as District 200,
45 Section 580, Block 3, Lot 24.2, to the northwest corner of the parcel
46 Suffolk County Water Authority parcel identified as District 200,
47 Section 580, Block 3, Lot 24.6; thence southward, eastward and southward
48 along the westerly boundary and southerly boundaries of that Suffolk
49 County Water Authority parcel to Main Street; thence eastward along the
50 north side of Main Street to the southeast corner of said Suffolk County
51 Water Authority parcel to its southeast corner; thence northward along
52 the easterly boundary of that parcel to the southwest property boundary
53 of the Suffolk County Nature Preserve parcel known as Fox Lair and iden-
54 tified as District 200, Section 580, Block 3, Lot 24.2, thence generally
55 eastward, southward, eastward, northward and eastward along the southerly
56 ly boundaries of said parcel and eastward along the southerly boundary

1 of the Suffolk County Nature Preserve parcel identified as District 200,
2 Section 583, Block 1, Lot 4.1, to the west side of the unimproved north-
3 south oriented road known variously as Smith Road, Longwood Road and
4 Private Road; thence southward along the westerly boundary of Smith Road
5 to the north side of the Long Island Expressway; thence westward along
6 the northerly boundary of the Long Island Expressway to the south side
7 of Main Street in Yaphank; thence westward along the southerly boundary
8 of Main Street in Yaphank to the westernmost extent along Main Street of
9 the Southaven County Park boundary; thence westward across County Road
10 21 to the western boundary of the County Road 21 right-of-way; thence
11 southward along the western boundary of the County Road 21 right-of-way
12 to the northerly side of the parcel identified as District 200, Section
13 611, Block 3, Lot 16, comprising the northerly bank of the Carmans River
14 known as Lower Lake; thence westward along the northerly side of that
15 property to the southwest corner of the parcel identified as District
16 200, Section 612, Block 4, Lot 1; thence northward along the westerly
17 boundary of that parcel to the southerly side of County Route 21 known
18 as Main Street; thence westward along the southerly side of County Route
19 21 known as Main Street to the northeast corner of the parcel identified
20 as District 200, Section 612, Block 2, Lot 12; thence southward along
21 the easterly boundary of that parcel to the southeast corner of the
22 parcel identified as District 200, Section 612, Block 2, Lot 11; thence
23 westward and northwestward along the northerly and northeasterly bounda-
24 ries of the Town of Brookhaven parcel identified as District 200,
25 Section 611, Block 3, Lot 9 to the south side of Mill Road, also known
26 as County Road 101; thence generally westward and southward along the
27 southerly side of Mill Road and continuing southward along the eastern
28 side of Patchogue-Yaphank Road, also known as County Road 101, to the
29 southerly side of Gerard Road; thence eastward along the southerly side
30 of Gerard Road to its westerly boundary known as the map of Grand
31 Heights, filed in the offices of the Suffolk County clerk; thence south-
32 ward along the westerly map line of the filed map known as Grand Heights
33 to the north side of the Long Island Expressway NYS Route 495; thence
34 easterly along the northerly side of the Long Island Expressway NYS
35 Route 495 to the westerly side of County Route 21 known as Yaphank
36 Avenue; thence southward along the westerly side of Yaphank Avenue to
37 the south side of the Long Island Expressway; thence eastward along the
38 south side of the Long Island Expressway to the westerly boundary of
39 Southaven County Park, thence generally southward along the westerly
40 boundary of Southaven County Park to the northeast corner of the lands
41 of Suffolk County identified as District 200, Section 665, Block 2, Lot
42 1; thence generally southward along the easterly boundary of said lot,
43 crossing the LIRR and Park Street and continuing southward along the
44 westerly boundary of Davenport Avenue as shown on the old filed map
45 known as Bellhaven Terrace; thence southward and eastward along the
46 westerly and southerly boundaries of the parcel identified as District
47 200, Section 744, Block 1, Lot 10 to the westerly boundary of the parcel
48 identified as District 200, Section 781, Block 1, Lot 3.1; thence
49 continuing southerly along the westerly boundary of that parcel to the
50 easterly boundary of Gerard Road; thence southward along the easterly
51 boundary of Gerard Road to Victory Avenue; thence eastward along the
52 northerly boundary of Victory Avenue to a point where the west bank of
53 the Carmans River passes under Victory Avenue and Route 27; thence south
54 under Route 27 to the southerly side of Montauk Highway also known as
55 County Road 80; thence westward along the southerly side of Montauk
56 Highway County Road 80, including lands owned by the United States known

1 as Wertheim National Wildlife Refuge (the "Refuge"), to the eastern side
2 of Old Stump Road; thence southward along the easterly side of Old Stump
3 Road to the northerly side of Beaver Dam Road; thence eastward along the
4 northerly side of Beaver Dam Road to the lands owned by the United
5 States known as Wertheim National Wildlife Refuge (the "Refuge"),
6 including the Carmans River; thence generally westerly and southerly to
7 the waters of Bellport Bay; thence generally easterly across the Bay and
8 northerly along the easterly boundary of the Refuge, including all lands
9 currently part of the Refuge and any lands which may become part of the
10 Refuge in the future to the east side of the southern terminus of Smith
11 Road; thence northward along the easterly side of Smith Road to the
12 southwesterly corner of the property identified as District 200, Section
13 974.50, Block 1, Lot 11; thence eastward, northward and westward in a
14 counter-clockwise direction along the southern, eastern and northern
15 boundaries of that property to the easterly side of Smith Road; thence
16 northward along the easterly side of Smith Road to the northerly side of
17 Montauk Highway County Road 80; thence northeasterly to the southwest-
18 ly corner of the property identified as District 200, Section 849, Block
19 2, Lot 2; thence eastward along the northerly boundary of Montauk High-
20 way to the southeasterly corner of the property identified as District
21 200, Section 850, Block 3, Lot 8; thence northward to the northeasterly
22 corner of that parcel, including all lands owned by the United States
23 known as Wertheim National Wildlife Refuge (the "Refuge") at any time
24 between June 1, 1993 and the present, and any lands which may become
25 part of the Refuge in the future; thence northwestward across Sunrise
26 Highway (NYS Route 27) to the southwesterly corner of the property iden-
27 tified as District 200, Section 850, Block 2, Lot 1; thence northward
28 along the westerly boundary of that parcel across to the northerly boun-
29 dary of Victory Avenue; thence westward along the northerly boundary of
30 Victory Avenue to the westerly boundary of River Road; thence northward
31 along the westerly boundary of River Road to the north side of the Long
32 Island Rail Road right-of-way; thence easterly along the northerly side
33 of the Long Island Rail Road right-of-way to the north side of Morich-
34 es-Middle Island Road; thence generally northward and westward along the
35 northerly side of Moriches-Middle Island Road to the northerly side of
36 the Long Island Expressway; thence westward along the northerly boundary
37 of the Long Island Expressway to the southeasterly corner of the Long-
38 wood Greenbelt property (the property identified as District 200,
39 Section 583, Block 2, Lot 1.1); thence northward along the easterly
40 boundary of the Longwood Greenbelt property to its northeast corner;
41 thence eastward to the southwesterly corner of the property known as
42 District 200, Section 552, Block 1, Lot 8; thence generally northeast-
43 ward along the easterly boundary of the property identified as District
44 200, Section 552, Block 1, Lot 1.7 to the northeasterly corner of that
45 parcel; thence eastward along the southerly boundaries of the parcels
46 identified as District 200, Section 504, Block 1, Lot 8, and District
47 200, Section 504, Block 1, Lot 11, to the westerly boundary of the
48 William Floyd Parkway (County Route 46); thence northward along the
49 westerly side of County Route 46 to a point 2000 (two thousand) feet
50 south of the southern bank of the Peconic River crossing of County Route
51 46; thence generally southeastward along a line parallel to, and 2000
52 (two thousand) feet generally south or southwest of, and parallel to,
53 the southernmost bank of the Peconic River to a point where the Peconic
54 River crosses the unpaved, unnamed, north-south firebreak and patrol
55 road on the eastern half of the Brookhaven National Laboratory property;
56 thence southward and southwestward along the easterly and southeasterly

1 boundaries of the unpaved, unnamed, north-south firebreak and patrol
2 road starting on the eastern half of the Brookhaven National Laboratory
3 property to the Brookhaven National Laboratory road known as Brookhaven
4 Avenue; thence due westward along a straight line to the Brookhaven
5 National Laboratory road known as Princeton Avenue; thence westward
6 along the southerly boundary of Princeton Avenue to the unnamed Labora-
7 tory road which diverts southwest in the vicinity of the Laboratory gate
8 house; thence southwestward along the southerly side of the unnamed
9 Laboratory road just described to County Route 46; thence southward
10 along the easterly side of County Route 46 to NYS Route 495; thence
11 eastward along the northerly boundary of NYS Route 495 to County Route
12 111; thence southeastward along the northerly boundary of County Route
13 111 to NYS Route 27 (Sunrise Highway); thence generally southward across
14 NYS Route 27 to the westernmost extent along NYS Route 27 of the unde-
15 veloped portion (as of June 1, 1993) of the parcel assemblage comprised
16 of those parcels identified as District 200, Section 594, Block 2, Lot 4
17 and District 900, Section 325, Block 1, Lot 41.2; thence southward along
18 the westerly boundary of the undeveloped portion (as of June 1, 1993) of
19 that parcel assemblage to County Route 71 (Old Country Road); thence
20 eastward along the northerly boundary of County Route 71 to the south-
21 eastern corner of the Suffolk County Nature Preserve lands which run
22 from NYS Route 27 south to County Route 111 and which adjoin the easter-
23 ly side of the preceding assemblage; thence northward along the easterly
24 boundary of that Suffolk County Nature Preserve assemblage (crossing the
25 County Route 111 right of way) to NYS Route 27; thence eastward along
26 the southerly boundary of NYS Route 27 to the westerly end of 19th
27 Street as shown in the old filed map contained within the tax map iden-
28 tified as District 900, Section 276, Block 2; thence southward along the
29 westerly boundary of that old filed map (shown in District 900, Sections
30 276, 302, 303, 327, and 328), and coterminous with the westerly side of
31 those parcels along the westerly side of Oishei Road, to County Route
32 71; thence eastward along the northerly boundary of County Route 71 to
33 the southeasterly corner of the parcel identified as District 900,
34 Section 328, Block 2, Lot 19; thence northward along the easterly bound-
35 ary of that old filed map surrounding Oishei Road, and coterminous with
36 the easterly side of those parcels along the easterly side of Oishei
37 Road, to a point along that line due west of the northwesterly corner of
38 the parcel containing the Suffolk County facilities identified as
39 District 900, Section 331, Block 1, Lot 1; thence due eastward along a
40 straight line to the northwesterly corner of that parcel; thence east-
41 ward along the northerly boundary of that parcel to its northeasterly
42 corner shown in District 900, Section 307; thence due eastward along a
43 straight line to Summit Boulevard; thence southward along the westerly
44 side of Summit Boulevard to County Route 71; thence eastward along the
45 northerly side of County Route 71, excluding all parcels abutting that
46 road which are developed as of June 1, 1993, to the Long Island Rail
47 Road tracks; thence eastward along the northerly boundary of the Long
48 Island Rail Road tracks to County Route 31 (Old Riverhead Road); thence
49 northward along the westerly boundary of County Route 31 to that point
50 opposite the point along the easterly side of County Route 31 (north of
51 the Stewart Avenue intersection) at which the undeveloped portion (as of
52 June 1, 1993) of the Suffolk County Airport (Gabreski Airport) occurs;
53 thence generally northward, eastward and southward around the westerly,
54 northerly and easterly boundaries of the undeveloped portion (as of June
55 1, 1993) of the airport property (excluding from the Core Preservation
56 Area those portions of the airport property which are occupied by the

1 runways, their associated maintenance areas, and those areas identified
2 for future use in the Suffolk County Airport Master Plan approved by the
3 County Legislature) to the Long Island Rail Road tracks (including in
4 the Core Preservation Area those portions of the airport property which
5 are adjacent to the Quogue Wildlife Refuge's westerly boundary and which
6 are in their natural state); thence eastward along the northerly bounda-
7 ry of the Long Island Rail Road tracks to the southeasterly corner of
8 the Town of Southampton parcel identified as District 902, Section 1,
9 Block 1, Lot 22.1; thence generally northward and eastward along the
10 easterly border of that parcel and the Town of Southampton parcels to
11 the immediate north identified as District 900, Section 313, Block 1,
12 Lot 42.1 and District 900, Section 287, Block 1, Lot 1.55 to County
13 Route 104; thence northward along the westerly boundary of County Route
14 104 to a point 1000 (one thousand) feet southward of NYS Route 27;
15 thence eastward along a line parallel to, and 1000 (one thousand) feet
16 south of, NYS Route 27, to the westerly boundary of the parcel identi-
17 fied as District 900, Section 252, Block 1, Lot 1; thence southward
18 along the westerly boundary of that parcel to the Long Island Rail Road
19 tracks; thence eastward along the northerly boundary of the Long Island
20 Rail Road tracks to Montauk Highway; thence eastward along the northerly
21 boundary of Montauk Highway to that point where the boundary of Sears-
22 Bellows County Park heads northward along the eastern side of the Munns
23 Pond portion; thence northward along the easterly boundary of Sears-Bel-
24 lows County Park, to NYS Route 27; thence eastward along the northerly
25 boundary of NYS Route 27 to NYS Route 24 (Riverhead - Hampton Bays
26 Road); thence generally northwestward and westward along the southwes-
27 terly boundary of NYS Route 24 to the easternmost extent along NYS Route
28 24 of the Suffolk County Parkland known as Flanders or Hubbard County
29 Park; thence generally northward, westward, and southward along the
30 easterly, northerly, and westerly boundaries of Flanders or Hubbard
31 County Park, including all adjacent or contiguous undeveloped Town of
32 Southampton parks, preserves, open space areas, or reserved areas, to
33 NYS Route 24; thence westward along the southerly boundary of NYS Route
34 24 to Pleasure Drive; thence southward along the easterly boundary of
35 Pleasure Drive a distance of 2000 (two thousand) feet, excluding all
36 parcels abutting that road which are developed as of June 1, 1993;
37 thence generally westward along a straight line to the southernmost
38 extent of the NYS David Sarnoff Preserve along the westerly boundaries
39 of the parcels on the westerly side of Brookhaven Avenue; thence gener-
40 ally northward and westward along the easterly and northerly boundary of
41 the NYS David Sarnoff Pine Barrens Preserve, crossing County Routes 105
42 and 104, to County Route 63 (Riverhead-Moriches Road); thence generally
43 westward and northward along the northerly boundary of the Suffolk Coun-
44 ty Cranberry Bog County Nature Preserve to County Route 51; thence
45 southwesterly along the westerly side of County Route 51 to the boundary
46 of the Cranberry Bog County Nature Preserve; thence westward and north-
47 ward along the northeasterly boundary of Cranberry Bog County Nature
48 Preserve to County Route 94 (also known as NYS Route 24, or Nugent
49 Drive); thence eastward along the northerly side of County Route 94 to
50 the County Route 94A bridge; thence northward along the westerly side of
51 the County Route 94A bridge to the Riverhead-Southampton border; thence
52 westward along the Riverhead-Southampton border, and the Riverhead-Bro-
53 okhaven Border, to the Forge Road Bridge; thence northward along the
54 westerly boundary of the Forge Road Bridge to Forge Road; thence
55 northwestward along the westerly boundary of Forge Road to the Long
56 Island Rail Road tracks; thence northward along the westerly boundary of

1 Forge Road (unpaved) to the intersection of NYS Route 25 and River Road;
2 thence westward along the southerly boundary of River Road to Edwards
3 Avenue; thence westward along the southerly boundary of River Road
4 (Grumman Boulevard or Swan Pond Road) to the southeast corner of that
5 parcel containing Conoe (or Canoe) Lake and identified as District 600,
6 Section 137, Block 1, Lot 1; thence northward, westward, and southward
7 along the borders of that parcel containing Conoe (or Canoe) Lake to
8 River Road (Grumman Boulevard); thence westward along the northerly
9 boundary of Grumman Boulevard to the southeasternmost corner of the
10 undeveloped portion (as of June 1, 1993) of the United States
11 Navy/Grumman Corporation property located on the north side of Grumman
12 Boulevard and adjacent to the Grumman entrance known as the South Gate;
13 thence due north along the easternmost edge of that undeveloped portion
14 (as of June 1, 1993) of the United States Navy/Grumman Corporation prop-
15 erty to NYS Route 25; thence along a straight line to the northerly side
16 of NYS Route 25 to a point occupied by the southeasternmost corner of
17 the parcel assemblage comprised of District 600, Section 75, Block 3,
18 Lot 10.1, and District 600, Section 96, Block 1, Lot 14, and otherwise
19 known as Camp Wauwepex; thence northward, westward, and generally south-
20 ward along the easterly, northerly, and generally westerly boundaries of
21 the Camp Wauwepex assemblage to NYS Route 25; thence westward along the
22 northerly side of NYS Route 25 to Montauk Trail; thence northeastward
23 along the northwesterly side of Montauk Trail to Panamoka Trail; thence
24 northward along the westerly side of Panamoka Trail, excluding all
25 parcels abutting that road which are developed as of June 1, 1993, to
26 Matinecock Trail; thence westward along the southerly side of Matinecock
27 Trail to the easterly boundary of Brookhaven State Park; thence general-
28 ly northward along the easterly boundary of Brookhaven State Park,
29 including all adjacent or contiguous undeveloped Town of Brookhaven
30 parks, preserves, open space areas, or reserved areas, to its inter-
31 section with NYS Route 25A; ~~thence westward along the southerly side of~~
32 ~~NYS Route 25A to the northeast corner of the Shoreham-Wading River~~
33 ~~school district property;~~ thence eastward along the southerly boundary
34 of Route 25A to a point due south of the southeast corner of the parcel
35 identified as District 200, Section 128, Block 1, Lot 3.1; thence
36 northeastward, northward and westward along the southerly, easterly and
37 northerly sides of the parcel identified as District 200, Section 128,
38 Block 1, Lot 1 to the southeast corner of the parcel identified as
39 District 200, Section 82, Block 1, Lot 5.2; thence northward along the
40 east side of this parcel to its intersection with the south side of
41 North Country Road; thence northward crossing North Country road to its
42 northerly side; thence eastward along the northerly side of North Coun-
43 try Road to the Brookhaven Town-Riverhead Town line; thence in a gener-
44 ally northwestward direction along said town line to a point in Wading
45 River Creek With the coordinates 40.96225 latitude and -72.863633 longi-
46 tude; thence westward a distance of approximately 90 feet to the easter-
47 ly side of LILCO Road; thence southward along LILCO Road to its inter-
48 section with the north side of North Country Road; thence westward along
49 the north side of North Country Road to the southeast corner of the
50 parcel identified as District 200, Section 39, Block 1, Lot 2; thence in
51 a northward and westward direction along the easterly and northerly
52 sides of said parcel to its northwest corner; thence northward along the
53 westerly boundary of the parcel identified as District 200, Section 83,
54 Block 1, Lot 1.4 to its northwest corner and the shoreline of Long
55 Island Sound; thence westward /along the northerly side of the parcel
56 identified as District 200, Section 83, Block 1, Lot 1.4 and continuing

1 in a westward direction along the northerly side of the parcel identi-
2 fied as district 200, section 39, Block 1, lot 1.2 and the southerly
3 extent of the Long Island Sound to the northwest corner of the property
4 identified as District 200, Section 39, Block 1, Lot 1.2; thence south-
5 ward along the westerly boundary of said property to North Country Road;
6 thence west along the southerly boundary of North Country Road to the
7 northwestern corner of the property identified as District 200, Section
8 82, Block 1, Lot 1.1; thence south along the westerly boundary of said
9 property and the westerly boundary of the property identified as
10 District 200, Section 39, Block 1, Lot 1.2 to the northwest corner of
11 property identified as District 200, Section 82, Block 1, Lot 5.1;
12 thence southward along the westerly boundary of said property in a line
13 to the northeast corner of property identified as District 200, Section
14 105, Block 3, Lot 5; thence southward along the easterly boundary of
15 said property to the north side of Route 25A; thence eastward along the
16 north side of Route 25A to a point directly north of the northeast
17 corner of the Shoreham-Wading River school district property; thence
18 southward, crossing Route 25A to its southerly boundary and the north-
19 east corner of the Shoreham-Wading river school district property;
20 thence southward, westward, and northward along the easterly, southerly,
21 and westerly boundaries of the Shoreham-Wading River school district
22 property to NYS Route 25A; thence westward along the southerly side of
23 NYS Route 25A to County Route 46; thence southward along the easterly
24 side of County Route 46 to its intersection with the Suffolk County Pine
25 Trail Nature Preserve; thence westward along the northerly boundary of
26 the Suffolk County Pine Trail Nature Preserve where the Preserve is
27 adjacent to developed parcels or parcels in agricultural or horticultur-
28 al use, or along a line parallel to, and 100 (one hundred) feet north
29 of, the Preserve where the Preserve is adjacent to parcels which are
30 undeveloped as of June 1, 1993, to the southeastern corner of the parcel
31 west of Woodlots Road and identified as District 200, Section 291, Block
32 1, Lot 14.1; thence northward and westward along the easterly and north-
33 erly boundaries of that parcel to Whiskey Road; thence westward along
34 the southerly side of Whiskey Road to Wading River Hollow Road; thence
35 northward along the westerly side of Wading River Hollow Road to the
36 boundary of the NYS Rocky Point Land; thence generally northward along
37 the easterly boundary of the NYS Rocky Point Land, including all adja-
38 cent or contiguous undeveloped Town of Brookhaven parks, preserves, open
39 space areas, or reserved areas, to NYS Route 25A; thence westward along
40 the southerly side of NYS Route 25A, excluding those parcels abutting
41 that road which are developed as of June 1, 1993, and those lands iden-
42 tified for the reroute of Route 25A by the NYS Department of Transporta-
43 tion, to the northeastern corner of the parcel identified as District
44 200, Section 102, Block 3, Lot 1.4; thence southward along the westerly
45 boundary of that parcel to the parcel identified as District 200,
46 Section 102, Block 3, Lot 1.6; thence generally westward and southward
47 along the westerly boundaries of that parcel and the adjoining southerly
48 parcel identified as District 200, Section 102, Block 3, Lot 1.5 to the
49 boundary of the NYS Rocky Point Land; thence westward along the norther-
50 ly boundary of the NYS Rocky Point Land to County Route 21; thence
51 generally westward along a straight line across County Route 21 to the
52 northernmost extent along County Route 21 of the NYS Rocky Point Land;
53 thence generally westward along the generally northerly boundary of the
54 NYS Rocky Point Land to the point or place of beginning, and excluding
55 the area defined as beginning at a point where the southerly boundary of
56 NYS Route 25 meets the easterly side of the Suffolk County Pine Trail

1 Nature Preserve; thence southeastward along the easterly side of the
2 Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent
3 to developed parcels, or along a line parallel to, and 100 (one hundred)
4 feet east of, the Preserve where the Preserve is adjacent to parcels
5 which are undeveloped as of June 1, 1993, to the Long Island Lighting
6 Company high voltage transmission lines; thence northward along the
7 westerly side of the Long Island Lighting Company high voltage trans-
8 mission lines to NYS Route 25; thence westward along the southerly side
9 of NYS Route 25 to the point or place of beginning;
10 and excluding [~~two~~] three distinct areas described as follows: Area One
11 is the area defined as beginning at a point where the southerly boundary
12 of NYS Route 25 meets the easterly side of the Suffolk County Pine Trail
13 Nature Preserve; thence southeastward along the easterly side of the
14 Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent
15 to developed parcels, or along a line parallel to, and 100 (one hundred)
16 feet east of, the Preserve where the Preserve is adjacent to parcels
17 which are undeveloped as of June 1, 1993, to the Long Island Lighting
18 Company high voltage transmission lines; thence northward along the
19 westerly side of the Long Island Lighting Company high voltage trans-
20 mission lines to NYS Route 25; thence westward along the southerly side
21 of NYS Route 25 to the point or place of beginning; Area Two is the area
22 defined as beginning at the northwest corner of the parcel identified as
23 District 200, Section 552, Block 1, Lot 3; thence eastward, southwest-
24 ward and generally northward along the northerly, southeasterly and
25 westerly boundaries of that parcel, containing the sewage treatment
26 facility known as the Dorade facility, to the point of beginning; Area
27 three is defined as the parcel identified as district 200, section 82,
28 block 1, lot 3.

29 § 2. The town of Brookhaven, the county of Suffolk, and the Central
30 Pine Barrens joint planning and policy commission shall compile a report
31 providing an assessment of properties that would be suitable for solar
32 projects including an inventory of specific parcels within the town of
33 Brookhaven that minimize the need to utilize undisturbed open space.
34 Such report shall be submitted to the governor no later than January 1,
35 2020.

36 § 3. The definitions of "central pine barrens" and "core preservation
37 area" of section 57-0107 of the environmental conservation law shall be
38 amended to include the property described as thence eastward along the
39 northerly boundary of Moriches-Middle Island Road to a point due north
40 of the easterly boundary of Cranford Boulevard; thence southward across
41 Moriches-Middle Island Road and along the easterly boundary of Cranford
42 Boulevard to the south-western corner of the property identified as
43 District 200, Section 645, Block 3, Lot 29.1; thence southeastward along
44 the southerly boundary of said property to its intersection with proper-
45 ty identified as District 200, Section 712, Block 9, Lot 1; thence
46 generally southward along the westerly boundary of said property to its
47 intersection with the northerly side of the eastward extension of Grove
48 Drive; thence southward crossing Grove Drive to its south side; thence
49 westward along the southerly boundary of the Grove Drive road extension
50 to the northwestern corner of the property identified as District 200,
51 Section 749, Block 3, Lot 41.1; and comprised of parcels owned by the
52 county of Suffolk and the town of Brookhaven; thence southward to the
53 southwestern corner of property identified as District 200, Section 749,
54 Block 3, Lot 43; thence eastward along the southerly boundary of said
55 property to the west side of Lambert Avenue; thence crossing Lambert
56 Avenue to its easterly side; thence southward along the easterly bounda-

ry of Lambert Avenue to the northerly boundary of the Sunrise Highway Service Road; thence northeastward along the northerly boundary of the Sunrise Highway Service Road to Barnes Road; thence northward along the westerly boundary of Barnes Road to the northeastern corner of property identified as District 200, Section 750, Block 3, Lot 40.2; thence westward along the northerly boundary of said property to the property identified as District 200, Section 713, Block 1, Lot 2; thence westward along the northerly boundary of property identified as District 200, Section 713, Block 1, Lot 1; thence northward along the westerly side of Weeks Avenue to the northeastern corner of property identified as District 200, Section 713, Block 3, Lot 1; thence westward along the northerly boundary of said property to Michigan Avenue; thence northward along the easterly boundary of Michigan Ave to Moriches-Middle Island Road, and described as beginning at a point on the southeasterly corner of the intersection of Moriches-Middle Island Road and Cranford Boulevard and thence southward along the easterly boundary of Cranford Boulevard to the southwestern corner of property identified as District 200, Section 645, Block 3, Lot 29.1; thence southeastward along the southerly boundary of said property to its intersection with property identified as District 200, Section 712, Block 9, Lot 1; thence generally southward along the westerly boundary of said property to its intersection with the northerly side of the eastward extension of Grove Drive; thence southward crossing Grove Drive to its south side; thence westward along the southerly boundary of the Grove Drive road extension to the northwestern corner of the property identified as District 200, Section 749, Block 3, Lot 41.1 and comprised of parcels owned by the county of Suffolk and the town of Brookhaven; thence southward to the southwestern corner of property identified as District 200, Section 749, Block 3, Lot 43; thence eastward along the southerly boundary of said property to the west side of Lambert Avenue; thence crossing Lambert Avenue to its easterly side; thence southward along the easterly boundary of Lambert Avenue to the northerly boundary of the Sunrise Highway Service Road; thence northeastward along the northerly boundary of the Sunrise Highway Service Road to Barnes Road; thence northward along the westerly boundary of Barnes Road to the northeastern corner of the property identified as District 200, Section 750, Block 3, Lot 40.2; thence westward along the northerly boundary of property identified as District 200, Section 713, Block 1, Lot 2; thence westward along the northerly boundary of property identified as District 200, Section 713, Block 1, Lot 1; thence northward along the westerly side of Weeks Avenue to the northeastern corner of property identified as District 200, Section 713, Block 3, Lot 1; thence westward along the northerly boundary of said property to Michigan Avenue; thence northward along the easterly boundary of Michigan Avenue to Moriches-Middle Island Road; thence westward along the southerly boundary of Moriches-Middle Island Road to the point of beginning, comprising of all lands owned by the Town of Brookhaven and Suffolk county therein and excluding all privately owned real property.

§ 4. This act shall take effect January 1, 2019; provided that if the provisions of this act establishing a new description and boundaries of the Central Pine Barrens Area or the core preservation area removes or excludes any of the lands of the Central Pine Barrens Area or the core preservation area as such lands are described and bounded in chapter 267 of the laws of 2015, and/or protections established and/or provided by such act, this act shall be deemed repealed and of no force and effect and chapter 267 of the laws of 2015 shall remain in full force and

1 effect. The state legislature shall notify the legislative bill draft-
2 ing commission of any such decrease and resulting repeal in order that
3 the commission may maintain an accurate and timely effective data base
4 of the official text of the laws of the state of New York in furtherance
5 of effectuating the provisions of section 44 of the legislative law and
6 section 70-b of the public officers law.

7 PART DD

8 Section 1. Expenditures of moneys appropriated in a chapter of the
9 laws of 2018 to the department of agriculture and markets from the
10 special revenue funds-other/state operations, miscellaneous special
11 revenue fund-339, public service account shall be subject to the
12 provisions of this section. Notwithstanding any other provision of law
13 to the contrary, direct and indirect expenses relating to the department
14 of agriculture and markets' participation in general ratemaking
15 proceedings pursuant to section 65 of the public service law or certif-
16 ication proceedings pursuant to article 7 or 10 of the public service
17 law, shall be deemed expenses of the department of public service within
18 the meaning of section 18-a of the public service law. No later than
19 August 15, 2019, the commissioner of the department of agriculture and
20 markets shall submit an accounting of such expenses, including, but not
21 limited to, expenses in the 2018 -- 2019 fiscal year for personal and
22 non-personal services and fringe benefits, to the chair of the public
23 service commission for the chair's review pursuant to the provisions of
24 section 18-a of the public service law.

25 § 2. Expenditures of moneys appropriated in a chapter of the laws of
26 2018 to the department of state from the special revenue funds-
27 other/state operations, miscellaneous special revenue fund-339, public
28 service account shall be subject to the provisions of this section.
29 Notwithstanding any other provision of law to the contrary, direct and
30 indirect expenses relating to the activities of the department of
31 state's utility intervention unit pursuant to subdivision 4 of section
32 94-a of the executive law, including, but not limited to participation
33 in general ratemaking proceedings pursuant to section 65 of the public
34 service law or certification proceedings pursuant to article 7 or 10 of
35 the public service law, shall be deemed expenses of the department of
36 public service within the meaning of section 18-a of the public service
37 law. No later than August 15, 2019, the secretary of state shall submit
38 an accounting of such expenses, including, but not limited to, expenses
39 in the 2018 -- 2019 fiscal year for personal and non-personal services
40 and fringe benefits, to the chair of the public service commission for
41 the chair's review pursuant to the provisions of section 18-a of the
42 public service law.

43 § 3. Expenditures of moneys appropriated in a chapter of the laws of
44 2018 to the office of parks, recreation and historic preservation from
45 the special revenue funds-other/state operations, miscellaneous special
46 revenue fund-339, public service account shall be subject to the
47 provisions of this section. Notwithstanding any other provision of law
48 to the contrary, direct and indirect expenses relating to the office of
49 parks, recreation and historic preservation's participation in general
50 ratemaking proceedings pursuant to section 65 of the public service law
51 or certification proceedings pursuant to article 7 or 10 of the public
52 service law, shall be deemed expenses of the department of public
53 service within the meaning of section 18-a of the public service law. No
54 later than August 15, 2019, the commissioner of the office of parks,

1 recreation and historic preservation shall submit an accounting of such
2 expenses, including, but not limited to, expenses in the 2018 -- 2019
3 fiscal year for personal and non-personal services and fringe benefits,
4 to the chair of the public service commission for the chair's review
5 pursuant to the provisions of section 18-a of the public service law.

6 § 4. Expenditures of moneys appropriated in a chapter of the laws of
7 2018 to the department of environmental conservation from the special
8 revenue funds-other/state operations, environmental conservation special
9 revenue fund-301, utility environmental regulation account shall be
10 subject to the provisions of this section. Notwithstanding any other
11 provision of law to the contrary, direct and indirect expenses relating
12 to the department of environmental conservation's participation in state
13 energy policy proceedings, or certification proceedings pursuant to
14 article 7 or 10 of the public service law, shall be deemed expenses of
15 the department of public service within the meaning of section 18-a of
16 the public service law. No later than August 15, 2019, the commissioner
17 of the department of environmental conservation shall submit an account-
18 ing of such expenses, including, but not limited to, expenses in the
19 2018 -- 2019 fiscal year for personal and non-personal services and
20 fringe benefits, to the chair of the public service commission for the
21 chair's review pursuant to the provisions of section 18-a of the public
22 service law.

23 § 5. Notwithstanding any other law, rule or regulation to the contra-
24 ry, expenses of the department of health public service education
25 program incurred pursuant to appropriations from the cable television
26 account of the state miscellaneous special revenue funds shall be deemed
27 expenses of the department of public service. No later than August 15,
28 2019, the commissioner of the department of health shall submit an
29 accounting of expenses in the 2018 -- 2019 fiscal year to the chair of
30 the public service commission for the chair's review pursuant to the
31 provisions of section 217 of the public service law.

32 § 6. Any expense deemed to be expenses of the department of public
33 service pursuant to sections one through four of this act shall not be
34 recovered through assessments imposed upon telephone corporations as
35 defined in subdivision 17 of section 2 of the public service law.

36 § 7. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after April 1, 2018 and shall
38 be deemed repealed April 1, 2019.

39 PART EE

40 Section 1. Expenditures of moneys by the New York state energy
41 research and development authority for services and expenses of the
42 energy research, development and demonstration program, including
43 grants, the energy policy and planning program, the zero emissions vehi-
44 cle and electric vehicle rebate program, and the Fuel NY program shall
45 be subject to the provisions of this section. Notwithstanding the
46 provisions of subdivision 4-a of section 18-a of the public service law,
47 all moneys committed or expended in an amount not to exceed \$19,700,000
48 shall be reimbursed by assessment against gas corporations, as defined
49 in subdivision 11 of section 2 of the public service law and electric
50 corporations as defined in subdivision 13 of section 2 of the public
51 service law, where such gas corporations and electric corporations have
52 gross revenues from intrastate utility operations in excess of \$500,000
53 in the preceding calendar year, and the total amount which may be
54 charged to any gas corporation and any electric corporation shall not

1 exceed one cent per one thousand cubic feet of gas sold and .010 cent
2 per kilowatt-hour of electricity sold by such corporations in their
3 intrastate utility operations in calendar year 2016. Such amounts shall
4 be excluded from the general assessment provisions of subdivision 2 of
5 section 18-a of the public service law. The chair of the public service
6 commission shall bill such gas and/or electric corporations for such
7 amounts on or before August 10, 2018 and such amounts shall be paid to
8 the New York state energy research and development authority on or
9 before September 10, 2018. Upon receipt, the New York state energy
10 research and development authority shall deposit such funds in the ener-
11 gy research and development operating fund established pursuant to
12 section 1859 of the public authorities law. The New York state energy
13 research and development authority is authorized and directed to: (1)
14 transfer \$1 million to the state general fund for services and expenses
15 of the department of environmental conservation, \$150,000 to the state
16 general fund for services and expenses of the department of agriculture
17 and markets, and \$825,000 to the University of Rochester laboratory for
18 laser energetics from the funds received; and (2) commencing in 2016,
19 provide to the chair of the public service commission and the director
20 of the budget and the chairs and secretaries of the legislative fiscal
21 committees, on or before August first of each year, an itemized record,
22 certified by the president and chief executive officer of the authority,
23 or his or her designee, detailing any and all expenditures and commit-
24 ments ascribable to moneys received as a result of this assessment by
25 the chair of the department of public service pursuant to section 18-a
26 of the public service law. This itemized record shall include an item-
27 ized breakdown of the programs being funded by this section and the
28 amount committed to each program. The authority shall not commit for
29 any expenditure, any moneys derived from the assessment provided for in
30 this section, until the chair of such authority shall have submitted,
31 and the director of the budget shall have approved, a comprehensive
32 financial plan encompassing all moneys available to and all anticipated
33 commitments and expenditures by such authority from any source for the
34 operations of such authority. Copies of the approved comprehensive
35 financial plan shall be immediately submitted by the chair to the chairs
36 and secretaries of the legislative fiscal committees. Any such amount
37 not committed by such authority to contracts or contracts to be awarded
38 or otherwise expended by the authority during the fiscal year shall be
39 refunded by such authority on a pro-rata basis to such gas and/or elec-
40 tric corporations, in a manner to be determined by the department of
41 public service, and any refund amounts must be explicitly lined out in
42 the itemized record described above.

43 § 2. This act shall take effect immediately and shall be deemed to
44 have been in full force and effect on and after April 1, 2018.

45 PART FF

46 Section 1. Paragraph (a) of subdivision 17 of section 1005 of the
47 public authorities law, as amended by chapter 494 of the laws of 2011,
48 is amended to read as follows:

49 (a) As deemed feasible and advisable by the trustees, to finance
50 ~~and~~ design, develop, construct, implement, provide and administer
51 energy-related projects, programs and services for any public entity,
52 any independent not-for-profit institution of higher education within
53 the state, ~~and~~ any recipient of ~~the~~ economic development power,
54 expansion power, replacement power, preservation power, high load factor

1 power, municipal distribution agency power, [~~power for jobs, and~~] or
2 recharge New York power [~~programs administered~~] allocated by the author-
3 ity, and any party located within the state under contract with the
4 authority to purchase power from the authority pursuant to this title or
5 any other law. In establishing and providing high performance and
6 sustainable building programs and services authorized by this subdivi-
7 sion, the authority is authorized to consult standards, guidelines,
8 rating systems, and/or criteria established or adopted by other organ-
9 izations, including but not limited to the United States green building
10 council under its leadership in energy and environmental design (LEED)
11 programs, the green building initiative's green globes rating system,
12 and the American National Standards Institute. The source of any financ-
13 ing and/or loans provided by the authority for the purposes of this
14 subdivision may be the proceeds of notes issued pursuant to section one
15 thousand nine-a of this title, the proceeds of bonds issued pursuant to
16 section one thousand ten of this title, or any other available authority
17 funds.

18 § 2. Subparagraph 2 of paragraph (b) of subdivision 17 of section 1005
19 of the public authorities law, as added by chapter 477 of the laws of
20 2009 and such subdivision as renumbered by section 16 of part CC of
21 chapter 60 of the laws of 2011, is amended to read as follows:

22 (2) "Energy-related projects, programs and services" means energy
23 management, distribution, or control projects and services, energy
24 supply security, resiliency or reliability projects and services, energy
25 procurement programs and services for public entities, energy efficiency
26 projects and services, clean energy technology projects and services,
27 and high performance and sustainable building programs and services, and
28 the construction, installation and/or operation of facilities or equip-
29 ment done in connection with any such energy-related projects, programs
30 or services.

31 § 3. Subparagraph 5 of paragraph (b) of subdivision 17 of section 1005
32 of the public authorities law, as added by chapter 477 of the laws of
33 2009 and such subdivision as renumbered by section 16 of part CC of
34 chapter 60 of the laws of 2011, is amended to read as follows:

35 (5) "Public entity" means an agency, public authority, public benefit
36 corporation, public corporation, municipal corporation, school district,
37 board of cooperative educational services, public university, fire
38 district, district corporation, or special improvement district governed
39 by a separate board of commissioners, including an entity formed by or
40 under contract with one or more public entities for the purpose of
41 facilitating the delivery, implementation or management of energy-relat-
42 ed projects, programs and services.

43 § 4. This act shall take effect immediately.

44 PART GG

45 Section 1. Section 1005 of the public authorities law is amended by
46 adding a new subdivision 26 to read as follows:

47 26. (a) Notwithstanding any inconsistent provision of this title, as
48 deemed feasible and advisable by the trustees, the authority is author-
49 ized to finance, plan, design, engineer, acquire, construct, operate or
50 manage (collectively, "develop") throughout its area of service such
51 renewable power and energy generating projects, and procure such renewa-
52 ble power, energy, or related attributes, which the authority deems
53 necessary or desirable to assist the state in meeting any state clean
54 energy standard or goals, and/or supply the needs of any public entity

1 or authority customer within the state. The authority is further author-
2 ized to allocate and sell renewable power, energy, or related attributes
3 that is produced by renewable power and energy generating projects it
4 develops, or that it procures, to any public entity or authority custom-
5 er. The authority shall be entitled to fully recover its costs, includ-
6 ing its acquisition, finance, planning, contracting, capital, operating
7 and maintenance costs, from the entities that purchase renewable power,
8 energy and related attributes from the authority.

9 (b) The source of any financing and/or loans provided by the authority
10 for the purposes of this subdivision may be the proceeds of notes issued
11 pursuant to section one thousand nine-a of this title, the proceeds of
12 bonds issued pursuant to section one thousand ten of this title, or any
13 other available authority funds.

14 (c) For purposes of this subdivision, the following terms shall have
15 the meanings indicated in this paragraph unless the context indicates
16 another meaning or intent:

17 (1) "Authority customer" means an entity located in the state that
18 purchases or is under contract to purchase power or energy from the
19 authority.

20 (2) "Public entity" has the meaning ascribed to that term by subpara-
21 graph five of paragraph (b) of subdivision seventeen of this section.

22 (3) "Renewable energy resources" means solar power, wind power, hydro-
23 electric, and any other generation resource authorized by any renewable
24 energy standard adopted by the state for the purpose of implementing any
25 state clean energy standard.

26 (4) "Renewable power and energy generating projects" means projects
27 that generate power and energy by means of renewable energy resources,
28 or that store and supply power and energy generated by means of renewa-
29 ble energy resources, and include the construction, installation and/or
30 operation of ancillary facilities or equipment done in connection with
31 any such renewable power and energy generating projects, provided,
32 however, that such term shall not include the authority's Saint Lawrence
33 and Niagara hydroelectric.

34 (5) "State" means the state of New York.

35 (d) Nothing in this subdivision is intended to limit, impair or affect
36 the authority's legal authority under any other provision of this title.

37 § 2. This act shall take effect immediately.

38 PART HH

39 Section 1. Subdivision 6 of section 1304 of the real property actions
40 and proceedings law, as amended by section 6 part Q of chapter 73 of the
41 laws of 2016, is amended to read as follows:

42 6. (a) (1) "Home loan" means a loan, including an open-end credit
43 plan[~~, other than a reverse mortgage transaction,~~] in which:

44 (i) The borrower is a natural person;

45 (ii) The debt is incurred by the borrower primarily for personal,
46 family, or household purposes;

47 (iii) The loan is secured by a mortgage or deed of trust on real
48 estate improved by a one to four family dwelling, or a condominium unit,
49 in either case, used or occupied, or intended to be used or occupied
50 wholly or partly, as the home or residence of one or more persons and
51 which is or will be occupied by the borrower as the borrower's principal
52 dwelling; and

53 (iv) The property is located in this state.

(2) A home loan shall include a loan secured by a reverse mortgage that meets the requirements of subparagraphs (i) through (iv) of paragraph (1) of this subdivision.

(b) "Lender" means a mortgage banker as defined in paragraph (f) of subdivision one of section five hundred ninety of the banking law or an exempt organization as defined in paragraph (e) of subdivision one of section five hundred ninety of the banking law.

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 6 of section 1304 of the real property actions and proceedings law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

PART II

Section 1. Subdivision 1 of section 235 of the vehicle and traffic law, as amended by section 1 of chapter 222 of the laws of 2015, is amended to read as follows:

1. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-d of this chapter, or to adjudicate the liability of owners for violations of section eleven hundred seventy-five of this chapter in accordance with section eleven hundred eleven-f of this chapter, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-e of this chapter, or to adjudicate the liability of owners for violations of toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or to adjudicate liability of owners in accordance with section eleven hundred eleven-c of this chapter for violations of bus lane restrictions as defined in subdivision (b), (c), (d), (f) or (g) of such section, or to adjudicate the liability of owners for violations of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-b of this chapter, such tribunal and the rules and regulations pertaining thereto shall be constituted in substantial conformance with the following sections.

§ 1-a. Section 235 of the vehicle and traffic law, as amended by section 1-a of chapter 222 of the laws of 2015, is amended to read as follows:

§ 235. Jurisdiction. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in

1 any city which heretofore or hereafter is authorized to establish an
2 administrative tribunal to hear and determine complaints of traffic
3 infractions constituting parking, standing or stopping violations, or to
4 adjudicate the liability of owners for violations of subdivision (d) of
5 section eleven hundred eleven of this chapter in accordance with section
6 eleven hundred eleven-a of this chapter, or to adjudicate the liability
7 of owners for violations of subdivision (d) of section eleven hundred
8 eleven of this chapter in accordance with sections eleven hundred
9 eleven-b of this chapter as added by sections sixteen of chapters twenty,
10 twenty-one, and twenty-two of the laws of two thousand nine, or to
11 adjudicate the liability of owners for violations of subdivision (d) of
12 section eleven hundred eleven of this chapter in accordance with section
13 eleven hundred eleven-d of this chapter, or to adjudicate the liability
14 of owners for violations of subdivision (d) of section eleven hundred
15 eleven of this chapter in accordance with section eleven hundred
16 eleven-e of this chapter, or to adjudicate the liability of owners for
17 violations of section eleven hundred seventy-five of this chapter in
18 accordance with section eleven hundred eleven-f of this chapter, or to
19 adjudicate the liability of owners for violations of toll collection
20 regulations as defined in and in accordance with the provisions of
21 section two thousand nine hundred eighty-five of the public authorities
22 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
23 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
24 dicate liability of owners in accordance with section eleven hundred
25 eleven-c of this chapter for violations of bus lane restrictions as
26 defined in such section, or to adjudicate the liability of owners for
27 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
28 hundred eighty of this chapter in accordance with section eleven hundred
29 eighty-b of this chapter, such tribunal and the rules and regulations
30 pertaining thereto shall be constituted in substantial conformance with
31 the following sections.

32 § 1-b. Section 235 of the vehicle and traffic law, as amended by
33 section 1-b of chapter 222 of the laws of 2015, is amended to read as
34 follows:

35 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
36 general, special or local law or administrative code to the contrary, in
37 any city which heretofore or hereafter is authorized to establish an
38 administrative tribunal to hear and determine complaints of traffic
39 infractions constituting parking, standing or stopping violations, or to
40 adjudicate the liability of owners for violations of subdivision (d) of
41 section eleven hundred eleven of this chapter in accordance with
42 sections eleven hundred eleven-b of this chapter as added by sections
43 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
44 two thousand nine, or to adjudicate the liability of owners for
45 violations of subdivision (d) of section eleven hundred eleven of this
46 chapter in accordance with section eleven hundred eleven-d of this chap-
47 ter, or to adjudicate the liability of owners for violations of subdivi-
48 sion (d) of section eleven hundred eleven of this chapter in accordance
49 with section eleven hundred eleven-e of this chapter, or to adjudicate
50 the liability of owners for violations of section eleven hundred seven-
51 ty-five of this chapter in accordance with section eleven hundred
52 eleven-f of this chapter, or to adjudicate the liability of owners for
53 violations of toll collection regulations as defined in and in accord-
54 ance with the provisions of section two thousand nine hundred eighty-
55 five of the public authorities law and sections sixteen-a, sixteen-b and
56 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen

1 hundred fifty, or to adjudicate liability of owners in accordance with
2 section eleven hundred eleven-c of this chapter for violations of bus
3 lane restrictions as defined in such section, or to adjudicate the
4 liability of owners for violations of subdivision (b), (c), (d), (f) or
5 (g) of section eleven hundred eighty of this chapter in accordance with
6 section eleven hundred eighty-b of this chapter, such tribunal and the
7 rules and regulations pertaining thereto shall be constituted in
8 substantial conformance with the following sections.

9 § 1-c. Section 235 of the vehicle and traffic law, as amended by
10 section 1-c of chapter 222 of the laws of 2015, is amended to read as
11 follows:

12 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
13 general, special or local law or administrative code to the contrary, in
14 any city which heretofore or hereafter is authorized to establish an
15 administrative tribunal to hear and determine complaints of traffic
16 infractions constituting parking, standing or stopping violations, or to
17 adjudicate the liability of owners for violations of subdivision (d) of
18 section eleven hundred eleven of this chapter in accordance with section
19 eleven hundred eleven-d of this chapter, or to adjudicate the liability
20 of owners for violations of subdivision (d) of section eleven hundred
21 eleven of this chapter in accordance with section eleven hundred
22 eleven-e of this chapter, or to adjudicate the liability of owners for
23 violations of section eleven hundred seventy-five of this chapter in
24 accordance with section eleven hundred eleven-f of this chapter, or to
25 adjudicate the liability of owners for violations of toll collection
26 regulations as defined in and in accordance with the provisions of
27 section two thousand nine hundred eighty-five of the public authorities
28 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
29 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
30 dicate liability of owners in accordance with section eleven hundred
31 eleven-c of this chapter for violations of bus lane restrictions as
32 defined in such section, or to adjudicate the liability of owners for
33 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
34 hundred eighty of this chapter in accordance with section eleven hundred
35 eighty-b of this chapter, such tribunal and the rules and regulations
36 pertaining thereto shall be constituted in substantial conformance with
37 the following sections.

38 § 1-d. Section 235 of the vehicle and traffic law, as amended by
39 section 1-d of chapter 222 of the laws of 2015, is amended to read as
40 follows:

41 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
42 general, special or local law or administrative code to the contrary, in
43 any city which heretofore or hereafter is authorized to establish an
44 administrative tribunal to hear and determine complaints of traffic
45 infractions constituting parking, standing or stopping violations, or to
46 adjudicate the liability of owners for violations of subdivision (d) of
47 section eleven hundred eleven of this chapter in accordance with section
48 eleven hundred eleven-d of this chapter, or to adjudicate the liability
49 of owners for violations of subdivision (d) of section eleven hundred
50 eleven of this chapter in accordance with section eleven hundred
51 eleven-e of this chapter, or to adjudicate the liability of owners for
52 violations of section eleven hundred seventy-five of this chapter in
53 accordance with section eleven hundred eleven-f of this chapter, or to
54 adjudicate the liability of owners for violations of toll collection
55 regulations as defined in and in accordance with the provisions of
56 section two thousand nine hundred eighty-five of the public authorities

1 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
2 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
3 dicate liability of owners for violations of subdivisions (c) and (d) of
4 section eleven hundred eighty of this chapter in accordance with section
5 eleven hundred eighty-b of this chapter, such tribunal and the rules and
6 regulations pertaining thereto shall be constituted in substantial
7 conformance with the following sections.

8 § 1-e. Section 235 of the vehicle and traffic law, as amended by
9 section 1-e of chapter 222 of the laws of 2015, is amended to read as
10 follows:

11 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
12 general, special or local law or administrative code to the contrary, in
13 any city which heretofore or hereafter is authorized to establish an
14 administrative tribunal to hear and determine complaints of traffic
15 infractions constituting parking, standing or stopping violations, or to
16 adjudicate the liability of owners for violations of subdivision (d) of
17 section eleven hundred eleven of this chapter in accordance with section
18 eleven hundred eleven-d of this chapter, or to adjudicate the liability
19 of owners for violations of subdivision (d) of section eleven hundred
20 eleven of this chapter in accordance with section eleven hundred
21 eleven-e of this chapter, or to adjudicate the liability of owners for
22 violations of section eleven hundred seventy-five of this chapter in
23 accordance with section eleven hundred eleven-f of this chapter, or to
24 adjudicate the liability of owners for violations of toll collection
25 regulations as defined in and in accordance with the provisions of
26 section two thousand nine hundred eighty-five of the public authorities
27 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
28 hundred seventy-four of the laws of nineteen hundred fifty, such tribu-
29 nal and the rules and regulations pertaining thereto shall be consti-
30 tuted in substantial conformance with the following sections.

31 § 1-f. Section 235 of the vehicle and traffic law, as amended by
32 section 1-f of chapter 222 of the laws of 2015, is amended to read as
33 follows:

34 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
35 general, special or local law or administrative code to the contrary, in
36 any city which heretofore or hereafter is authorized to establish an
37 administrative tribunal to hear and determine complaints of traffic
38 infractions constituting parking, standing or stopping violations, or to
39 adjudicate the liability of owners for violations of subdivision (d) of
40 section eleven hundred eleven of this chapter in accordance with section
41 eleven hundred eleven-e of this chapter, or to adjudicate the liability
42 of owners for violations of section eleven hundred seventy-five of this
43 chapter in accordance with section eleven hundred eleven-f of this chap-
44 ter, or to adjudicate the liability of owners for violations of toll
45 collection regulations as defined in and in accordance with the
46 provisions of section two thousand nine hundred eighty-five of the
47 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
48 of chapter seven hundred seventy-four of the laws of nineteen hundred
49 fifty, such tribunal and the rules and regulations pertaining thereto
50 shall be constituted in substantial conformance with the following
51 sections.

52 § 1-g. Section 235 of the vehicle and traffic law, as separately
53 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
54 of 1992, is amended to read as follows:

55 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
56 general, special or local law or administrative code to the contrary, in

1 any city which heretofore or hereafter is authorized to establish an
2 administrative tribunal to hear and determine complaints of traffic
3 infractions constituting parking, standing or stopping violations, or to
4 adjudicate the liability of owners for violations of section eleven
5 hundred seventy-five of this chapter in accordance with section eleven
6 hundred eleven-f of this chapter, or to adjudicate the liability of
7 owners for violations of toll collection regulations as defined in and
8 in accordance with the provisions of section two thousand nine hundred
9 eighty-five of the public authorities law and sections sixteen-a,
10 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
11 laws of nineteen hundred fifty, such tribunal and the rules and regu-
12 lations pertaining thereto shall be constituted in substantial conform-
13 ance with the following sections.

14 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
15 amended by section 2 of chapter 222 of the laws of 2015, is amended to
16 read as follows:

17 1. Creation. In any city as hereinbefore or hereafter authorized such
18 tribunal when created shall be known as the parking violations bureau
19 and shall have jurisdiction of traffic infractions which constitute a
20 parking violation and, where authorized by local law adopted pursuant to
21 subdivision (a) of section eleven hundred eleven-a of this chapter or
22 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
23 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
24 of the laws of two thousand nine, or subdivision (a) of section eleven
25 hundred eleven-d of this chapter, or subdivision (a) of section eleven
26 hundred eleven-e of this chapter, or subdivision (a) of section eleven
27 hundred eleven-f of this chapter, shall adjudicate the liability of
28 owners for violations of subdivision (d) of section eleven hundred elev-
29 en of this chapter in accordance with such section eleven hundred
30 eleven-a, sections eleven hundred eleven-b as added by sections sixteen
31 of chapters twenty, twenty-one, and twenty-two of the laws of two thou-
32 sand nine, or section eleven hundred eleven-d or section eleven hundred
33 eleven-e and shall adjudicate the liability of owners for violations of
34 toll collection regulations as defined in and in accordance with the
35 provisions of section two thousand nine hundred eighty-five of the
36 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
37 of chapter seven hundred seventy-four of the laws of nineteen hundred
38 fifty and shall adjudicate liability of owners in accordance with
39 section eleven hundred eleven-c of this chapter for violations of bus
40 lane restrictions as defined in such section and shall adjudicate
41 liability of owners in accordance with section eleven hundred eleven-f
42 of this chapter for violations of section eleven hundred seventy-five of
43 this chapter and shall adjudicate the liability of owners for violations
44 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
45 eighty of this chapter in accordance with section eleven hundred eight-
46 y-b of this chapter. Such tribunal, except in a city with a population
47 of one million or more, shall also have jurisdiction of abandoned vehi-
48 cle violations. For the purposes of this article, a parking violation is
49 the violation of any law, rule or regulation providing for or regulating
50 the parking, stopping or standing of a vehicle. In addition for purposes
51 of this article, "commissioner" shall mean and include the commissioner
52 of traffic of the city or an official possessing authority as such a
53 commissioner.

54 § 2-a. Subdivision 1 of section 236 of the vehicle and traffic law, as
55 amended by section 2-a of chapter 222 of the laws of 2015, is amended to
56 read as follows:

1 1. Creation. In any city as hereinbefore or hereafter authorized such
2 tribunal when created shall be known as the parking violations bureau
3 and shall have jurisdiction of traffic infractions which constitute a
4 parking violation and, where authorized by local law adopted pursuant to
5 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
6 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
7 of the laws of two thousand nine, or subdivision (a) of section eleven
8 hundred eleven-d of this chapter, or subdivision (a) of section eleven
9 hundred eleven-e of this chapter, or subdivision (a) of section eleven
10 hundred eleven-f of this chapter, shall adjudicate the liability of
11 owners for violations of subdivision (d) of section eleven hundred elev-
12 en of this chapter in accordance with such sections eleven hundred
13 eleven-b as added by sections sixteen of chapters twenty, twenty-one,
14 and twenty-two of the laws of two thousand nine or section eleven
15 hundred eleven-d or section eleven hundred eleven-e; and shall adjudi-
16 cate liability of owners in accordance with section eleven hundred
17 eleven-c of this chapter for violations of bus lane restrictions as
18 defined in such section and shall adjudicate liability of owners in
19 accordance with section eleven hundred eleven-f of this chapter for
20 violations of section eleven hundred seventy-five of this chapter and
21 shall adjudicate liability of owners for violations of subdivisions (c)
22 and (d) of section eleven hundred eighty of this chapter in accordance
23 with section eleven hundred eighty-b of this chapter. For the purposes
24 of this article, a parking violation is the violation of any law, rule
25 or regulation providing for or regulating the parking, stopping or
26 standing of a vehicle. In addition for purposes of this article,
27 "commissioner" shall mean and include the commissioner of traffic of the
28 city or an official possessing authority as such a commissioner.

29 § 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
30 amended by section 2-b of chapter 222 of the laws of 2015, is amended to
31 read as follows:

32 1. Creation. In any city as hereinbefore or hereafter authorized such
33 tribunal when created shall be known as the parking violations bureau
34 and shall have jurisdiction of traffic infractions which constitute a
35 parking violation and, where authorized by local law adopted pursuant to
36 subdivision (a) of section eleven hundred eleven-d or subdivision (a) of
37 section eleven hundred eleven-e of this chapter, or subdivision (a) of
38 section eleven hundred eleven-f of this chapter, shall adjudicate
39 liability of owners in accordance with section eleven hundred eleven-c
40 of this chapter for violations of bus lane restrictions as defined in
41 such section; and shall adjudicate the liability of owners for
42 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
43 hundred eighty of this chapter in accordance with section eleven hundred
44 eighty-b of this chapter. For the purposes of this article, a parking
45 violation is the violation of any law, rule or regulation providing for
46 or regulating the parking, stopping or standing of a vehicle. In addi-
47 tion for purposes of this article, "commissioner" shall mean and include
48 the commissioner of traffic of the city or an official possessing
49 authority as such a commissioner.

50 § 2-c. Subdivision 1 of section 236 of the vehicle and traffic law, as
51 amended by section 2-c of chapter 222 of the laws of 2015, is amended to
52 read as follows:

53 1. Creation. In any city as hereinbefore or hereafter authorized such
54 tribunal when created shall be known as the parking violations bureau
55 and, where authorized by local law adopted pursuant to subdivision (a)
56 of section eleven hundred eleven-d of this chapter or subdivision (a) of

1 section eleven hundred eleven-e of this chapter, or subdivision (a) of
2 section eleven hundred eleven-f of this chapter, shall have jurisdiction
3 of traffic infractions which constitute a parking violation and shall
4 adjudicate the liability of owners for violations of subdivision (b),
5 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in
6 accordance with section eleven hundred eighty-b of this chapter. For the
7 purposes of this article, a parking violation is the violation of any
8 law, rule or regulation providing for or regulating the parking, stop-
9 ping or standing of a vehicle. In addition for purposes of this article,
10 "commissioner" shall mean and include the commissioner of traffic of the
11 city or an official possessing authority as such a commissioner.

12 § 2-d. Subdivision 1 of section 236 of the vehicle and traffic law, as
13 amended by section 2-d of chapter 222 of the laws of 2015, is amended to
14 read as follows:

15 1. Creation. In any city as hereinbefore or hereafter authorized such
16 tribunal when created shall be known as the parking violations bureau
17 and, where authorized by local law adopted pursuant to subdivision (a)
18 of section eleven hundred eleven-d of this chapter or subdivision (a) of
19 section eleven hundred eleven-e of this chapter, or subdivision (a) of
20 section eleven hundred eleven-f of this chapter, shall have jurisdiction
21 of traffic infractions which constitute a parking violation. For the
22 purposes of this article, a parking violation is the violation of any
23 law, rule or regulation providing for or regulating the parking, stop-
24 ping or standing of a vehicle. In addition for purposes of this article,
25 "commissioner" shall mean and include the commissioner of traffic of the
26 city or an official possessing authority as such a commissioner.

27 § 2-e. Subdivision 1 of section 236 of the vehicle and traffic law, as
28 amended by section 2-e of chapter 222 of the laws of 2015, is amended to
29 read as follows:

30 1. Creation. In any city as hereinbefore or hereafter authorized such
31 tribunal when created shall be known as the parking violations bureau
32 and where authorized by local law adopted pursuant to subdivision (a) of
33 section eleven hundred eleven-e or subdivision (a) of section eleven
34 hundred eleven-f of this chapter, shall have jurisdiction of traffic
35 infractions which constitute a parking violation. For the purposes of
36 this article, a parking violation is the violation of any law, rule or
37 regulation providing for or regulating the parking, stopping or standing
38 of a vehicle. In addition for purposes of this article, "commissioner"
39 shall mean and include the commissioner of traffic of the city or an
40 official possessing authority as such a commissioner.

41 § 2-f. Subdivision 1 of section 236 of the vehicle and traffic law, as
42 added by chapter 715 of the laws of 1972, is amended to read as follows:

43 1. Creation. In any city as hereinbefore or hereafter authorized such
44 tribunal when created shall be known as the parking violations bureau
45 and where authorized by local law adopted pursuant to subdivision (a) of
46 section eleven hundred eleven-f of this chapter, shall have jurisdiction
47 of traffic infractions which constitute a parking violation. For the
48 purposes of this article, a parking violation is the violation of any
49 law, rule or regulation providing for or regulating the parking, stop-
50 ping or standing of a vehicle. In addition for purposes of this article,
51 "commissioner" shall mean and include the commissioner of traffic of the
52 city or an official possessing authority as such a commissioner.

53 § 3. Section 237 of the vehicle and traffic law is amended by adding a
54 new subdivision 16 to read as follows:

55 16. To adjudicate the liability of owners for violations of section
56 eleven hundred seventy-five of this chapter in accordance with section

eleven hundred eleven-f of this chapter, if authorized by local law adopted pursuant to subdivision (a) of such section eleven hundred eleven-f.

§ 4. Paragraph f of subdivision 1 of section 239 of the vehicle and traffic law, as amended by section 4 of chapter 222 of the laws of 2015, is amended to read as follows:

f. "Notice of violation" means a notice of violation as defined in subdivision nine of section two hundred thirty-seven of this article, but shall not be deemed to include a notice of liability issued pursuant to authorization set forth in section eleven hundred eleven-a of this chapter, or sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine, or section eleven hundred eleven-d of this chapter, or section eleven hundred eleven-e of this chapter, or section eleven hundred eleven-f of this chapter, and shall not be deemed to include a notice of liability issued pursuant to section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty and shall not be deemed to include a notice of liability issued pursuant to section eleven hundred eleven-c of this chapter and shall not be deemed to include a notice of liability issued pursuant to section eleven hundred eighty-b of this chapter.

§ 4-a. Paragraph f of subdivision 1 of section 239 of the vehicle and traffic law, as amended by section 4-a of chapter 222 of the laws of 2015, is amended to read as follows:

f. "Notice of violation" means a notice of violation as defined in subdivision nine of section two hundred thirty-seven of this article but shall not be deemed to include a notice of liability issued pursuant to authorization set forth in sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine or section eleven hundred eleven-d of this chapter or section eleven hundred eleven-e of this chapter or section eleven hundred eleven-f of this chapter and shall not be deemed to include a notice of liability issued pursuant to section eleven hundred eleven-c of this chapter and shall not be deemed to include a notice of liability issued pursuant to section eleven hundred eighty-b of this chapter.

§ 4-b. Paragraph f of subdivision 1 of section 239 of the vehicle and traffic law, as amended by section 4-b of chapter 222 of the laws of 2015, is amended to read as follows:

f. "Notice of violation" means a notice of violation as defined in subdivision nine of section two hundred thirty-seven of this article and shall not be deemed to include a notice of liability issued pursuant to authorization set forth in section eleven hundred eleven-d of this chapter or to a notice of liability issued pursuant to authorization set forth in section eleven hundred eleven-e of this chapter or to a notice of liability issued pursuant to authorization set forth in section eleven hundred eleven-f of this chapter and shall not be deemed to include a notice of liability issued pursuant to section eleven hundred eleven-c of this chapter and shall not be deemed to include a notice of liability issued pursuant to section eleven hundred eighty-b of this chapter.

§ 4-c. Paragraph f of subdivision 1 of section 239 of the vehicle and traffic law, as amended by section 4-c of chapter 222 of the laws of 2015, is amended to read as follows:

f. "Notice of violation" means a notice of violation as defined in subdivision nine of section two hundred thirty-seven of this article and

1 shall not be deemed to include a notice of liability issued pursuant to
2 authorization set forth in section eleven hundred eleven-d of this chap-
3 ter or to a notice of liability issued pursuant to authorization set
4 forth in section eleven hundred eleven-e of this chapter or to a notice
5 of liability issued pursuant to authorization set forth in section elev-
6 en hundred eleven-f of this chapter and shall not be deemed to include a
7 notice of liability issued pursuant to section eleven hundred eighty-b
8 of this chapter.

9 § 4-d. Paragraph f of subdivision 1 of section 239 of the vehicle and
10 traffic law, as amended by section 4-d of chapter 222 of the laws of
11 2015, is amended to read as follows:

12 f. "Notice of violation" means a notice of violation as defined in
13 subdivision nine of section two hundred thirty-seven of this article and
14 shall not be deemed to include a notice of liability issued pursuant to
15 authorization set forth in section eleven hundred eleven-d of this chap-
16 ter or to a notice of liability issued pursuant to authorization set
17 forth in section eleven hundred eleven-e of this chapter or to a notice
18 of liability issued pursuant to authorization set forth in section elev-
19 en hundred eleven-f of this chapter.

20 § 4-e. Paragraph f of subdivision 1 of section 239 of the vehicle and
21 traffic law, as amended by section 4-e of chapter 222 of the laws of
22 2015, is amended to read as follows:

23 f. "Notice of violation" means a notice of violation as defined in
24 subdivision nine of section two hundred thirty-seven of this article and
25 shall not be deemed to include a notice of liability issued pursuant to
26 authorization set forth in section eleven hundred eleven-e of this chap-
27 ter or to a notice of liability issued pursuant to authorization set
28 forth in section eleven hundred eleven-f of this chapter.

29 § 4-f. Paragraph f of subdivision 1 of section 239 of the vehicle and
30 traffic law, as added by chapter 180 of the laws of 1980, is amended to
31 read as follows:

32 f. "Notice of violation" means a notice of violation as defined in
33 subdivision nine of section two hundred thirty-seven of this article and
34 shall not be deemed to include a notice of liability issued pursuant to
35 authorization set forth in section eleven hundred eleven-f of this chap-
36 ter.

37 § 5. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
38 law, as amended by section 5 of chapter 222 of the laws of 2015, are
39 amended to read as follows:

40 1. Notice of hearing. Whenever a person charged with a parking
41 violation enters a plea of not guilty or a person alleged to be liable
42 in accordance with section eleven hundred eleven-a of this chapter or
43 sections eleven hundred eleven-b of this chapter as added by sections
44 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
45 two thousand nine or section eleven hundred eleven-d of this chapter, or
46 section eleven hundred eleven-e of this chapter, or section eleven
47 hundred eleven-f of this chapter, for a violation of subdivision (d) of
48 section eleven hundred eleven of this chapter contests such allegation,
49 or a person alleged to be liable in accordance with the provisions of
50 section two thousand nine hundred eighty-five of the public authorities
51 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
52 hundred seventy-four of the laws of nineteen hundred fifty, or a person
53 alleged to be liable in accordance with the provisions of section eleven
54 hundred eleven-c of this chapter for a violation of a bus lane
55 restriction as defined in such section contests such allegation, or a
56 person alleged to be liable in accordance with the provisions of section

eleven hundred eighty-b of this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he or she must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading or contesting that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

1-a. Fines and penalties. Whenever a plea of not guilty has been entered, or the bureau has been notified that an allegation of liability in accordance with section eleven hundred eleven-a of this chapter or sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine or section eleven hundred eleven-d of this chapter or section eleven hundred eleven-e of this chapter or section eleven hundred eleven-f of this chapter or an allegation of liability in accordance with section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty or an allegation of liability in accordance with section eleven hundred eleven-c of this chapter or an allegation of liability in accordance with section eleven hundred eighty-b of this chapter, is being contested, by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the bureau shall not issue any notice of fine or penalty to that person prior to the date of the hearing.

§ 5-a. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic law, as amended by section 5-a of chapter 222 of the laws of 2015, are amended to read as follows:

1. Notice of hearing. Whenever a person charged with a parking violation enters a plea of not guilty or a person alleged to be liable in accordance with sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine or section eleven hundred eleven-d of this chapter or section eleven hundred eleven-e of this chapter or section eleven hundred eleven-f of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, or a person alleged to be liable in accordance with the provisions of section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section contests such allegation, or a person alleged to be liable in accordance with the provisions of section eleven hundred eighty-b of this chapter for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he or she must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading or contesting that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

1 1-a. Fines and penalties. Whenever a plea of not guilty has been
2 entered, or the bureau has been notified that an allegation of liability
3 in accordance with sections eleven hundred eleven-b of this chapter, as
4 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
5 of the laws of two thousand nine or in accordance with section eleven
6 hundred eleven-d of this chapter, or in accordance with section eleven
7 hundred eleven-e of this chapter or section eleven hundred eleven-f of
8 this chapter or an allegation of liability in accordance with section
9 eleven hundred eleven-c of this chapter or an allegation of liability in
10 accordance with section eleven hundred eighty-b of this chapter is being
11 contested, by a person in a timely fashion and a hearing upon the merits
12 has been demanded, but has not yet been held, the bureau shall not issue
13 any notice of fine or penalty to that person prior to the date of the
14 hearing.

15 § 5-b. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
16 fic law, as amended by section 5-b of chapter 222 of the laws of 2015,
17 are amended to read as follows:

18 1. Notice of hearing. Whenever a person charged with a parking
19 violation enters a plea of not guilty or a person alleged to be liable
20 in accordance with section eleven hundred eleven-d of this chapter or in
21 accordance with section eleven hundred eleven-e of this chapter or
22 section eleven hundred eleven-f of this chapter or in accordance with
23 the provisions of section eleven hundred eleven-c of this chapter for a
24 violation of a bus lane restriction as defined in such section, contests
25 such allegation, or a person alleged to be liable in accordance with the
26 provisions of section eleven hundred eighty-b of this chapter for
27 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
28 hundred eighty of this chapter contests such allegation, the bureau
29 shall advise such person personally by such form of first class mail as
30 the director may direct of the date on which he or she must appear to
31 answer the charge at a hearing. The form and content of such notice of
32 hearing shall be prescribed by the director, and shall contain a warning
33 to advise the person so pleading that failure to appear on the date
34 designated, or on any subsequent adjourned date, shall be deemed an
35 admission of liability, and that a default judgment may be entered ther-
36 eon.

37 1-a. Fines and penalties. Whenever a plea of not guilty has been
38 entered, or the bureau has been notified that an allegation of liability
39 in accordance with section eleven hundred eleven-d of this chapter or in
40 accordance with section eleven hundred eleven-e of this chapter or
41 section eleven hundred eleven-f of this chapter or in accordance with
42 section eleven hundred eleven-c of this chapter or an allegation of
43 liability in accordance with section eleven hundred eighty-b of this
44 chapter is being contested, by a person in a timely fashion and a hear-
45 ing upon the merits has been demanded, but has not yet been held, the
46 bureau shall not issue any notice of fine or penalty to that person
47 prior to the date of the hearing.

48 § 5-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
49 fic law, as amended by section 5-c of chapter 222 of the laws of 2015,
50 are amended to read as follows:

51 1. Notice of hearing. Whenever a person charged with a parking
52 violation enters a plea of not guilty, or a person alleged to be liable
53 in accordance with section eleven hundred eleven-d of this chapter, or a
54 person alleged to be liable in accordance with section eleven hundred
55 eleven-e of this chapter, or a person alleged to be liable in accordance
56 with section eleven hundred eleven-f of this chapter, or a person

1 alleged to be liable in accordance with the provisions of section eleven
2 hundred eighty-b of this chapter for violations of subdivision (b), (c),
3 (d), (f) or (g) of section eleven hundred eighty of this chapter
4 contests such allegation, the bureau shall advise such person personally
5 by such form of first class mail as the director may direct of the date
6 on which he or she must appear to answer the charge at a hearing. The
7 form and content of such notice of hearing shall be prescribed by the
8 director, and shall contain a warning to advise the person so pleading
9 that failure to appear on the date designated, or on any subsequent
10 adjourned date, shall be deemed an admission of liability, and that a
11 default judgment may be entered thereon.

12 1-a. Fines and penalties. Whenever a plea of not guilty has been
13 entered, or the bureau has been notified that an allegation of liability
14 in accordance with section eleven hundred eleven-d of this chapter, or
15 the bureau has been notified that an allegation of liability in accord-
16 ance with section eleven hundred eleven-e of this chapter, or the bureau
17 has been notified that an allegation of liability in accordance with
18 section eleven hundred eleven-f of this chapter, or the bureau has been
19 notified that an allegation of liability in accordance with section
20 eleven hundred eighty-b of this chapter, is being contested, by a person
21 in a timely fashion and a hearing upon the merits has been demanded, but
22 has not yet been held, the bureau shall not issue any notice of fine or
23 penalty to that person prior to the date of the hearing.

24 § 5-d. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
25 fic law, as amended by section 5-d of chapter 222 of the laws of 2015,
26 are amended to read as follows:

27 1. Notice of hearing. Whenever a person charged with a parking
28 violation enters a plea of not guilty, or a person alleged to be liable
29 in accordance with section eleven hundred eleven-d of this chapter
30 contests such allegation, or a person alleged to be liable in accordance
31 with section eleven hundred eleven-e of this chapter contests such alle-
32 gation, or a person alleged to be liable in accordance with section
33 eleven hundred eleven-f of this chapter contests such allegation, the
34 bureau shall advise such person personally by such form of first class
35 mail as the director may direct of the date on which he or she must
36 appear to answer the charge at a hearing. The form and content of such
37 notice of hearing shall be prescribed by the director, and shall contain
38 a warning to advise the person so pleading that failure to appear on the
39 date designated, or on any subsequent adjourned date, shall be deemed an
40 admission of liability, and that a default judgment may be entered ther-
41 eon.

42 1-a. Fines and penalties. Whenever a plea of not guilty has been
43 entered, or the bureau has been notified that an allegation of liability
44 in accordance with section eleven hundred eleven-d of this chapter, is
45 being contested, or the bureau has been notified that an allegation of
46 liability in accordance with section eleven hundred eleven-e of this
47 chapter, is being contested, or the bureau has been notified that an
48 allegation of liability in accordance with section eleven hundred
49 eleven-f of this chapter, is being contested, by a person in a timely
50 fashion and a hearing upon the merits has been demanded, but has not yet
51 been held, the bureau shall not issue any notice of fine or penalty to
52 that person prior to the date of the hearing.

53 § 5-e. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
54 fic law, as amended by section 5-e of chapter 222 of the laws of 2015,
55 are amended to read as follows:

1 1. Notice of hearing. Whenever a person charged with a parking
2 violation enters a plea of not guilty, or a person alleged to be liable
3 in accordance with section eleven hundred eleven-e of this chapter
4 contests such allegation, or a person alleged to be liable in accordance
5 with section eleven hundred eleven-f of this chapter contests such alle-
6 gation, the bureau shall advise such person personally by such form of
7 first class mail as the director may direct of the date on which he or
8 she must appear to answer the charge at a hearing. The form and content
9 of such notice of hearing shall be prescribed by the director, and shall
10 contain a warning to advise the person so pleading that failure to
11 appear on the date designated, or on any subsequent adjourned date,
12 shall be deemed an admission of liability, and that a default judgment
13 may be entered thereon.

14 1-a. Fines and penalties. Whenever a plea of not guilty has been
15 entered, or the bureau has been notified that an allegation of liability
16 in accordance with section eleven hundred eleven-e of this chapter, is
17 being contested, or the bureau has been notified that an allegation of
18 liability in accordance with section eleven hundred eleven-f of this
19 chapter, is being contested, by a person in a timely fashion and a hear-
20 ing upon the merits has been demanded, but has not yet been held, the
21 bureau shall not issue any notice of fine or penalty to that person
22 prior to the date of the hearing.

23 § 5-f. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
24 fic law, subdivision 1 as added by chapter 715 of the laws of 1972 and
25 subdivision 1-a as added by chapter 365 of the laws of 1978, are amended
26 to read as follows:

27 1. Notice of hearing. Whenever a person charged with a parking
28 violation enters a plea of not guilty, or a person alleged to be liable
29 in accordance with section eleven hundred eleven-f of this chapter
30 contests such allegation, the bureau shall advise such person personally
31 by such form of first class mail as the director may direct of the date
32 on which he or she must appear to answer the charge at a hearing. The
33 form and content of such notice of hearing shall be prescribed by the
34 director, and shall contain a warning to advise the person so pleading
35 that failure to appear on the date designated, or on any subsequent
36 adjourned date, shall be deemed an admission of liability, and that a
37 default judgment may be entered thereon.

38 1-a. Fines and penalties. Whenever a plea of not guilty has been
39 entered, or the bureau has been notified that an allegation of liability
40 in accordance with section eleven hundred eleven-f of this chapter, is
41 being contested, by a person in a timely fashion and a hearing upon the
42 merits has been demanded, but has not yet been held, the bureau shall
43 not issue any notice of fine or penalty to that person prior to the date
44 of the hearing.

45 § 6. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
46 and traffic law, as amended by section 6 of chapter 222 of the laws of
47 2015, are amended to read as follows:

48 a. Every hearing for the adjudication of a charge of parking violation
49 or an allegation of liability in accordance with section eleven hundred
50 eleven-a of this chapter or in accordance with sections eleven hundred
51 eleven-b of this chapter as added by sections sixteen of chapters twen-
52 ty, twenty-one, and twenty-two of the laws of two thousand nine or in
53 accordance with section eleven hundred eleven-d of this chapter or in
54 accordance with section eleven hundred eleven-e of this chapter or in
55 accordance with section eleven hundred eleven-f of this chapter or an
56 allegation of liability in accordance with section two thousand nine

1 hundred eighty-five of the public authorities law or sections sixteen-a,
2 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
3 laws of nineteen hundred fifty or an allegation of liability in accord-
4 ance with section eleven hundred eleven-c of this chapter or an allega-
5 tion of liability in accordance with section eleven hundred eighty-b of
6 this chapter, shall be held before a hearing examiner in accordance with
7 rules and regulations promulgated by the bureau.

8 g. A record shall be made of a hearing on a plea of not guilty or of a
9 hearing at which liability in accordance with section eleven hundred
10 eleven-a of this chapter or in accordance with sections eleven hundred
11 eleven-b of this chapter as added by sections sixteen of chapters twen-
12 ty, twenty-one, and twenty-two of the laws of two thousand nine or in
13 accordance with section eleven hundred eleven-d of this chapter is
14 contested or in accordance with section eleven hundred eleven-e of this
15 chapter is contested or in accordance with section eleven hundred
16 eleven-f of this chapter is contested or of a hearing at which liability
17 in accordance with section two thousand nine hundred eighty-five of the
18 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
19 chapter seven hundred seventy-four of the laws of nineteen hundred fifty
20 is contested or of a hearing at which liability in accordance with
21 section eleven hundred eleven-c of this chapter or a hearing at which
22 liability in accordance with section eleven hundred eighty-b of this
23 chapter is contested. Recording devices may be used for the making of
24 the record.

25 § 6-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
26 cle and traffic law, as amended by section 6-a of chapter 222 of the
27 laws of 2015, are amended to read as follows:

28 a. Every hearing for the adjudication of a charge of parking violation
29 or an allegation of liability in accordance with sections eleven hundred
30 eleven-b of this chapter, as added by sections sixteen of chapters twen-
31 ty, twenty-one, and twenty-two of the laws of two thousand nine or in
32 accordance with section eleven hundred eleven-d of this chapter or in
33 accordance with section eleven hundred eleven-e of this chapter or in
34 accordance with section eleven hundred eleven-f of this chapter or an
35 allegation of liability in accordance with section eleven hundred
36 eleven-c of this chapter or an allegation of liability in accordance
37 with section eleven hundred eighty-b of this chapter, shall be held
38 before a hearing examiner in accordance with rules and regulations
39 promulgated by the bureau.

40 g. A record shall be made of a hearing on a plea of not guilty or of a
41 hearing at which liability in accordance with sections eleven hundred
42 eleven-b of this chapter, as added by sections sixteen of chapters twen-
43 ty, twenty-one, and twenty-two of the laws of two thousand nine or in
44 accordance with section eleven hundred eleven-d of this chapter or in
45 accordance with section eleven hundred eleven-e of this chapter or in
46 accordance with section eleven hundred eleven-f of this chapter or of a
47 hearing at which liability in accordance with section eleven hundred
48 eleven-c of this chapter or a hearing at which liability in accordance
49 with section eleven hundred eighty-b of this chapter is contested.
50 Recording devices may be used for the making of the record.

51 § 6-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
52 cle and traffic law, as amended by section 6-b of chapter 222 of the
53 laws of 2015, are amended to read as follows:

54 a. Every hearing for the adjudication of a charge of parking violation
55 or an allegation of liability in accordance with section eleven hundred
56 eleven-f of this chapter or an allegation of liability in accordance

1 with section eleven hundred eleven-e of this chapter or an allegation of
2 liability in accordance with section eleven hundred eleven-d of this
3 chapter or an allegation of liability in accordance with section eleven
4 hundred eleven-c of this chapter or an allegation of liability in
5 accordance with section eleven hundred eighty-b of this chapter shall be
6 held before a hearing examiner in accordance with rules and regulations
7 promulgated by the bureau.

8 g. A record shall be made of a hearing on a plea of not guilty or of a
9 hearing at which liability in accordance with section eleven hundred
10 eleven-f of this chapter or of a hearing at which liability in accord-
11 ance with section eleven hundred eleven-e of this chapter or of a hear-
12 ing at which liability in accordance with section eleven hundred
13 eleven-d of this chapter or of a hearing at which liability in accord-
14 ance with section eleven hundred eleven-c of this chapter or a hearing
15 at which liability in accordance with section eleven hundred eighty-b of
16 this chapter is contested. Recording devices may be used for the making
17 of the record.

18 § 6-c. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
19 cle and traffic law, as amended by section 6-c of chapter 222 of the
20 laws of 2015, are amended to read as follows:

21 a. Every hearing for the adjudication of a charge of parking violation
22 or an allegation of liability in accordance with section eleven hundred
23 eleven-f of this chapter or an allegation of liability in accordance
24 with section eleven hundred eleven-e of this chapter or an allegation of
25 liability in accordance with section eleven hundred eleven-d of this
26 chapter or an allegation of liability in accordance with section eleven
27 hundred eighty-b of this chapter shall be held before a hearing examiner
28 in accordance with rules and regulations promulgated by the bureau.

29 g. A record shall be made of a hearing on a plea of not guilty or of a
30 hearing at which liability in accordance with section eleven hundred
31 eleven-f of this chapter or of a hearing at which liability in accord-
32 ance with section eleven hundred eleven-e of this chapter or of a hear-
33 ing at which liability in accordance with section eleven hundred
34 eleven-d of this chapter or a hearing at which liability in accordance
35 with section eleven hundred eighty-b of this chapter is contested.
36 Recording devices may be used for the making of the record.

37 § 6-d. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
38 cle and traffic law, as amended by section 6-d of chapter 222 of the
39 laws of 2015, are amended to read as follows:

40 a. Every hearing for the adjudication of a charge of parking violation
41 or an allegation of liability in accordance with section eleven hundred
42 eleven-f of this chapter or an allegation of liability in accordance
43 with section eleven hundred eleven-e of this chapter or an allegation of
44 liability in accordance with section eleven hundred eleven-d of this
45 chapter shall be held before a hearing examiner in accordance with rules
46 and regulations promulgated by the bureau.

47 g. A record shall be made of a hearing on a plea of not guilty or a
48 hearing at which liability in accordance with section eleven hundred
49 eleven-d of this chapter is contested or of a hearing at which liability
50 in accordance with section eleven hundred eleven-f of this chapter or a
51 hearing at which liability in accordance with section eleven hundred
52 eleven-e of this chapter is contested. Recording devices may be used for
53 the making of the record.

54 § 6-e. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
55 cle and traffic law, as amended by section 6-e of chapter 222 of the
56 laws of 2015, are amended to read as follows:

1 a. Every hearing for the adjudication of a charge of parking violation
2 or an allegation of liability in accordance with section eleven hundred
3 eleven-e of this chapter or an allegation of liability in accordance
4 with section eleven hundred eleven-f of this chapter or an allegation of
5 liability in accordance with section eleven hundred eleven-e of this
6 chapter shall be held before a hearing examiner in accordance with rules
7 and regulations promulgated by the bureau.

8 g. A record shall be made of a hearing on a plea of not guilty or a
9 hearing at which liability in accordance with section eleven hundred
10 eleven-e of this chapter is contested or a hearing at which liability in
11 accordance with section eleven hundred eleven-f of this chapter is
12 contested. Recording devices may be used for the making of the record.

13 § 6-f. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
14 cle and traffic law, as added by chapter 715 of the laws of 1972, are
15 amended to read as follows:

16 a. Every hearing for the adjudication of a charge of parking violation
17 or an allegation of liability in accordance with section eleven hundred
18 eleven-f of this chapter shall be held before a hearing examiner in
19 accordance with rules and regulations promulgated by the bureau.

20 g. A record shall be made of a hearing on a plea of not guilty or a
21 hearing at which liability in accordance with section eleven hundred
22 eleven-f of this chapter is contested. Recording devices may be used for
23 the making of the record.

24 § 7. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
25 law, as amended by section 7 of chapter 222 of the laws of 2015, are
26 amended to read as follows:

27 1. The hearing examiner shall make a determination on the charges,
28 either sustaining or dismissing them. Where the hearing examiner deter-
29 mines that the charges have been sustained he or she may examine either
30 the prior parking violations record or the record of liabilities
31 incurred in accordance with section eleven hundred eleven-a of this
32 chapter or in accordance with sections eleven hundred eleven-b of this
33 chapter as added by sections sixteen of chapters twenty, twenty-one, and
34 twenty-two of the laws of two thousand nine or in accordance with
35 section eleven hundred eleven-d of this chapter or in accordance with
36 section eleven hundred eleven-e of this chapter or in accordance with
37 section eleven hundred eleven-f of this chapter or the record of liabil-
38 ities incurred in accordance with section two thousand nine hundred
39 eighty-five of the public authorities law or sections sixteen-a,
40 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
41 laws of nineteen hundred fifty of the person charged, or the record of
42 liabilities incurred in accordance with section eleven hundred eleven-c
43 of this chapter, or the record of liabilities incurred in accordance
44 with section eleven hundred eighty-b of this chapter, as applicable
45 prior to rendering a final determination. Final determinations sustain-
46 ing or dismissing charges shall be entered on a final determination roll
47 maintained by the bureau together with records showing payment and
48 nonpayment of penalties.

49 2. Where an operator or owner fails to enter a plea to a charge of a
50 parking violation or contest an allegation of liability in accordance
51 with section eleven hundred eleven-a of this chapter or in accordance
52 with sections eleven hundred eleven-b of this chapter as added by
53 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
54 laws of two thousand nine or in accordance with section eleven hundred
55 eleven-d of this chapter or in accordance with section eleven hundred
56 eleven-e of this chapter or in accordance with section eleven hundred

1 eleven-f of this chapter or fails to contest an allegation of liability
2 in accordance with section two thousand nine hundred eighty-five of the
3 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
4 chapter seven hundred seventy-four of the laws of nineteen hundred
5 fifty, or fails to contest an allegation of liability in accordance with
6 section eleven hundred eleven-c of this chapter or fails to contest an
7 allegation of liability in accordance with section eleven hundred eight-
8 y-b of this chapter or fails to appear on a designated hearing date or
9 subsequent adjourned date or fails after a hearing to comply with the
10 determination of a hearing examiner, as prescribed by this article or by
11 rule or regulation of the bureau, such failure to plead or contest,
12 appear or comply shall be deemed, for all purposes, an admission of
13 liability and shall be grounds for rendering and entering a default
14 judgment in an amount provided by the rules and regulations of the
15 bureau. However, after the expiration of the original date prescribed
16 for entering a plea and before a default judgment may be rendered, in
17 such case the bureau shall pursuant to the applicable provisions of law
18 notify such operator or owner, by such form of first class mail as the
19 commission may direct; (1) of the violation charged, or liability in
20 accordance with section eleven hundred eleven-a of this chapter or in
21 accordance with sections eleven hundred eleven-b of this chapter as
22 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
23 of the laws of two thousand nine or in accordance with section eleven
24 hundred eleven-d of this chapter or in accordance with section eleven
25 hundred eleven-e of this chapter or in accordance with section eleven
26 hundred eleven-f of this chapter alleged or liability in accordance with
27 section two thousand nine hundred eighty-five of the public authorities
28 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
29 hundred seventy-four of the laws of nineteen hundred fifty alleged or
30 liability in accordance with section eleven hundred eleven-c of this
31 chapter or liability in accordance with section eleven hundred eighty-b
32 of this chapter alleged, (2) of the impending default judgment, (3) that
33 such judgment will be entered in the Civil Court of the city in which
34 the bureau has been established, or other court of civil jurisdiction or
35 any other place provided for the entry of civil judgments within the
36 state of New York, and (4) that a default may be avoided by entering a
37 plea or contesting an allegation of liability in accordance with section
38 eleven hundred eleven-a of this chapter or in accordance with sections
39 eleven hundred eleven-b of this chapter as added by sections sixteen of
40 chapters twenty, twenty-one, and twenty-two of the laws of two thousand
41 nine or in accordance with section eleven hundred eleven-d of this chap-
42 ter or in accordance with section eleven hundred eleven-e of this chap-
43 ter or in accordance with section eleven hundred eleven-f of this chap-
44 ter or contesting an allegation of liability in accordance with section
45 two thousand nine hundred eighty-five of the public authorities law or
46 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
47 seventy-four of the laws of nineteen hundred fifty or contesting an
48 allegation of liability in accordance with section eleven hundred
49 eleven-c of this chapter or contesting an allegation of liability in
50 accordance with section eleven hundred eighty-b of this chapter, as
51 appropriate, or making an appearance within thirty days of the sending
52 of such notice. Pleas entered and allegations contested within that
53 period shall be in the manner prescribed in the notice and not subject
54 to additional penalty or fee. Such notice of impending default judgment
55 shall not be required prior to the rendering and entry thereof in the
56 case of operators or owners who are non-residents of the state of New

1 York. In no case shall a default judgment be rendered or, where
2 required, a notice of impending default judgment be sent, more than two
3 years after the expiration of the time prescribed for entering a plea or
4 contesting an allegation. When a person has demanded a hearing, no fine
5 or penalty shall be imposed for any reason, prior to the holding of the
6 hearing. If the hearing examiner shall make a determination on the
7 charges, sustaining them, he or she shall impose no greater penalty or
8 fine than those upon which the person was originally charged.

9 § 7-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
10 law, as amended by section 7-a of chapter 222 of the laws of 2015, are
11 amended to read as follows:

12 1. The hearing examiner shall make a determination on the charges,
13 either sustaining or dismissing them. Where the hearing examiner deter-
14 mines that the charges have been sustained he or she may examine either
15 the prior parking violations record or the record of liabilities
16 incurred in accordance with sections eleven hundred eleven-b of this
17 chapter as added by sections sixteen of chapters twenty, twenty-one, and
18 twenty-two of the laws of two thousand nine or in accordance with
19 section eleven hundred eleven-d of this chapter or in accordance with
20 section eleven hundred eleven-e of this chapter or in accordance with
21 section eleven hundred eleven-f of this chapter of the person charged,
22 or the record of liabilities incurred in accordance with section eleven
23 hundred eleven-c of this chapter, or the record of liabilities incurred
24 in accordance with section eleven hundred eighty-b of this chapter, as
25 applicable prior to rendering a final determination. Final determi-
26 nations sustaining or dismissing charges shall be entered on a final
27 determination roll maintained by the bureau together with records show-
28 ing payment and nonpayment of penalties.

29 2. Where an operator or owner fails to enter a plea to a charge of a
30 parking violation or contest an allegation of liability in accordance
31 with sections eleven hundred eleven-b of this chapter as added by
32 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
33 laws of two thousand nine or in accordance with section eleven hundred
34 eleven-d of this chapter, or in accordance with section eleven hundred
35 eleven-e of this chapter, or in accordance with section eleven hundred
36 eleven-f of this chapter, or fails to contest an allegation of liability
37 in accordance with section eleven hundred eleven-c of this chapter, or
38 fails to contest an allegation of liability incurred in accordance with
39 section eleven hundred eighty-b of this chapter, or fails to appear on a
40 designated hearing date or subsequent adjourned date or fails after a
41 hearing to comply with the determination of a hearing examiner, as
42 prescribed by this article or by rule or regulation of the bureau, such
43 failure to plead, contest, appear or comply shall be deemed, for all
44 purposes, an admission of liability and shall be grounds for rendering
45 and entering a default judgment in an amount provided by the rules and
46 regulations of the bureau. However, after the expiration of the original
47 date prescribed for entering a plea and before a default judgment may be
48 rendered, in such case the bureau shall pursuant to the applicable
49 provisions of law notify such operator or owner, by such form of first
50 class mail as the commission may direct; (1) of the violation charged,
51 or liability in accordance with sections eleven hundred eleven-b of this
52 chapter, as added by sections sixteen of chapters twenty, twenty-one,
53 and twenty-two of the laws of two thousand nine or in accordance with
54 section eleven hundred eleven-d of this chapter, or in accordance with
55 section eleven hundred eleven-e of this chapter, or in accordance with
56 section eleven hundred eleven-f of this chapter, or liability in accord-

1 ance with section eleven hundred eleven-c of this chapter or liability
2 in accordance with section eleven hundred eighty-b of this chapter
3 alleged, (2) of the impending default judgment, (3) that such judgment
4 will be entered in the Civil Court of the city in which the bureau has
5 been established, or other court of civil jurisdiction or any other
6 place provided for the entry of civil judgments within the state of New
7 York, and (4) that a default may be avoided by entering a plea or
8 contesting an allegation of liability in accordance with sections eleven
9 hundred eleven-b of this chapter as added by sections sixteen of chap-
10 ters twenty, twenty-one, and twenty-two of the laws of two thousand nine
11 or in accordance with section eleven hundred eleven-d of this chapter or
12 in accordance with section eleven hundred eleven-e of this chapter, or
13 in accordance with section eleven hundred eleven-f of this chapter, or
14 contesting an allegation of liability in accordance with section eleven
15 hundred eleven-c of this chapter or contesting an allegation of liabil-
16 ity in accordance with section eleven hundred eighty-b of this chapter
17 as appropriate, or making an appearance within thirty days of the send-
18 ing of such notice. Pleas entered and allegations contested within that
19 period shall be in the manner prescribed in the notice and not subject
20 to additional penalty or fee. Such notice of impending default judgment
21 shall not be required prior to the rendering and entry thereof in the
22 case of operators or owners who are non-residents of the state of New
23 York. In no case shall a default judgment be rendered or, where
24 required, a notice of impending default judgment be sent, more than two
25 years after the expiration of the time prescribed for entering a plea or
26 contesting an allegation. When a person has demanded a hearing, no fine
27 or penalty shall be imposed for any reason, prior to the holding of the
28 hearing. If the hearing examiner shall make a determination on the
29 charges, sustaining them, he or she shall impose no greater penalty or
30 fine than those upon which the person was originally charged.

31 § 7-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
32 law, as amended by section 7-b of chapter 222 of the laws of 2015, are
33 amended to read as follows:

34 1. The hearing examiner shall make a determination on the charges,
35 either sustaining or dismissing them. Where the hearing examiner deter-
36 mines that the charges have been sustained he or she may examine the
37 prior parking violations record or the record of liabilities incurred in
38 accordance with section eleven hundred eleven-e of this chapter of the
39 person charged, or the record of liabilities incurred in accordance with
40 section eleven hundred eleven-f of this chapter of the person charged,
41 or the record of liabilities incurred in accordance with section eleven
42 hundred eleven-d of this chapter of the person charged, or the record of
43 liabilities incurred in accordance with section eleven hundred eleven-c
44 of this chapter, or the record of liabilities incurred in accordance
45 with section eleven hundred eighty-b of this chapter, as applicable,
46 prior to rendering a final determination. Final determinations sustain-
47 ing or dismissing charges shall be entered on a final determination roll
48 maintained by the bureau together with records showing payment and
49 nonpayment of penalties.

50 2. Where an operator or owner fails to enter a plea to a charge of a
51 parking violation or contest an allegation of liability in accordance
52 with section eleven hundred eleven-f of this chapter, or contest an
53 allegation of liability in accordance with section eleven hundred
54 eleven-e of this chapter, or contest an allegation of liability in
55 accordance with section eleven hundred eleven-d of this chapter, or
56 fails to contest an allegation of liability in accordance with section

eleven hundred eleven-c of this chapter, or fails to contest an allegation of liability incurred in accordance with section eleven hundred eighty-b of this chapter, or fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this article or by rule or regulation of the bureau, such failure to plead, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provided by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall pursuant to the applicable provisions of law notify such operator or owner, by such form of first class mail as the commission may direct; (1) of the violation charged, or liability in accordance with section eleven hundred eleven-f of this chapter, or liability in accordance with section eleven hundred eleven-e of this chapter, or liability in accordance with section eleven hundred eleven-d of this chapter, or alleged liability in accordance with section eleven hundred eleven-c of this chapter or alleged liability in accordance with section eleven hundred eighty-b of this chapter, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York, and (4) that a default may be avoided by entering a plea or contesting an allegation of liability in accordance with section eleven hundred eleven-f of this chapter or contesting an allegation of liability in accordance with section eleven hundred eleven-e of this chapter or contesting an allegation of liability in accordance with section eleven hundred eleven-d of this chapter or contesting an allegation of liability in accordance with section eleven hundred eleven-c of this chapter or contesting an allegation of liability in accordance with section eleven hundred eighty-b of this chapter or making an appearance within thirty days of the sending of such notice. Pleas entered within that period shall be in the manner prescribed in the notice and not subject to additional penalty or fee. Such notice of impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the state of New York. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea. When a person has demanded a hearing, no fine or penalty shall be imposed for any reason, prior to the holding of the hearing. If the hearing examiner shall make a determination on the charges, sustaining them, he or she shall impose no greater penalty or fine than those upon which the person was originally charged.

§ 7-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, as amended by section 7-c of chapter 222 of the laws of 2015, are amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with section eleven hundred eleven-d of this chapter of the person charged, or the record of liabilities incurred in accordance with section eleven hundred eleven-e of this chapter of the person charged, or the record of liabilities incurred in accordance with

1 section eleven hundred eleven-f of this chapter of the person charged,
2 or the record of liabilities incurred in accordance with section eleven
3 hundred eighty-b of this chapter, as applicable, prior to rendering a
4 final determination. Final determinations sustaining or dismissing
5 charges shall be entered on a final determination roll maintained by the
6 bureau together with records showing payment and nonpayment of penal-
7 ties.

8 2. Where an operator or owner fails to enter a plea to a charge of a
9 parking violation or contest an allegation of liability in accordance
10 with section eleven hundred eleven-f of this chapter, or contest an
11 allegation of liability in accordance with section eleven hundred
12 eleven-e of this chapter or contest an allegation of liability in
13 accordance with section eleven hundred eleven-d of this chapter or fails
14 to contest an allegation of liability incurred in accordance with
15 section eleven hundred eighty-b of this chapter or fails to appear on a
16 designated hearing date or subsequent adjourned date or fails after a
17 hearing to comply with the determination of a hearing examiner, as
18 prescribed by this article or by rule or regulation of the bureau, such
19 failure to plead, appear or comply shall be deemed, for all purposes, an
20 admission of liability and shall be grounds for rendering and entering a
21 default judgment in an amount provided by the rules and regulations of
22 the bureau. However, after the expiration of the original date
23 prescribed for entering a plea and before a default judgment may be
24 rendered, in such case the bureau shall pursuant to the applicable
25 provisions of law notify such operator or owner, by such form of first
26 class mail as the commission may direct; (1) of the violation charged or
27 liability in accordance with section eleven hundred eleven-f of this
28 chapter or liability in accordance with section eleven hundred eleven-e
29 of this chapter or liability in accordance with section eleven hundred
30 eleven-d of this chapter or liability in accordance with section eleven
31 hundred eighty-b of this chapter alleged, (2) of the impending default
32 judgment, (3) that such judgment will be entered in the Civil Court of
33 the city in which the bureau has been established, or other court of
34 civil jurisdiction or any other place provided for the entry of civil
35 judgments within the state of New York, and (4) that a default may be
36 avoided by entering a plea or contesting an allegation of liability in
37 accordance with section eleven hundred eleven-f of this chapter or
38 contesting an allegation of liability in accordance with section eleven
39 hundred eleven-e of this chapter or contesting an allegation of liabil-
40 ity in accordance with section eleven hundred eleven-d of this chapter
41 or contesting an allegation of liability in accordance with section
42 eleven hundred eighty-b of this chapter or making an appearance within
43 thirty days of the sending of such notice. Pleas entered within that
44 period shall be in the manner prescribed in the notice and not subject
45 to additional penalty or fee. Such notice of impending default judgment
46 shall not be required prior to the rendering and entry thereof in the
47 case of operators or owners who are non-residents of the state of New
48 York. In no case shall a default judgment be rendered or, where
49 required, a notice of impending default judgment be sent, more than two
50 years after the expiration of the time prescribed for entering a plea.
51 When a person has demanded a hearing, no fine or penalty shall be
52 imposed for any reason, prior to the holding of the hearing. If the
53 hearing examiner shall make a determination on the charges, sustaining
54 them, he shall impose no greater penalty or fine than those upon which
55 the person was originally charged.

§ 7-d. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, as amended by section 7-d of chapter 222 of the laws of 2015, are amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with section eleven hundred eleven-f of this chapter of the person charged or the record of liabilities incurred in accordance with section eleven hundred eleven-e of this chapter of the person charged or the record of liabilities incurred in accordance with section eleven hundred eleven-d of this chapter of the person charged, as applicable, prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties.

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with section eleven hundred eleven-f of this chapter, or contest an allegation of liability in accordance with section eleven hundred eleven-e of this chapter or contest an allegation of liability in accordance with section eleven hundred eleven-d of this chapter or fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this article or by rule or regulation of the bureau, such failure to plead, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provided by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall pursuant to the applicable provisions of law notify such operator or owner, by such form of first class mail as the commission may direct; (1) of the violation charged or liability in accordance with section eleven hundred eleven-f of this chapter or liability in accordance with section eleven hundred eleven-e of this chapter alleged or liability in accordance with section eleven hundred eleven-d of this chapter alleged, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York, and (4) that a default may be avoided by entering a plea or contesting an allegation of liability in accordance with section eleven hundred eleven-f of this chapter or contesting an allegation of liability in accordance with section eleven hundred eleven-e of this chapter or contesting an allegation of liability in accordance with section eleven hundred eleven-d of this chapter or making an appearance within thirty days of the sending of such notice. Pleas entered within that period shall be in the manner prescribed in the notice and not subject to additional penalty or fee. Such notice of impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the state of New York. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea. When a person has demanded a hearing, no fine or penalty shall be imposed for any reason, prior to the holding of

1 the hearing. If the hearing examiner shall make a determination on the
2 charges, sustaining them, he shall impose no greater penalty or fine
3 than those upon which the person was originally charged.

4 § 7-e. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
5 law, as amended by section 7-e of chapter 222 of the laws of 2015, is
6 amended to read as follows:

7 1. The hearing examiner shall make a determination on the charges,
8 either sustaining or dismissing them. Where the hearing examiner deter-
9 mines that the charges have been sustained he or she may examine the
10 prior parking violations record or the record of liabilities incurred in
11 accordance with section eleven hundred eleven-e of this chapter of the
12 person charged, as applicable, prior to rendering a final determination
13 or the record of liabilities incurred in accordance with section eleven
14 hundred eleven-f of this chapter of the person charged, as applicable,
15 prior to rendering a final determination. Final determinations sustain-
16 ing or dismissing charges shall be entered on a final determination roll
17 maintained by the bureau together with records showing payment and
18 nonpayment of penalties.

19 2. Where an operator or owner fails to enter a plea to a charge of a
20 parking violation or contest an allegation of liability in accordance
21 with section eleven hundred eleven-f of this chapter, or contest an
22 allegation of liability in accordance with section eleven hundred
23 eleven-e of this chapter or fails to appear on a designated hearing date
24 or subsequent adjourned date or fails after a hearing to comply with the
25 determination of a hearing examiner, as prescribed by this article or by
26 rule or regulation of the bureau, such failure to plead, appear or
27 comply shall be deemed, for all purposes, an admission of liability and
28 shall be grounds for rendering and entering a default judgment in an
29 amount provided by the rules and regulations of the bureau. However,
30 after the expiration of the original date prescribed for entering a plea
31 and before a default judgment may be rendered, in such case the bureau
32 shall pursuant to the applicable provisions of law notify such operator
33 or owner, by such form of first class mail as the commission may direct;
34 (1) of the violation charged or liability in accordance with section
35 eleven hundred eleven-e of this chapter alleged or liability in accord-
36 ance with section eleven hundred eleven-f of this chapter, (2) of the
37 impending default judgment, (3) that such judgment will be entered in
38 the Civil Court of the city in which the bureau has been established, or
39 other court of civil jurisdiction or any other place provided for the
40 entry of civil judgments within the state of New York, and (4) that a
41 default may be avoided by entering a plea or contesting an allegation of
42 liability in accordance with section eleven hundred eleven-e of this
43 chapter or contesting an allegation of liability in accordance with
44 section eleven hundred eleven-f of this chapter or making an appearance
45 within thirty days of the sending of such notice. Pleas entered within
46 that period shall be in the manner prescribed in the notice and not
47 subject to additional penalty or fee. Such notice of impending default
48 judgment shall not be required prior to the rendering and entry thereof
49 in the case of operators or owners who are non-residents of the state of
50 New York. In no case shall a default judgment be rendered or, where
51 required, a notice of impending default judgment be sent, more than two
52 years after the expiration of the time prescribed for entering a plea.
53 When a person has demanded a hearing, no fine or penalty shall be
54 imposed for any reason, prior to the holding of the hearing. If the
55 hearing examiner shall make a determination on the charges, sustaining

1 them, he shall impose no greater penalty or fine than those upon which
2 the person was originally charged.

3 § 7-f. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
4 law, subdivision 1 as added by chapter 715 of the laws of 1972 and
5 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended
6 to read as follows:

7 1. The hearing examiner shall make a determination on the charges,
8 either sustaining or dismissing them. Where the hearing examiner deter-
9 mines that the charges have been sustained he or she may examine the
10 prior parking violations record or the record of liabilities incurred in
11 accordance with section eleven hundred eleven-f of this chapter of the
12 person charged, as applicable, prior to rendering a final determination.
13 Final determinations sustaining or dismissing charges shall be entered
14 on a final determination roll maintained by the bureau together with
15 records showing payment and nonpayment of penalties.

16 2. Where an operator or owner fails to enter a plea to a charge of a
17 parking violation or contest an allegation of liability in accordance
18 with section eleven hundred eleven-f of this chapter, or fails to appear
19 on a designated hearing date or subsequent adjourned date or fails after
20 a hearing to comply with the determination of a hearing examiner, as
21 prescribed by this article or by rule or regulation of the bureau, such
22 failure to plead, appear or comply shall be deemed, for all purposes, an
23 admission of liability and shall be grounds for rendering and entering a
24 default judgment in an amount provided by the rules and regulations of
25 the bureau. However, after the expiration of the original date
26 prescribed for entering a plea and before a default judgment may be
27 rendered, in such case the bureau shall pursuant to the applicable
28 provisions of law notify such operator or owner, by such form of first
29 class mail as the commission may direct; (1) of the violation charged,
30 (2) of the impending default judgment, (3) that such judgment will be
31 entered in the Civil Court of the city in which the bureau has been
32 established, or other court of civil jurisdiction or any other place
33 provided for the entry of civil judgments within the state of New York,
34 and (4) that a default may be avoided by entering a plea or making an
35 appearance within thirty days of the sending of such notice. Pleas
36 entered within that period shall be in the manner prescribed in the
37 notice and not subject to additional penalty or fee. Such notice of
38 impending default judgment shall not be required prior to the rendering
39 and entry thereof in the case of operators or owners who are non-resi-
40 dents of the state of New York. In no case shall a default judgment be
41 rendered or, where required, a notice of impending default judgment be
42 sent, more than two years after the expiration of the time prescribed
43 for entering a plea. When a person has demanded a hearing, no fine or
44 penalty shall be imposed for any reason, prior to the holding of the
45 hearing. If the hearing examiner shall make a determination on the
46 charges, sustaining them, he shall impose no greater penalty or fine
47 than those upon which the person was originally charged.

48 § 8. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
49 of the vehicle and traffic law, as amended by section 8 of chapter 222
50 of the laws of 2015, is amended to read as follows:

51 (i) If at the time of application for a registration or renewal there-
52 of there is a certification from a court, parking violations bureau,
53 traffic and parking violations agency or administrative tribunal of
54 appropriate jurisdiction that the registrant or his or her represen-
55 tative failed to appear on the return date or any subsequent adjourned
56 date or failed to comply with the rules and regulations of an adminis-

trative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable in accordance with section eleven hundred eleven-a, section eleven hundred eleven-b or section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter; or (iii) the registrant was liable in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, or (iv) the registrant was liable in accordance with section eleven hundred eighty-b of this chapter for a violation of subdivision (c) or (d) of section eleven hundred eighty of this chapter, or (v) the registrant was liable in accordance with section eleven hundred eighty-c of this chapter for a violation of subdivision (c) or (d) of section eleven hundred eighty of this chapter; or (vi) the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter; or (vii) the registrant was liable in accordance with section eleven hundred eleven-f of this chapter for a violation of section eleven hundred seventy-five of this chapter, the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court, traffic and parking violations agency or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

§ 8-a. Paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law, as amended by section 8-a of chapter 222 of the laws of 2015, is amended to read as follows:

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without

1 being licensed as a motor vehicle for hire by the appropriate local
2 authority, in violation of any of the provisions of this chapter or of
3 any law, ordinance, rule or regulation made by a local authority; or
4 (ii) the registrant was liable in accordance with section eleven hundred
5 eleven-b of this chapter for a violation of subdivision (d) of section
6 eleven hundred eleven of this chapter; or (iii) the registrant was
7 liable in accordance with section eleven hundred eleven-c of this chap-
8 ter for a violation of a bus lane restriction as defined in such
9 section; or (iv) the registrant was liable in accordance with section
10 eleven hundred eleven-d of this chapter for a violation of subdivision
11 (d) of section eleven hundred eleven of this chapter or (v) the regis-
12 trant was liable in accordance with section eleven hundred eighty-b of
13 this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of
14 section eleven hundred eighty of this chapter; or (v) the registrant was
15 liable in accordance with section eleven hundred eighty-c of this chap-
16 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
17 eleven hundred eighty of this chapter; or (vi) the registrant was liable
18 in accordance with section eleven hundred eleven-e of this chapter for a
19 violation of subdivision (d) of section eleven hundred eleven of this
20 chapter; or (vii) the registrant was liable in accordance with section
21 eleven hundred eleven-f of this chapter for a violation of section elev-
22 en hundred seventy-five of this chapter, the commissioner or his or her
23 agent shall deny the registration or renewal application until the
24 applicant provides proof from the court or administrative tribunal wher-
25 ein the charges are pending that an appearance or answer has been made
26 or in the case of an administrative tribunal that he or she has complied
27 with the rules and regulations of said tribunal following entry of a
28 final decision. Where an application is denied pursuant to this section,
29 the commissioner may, in his or her discretion, deny a registration or
30 renewal application to any other person for the same vehicle and may
31 deny a registration or renewal application for any other motor vehicle
32 registered in the name of the applicant where the commissioner has
33 determined that such registrant's intent has been to evade the purposes
34 of this subdivision and where the commissioner has reasonable grounds to
35 believe that such registration or renewal will have the effect of
36 defeating the purposes of this subdivision. Such denial shall only
37 remain in effect as long as the summonses remain unanswered, or in the
38 case of an administrative tribunal, the registrant fails to comply with
39 the rules and regulations following entry of a final decision.

40 § 8-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
41 and traffic law, as amended by section 8-b of chapter 222 of the laws of
42 2015, is amended to read as follows:

43 a. If at the time of application for a registration or renewal thereof
44 there is a certification from a court or administrative tribunal of
45 appropriate jurisdiction that the registrant or his or her represen-
46 tative failed to appear on the return date or any subsequent adjourned
47 date or failed to comply with the rules and regulations of an adminis-
48 trative tribunal following entry of a final decision in response to
49 three or more summonses or other process, issued within an eighteen
50 month period, charging that: (i) such motor vehicle was parked, stopped
51 or standing, or that such motor vehicle was operated for hire by the
52 registrant or his or her agent without being licensed as a motor vehicle
53 for hire by the appropriate local authority, in violation of any of the
54 provisions of this chapter or of any law, ordinance, rule or regulation
55 made by a local authority; or (ii) the registrant was liable in accord-
56 ance with section eleven hundred eleven-c of this chapter for a

1 violation of a bus lane restriction as defined in such section; or (iii)
2 the registrant was liable in accordance with section eleven hundred
3 eleven-d of this chapter for a violation of subdivision (d) of section
4 eleven hundred eleven of this chapter; or (iv) the registrant was liable
5 in accordance with section eleven hundred eighty-b of this chapter for a
6 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
7 hundred eighty of this chapter, or the registrant was liable in accord-
8 ance with section eleven hundred eighty-c of this chapter for a
9 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
10 hundred eighty of this chapter; or (v) the registrant was liable in
11 accordance with section eleven hundred eleven-e of this chapter for a
12 violation of subdivision (d) of section eleven hundred eleven of this
13 chapter; or (vii) the registrant was liable in accordance with section
14 eleven hundred eleven-f of this chapter for a violation of section elev-
15 en hundred seventy-five of this chapter, the commissioner or his or her
16 agent shall deny the registration or renewal application until the
17 applicant provides proof from the court or administrative tribunal wher-
18 ein the charges are pending that an appearance or answer has been made
19 or in the case of an administrative tribunal that he or she has complied
20 with the rules and regulations of said tribunal following entry of a
21 final decision. Where an application is denied pursuant to this section,
22 the commissioner may, in his or her discretion, deny a registration or
23 renewal application to any other person for the same vehicle and may
24 deny a registration or renewal application for any other motor vehicle
25 registered in the name of the applicant where the commissioner has
26 determined that such registrant's intent has been to evade the purposes
27 of this subdivision and where the commissioner has reasonable grounds to
28 believe that such registration or renewal will have the effect of
29 defeating the purposes of this subdivision. Such denial shall only
30 remain in effect as long as the summonses remain unanswered, or in the
31 case of an administrative tribunal, the registrant fails to comply with
32 the rules and regulations following entry of a final decision.

33 § 8-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
34 and traffic law, as amended by section 8-c of chapter 222 of the laws of
35 2015, is amended to read as follows:

36 a. If at the time of application for a registration or renewal thereof
37 there is a certification from a court or administrative tribunal of
38 appropriate jurisdiction that the registrant or his or her represen-
39 tative failed to appear on the return date or any subsequent adjourned
40 date or failed to comply with the rules and regulations of an adminis-
41 trative tribunal following entry of a final decision in response to
42 three or more summonses or other process, issued within an eighteen
43 month period, charging that: (i) such motor vehicle was parked, stopped
44 or standing, or that such motor vehicle was operated for hire by the
45 registrant or his or her agent without being licensed as a motor vehicle
46 for hire by the appropriate local authority, in violation of any of the
47 provisions of this chapter or of any law, ordinance, rule or regulation
48 made by a local authority; or (ii) the registrant was liable in accord-
49 ance with section eleven hundred eleven-d of this chapter for a
50 violation of subdivision (d) of section eleven hundred eleven of this
51 chapter; or (iii) the registrant was liable in accordance with section
52 eleven hundred eighty-b of this chapter for violations of subdivision
53 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
54 ter, or the registrant was liable in accordance with section eleven
55 hundred eighty-c of this chapter for violations of subdivision (b), (c),
56 (d), (f) or (g) of section eleven hundred eighty of this chapter; or

(iv) the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter; or (v) the registrant was liable in accordance with section eleven hundred eleven-f of this chapter for a violation of section eleven hundred seventy-five of this chapter, the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

§ 8-d. Paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law, as amended by section 8-d of chapter 222 of the laws of 2015, is amended to read as follows:

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to three or more summonses or other process, issued within an eighteen month period, charging that such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority, or the registrant was liable in accordance with section eleven hundred eighty-c of this chapter for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter, or the registrant was liable in accordance with section eleven hundred eleven-d of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, or the registrant was liable in accordance with section eleven hundred eleven-e of this chapter for a violation of subdivision (d) of section eleven hundred eleven of this chapter, or the registrant was liable in accordance with section eleven hundred eleven-f of this chapter for a violation of section eleven hundred seventy-five of this chapter, the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may

1 deny a registration or renewal application for any other motor vehicle
2 registered in the name of the applicant where the commissioner has
3 determined that such registrant's intent has been to evade the purposes
4 of this subdivision and where the commissioner has reasonable grounds to
5 believe that such registration or renewal will have the effect of
6 defeating the purposes of this subdivision. Such denial shall only
7 remain in effect as long as the summonses remain unanswered, or in the
8 case of an administrative tribunal, the registrant fails to comply with
9 the rules and regulations following entry of a final decision.

10 § 8-e. Paragraph a of subdivision 5-a of section 401 of the vehicle
11 and traffic law, as amended by section 8-e of chapter 222 of the laws of
12 2015, is amended to read as follows:

13 a. If at the time of application for a registration or renewal thereof
14 there is a certification from a court or administrative tribunal of
15 appropriate jurisdiction that the registrant or his or her represen-
16 tative failed to appear on the return date or any subsequent adjourned
17 date or failed to comply with the rules and regulations of an adminis-
18 trative tribunal following entry of a final decision in response to
19 three or more summonses or other process, issued within an eighteen
20 month period, charging that such motor vehicle was parked, stopped or
21 standing, or that such motor vehicle was operated for hire by the regis-
22 trant or his or her agent without being licensed as a motor vehicle for
23 hire by the appropriate local authority, in violation of any of the
24 provisions of this chapter or of any law, ordinance, rule or regulation
25 made by a local authority, or the registrant was liable in accordance
26 with section eleven hundred eleven-d of this chapter for a violation of
27 subdivision (d) of section eleven hundred eleven of this chapter, or the
28 registrant was liable in accordance with section eleven hundred eleven-e
29 of this chapter for a violation of subdivision (d) of section eleven
30 hundred eleven of this chapter, or the registrant was liable in accord-
31 ance with section eleven hundred eleven-f of this chapter for a
32 violation of section eleven hundred seventy-five of this chapter, the
33 commissioner or his or her agent shall deny the registration or renewal
34 application until the applicant provides proof from the court or admin-
35 istrative tribunal wherein the charges are pending that an appearance or
36 answer has been made or in the case of an administrative tribunal that
37 he has complied with the rules and regulations of said tribunal follow-
38 ing entry of a final decision. Where an application is denied pursuant
39 to this section, the commissioner may, in his or her discretion, deny a
40 registration or renewal application to any other person for the same
41 vehicle and may deny a registration or renewal application for any other
42 motor vehicle registered in the name of the applicant where the commis-
43 sioner has determined that such registrant's intent has been to evade
44 the purposes of this subdivision and where the commissioner has reason-
45 able grounds to believe that such registration or renewal will have the
46 effect of defeating the purposes of this subdivision. Such denial shall
47 only remain in effect as long as the summonses remain unanswered, or in
48 the case of an administrative tribunal, the registrant fails to comply
49 with the rules and regulations following entry of a final decision.

50 § 8-f. Paragraph a of subdivision 5-a of section 401 of the vehicle
51 and traffic law, as amended by section 8-f of chapter 222 of the laws of
52 2015, is amended to read as follows:

53 a. If at the time of application for a registration or renewal thereof
54 there is a certification from a court or administrative tribunal of
55 appropriate jurisdiction that the registrant or his or her represen-
56 tative failed to appear on the return date or any subsequent adjourned

1 date or failed to comply with the rules and regulations of an adminis-
2 trative tribunal following entry of a final decision in response to
3 three or more summonses or other process, issued within an eighteen
4 month period, charging that such motor vehicle was parked, stopped or
5 standing, or that such motor vehicle was operated for hire by the regis-
6 trant or his or her agent without being licensed as a motor vehicle for
7 hire by the appropriate local authority, in violation of any of the
8 provisions of this chapter or of any law, ordinance, rule or regulation
9 made by a local authority, or the registrant was liable in accordance
10 with section eleven hundred eleven-e of this chapter for a violation of
11 subdivision (d) of section eleven hundred eleven of this chapter, or the
12 registrant was liable in accordance with section eleven hundred eleven-f
13 of this chapter for a violation of section eleven hundred seventy-five
14 of this chapter, the commissioner or his or her agent shall deny the
15 registration or renewal application until the applicant provides proof
16 from the court or administrative tribunal wherein the charges are pend-
17 ing that an appearance or answer has been made or in the case of an
18 administrative tribunal that he has complied with the rules and regu-
19 lations of said tribunal following entry of a final decision. Where an
20 application is denied pursuant to this section, the commissioner may, in
21 his or her discretion, deny a registration or renewal application to any
22 other person for the same vehicle and may deny a registration or renewal
23 application for any other motor vehicle registered in the name of the
24 applicant where the commissioner has determined that such registrant's
25 intent has been to evade the purposes of this subdivision and where the
26 commissioner has reasonable grounds to believe that such registration or
27 renewal will have the effect of defeating the purposes of this subdivi-
28 sion. Such denial shall only remain in effect as long as the summonses
29 remain unanswered, or in the case of an administrative tribunal, the
30 registrant fails to comply with the rules and regulations following
31 entry of a final decision.

32 § 8-g. Paragraph a of subdivision 5-a of section 401 of the vehicle
33 and traffic law, as separately amended by chapters 339 and 592 of the
34 laws of 1987, is amended to read as follows:

35 a. If at the time of application for a registration or renewal thereof
36 there is a certification from a court or administrative tribunal of
37 appropriate jurisdiction that the registrant or his representative
38 failed to appear on the return date or any subsequent adjourned date or
39 failed to comply with the rules and regulations of an administrative
40 tribunal following entry of a final decision in response to three or
41 more summonses or other process, issued within an eighteen month period,
42 charging that such motor vehicle was parked, stopped or standing, or
43 that such motor vehicle was operated for hire by the registrant or his
44 agent without being licensed as a motor vehicle for hire by the appro-
45 priate local authority, in violation of any of the provisions of this
46 chapter or of any law, ordinance, rule or regulation made by a local
47 authority, or the registrant was liable in accordance with section elev-
48 en hundred eleven-f of this chapter for a violation of section eleven
49 hundred seventy-five of this chapter, the commissioner or his agent
50 shall deny the registration or renewal application until the applicant
51 provides proof from the court or administrative tribunal wherein the
52 charges are pending that an appearance or answer has been made or in the
53 case of an administrative tribunal that he or she has complied with the
54 rules and regulations of said tribunal following entry of a final deci-
55 sion. Where an application is denied pursuant to this section, the
56 commissioner may, in his discretion, deny a registration or renewal

1 application to any other person for the same vehicle and may deny a
2 registration or renewal application for any other motor vehicle regis-
3 tered in the name of the applicant where the commissioner has determined
4 that such registrant's intent has been to evade the purposes of this
5 subdivision and where the commissioner has reasonable grounds to believe
6 that such registration or renewal will have the effect of defeating the
7 purposes of this subdivision. Such denial shall only remain in effect as
8 long as the summonses remain unanswered, or in the case of an adminis-
9 trative tribunal, the registrant fails to comply with the rules and
10 regulations following entry of a final decision.

11 § 9. The vehicle and traffic law is amended by adding a new section
12 1111-f to read as follows:

13 § 1111-f. Owner liability for failure of operator to comply with stop-
14 ping requirements. (a) 1. Notwithstanding any other provision of law,
15 the city of New York is hereby authorized and empowered to adopt and
16 amend a local law or ordinance establishing a demonstration program
17 imposing monetary liability on the owner of a vehicle for failure of an
18 operator thereof to comply with section eleven hundred seventy-five of
19 this title in such city in accordance with the provisions of this
20 section. Such demonstration program shall empower such city to install
21 and operate intersection-monitoring devices only at intersections south
22 of 60th Street within such city.

23 2. Such demonstration program shall utilize necessary technologies to
24 ensure, to the extent practicable, that photographs produced by such
25 intersection-monitoring systems shall not include images that identify
26 the driver, the passengers, or the contents of the vehicle. Provided,
27 however, that no notice of liability issued pursuant to this section
28 shall be dismissed solely because a photograph or photographs allow for
29 the identification of the contents of a vehicle, provided that such city
30 has made a reasonable effort to comply with the provisions of this para-
31 graph.

32 (b) In any such city which has adopted a local law or ordinance pursu-
33 ant to subdivision (a) of this section, the owner of a vehicle shall be
34 liable for a penalty imposed pursuant to this section if such vehicle
35 was used or operated with the permission of the owner, express or
36 implied, in violation of section eleven hundred seventy-five of this
37 title, and such violation is evidenced by information obtained from an
38 intersection-monitoring system; provided however that no owner of a
39 vehicle shall be liable for a penalty imposed pursuant to this section
40 where the operator of such vehicle has been convicted of the underlying
41 violation of section eleven hundred seventy-five of this title.

42 (c) For purposes of this section, "owner" shall have the meaning
43 provided in article two-B of this chapter. For purposes of this section,
44 "intersection-monitoring system" shall mean a device that is capable of
45 operating independently of an enforcement officer and produces one or
46 more images of each vehicle at the time it is used or operated in
47 violation of section eleven hundred seventy-five of this title.

48 (d) A certificate, sworn to or affirmed by a technician employed by
49 the city in which the charged violation occurred, or a facsimile there-
50 of, based upon inspection of photographs, microphotographs, videotape or
51 other recorded images produced by an intersection-monitoring system,
52 shall be prima facie evidence of the facts contained therein. Any
53 photographs, microphotographs, videotape or other recorded images
54 evidencing such a violation shall be available for inspection in any
55 proceeding to adjudicate the liability for such violation pursuant to a
56 local law or ordinance adopted pursuant to this section.

1 (e) An owner liable for a violation of section eleven hundred seven-
2 ty-five of this title pursuant to a local law or ordinance adopted
3 pursuant to this section shall be liable for monetary penalties in
4 accordance with a schedule of fines and penalties to be set forth in
5 such local law or ordinance, except that if such city by local law has
6 authorized the adjudication of such owner liability by a parking
7 violations bureau, such schedule shall be promulgated by such bureau.
8 The liability of the owner pursuant to this section shall not exceed
9 fifty dollars for each violation; provided, however, that such local law
10 or ordinance may provide for an additional penalty not in excess of
11 twenty-five dollars for each violation for the failure to respond to a
12 notice of liability within the prescribed time period.

13 (f) An imposition of liability under a local law or ordinance adopted
14 pursuant to this section shall not be deemed a conviction as an operator
15 and shall not be made part of the operating record of the person upon
16 whom such liability is imposed nor shall it be used for insurance
17 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-five of this title 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-five of this title pursuant to this section, the
27 registration number of the vehicle involved in such violation, the
28 location where such violation took place, the date and time of such
29 violation and the identification number of the camera which recorded the
30 violation or 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
34 also contain a warning to advise the persons charged that failure to
35 contest in the manner and time provided shall be deemed an admission of
36 liability and that a default judgment may be entered thereon.

37 4. The notice of liability shall be prepared and mailed by the agency
38 or agencies designated by the city of New York, or any other entity
39 authorized by such city to prepare and mail such notification of
40 violation.

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

43 (i) If an owner receives a notice of liability pursuant to this
44 section for any time period during which the vehicle was reported to the
45 police department as having been stolen, it shall be a valid defense to
46 an allegation of liability for a violation of section eleven hundred
47 seventy-five of this title pursuant to this section that the vehicle had
48 been reported to the police as stolen prior to the time the violation
49 occurred and had not been recovered by such time. For purposes of
50 asserting the defense provided by this subdivision it shall be suffi-
51 cient that a certified copy of the police report on the stolen vehicle
52 be sent by first class mail to the parking violations bureau of such
53 city.

54 (j) 1. An owner who is a lessor of a vehicle to which a notice of
55 liability was issued pursuant to subdivision (g) of this section shall

1 not be liable for the violation of section eleven hundred seventy-five
2 of this title, provided that:

3 (i) prior to the violation, the lessor has filed with such parking
4 violations bureau in accordance with the provisions of section two
5 hundred thirty-nine of this chapter; and

6 (ii) within thirty-seven days after receiving notice from such bureau
7 of the date and time of a liability, together with the other information
8 contained in the original notice of liability, the lessor submits to
9 such bureau the correct name and address of the lessee of the vehicle
10 identified in the notice of liability at the time of such violation,
11 together with such other additional information contained in the rental,
12 lease or other contract document, as may be reasonably required by such
13 bureau pursuant to regulations that may be promulgated for such purpose.

14 2. Failure to comply with subparagraph (ii) of paragraph one of this
15 subdivision shall render the lessor liable for the penalty prescribed in
16 this section.

17 3. Where the lessor complies with the provisions of paragraph one of
18 this subdivision, the lessee of such vehicle on the date of such
19 violation shall be deemed to be the owner of such vehicle for purposes
20 of this section, shall be subject to liability for such violation pursu-
21 ant to this section and shall be sent a notice of liability pursuant to
22 subdivision (g) of this section.

23 (k) 1. If the owner liable for a violation of section eleven hundred
24 seventy-five of this title pursuant to this section was not the operator
25 of the vehicle at the time of the violation, the owner may maintain an
26 action for indemnification against the operator.

27 2. Notwithstanding any other provision of this section, no owner of a
28 vehicle shall be subject to a monetary fine imposed pursuant to this
29 section if the operator of such vehicle was operating such vehicle with-
30 out the consent of the owner at the time such operator failed to comply
31 with section eleven hundred seventy-five of this title. For purposes of
32 this subdivision there shall be a presumption that the operator of such
33 vehicle was operating such vehicle with the consent of the owner at the
34 time such operator failed to comply with section eleven hundred seven-
35 ty-five of this title.

36 (l) Nothing in this section shall be construed to limit the liability
37 of an operator of a vehicle for any violation of section eleven hundred
38 seventy-five of this title.

39 (m) In any such city which adopts a demonstration program pursuant to
40 subdivision (a) of this section, such city shall submit an annual report
41 on the results of the use of an intersection-monitoring system to the
42 governor, the temporary president of the senate and the speaker of the
43 assembly on or before the first day of June next succeeding the effec-
44 tive date of this section and on the same date in each succeeding year
45 in which the demonstration program is operable. Such report shall
46 include, but not be limited to:

47 1. a description of the locations where intersection-monitoring
48 systems were used;

49 2. the aggregate number, type and severity of accidents reported at
50 intersections where an intersection-monitoring system is used for the
51 year preceding the installation of such system, to the extent the infor-
52 mation is maintained by the department of motor vehicles of this state;

53 3. the aggregate number, type and severity of accidents reported at
54 intersections where an intersection-monitoring system is used, to the
55 extent the information is maintained by the department of motor vehicles
56 of this state;

1 4. the number of violations recorded at each intersection where an
2 intersection-monitoring system is used and in the aggregate on a daily,
3 weekly and monthly basis;

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

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

8 7. the number of violations adjudicated and results of such adjudi-
9 cations including breakdowns of dispositions made for violations
10 recorded by such systems;

11 8. the total amount of revenue realized by such city from such adjudi-
12 cations;

13 9. expenses incurred by such city in connection with the program; and

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

15 (n) It shall be a defense to any prosecution for a violation of
16 section eleven hundred seventy-five of this title pursuant to a local
17 law or ordinance adopted pursuant to this section that such traffic-con-
18 trol indications were malfunctioning at the time of the alleged
19 violation.

20 § 10. The opening paragraph and paragraph (c) of subdivision 1 of
21 section 1809 of the vehicle and traffic law, as amended by section 10 of
22 chapter 222 of the laws of 2015, are amended to read as follows:

23 Whenever proceedings in an administrative tribunal or a court of this
24 state result in a conviction for an offense under this chapter or a
25 traffic infraction under this chapter, or a local law, ordinance, rule
26 or regulation adopted pursuant to this chapter, other than a traffic
27 infraction involving standing, stopping, or parking or violations by
28 pedestrians or bicyclists, or other than an adjudication of liability of
29 an owner for a violation of subdivision (d) of section eleven hundred
30 eleven of this chapter in accordance with section eleven hundred
31 eleven-a of this chapter, or other than an adjudication of liability of
32 an owner for a violation of subdivision (d) of section eleven hundred
33 eleven of this chapter in accordance with section eleven hundred
34 eleven-b of this chapter, or other than an adjudication in accordance
35 with section eleven hundred eleven-c of this chapter for a violation of
36 a bus lane restriction as defined in such section, or other than an
37 adjudication of liability of an owner for a violation of subdivision (d)
38 of section eleven hundred eleven of this chapter in accordance with
39 section eleven hundred eleven-d of this chapter, or other than an adju-
40 dication of liability of an owner for a violation of subdivision (b),
41 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in
42 accordance with section eleven hundred eighty-b of this chapter, or
43 other than an adjudication of liability of an owner for a violation of
44 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
45 of this chapter in accordance with section eleven hundred eighty-c of
46 this chapter, or other than an adjudication of liability of an owner for
47 a violation of subdivision (d) of section eleven hundred eleven of this
48 chapter in accordance with section eleven hundred eleven-e of this chap-
49 ter, or other than an adjudication of liability of an owner for a
50 violation of section eleven hundred seventy-five of this chapter in
51 accordance with section eleven hundred eleven-f of this chapter, there
52 shall be levied a crime victim assistance fee and a mandatory surcharge,
53 in addition to any sentence required or permitted by law, in accordance
54 with the following schedule:

55 (c) Whenever proceedings in an administrative tribunal or a court of
56 this state result in a conviction for an offense under this chapter

1 other than a crime pursuant to section eleven hundred ninety-two of this
2 chapter, or a traffic infraction under this chapter, or a local law,
3 ordinance, rule or regulation adopted pursuant to this chapter, other
4 than a traffic infraction involving standing, stopping, or parking or
5 violations by pedestrians or bicyclists, or other than an adjudication
6 of liability of an owner for a violation of subdivision (d) of section
7 eleven hundred eleven of this chapter in accordance with section eleven
8 hundred eleven-a of this chapter, or other than an adjudication of
9 liability of an owner for a violation of subdivision (d) of section
10 eleven hundred eleven of this chapter in accordance with section eleven
11 hundred eleven-b of this chapter, or other than an adjudication of
12 liability of an owner for a violation of subdivision (d) of section
13 eleven hundred eleven of this chapter in accordance with section eleven
14 hundred eleven-d of this chapter, or other than an infraction pursuant
15 to article nine of this chapter or other than an adjudication of liability
16 of an owner for a violation of toll collection regulations pursuant
17 to section two thousand nine hundred eighty-five of the public authorities
18 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
19 hundred seventy-four of the laws of nineteen hundred fifty or other than
20 an adjudication in accordance with section eleven hundred eleven-c of
21 this chapter for a violation of a bus lane restriction as defined in
22 such section, or other than an adjudication of liability of an owner for
23 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
24 hundred eighty of this chapter in accordance with section eleven hundred
25 eighty-b of this chapter, or other than an adjudication of liability of
26 an owner for a violation of subdivision (b), (c), (d), (f) or (g) of
27 section eleven hundred eighty of this chapter in accordance with section
28 eleven hundred eighty-c of this chapter, or other than an adjudication
29 of liability of an owner for a violation of subdivision (d) of section
30 eleven hundred eleven of this chapter in accordance with section eleven
31 hundred eleven-e of this chapter, or other than an adjudication of
32 liability of an owner for a violation of section eleven hundred seven-
33 ty-five of this chapter in accordance with section eleven hundred
34 eleven-f of this chapter, there shall be levied a crime victim assistance
35 fee in the amount of five dollars and a mandatory surcharge, in
36 addition to any sentence required or permitted by law, in the amount of
37 fifty-five dollars.

38 § 10-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
39 as amended by section 10-a of chapter 222 of the laws of 2015, is
40 amended to read as follows:

41 1. Whenever proceedings in an administrative tribunal or a court of
42 this state result in a conviction for a crime under this chapter or a
43 traffic infraction under this chapter, or a local law, ordinance, rule
44 or regulation adopted pursuant to this chapter, other than a traffic
45 infraction involving standing, stopping, parking or motor vehicle equipment
46 or violations by pedestrians or bicyclists, or other than an adjudication
47 of liability of an owner for a violation of subdivision (d) of
48 section eleven hundred eleven of this chapter in accordance with section
49 eleven hundred eleven-a of this chapter, or other than an adjudication
50 of liability of an owner for a violation of subdivision (d) of section
51 eleven hundred eleven of this chapter in accordance with section eleven
52 hundred eleven-b of this chapter, or other than an adjudication in
53 accordance with section eleven hundred eleven-c of this chapter for a
54 violation of a bus lane restriction as defined in such section, or other
55 than an adjudication of liability of an owner for a violation of subdivision
56 (d) of section eleven hundred eleven of this chapter in accordance

1 ance with section eleven hundred eleven-d of this chapter, or other than
2 an adjudication of liability of an owner for a violation of subdivision
3 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
4 ter in accordance with section eleven hundred eighty-b of this chapter,
5 or other than an adjudication of liability of an owner for a violation
6 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
7 eighty of this chapter in accordance with section eleven hundred eight-
8 y-c of this chapter, or other than an adjudication of liability of an
9 owner for a violation of subdivision (d) of section eleven hundred elev-
10 en of this chapter in accordance with section eleven hundred eleven-e of
11 this chapter, or other than an adjudication of liability of an owner for
12 a violation of section eleven hundred seventy-five of this chapter in
13 accordance with section eleven hundred eleven-f of this chapter, there
14 shall be levied a mandatory surcharge, in addition to any sentence
15 required or permitted by law, in the amount of twenty-five dollars.

16 § 10-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
17 as amended by section 10-b of chapter 222 of the laws of 2015, is
18 amended to read as follows:

19 1. Whenever proceedings in an administrative tribunal or a court of
20 this state result in a conviction for a crime under this chapter or a
21 traffic infraction under this chapter other than a traffic infraction
22 involving standing, stopping, parking or motor vehicle equipment or
23 violations by pedestrians or bicyclists, or other than an adjudication
24 in accordance with section eleven hundred eleven-c of this chapter for a
25 violation of a bus lane restriction as defined in such section, or other
26 than an adjudication of liability of an owner for a violation of subdivi-
27 sion (d) of section eleven hundred eleven of this chapter in accord-
28 ance with section eleven hundred eleven-d of this chapter, or other than
29 an adjudication of liability of an owner for a violation of subdivision
30 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
31 ter in accordance with section eleven hundred eighty-b of this chapter,
32 or other than an adjudication of liability of an owner for a violation
33 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
34 eighty of this chapter in accordance with section eleven hundred eight-
35 y-c of this chapter, or other than an adjudication of liability of an
36 owner for a violation of subdivision (d) of section eleven hundred elev-
37 en of this chapter in accordance with section eleven hundred eleven-e of
38 this chapter, or other than an adjudication of liability of an owner for
39 a violation of section eleven hundred seventy-five of this chapter in
40 accordance with section eleven hundred eleven-f of this chapter, there
41 shall be levied a mandatory surcharge, in addition to any sentence
42 required or permitted by law, in the amount of seventeen dollars.

43 § 10-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
44 as amended by section 10-c of chapter 222 of the laws of 2015, is
45 amended to read as follows:

46 1. Whenever proceedings in an administrative tribunal or a court of
47 this state result in a conviction for a crime under this chapter or a
48 traffic infraction under this chapter other than a traffic infraction
49 involving standing, stopping, parking or motor vehicle equipment or
50 violations by pedestrians or bicyclists, or other than an adjudication
51 of liability of an owner for a violation of subdivision (b), (c), (d),
52 (f) or (g) of section eleven hundred eighty of this chapter in accord-
53 ance with section eleven hundred eighty-b of this chapter, or other than
54 an adjudication of liability of an owner for a violation of subdivision
55 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
56 ter in accordance with section eleven hundred eighty-c of this chapter,

1 or other than an adjudication of liability of an owner for a violation
2 of subdivision (d) of section eleven hundred eleven of this chapter in
3 accordance with section eleven hundred eleven-d of this chapter, or
4 other than an adjudication of liability of an owner for a violation of
5 subdivision (d) of section eleven hundred eleven of this chapter in
6 accordance with section eleven hundred eleven-e of this chapter, or
7 other than an adjudication of liability of an owner for a violation of
8 section eleven hundred seventy-five of this chapter in accordance with
9 section eleven hundred eleven-f of this chapter, there shall be levied a
10 mandatory surcharge, in addition to any sentence required or permitted
11 by law, in the amount of seventeen dollars.

12 § 10-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
13 as amended by section 10-d of chapter 222 of the laws of 2015, is
14 amended to read as follows:

15 1. Whenever proceedings in an administrative tribunal or a court of
16 this state result in a conviction for a crime under this chapter or a
17 traffic infraction under this chapter other than a traffic infraction
18 involving standing, stopping, parking or motor vehicle equipment or
19 violations by pedestrians or bicyclists, or other than an adjudication
20 of liability of an owner for a violation of subdivision (b), (c), (d),
21 (f) or (g) of section eleven hundred eighty of this chapter in accord-
22 ance with section eleven hundred eighty-c of this chapter, or other than
23 an adjudication of liability of an owner for a violation of subdivision
24 (d) of section eleven hundred eleven of this chapter in accordance with
25 section eleven hundred eleven-d of this chapter, or other than an adju-
26 dication of liability of an owner for a violation of subdivision (d) of
27 section eleven hundred eleven of this chapter in accordance with section
28 eleven hundred eleven-e of this chapter, or other than an adjudication
29 of liability of an owner for a violation of section eleven hundred
30 seventy-five of this chapter in accordance with section eleven hundred
31 eleven-f of this chapter, there shall be levied a mandatory surcharge,
32 in addition to any sentence required or permitted by law, in the amount
33 of seventeen dollars.

34 § 10-e. Subdivision 1 of section 1809 of the vehicle and traffic law,
35 as amended by section 10-e of chapter 222 of the laws of 2015, is
36 amended to read as follows:

37 1. Whenever proceedings in an administrative tribunal or a court of
38 this state result in a conviction for a crime under this chapter or a
39 traffic infraction under this chapter other than a traffic infraction
40 involving standing, stopping, parking or motor vehicle equipment or
41 violations by pedestrians or bicyclists, or other than an adjudication
42 of liability of an owner for a violation of subdivision (d) of section
43 eleven hundred eleven of this chapter in accordance with section eleven
44 hundred eleven-d of this chapter, or other than an adjudication of
45 liability of an owner for a violation of subdivision (d) of section
46 eleven hundred eleven of this chapter in accordance with section eleven
47 hundred eleven-e of this chapter, or other than an adjudication of
48 liability of an owner for a violation of section eleven hundred seven-
49 ty-five of this chapter in accordance with section eleven hundred
50 eleven-f of this chapter, there shall be levied a mandatory surcharge,
51 in addition to any sentence required or permitted by law, in the amount
52 of seventeen dollars.

53 § 10-f. Subdivision 1 of section 1809 of the vehicle and traffic law,
54 as amended by section 10-f of chapter 222 of the laws of 2015, is
55 amended to read as follows:

1 1. Whenever proceedings in an administrative tribunal or a court of
2 this state result in a conviction for a crime under this chapter or a
3 traffic infraction under this chapter other than a traffic infraction
4 involving standing, stopping, parking or motor vehicle equipment or
5 violations by pedestrians or bicyclists, or other than an adjudication
6 of liability of an owner for a violation of subdivision (d) of section
7 eleven hundred eleven of this chapter in accordance with section eleven
8 hundred eleven-e of this chapter, or other than an adjudication of
9 liability of an owner for a violation of section eleven hundred seven-
10 ty-five of this chapter in accordance with section eleven hundred
11 eleven-f of this chapter, there shall be levied a mandatory surcharge,
12 in addition to any sentence required or permitted by law, in the amount
13 of seventeen dollars.

14 § 10-g. Subdivision 1 of section 1809 of the vehicle and traffic law,
15 as separately amended by chapter 16 of the laws of 1983 and chapter 62
16 of the laws of 1989, is amended to read as follows:

17 1. Whenever proceedings in an administrative tribunal or a court of
18 this state result in a conviction for a crime under this chapter or a
19 traffic infraction under this chapter other than a traffic infraction
20 involving standing, stopping, parking or motor vehicle equipment or
21 violations by pedestrians or bicyclists, or other than an adjudication
22 of liability of an owner for a violation of section eleven hundred
23 seventy-five of this chapter in accordance with section eleven hundred
24 eleven-f of this chapter, there shall be levied a mandatory surcharge,
25 in addition to any sentence required or permitted by law, in the amount
26 of seventeen dollars.

27 § 11. Paragraph a of subdivision 1 of section 1809-e of the vehicle
28 and traffic law, as amended by section 11 of chapter 222 of the laws of
29 2015, is amended to read as follows:

30 a. Notwithstanding any other provision of law, whenever proceedings in
31 a court or an administrative tribunal of this state result in a
32 conviction for an offense under this chapter, except a conviction pursu-
33 ant to section eleven hundred ninety-two of this chapter, or for a traf-
34 fic infraction under this chapter, or a local law, ordinance, rule or
35 regulation adopted pursuant to this chapter, except a traffic infraction
36 involving standing, stopping, or parking or violations by pedestrians or
37 bicyclists, and except an adjudication of liability of an owner for a
38 violation of subdivision (d) of section eleven hundred eleven of this
39 chapter in accordance with section eleven hundred eleven-a of this chap-
40 ter or in accordance with section eleven hundred eleven-d of this chap-
41 ter, or in accordance with section eleven hundred eleven-e of this chap-
42 ter, or in accordance with section eleven hundred eleven-f of this
43 chapter, and except an adjudication of liability of an owner for a
44 violation of subdivision (d) of section eleven hundred eleven of this
45 chapter in accordance with section eleven hundred eleven-b of this chap-
46 ter, and except an adjudication in accordance with section eleven
47 hundred eleven-c of this chapter of a violation of a bus lane
48 restriction as defined in such section, and except an adjudication of
49 liability of an owner for a violation of subdivision (b), (c), (d), (f)
50 or (g) of section eleven hundred eighty of this chapter in accordance
51 with section eleven hundred eighty-b of this chapter, and except an
52 adjudication of liability of an owner for a violation of subdivision
53 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
54 ter in accordance with section eleven hundred eighty-c of this chapter,
55 and except an adjudication of liability of an owner for a violation of
56 toll collection regulations pursuant to section two thousand nine

1 hundred eighty-five of the public authorities law or sections sixteen-a,
2 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
3 laws of nineteen hundred fifty, there shall be levied in addition to any
4 sentence, penalty or other surcharge required or permitted by law, an
5 additional surcharge of twenty-eight dollars.

6 § 11-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
7 and traffic law, as amended by section 11-a of chapter 222 of the laws
8 of 2015, is amended to read as follows:

9 a. Notwithstanding any other provision of law, whenever proceedings in
10 a court or an administrative tribunal of this state result in a
11 conviction for an offense under this chapter, except a conviction pursu-
12 ant to section eleven hundred ninety-two of this chapter, or for a traf-
13 fic infraction under this chapter, or a local law, ordinance, rule or
14 regulation adopted pursuant to this chapter, except a traffic infraction
15 involving standing, stopping, or parking or violations by pedestrians or
16 bicyclists, and except an adjudication of liability of an owner for a
17 violation of subdivision (d) of section eleven hundred eleven of this
18 chapter in accordance with section eleven hundred eleven-a of this chap-
19 ter or in accordance with section eleven hundred eleven-d of this chap-
20 ter or in accordance with section eleven hundred eleven-e of this chap-
21 ter, or in accordance with section eleven hundred eleven-f of this
22 chapter, and except an adjudication in accordance with section eleven
23 hundred eleven-c of this chapter of a violation of a bus lane
24 restriction as defined in such section, and except an adjudication of
25 liability of an owner for a violation of subdivision (b), (c), (d), (f)
26 or (g) of section eleven hundred eighty of this chapter in accordance
27 with section eleven hundred eighty-b of this chapter, and except an
28 adjudication of liability of an owner for a violation of subdivision
29 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
30 ter in accordance with section eleven hundred eighty-c of this chapter,
31 and except an adjudication of liability of an owner for a violation of
32 toll collection regulations pursuant to section two thousand nine
33 hundred eighty-five of the public authorities law or sections sixteen-a,
34 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
35 laws of nineteen hundred fifty, there shall be levied in addition to any
36 sentence, penalty or other surcharge required or permitted by law, an
37 additional surcharge of twenty-eight dollars.

38 § 11-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
39 and traffic law, as amended by section 11-b of chapter 222 of the laws
40 of 2015, is amended to read as follows:

41 a. Notwithstanding any other provision of law, whenever proceedings in
42 a court or an administrative tribunal of this state result in a
43 conviction for an offense under this chapter, except a conviction pursu-
44 ant to section eleven hundred ninety-two of this chapter, or for a traf-
45 fic infraction under this chapter, or a local law, ordinance, rule or
46 regulation adopted pursuant to this chapter, except a traffic infraction
47 involving standing, stopping, or parking or violations by pedestrians or
48 bicyclists, and except an adjudication of liability of an owner for a
49 violation of subdivision (d) of section eleven hundred eleven of this
50 chapter in accordance with section eleven hundred eleven-a of this chap-
51 ter or in accordance with section eleven hundred eleven-d of this chap-
52 ter or in accordance with section eleven hundred eleven-e of this chap-
53 ter, or in accordance with section eleven hundred eleven-f of this
54 chapter, and except an adjudication of liability of an owner for a
55 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
56 hundred eighty of this chapter in accordance with section eleven hundred

1 eighty-b of this chapter, and except an adjudication of liability of an
2 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
3 section eleven hundred eighty of this chapter in accordance with section
4 eleven hundred eighty-c of this chapter, and except an adjudication of
5 liability of an owner for a violation of toll collection regulations
6 pursuant to section two thousand nine hundred eighty-five of the public
7 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
8 ter seven hundred seventy-four of the laws of nineteen hundred fifty,
9 there shall be levied in addition to any sentence, penalty or other
10 surcharge required or permitted by law, an additional surcharge of twen-
11 ty-eight dollars.

12 § 11-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
13 and traffic law, as amended by section 11-c of chapter 222 of the laws
14 of 2015, is amended to read as follows:

15 a. Notwithstanding any other provision of law, whenever proceedings in
16 a court or an administrative tribunal of this state result in a
17 conviction for an offense under this chapter, except a conviction pursu-
18 ant to section eleven hundred ninety-two of this chapter, or for a traf-
19 fic infraction under this chapter, or a local law, ordinance, rule or
20 regulation adopted pursuant to this chapter, except a traffic infraction
21 involving standing, stopping, or parking or violations by pedestrians or
22 bicyclists, and except an adjudication of liability of an owner for a
23 violation of subdivision (d) of section eleven hundred eleven of this
24 chapter in accordance with section eleven hundred eleven-a of this chap-
25 ter or in accordance with section eleven hundred eleven-d of this chap-
26 ter or in accordance with section eleven hundred eleven-e of this chap-
27 ter, or in accordance with section eleven hundred eleven-f of this
28 chapter, and except an adjudication of liability of an owner for a
29 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
30 hundred eighty of this chapter in accordance with section eleven hundred
31 eighty-c of this chapter, and except an adjudication of liability of an
32 owner for a violation of toll collection regulations pursuant to section
33 two thousand nine hundred eighty-five of the public authorities law or
34 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
35 seventy-four of the laws of nineteen hundred fifty, there shall be
36 levied in addition to any sentence, penalty or other surcharge required
37 or permitted by law, an additional surcharge of twenty-eight dollars.

38 § 11-d. Paragraph a of subdivision 1 of section 1809-e of the vehicle
39 and traffic law, as amended by section 11-d of chapter 222 of the laws
40 of 2015, is amended to read as follows:

41 a. Notwithstanding any other provision of law, whenever proceedings in
42 a court or an administrative tribunal of this state result in a
43 conviction for an offense under this chapter, except a conviction pursu-
44 ant to section eleven hundred ninety-two of this chapter, or for a traf-
45 fic infraction under this chapter, or a local law, ordinance, rule or
46 regulation adopted pursuant to this chapter, except a traffic infraction
47 involving standing, stopping, or parking or violations by pedestrians or
48 bicyclists, and except an adjudication of liability of an owner for a
49 violation of subdivision (d) of section eleven hundred eleven of this
50 chapter in accordance with section eleven hundred eleven-a of this chap-
51 ter or in accordance with section eleven hundred eleven-d of this chap-
52 ter or in accordance with section eleven hundred eleven-e of this chap-
53 ter, or in accordance with section eleven hundred eleven-f of this
54 chapter, and except an adjudication of liability of an owner for a
55 violation of toll collection regulations pursuant to section two thou-
56 sand nine hundred eighty-five of the public authorities law or sections

1 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
2 of the laws of nineteen hundred fifty, there shall be levied in addition
3 to any sentence, penalty or other surcharge required or permitted by
4 law, an additional surcharge of twenty-eight dollars.

5 § 11-e. Paragraph a of subdivision 1 of section 1809-e of the vehicle
6 and traffic law, as amended by section 11-e of chapter 222 of the laws
7 of 2015, is amended to read as follows:

8 a. Notwithstanding any other provision of law, whenever proceedings in
9 a court or an administrative tribunal of this state result in a
10 conviction for an offense under this chapter, except a conviction pursu-
11 ant to section eleven hundred ninety-two of this chapter, or for a traf-
12 fic infraction under this chapter, or a local law, ordinance, rule or
13 regulation adopted pursuant to this chapter, except a traffic infraction
14 involving standing, stopping, or parking or violations by pedestrians or
15 bicyclists, and except an adjudication of liability of an owner for a
16 violation of subdivision (d) of section eleven hundred eleven of this
17 chapter in accordance with section eleven hundred eleven-a of this chap-
18 ter or in accordance with section eleven hundred eleven-e of this chap-
19 ter, or in accordance with section eleven hundred eleven-f of this chap-
20 ter, and except an adjudication of liability of an owner for a violation
21 of toll collection regulations pursuant to section two thousand nine
22 hundred eighty-five of the public authorities law or sections sixteen-a,
23 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
24 laws of nineteen hundred fifty, there shall be levied in addition to any
25 sentence, penalty or other surcharge required or permitted by law, an
26 additional surcharge of twenty-eight dollars.

27 § 11-f. Paragraph a of subdivision 1 of section 1809-e of the vehicle
28 and traffic law, as amended by section 5 of part C of chapter 55 of the
29 laws of 2013, is amended to read as follows:

30 a. Notwithstanding any other provision of law, whenever proceedings in
31 a court or an administrative tribunal of this state result in a
32 conviction for an offense under this chapter, except a conviction pursu-
33 ant to section eleven hundred ninety-two of this chapter, or for a traf-
34 fic infraction under this chapter, or a local law, ordinance, rule or
35 regulation adopted pursuant to this chapter, except a traffic infraction
36 involving standing, stopping, or parking or violations by pedestrians or
37 bicyclists, and except an adjudication of liability of an owner for a
38 violation of subdivision (d) of section eleven hundred eleven of this
39 chapter in accordance with section eleven hundred eleven-a of this chap-
40 ter or in accordance with section eleven hundred eleven-f of this chap-
41 ter, and except an adjudication of liability of an owner for a violation
42 of toll collection regulations pursuant to section two thousand nine
43 hundred eighty-five of the public authorities law or sections sixteen-a,
44 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
45 laws of nineteen hundred fifty, there shall be levied in addition to any
46 sentence, penalty or other surcharge required or permitted by law, an
47 additional surcharge of twenty-eight dollars.

48 § 12. Subdivision 1 of section 371 of the general municipal law, as
49 amended by section 12 of chapter 222 of the laws of 2015, is amended to
50 read as follows:

51 1. A traffic violations bureau so established may be authorized to
52 dispose of violations of traffic laws, ordinances, rules and regulations
53 when such offenses shall not constitute the traffic infraction known as
54 speeding or a misdemeanor or felony, and, if authorized by local law or
55 ordinance, to adjudicate the liability of owners for violations of
56 subdivision (d) of section eleven hundred eleven of the vehicle and

1 traffic law in accordance with section eleven hundred eleven-a of such
2 law or section eleven hundred eleven-b of such law as added by sections
3 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
4 two thousand nine which amended this subdivision, or section eleven
5 hundred eleven-d of such law, or section eleven hundred eleven-e of such
6 law or section eleven hundred eleven-f of such law.

7 § 12-a. Section 371 of the general municipal law, as amended by
8 section 12-a of chapter 222 of the laws of 2015, is amended to read as
9 follows:

10 § 371. Jurisdiction and procedure. A traffic violations bureau so
11 established may be authorized to dispose of violations of traffic laws,
12 ordinances, rules and regulations when such offenses shall not consti-
13 tute the traffic infraction known as speeding or a misdemeanor or felo-
14 ny, and, if authorized by local law or ordinance, to adjudicate the
15 liability of owners for violations of subdivision (d) of section eleven
16 hundred eleven of the vehicle and traffic law in accordance with section
17 eleven hundred eleven-b of such law as added by sections sixteen of
18 chapters twenty, twenty-one, and twenty-two of the laws of two thousand
19 nine which amended this section or section eleven hundred eleven-d of
20 such law or section eleven hundred eleven-e of such law, or section
21 eleven hundred eleven-f of such law, by permitting a person charged with
22 an offense within the limitations herein stated, to answer, within a
23 specified time, at the traffic violations bureau, either in person or by
24 written power of attorney in such form as may be prescribed in the ordi-
25 nance creating the bureau, by paying a prescribed fine and, in writing,
26 waiving a hearing in court, pleading guilty to the charge or admitting
27 liability as an owner for the violation of subdivision (d) of section
28 eleven hundred eleven of the vehicle and traffic law, as the case may
29 be, and authorizing the person in charge of the bureau to make such a
30 plea or admission and pay such a fine in court. Acceptance of the
31 prescribed fine and power of attorney by the bureau shall be deemed
32 complete satisfaction for the violation or of the liability, and the
33 violator or owner liable for a violation of subdivision (d) of section
34 eleven hundred eleven of the vehicle and traffic law shall be given a
35 receipt which so states. If a person charged with a traffic violation
36 does not answer as hereinbefore prescribed, within a designated time,
37 the bureau shall cause a complaint to be entered against him or her
38 forthwith and a warrant to be issued for his or her arrest and appear-
39 ance before the court. Any person who shall have been, within the
40 preceding twelve months, guilty of a number of parking violations in
41 excess of such maximum number as may be designated by the court, or of
42 three or more violations other than parking violations, shall not be
43 permitted to appear and answer to a subsequent violation at the traffic
44 violations bureau, but must appear in court at a time specified by the
45 bureau. Such traffic violations bureau shall not be authorized to
46 deprive a person of his or her right to counsel or to prevent him or her
47 from exercising his or her right to appear in court to answer to,
48 explain, or defend any charge of a violation of any traffic law, ordi-
49 nance, rule or regulation.

50 § 12-b. Section 371 of the general municipal law, as amended by
51 section 12-b of chapter 222 of the laws of 2015, is amended to read as
52 follows:

53 § 371. Jurisdiction and procedure. A traffic violations bureau so
54 established may be authorized to dispose of violations of traffic laws,
55 ordinances, rules and regulations when such offenses shall not consti-
56 tute the traffic infraction known as speeding or a misdemeanor or felo-

ny, and, if authorized by local law or ordinance, to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-d or section eleven hundred eleven-e or section eleven hundred-f of the vehicle and traffic law, by permitting a person charged with an offense within the limitations herein stated, to answer, within a specified time, at the traffic violations bureau, either in person or by written power of attorney in such form as may be prescribed in the ordinance creating the bureau, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admitting liability as an owner for the violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law, as the case may be, and authorizing the person in charge of the bureau to make such a plea or admission and pay such a fine in court. Acceptance of the prescribed fine and power of attorney by the bureau shall be deemed complete satisfaction for the violation or of the liability, and the violator or owner liable for a violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau shall cause a complaint to be entered against him or her forthwith and a warrant to be issued for his or her arrest and appearance before the court. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau, but must appear in court at a time specified by the bureau. Such traffic violations bureau shall not be authorized to deprive a person of his or her right to counsel or to prevent him or her from exercising his or her right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

§ 12-c. Section 371 of the general municipal law, as amended by section 12-c of chapter 222 of the laws of 2015, is amended to read as follows:

§ 371. Jurisdiction and procedure. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, and, if authorized by local law or ordinance, to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-e of the vehicle and traffic law, and, if authorized by local law or ordinance, to adjudicate the liability of owners for violations of section eleven hundred seventy-five of the vehicle and traffic law in accordance with section eleven hundred eleven-f of the vehicle and traffic law by permitting a person charged with an offense within the limitations herein stated, to answer, within a specified time, at the traffic violations bureau, either in person or by written power of attorney in such form as may be prescribed in the ordinance creating the bureau, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admitting liability as an owner for violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law, as the case may be, or admitting liability as an owner for a violation of section eleven

1 hundred seventy-five of the vehicle and traffic law, as the case may be
2 and authorizing the person in charge of the bureau to make such a plea
3 or admission and pay such a fine in court. Acceptance of the prescribed
4 fine and power of attorney by the bureau shall be deemed complete satis-
5 faction for the violation or of the liability, and the violator or owner
6 liable for a violation of subdivision (d) of section eleven hundred
7 eleven of the vehicle and traffic law or owner liable for a violation of
8 section eleven hundred seventy-five of the vehicle and traffic law shall
9 be given a receipt which so states. If a person charged with a traffic
10 violation does not answer as hereinbefore prescribed, within a desig-
11 nated time, the bureau shall cause a complaint to be entered against him
12 or her forthwith and a warrant to be issued for his or her arrest and
13 appearance before the court. Any person who shall have been, within the
14 preceding twelve months, guilty of a number of parking violations in
15 excess of such maximum number as may be designated by the court, or of
16 three or more violations other than parking violations, shall not be
17 permitted to appear and answer to a subsequent violation at the traffic
18 violations bureau, but must appear in court at a time specified by the
19 bureau. Such traffic violations bureau shall not be authorized to
20 deprive a person of his or her right to counsel or to prevent him or her
21 from exercising his or her right to appear in court to answer to,
22 explain, or defend any charge of a violation of any traffic law, ordi-
23 nance, rule or regulation.

24 § 12-d. Section 371 of the general municipal law, as amended by chap-
25 ter 802 of the laws of 1949, is amended to read as follows:

26 § 371. Jurisdiction and procedure. A traffic violations bureau so
27 established may be authorized to dispose of violations of traffic laws,
28 ordinances, rules and regulations when such offenses shall not consti-
29 tute the traffic infraction known as speeding or a misdemeanor or felo-
30 ny, and, if authorized by local law or ordinance, to adjudicate the
31 liability of owners for violations of section eleven hundred seventy-
32 five of the vehicle and traffic law in accordance with section eleven
33 hundred eleven-f of the vehicle and traffic law by permitting a person
34 charged with an offense within the limitations herein stated, to answer,
35 within a specified time, at the traffic violations bureau, either in
36 person or by written power of attorney in such form as may be prescribed
37 in the ordinance creating the bureau, by paying a prescribed fine and,
38 in writing, waiving a hearing in court, pleading guilty to the charge,
39 or admitting liability as an owner for a violation of section eleven
40 hundred seventy-five of the vehicle and traffic law, as the case may be
41 and authorizing the person in charge of the bureau to make such a plea
42 or admission and pay such a fine in court. Acceptance of the prescribed
43 fine and power of attorney by the bureau shall be deemed complete satis-
44 faction for the violation, and the violator or owner liable for a
45 violation of section eleven hundred seventy-five of the vehicle and
46 traffic law shall be given a receipt which so states. If a person
47 charged with a traffic violation does not answer as hereinbefore
48 prescribed, within a designated time, the bureau shall cause a complaint
49 to be entered against him or her forthwith and a warrant to be issued
50 for his or her arrest and appearance before the court. Any person who
51 shall have been, within the preceding twelve months, guilty of a number
52 of parking violations in excess of such maximum number as may be desig-
53 nated by the court, or of three or more violations other than parking
54 violations, shall not be permitted to appear and answer to a subsequent
55 violation at the traffic violations bureau, but must appear in court at
56 a time specified by the bureau. Such traffic violations bureau shall not

1 be authorized to deprive a person of his or her right to counsel or to
2 prevent him or her from exercising his or her right to appear in court
3 to answer to, explain, or defend any charge of a violation of any traf-
4 fic law, ordinance, rule or regulation.

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

7 (p) are photographs, microphotographs, videotape or other recorded
8 images prepared under authority of section eleven hundred eleven-f of
9 the vehicle and traffic law.

10 § 14. The purchase or lease of equipment for a demonstration program
11 established pursuant to section 1111-f of the vehicle and traffic law
12 shall be subject to the provisions of section 103 of the general munici-
13 pal law.

14 § 15. The Fix NYC advisory panel, established by the governor on the
15 5th of October, 2017, shall review and make recommendations regarding
16 the following: appropriate and uniform standards and equipment to be
17 installed in all taxicabs and for-hire vehicles, including in-vehicle
18 geolocation technology, for the purposes of collecting a surcharge on
19 trips originating or terminating within an established geographic area
20 within the Borough of Manhattan, which may be made in consultation with
21 the New York City Taxi and Limousine Commission; and the design, period
22 of validity, criteria for issuance or reissuance, enforcement and
23 accountability measures, number, use, and any other recommendations
24 deemed necessary and proper regarding official vehicle parking placards
25 issued by any agency or department of, and for use within, the city of
26 New York, which may be made in consultation with any such issuing agency
27 or department.

28 § 16. The New York City Taxi and Limousine Commission, and any New
29 York City agency or department that issues official vehicle parking
30 placards, shall promptly respond and provide any requested information
31 related to any requests for information or consultation pursuant to
32 section fifteen of this act from the Fix NYC advisory panel consistent
33 with the purposes of section fifteen of this act and in compliance with
34 any other law, rule or regulation.

35 § 17. Any recommendations established pursuant to section fifteen of
36 this act shall be made publicly available and provided to the relevant
37 New York city agencies, departments or commissions to which such recom-
38 mendations apply. Upon the receipt of such recommendations, the receiv-
39 ing agency, department or commission shall adopt within ninety days of
40 such receipt, updated rules or regulations in consideration of any
41 recommendations so received, provided however, that the updated rules or
42 regulations adopted by the New York City Taxi and Limousine Commission
43 shall establish uniform standards and technology for the collection of a
44 surcharge on taxicab and for-hire vehicle trips originating or terminat-
45 ing within any current or future geographic area.

46 § 18. The New York state department of transportation and the New York
47 state department of motor vehicles shall jointly perform a comprehensive
48 review of the operation, regulation, oversight, licensing, and safety
49 requirements pertaining to commuter, intercity, charter, and sightseeing
50 buses that operate within the borough of Manhattan and their impact on
51 congestion within such borough. Upon the completion of the review, a
52 final report shall be issued jointly by the departments. The final
53 report shall include recommendations deemed appropriate to more effi-
54 ciently address bus operations within such borough. Any review performed
55 pursuant to this section may be completed in consultation with the New
56 York city department of transportation and the Port Authority of New

1 York and New Jersey or any other entities deemed appropriate by the New
2 York state department of transportation or the New York state department
3 of motor vehicles. The New York city department of transportation or any
4 other consulted agency or department of the city of New York shall
5 promptly respond and provide any information or consultation requested
6 by the New York state department of transportation or the New York state
7 department of motor vehicles consistent with this section and any other
8 provision or law, rule or regulation.

9 § 19. This act shall take effect immediately; provided, however, that
10 sections one, two, three, four, five, six, seven, eight, nine, ten,
11 eleven, twelve, thirteen and fourteen of this act shall take effect on
12 the thirtieth day after it shall have become a law; provided, however,
13 that sections one through fourteen of this act shall expire 5 years
14 after such effective date when upon such date the provisions of such
15 sections shall be deemed repealed. Provided further that any rules
16 necessary for the implementation of this act on its effective date shall
17 be promulgated on or before such effective date, provided that:

18 (a) the amendments to subdivision 1 of section 235 of the vehicle and
19 traffic law made by section one of this act shall not affect the expira-
20 tion of such subdivision and shall be deemed to expire therewith, when
21 upon such date the provisions of section one-a of this act shall take
22 effect;

23 (b) the amendments to section 235 of the vehicle and traffic law made
24 by section one-a of this act shall not affect the expiration of such
25 section and shall be deemed to expire therewith, when upon such date the
26 provisions of section one-b of this act shall take effect;

27 (c) the amendments to section 235 of the vehicle and traffic law made
28 by section one-b of this act shall not affect the expiration of such
29 section and shall be deemed to expire therewith, when upon such date the
30 provisions of section one-c of this act shall take effect;

31 (d) the amendments to section 235 of the vehicle and traffic law made
32 by section one-c of this act shall not affect the expiration of such
33 section and shall be deemed to expire therewith, when upon such date the
34 provisions of section one-d of this act shall take effect;

35 (e) the amendments to section 235 of the vehicle and traffic law made
36 by section one-d of this act shall not affect the expiration of such
37 section and shall be deemed to expire therewith, when upon such date the
38 provisions of section one-e of this act shall take effect;

39 (f) the amendments to section 235 of the vehicle and traffic law made
40 by section one-e of this act shall not affect the expiration of such
41 section and shall be deemed to expire therewith, when upon such date the
42 provisions of section one-f of this act shall take effect;

43 (g) the amendments to section 235 of the vehicle and traffic law made
44 by section one-f of this act shall not affect the expiration of such
45 section and shall be deemed to expire therewith, when upon such date the
46 provisions of section one-g of this act shall take effect;

47 (h) the amendments to subdivision 1 of section 236 of the vehicle and
48 traffic law made by section two of this act shall not affect the expira-
49 tion of such subdivision and shall be deemed to expire therewith, when
50 upon such date the provisions of section two-a of this act shall take
51 effect;

52 (i) the amendments to subdivision 1 of section 236 of the vehicle and
53 traffic law made by section two-a of this act shall not affect the expi-
54 ration of such subdivision and shall be deemed to expire therewith, when
55 upon such date the provisions of section two-b of this act shall take
56 effect;

1 (j) the amendments to subdivision 1 of section 236 of the vehicle and
2 traffic law made by section two-b of this act shall not affect the expi-
3 ration of such subdivision and shall be deemed to expire therewith, when
4 upon such date the provisions of section two-c of this act shall take
5 effect;

6 (k) the amendments to subdivision 1 of section 236 of the vehicle and
7 traffic law made by section two-c of this act shall not affect the expi-
8 ration of such subdivision and shall be deemed to expire therewith, when
9 upon such date the provisions of section two-d of this act shall take
10 effect;

11 (l) the amendments to subdivision 1 of section 236 of the vehicle and
12 traffic law made by section two-d of this act shall not affect the expi-
13 ration of such subdivision and shall be deemed to expire therewith, when
14 upon such date the provisions of section two-e of this act shall take
15 effect;

16 (m) the amendments to subdivision 1 of section 236 of the vehicle and
17 traffic law made by section two-e of this act shall not affect the expi-
18 ration of such subdivision and shall be deemed to expire therewith, when
19 upon such date the provisions of section two-f of this act shall take
20 effect;

21 (n) the amendments to paragraph f of subdivision 1 of section 239 of
22 the vehicle and traffic law made by section four of this act shall not
23 affect the expiration of such paragraph and shall be deemed to expire
24 therewith, when upon such date the provisions of section four-a of this
25 act shall take effect;

26 (o) the amendments to paragraph f of subdivision 1 of section 239 of
27 the vehicle and traffic law made by section four-a of this act shall not
28 affect the expiration of such paragraph and shall be deemed to expire
29 therewith, when upon such date the provisions of section four-b of this
30 act shall take effect;

31 (p) the amendments to paragraph f of subdivision 1 of section 239 of
32 the vehicle and traffic law made by section four-b of this act shall not
33 affect the expiration of such paragraph and shall be deemed to expire
34 therewith, when upon such date the provisions of section four-c of this
35 act shall take effect;

36 (q) the amendments to paragraph f of subdivision 1 of section 239 of
37 the vehicle and traffic law made by section four-c of this act shall not
38 affect the expiration of such paragraph and shall be deemed to expire
39 therewith, when upon such date the provisions of section four-d of this
40 act shall take effect;

41 (r) the amendments to paragraph f of subdivision 1 of section 239 of
42 the vehicle and traffic law made by section four-d of this act shall not
43 affect the expiration of such paragraph and shall be deemed to expire
44 therewith, when upon such date the provisions of section four-e of this
45 act shall take effect;

46 (s) the amendments to paragraph f of subdivision 1 of section 239 of
47 the vehicle and traffic law made by section four-e of this act shall not
48 affect the expiration of such paragraph and shall be deemed to expire
49 therewith, when upon such date the provisions of section four-f of this
50 act shall take effect;

51 (t) the amendments to subdivisions 1 and 1-a of section 240 of the
52 vehicle and traffic law made by section five of this act shall not
53 affect the expiration of such subdivisions and shall be deemed to expire
54 therewith, when upon such date the provisions of section five-a of this
55 act shall take effect;

1 (u) the amendments to subdivisions 1 and 1-a of section 240 of the
2 vehicle and traffic law made by section five-a of this act shall not
3 affect the expiration of such subdivisions and shall be deemed to expire
4 therewith, when upon such date the provisions of section five-b of this
5 act shall take effect;

6 (v) the amendments to subdivisions 1 and 1-a of section 240 of the
7 vehicle and traffic law made by section five-b of this act shall not
8 affect the expiration of such subdivisions and shall be deemed to expire
9 therewith, when upon such date the provisions of section five-c of this
10 act shall take effect;

11 (w) the amendments to subdivisions 1 and 1-a of section 240 of the
12 vehicle and traffic law made by section five-c of this act shall not
13 affect the expiration of such subdivisions and shall be deemed to expire
14 therewith, when upon such date the provisions of section five-d of this
15 act shall take effect;

16 (x) the amendments to subdivisions 1 and 1-a of section 240 of the
17 vehicle and traffic law made by section five-d of this act shall not
18 affect the expiration of such subdivisions and shall be deemed to expire
19 therewith, when upon such date the provisions of section five-e of this
20 act shall take effect;

21 (y) the amendments to subdivisions 1 and 1-a of section 240 of the
22 vehicle and traffic law made by section five-e of this act shall not
23 affect the expiration of such subdivisions and shall be deemed to expire
24 therewith, when upon such date the provisions of section five-f of this
25 act shall take effect;

26 (z) the amendments to paragraphs a and g of subdivision 2 of section
27 240 of the vehicle and traffic law made by section six of this act shall
28 not affect the expiration of such paragraphs and shall be deemed to
29 expire therewith, when upon such date the provisions of section six-a of
30 this act shall take effect;

31 (aa) the amendments to paragraphs a and g of subdivision 2 of section
32 240 of the vehicle and traffic law made by section six-a of this act
33 shall not affect the expiration of such paragraphs and shall be deemed
34 to expire therewith, when upon such date the provisions of section six-b
35 of this act shall take effect;

36 (bb) the amendments to paragraphs a and g of subdivision 2 of section
37 240 of the vehicle and traffic law made by section six-b of this act
38 shall not affect the expiration of such paragraphs and shall be deemed
39 to expire therewith, when upon such date the provisions of section six-c
40 of this act shall take effect;

41 (cc) the amendments to paragraphs a and g of subdivision 2 of section
42 240 of the vehicle and traffic law made by section six-c of this act
43 shall not affect the expiration of such paragraphs and shall be deemed
44 to expire therewith, when upon such date the provisions of section six-d
45 of this act shall take effect;

46 (dd) the amendments to paragraphs a and g of subdivision 2 of section
47 240 of the vehicle and traffic law made by section six-d of this act
48 shall not affect the expiration of such paragraphs and shall be deemed
49 to expire therewith, when upon such date the provisions of section six-e
50 of this act shall take effect;

51 (ee) the amendments to paragraphs a and g of subdivision 2 of section
52 240 of the vehicle and traffic law made by section six-e of this act
53 shall not affect the expiration of such paragraphs and shall be deemed
54 to expire therewith, when upon such date the provisions of section six-f
55 of this act shall take effect;

1 (ff) the amendments to subdivisions 1 and 2 of section 241 of the
2 vehicle and traffic law made by section seven of this act shall not
3 affect the expiration of such subdivisions and shall be deemed to expire
4 therewith, when upon such date the provisions of section seven-a of this
5 act shall take effect;

6 (gg) the amendments to subdivisions 1 and 2 of section 241 of the
7 vehicle and traffic law made by section seven-a of this act shall not
8 affect the expiration of such subdivisions and shall be deemed to expire
9 therewith, when upon such date the provisions of section seven-b of this
10 act shall take effect;

11 (hh) the amendments to subdivisions 1 and 2 of section 241 of the
12 vehicle and traffic law made by section seven-b of this act shall not
13 affect the expiration of such subdivisions and shall be deemed to expire
14 therewith, when upon such date the provisions of section seven-c of this
15 act shall take effect;

16 (ii) the amendments to subdivisions 1 and 2 of section 241 of the
17 vehicle and traffic law made by section seven-c of this act shall not
18 affect the expiration of such subdivisions and shall be deemed to expire
19 therewith, when upon such date the provisions of section seven-d of this
20 act shall take effect;

21 (jj) the amendments to subdivisions 1 and 2 of section 241 of the
22 vehicle and traffic law made by section seven-d of this act shall not
23 affect the expiration of such subdivisions and shall be deemed to expire
24 therewith, when upon such date the provisions of section seven-e of this
25 act shall take effect;

26 (kk) the amendments to subdivisions 1 and 2 of section 241 of the
27 vehicle and traffic law made by section seven-e of this act shall not
28 affect the expiration of such subdivisions and shall be deemed to expire
29 therewith, when upon such date the provisions of section seven-f of this
30 act shall take effect;

31 (ll) the amendments to subparagraph (i) of paragraph a of subdivision
32 5-a of section 401 of the vehicle and traffic law made by section eight
33 of this act shall not affect the expiration of such paragraph and shall
34 be deemed to expire therewith, when upon such date the provisions of
35 section eight-a of this act shall take effect;

36 (mm) the amendments to paragraph a of subdivision 5-a of section 401
37 of the vehicle and traffic law made by section eight-a of this act shall
38 not affect the expiration of such paragraph and shall be deemed to
39 expire therewith, when upon such date the provisions of section eight-b
40 of this act shall take effect;

41 (nn) the amendments to paragraph a of subdivision 5-a of section 401
42 of the vehicle and traffic law made by section eight-b of this act shall
43 not affect the expiration of such paragraph and shall be deemed to
44 expire therewith, when upon such date the provisions of section eight-c
45 of this act shall take effect;

46 (oo) the amendments to paragraph a of subdivision 5-a of section 401
47 of the vehicle and traffic law made by section eight-c of this act shall
48 not affect the expiration of such paragraph and shall be deemed to
49 expire therewith, when upon such date the provisions of section eight-d
50 of this act shall take effect;

51 (pp) the amendments to paragraph a of subdivision 5-a of section 401
52 of the vehicle and traffic law made by section eight-d of this act shall
53 not affect the expiration of such paragraph and shall be deemed to
54 expire therewith, when upon such date the provisions of section eight-e
55 of this act shall take effect;

1 (qq) the amendments to paragraph a of subdivision 5-a of section 401
2 of the vehicle and traffic law made by section eight-e of this act shall
3 not affect the expiration of such paragraph and shall be deemed to
4 expire therewith, when upon such date the provisions of section eight-f
5 of this act shall take effect;

6 (rr) the amendments to paragraph a of subdivision 5-a of section 401
7 of the vehicle and traffic law made by section eight-f of this act shall
8 not affect the expiration of such paragraph and shall be deemed to
9 expire therewith, when upon such date the provisions of section eight-g
10 of this act shall take effect;

11 (ss) the amendments to subdivision 1 of section 1809 of the vehicle
12 and traffic law made by section ten of this act shall not affect the
13 expiration of such subdivision and shall be deemed to expire therewith,
14 when upon such date the provisions of section ten-a of this act shall
15 take effect;

16 (tt) the amendments to subdivision 1 of section 1809 of the vehicle
17 and traffic law made by section ten-a of this act shall not affect the
18 expiration of such subdivision and shall be deemed to expire therewith,
19 when upon such date the provisions of section ten-b of this act shall
20 take effect;

21 (uu) the amendments to subdivision 1 of section 1809 of the vehicle
22 and traffic law made by section ten-b of this act shall not affect the
23 expiration of such subdivision and shall be deemed to expire therewith,
24 when upon such date the provisions of section ten-c of this act shall
25 take effect;

26 (vv) the amendments to subdivision 1 of section 1809 of the vehicle
27 and traffic law made by section ten-c of this act shall not affect the
28 expiration of such subdivision and shall be deemed to expire therewith,
29 when upon such date the provisions of section ten-d of this act shall
30 take effect;

31 (ww) the amendments to subdivision 1 of section 1809 of the vehicle
32 and traffic law made by section ten-d of this act shall not affect the
33 expiration of such subdivision and shall be deemed to expire therewith,
34 when upon such date the provisions of section ten-e of this act shall
35 take effect;

36 (xx) the amendments to subdivision 1 of section 1809 of the vehicle
37 and traffic law made by section ten-e of this act shall not affect the
38 expiration of such subdivision and shall be deemed to expire therewith,
39 when upon such date the provisions of section ten-f of this act shall
40 take effect;

41 (yy) the amendments to subdivision 1 of section 1809 of the vehicle
42 and traffic law made by section ten-f of this act shall not affect the
43 expiration of such subdivision and shall be deemed to expire therewith,
44 when upon such date the provisions of section ten-g of this act shall
45 take effect;

46 (zz) the amendments to paragraph a of subdivision 1 of section 1809-e
47 of the vehicle and traffic law made by section eleven of this act shall
48 not affect the expiration of such paragraph and shall be deemed to
49 expire therewith, when upon such date the provisions of section eleven-a
50 of this act shall take effect;

51 (aaa) the amendments to paragraph a of subdivision 1 of section 1809-e
52 of the vehicle and traffic law made by section eleven-a of this act
53 shall not affect the expiration of such paragraph and shall be deemed to
54 expire therewith, when upon such date the provisions of section eleven-b
55 of this act shall take effect;

1 (bbb) the amendments to paragraph a of subdivision 1 of section 1809-e
2 of the vehicle and traffic law made by section eleven-b of this act
3 shall not affect the expiration of such paragraph and shall be deemed to
4 expire therewith, when upon such date the provisions of section eleven-c
5 of this act shall take effect;

6 (ccc) the amendments to paragraph a of subdivision 1 of section 1809-e
7 of the vehicle and traffic law made by section eleven-c of this act
8 shall not affect the expiration of such paragraph and shall be deemed to
9 expire therewith, when upon such date the provisions of section eleven-d
10 of this act shall take effect;

11 (ddd) the amendments to paragraph a of subdivision 1 of section 1809-e
12 of the vehicle and traffic law made by section eleven-d of this act
13 shall not affect the expiration of such paragraph and shall be deemed to
14 expire therewith, when upon such date the provisions of section eleven-e
15 of this act shall take effect;

16 (eee) the amendments to paragraph a of subdivision 1 of section 1809-e
17 of the vehicle and traffic law made by section eleven-e of this act
18 shall not affect the expiration of such paragraph and shall be deemed to
19 expire therewith, when upon such date the provisions of section eleven-f
20 of this act shall take effect;

21 (fff) the amendments made to subdivision 1 of section 371 of the
22 general municipal law made by section twelve of this act shall not
23 affect the expiration of such subdivision and shall be deemed to expire
24 therewith, when upon such date the provisions of section twelve-a of
25 this act shall take effect;

26 (ggg) the amendments made to section 371 of the general municipal law
27 by section twelve-a of this act shall not affect the expiration of such
28 section and shall be deemed to expire therewith, when upon such date the
29 provisions of section twelve-b of this act shall take effect;

30 (hhh) the amendments made to section 371 of the general municipal law
31 by section twelve-b of this act shall not affect the expiration of such
32 section and shall be deemed to expire therewith, when upon such date the
33 provisions of section twelve-c of this act shall take effect; and

34 (iii) the amendments made to section 371 of the general municipal law
35 by section twelve-c of this act shall not affect the expiration of such
36 section and shall be deemed to expire therewith, when upon such date the
37 provisions of section twelve-d of this act shall take effect.

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

47 § 3. This act shall take effect immediately provided, however, that
48 the applicable effective date of Parts A through II of this act shall be
49 as specifically set forth in the last section of such Parts.