STATE OF NEW YORK

2008--B

IN SENATE

January 23, 2017

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

AN ACT to amend chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the disposition of revenues (Part A); to amend the vehicle and traffic law, in relation to divisible load permits (Part B); intentionally omitted (Part C); to amend the vehicle and traffic law in relation to compliance with new federal regulations (Part D); to amend the penal law, in relation to including the use of any highway, parkway, road, bridge or tunnel without payment of the lawful toll or charge as a theft of services; and to amend the vehicle and traffic law, in relation to liability of vehicle owners for toll collection violations and the penalty imposed upon the operator of a vehicle with an altered or obscured license plate while on a toll highway, bridge or tunnel (Part E); to amend the vehicle and traffic law and the state finance law, in relation to allocation of three million dollars of assessments from the city of New York to the general fund (Part F); to amend the vehicle and traffic law, the insurance law, the executive law and the tax law, in relation to the regulation of transportation network company services; to establish the New York State TNC Accessibility Task Force; and to amend the state finance law, in relation to establishing the local transit assistance fund (Part G); to amend the vehicle and traffic law, in relation to the waiver of non-driver identification card fees for crime victims (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the vehicle and traffic law, in relation to the definition of "drug", the scope of the written test, the suspension of a license for driving while impaired by drugs, and the license sanctions for refusing to submit to a chemical test (Part L); to amend the New York state urban development corporation act, in relation to extending certain provisions relating to the empire state economic development fund (Part M); to amend chapter 393 of the laws of 1994, amending the New York state

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

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urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to the effectiveness thereof (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend chapter 21 of the laws of 2003, amending the executive law relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service, in relation to extending the expiration date thereof (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend the environmental conservation law and the executive law, in relation to local waterfront revitalization (Part T); intentionally omitted (Part U); authorizing utility and cable television assessments to provide funds to the department of health from cable television assessment revenues (Part V); to amend chapter 58 of the laws of 2012 amending the public authorities law relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to extending the effectiveness of such authorization (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); intentionally omitted (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); intentionally omitted (Part EE); intentionally omitted (Part FF); intentionally omitted (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); intentionally omitted (Part KK); intentionally omitted (Part LL); to authorize the energy research and development authority to finance the University of Rochester laboratory for laser energetics, from an assessment on gas and electric corporations (Part MM); to amend the not-for-profit corporation law, in relation to increasing the number of authorized land banks in the state to 25 (Part NN); to amend the public lands law, in relation to sale of vacant real property owned by the state (Part OO); to amend the public authorities law, in relation to toll discount programs (Part PP); to amend the vehicle and traffic law, in relation to creating an exemption to the snowmobile registration requirements by creating a seasonal trail pass pilot program for Canadian citizens; and providing for the repeal of such provisions upon expiration thereof (Part QQ); to amend the waterfront commission act, in relation to cargo facility charges by the Port Authority of New York and New Jersey (Part RR); in relation to authorizing the forgiveness of loans received by the Oswego Port Authority (Part SS); to amend the vehicle and traffic law, in relation to providing for a discount on driver's license renewal fees for senior citizens (Part TT); to repeal subdivision 18-a of section 1261 of the public authorities law relating to the definition of "transportation purpose" for purposes of the metropolitan transportation authority (Part UU); to amend the vehicle and traffic law, in relation to the definition of an all terrain vehicle or "ATV" (Part VV); to repeal section 1678-a of the public authorities law relating to the New York State design and construction corporation act (Part WW); to amend the vehicle and traffic law and the public officers law, in relation to authorizing local authorities to establish demonstration programs, implementing railroad grade crossing monitoring systems by means of photo devices (Part XX); to amend the vehicle and traffic law, in relation to certain registrations of vehicles (Part YY); to establish the toll advisory task force, and providing for the powers and duties thereof (Part ZZ); to amend the vehicle and traffic law, in relation to directing the

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

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2017-2018 state fiscal year. Each component is wholly contained within a Part identified as Parts A through RRR. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, 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 Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003 amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part A of chapter 58 of the laws of 2015, is amended to read as follows:

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

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

PART B

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

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

§ 2. This act shall take effect immediately.

PART C

Intentionally Omitted

PART D

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

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

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

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

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

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

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

(c) Notwithstanding the provisions of paragraph (a) of this subdivision, an overhang of not more than three feet on the front and four feet on the rear of an automobile transporter or an overhang of not more than four feet on the front and six feet on the rear of a stinger-steered automobile transporter or a boat transporter or stinger-steered boat transporter shall be permitted.

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

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

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

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

(b) the overall gross weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

$$W = 500 ((LxN)/(N-1) + (12xN)+36)$$

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

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

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

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

§ 6. Intentionally Omitted.

§ 7. This act shall take effect immediately.

PART E

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

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

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

§ 518. Reciprocal agreements concerning suspension or revocation of registration of a motor vehicle for violations of toll collection regulations. a. The commissioner may execute a reciprocal compact or agreement regarding toll collection violations with the motor vehicle administrator or other authorized official of another state not inconsistent with the provisions of this chapter. Such compact or agreement shall provide that if a registration of a motor vehicle would be suspended or revoked pursuant to paragraph d of subdivision three of section five hundred ten of this chapter, or pursuant to a comparable law or regulation of another state, because an owner of a motor vehicle failed to pay tolls and violation fees, or have them dismissed or transferred, then the state issuing the registration shall likewise suspend or revoke

the registration or bar renewal of such registration, until such registrant or applicant has paid such tolls and fees or complied with the rules and regulations.

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

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

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

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

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

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

§ 5. This act shall take effect immediately.

PART F

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

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

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

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

c. for compliance with or violations of subdivision nineteen of section three hundred eighty-five of this chapter, notwithstanding any inconsistent provision of law, except as provided in section ninety of the state finance law, the fees and fines collected by the state pursuant to sections two hundred twenty-seven, three hundred eighty-five and eighteen hundred three of this chapter and section ninety-nine-a of the state finance law, shall be made available to the state comptroller for deposit in the general fund except that fines collected within a city not wholly included within one county shall be paid to such city in accordance with the procedures set forth in subdivision four of section two hundred twenty-seven of this chapter for deposit into the general fund of such city**, and except that an annual amount of three million dollars of fines collected within the city of New York pursuant to article two-A of this chapter be deposited by the comptroller to the general fund**.

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

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

a. electronic funds transfer;

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

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

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.

§ 4. This act shall take effect immediately.

PART G

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

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

ARTICLE 44-B

TRANSPORTATION NETWORK COMPANY SERVICES

Section 1691. Definitions.
1692. General provisions.
1693. Financial responsibility of transportation network companies.
1694. Disclosures.
1695. Insurance provisions.
1696. Driver and vehicle requirements.
1697. Maintenance of records.
1698. Audit procedures; confidentiality of records.
1699. Criminal history background check of transportation network company drivers.
1700. Controlling authority.

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

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

(b) owned, leased or otherwise authorized for use by the transportation network company driver and shall not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) continuing while the transportation network company driver transports the requesting passenger in a TNC vehicle; and

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

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

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

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

(iii) a regional transportation provider.

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

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

cial or for-hire vehicle, as set forth in article fourteen of this chapter.

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

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

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

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

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

(a) The origin and destination of the trip;

(b) The total time and distance of the trip;

(c) An itemization of the total fare paid, if any; and

(d) A separate statement of the applicable taxes.

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

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

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

§ 1693. Financial responsibility of transportation network companies. 1. A TNC driver, or TNC on the TNC driver's behalf through a group policy, shall maintain insurance that recognizes that the driver is a TNC driver and provides financial responsibility coverage:

(a) while the TNC driver is logged onto the TNC's digital network; and

(b) while the TNC driver is engaged in a TNC prearranged trip.

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

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

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

(i) insurance maintained by the TNC driver; or

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

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

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

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

(i) insurance maintained by the TNC driver; or

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

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

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

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

6. Coverage under a group policy maintained by the TNC shall not be dependent on the denial of a claim by the insurer that issued the insurance policy used to register the TNC vehicle, nor shall that insurer be required to first deny a claim.

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

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

9. A TNC driver shall carry proof of coverage satisfying subdivisions two and three of this section with him or her at all times during his or her use or operation of a TNC vehicle in connection with a TNC's digital network. Such proof of coverage shall be in such form as the commissioner shall prescribe, which may be in the form of an insurance identification card as defined in section three hundred eleven of this chapter. Any insurance identification card issued pursuant to the provisions of this article shall be in addition to the insurance identification card required pursuant to article six of this chapter, and nothing contained in this article shall be deemed to supersede the requirements of such article six. Whenever the production of an insurance identification card is required by law, a TNC driver shall (a) produce the insurance identification card issued pursuant to article six of this chapter and, (b) if such driver either (i) was logged onto the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (ii) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip, such driver shall also produce the insurance identification card required pursuant to this article.

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

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

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

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

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

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

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

logged on to a TNC's digital network or while a driver provides a prearranged trip, including:

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

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

(c) uninsured and underinsured motorist coverage; and

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

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

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

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

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

6. In a claims coverage investigation, a TNC and any insurer potentially providing coverage under this article shall, within fifteen days after a claim has been filed, facilitate the exchange of relevant information with directly involved parties and any insurer of the TNC driver if applicable, including the precise times that a TNC driver logged on and off of the TNC's digital network in the twelve hour period immediately preceding and in the twelve hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any motor vehicle insurance maintained under this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A TNC shall require that any motor vehicle(s) that a TNC driver will use as a TNC vehicle to provide TNC prearranged trips meets applicable New York state vehicle safety and emissions requirements, as set forth in section three hundred one of this chapter, or the vehicle safety and emissions requirements of the state in which the vehicle is registered.

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

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

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

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

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

2. individual records of TNC drivers at least until the six year anniversary of the date on which a TNC driver's relationship with the TNC has ended.

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

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

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

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

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

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

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

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

(i) stands convicted in the last three years of: unlawful fleeing a police officer in a motor vehicle in violation of sections 270.35, 270.30 or 270.25 of the penal law, reckless driving in violation of section two thousand twelve of this chapter, operating while license or privilege is suspended or revoked in violation of section five hundred eleven of this chapter, excluding subdivision seven of such section, a misdemeanor offense of operating a motor vehicle while under the influence of alcohol or drugs in violation of section one thousand one hundred and ninety two of this chapter, or leaving the scene of an accident in violation of subdivision two of section six hundred of this chapter. In calculating the three year period under this subparagraph, any period of time during which the person was incarcerated after the commission of such offense shall be excluded and such three year period shall be extended by a period or periods equal to the time spent incarcerated; or

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

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

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

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

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

3. A transportation network company shall update the criminal history background check yearly during the period in which the person is authorized to drive for the company, however, the commissioner may require, pursuant to regulation, more frequent criminal history background checks.

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

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

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

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

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

4. Nothing in this article shall be construed to limit the ability of a municipality or other governing authority that owns or operates an airport located outside of a city with a population of one million or more from adopting regulations and entering into contracts or other agreements relating to the duties and responsibilities on airport property of a transportation network company, which may include the imposition and payment of reasonable fees, provided that any such contracts, agreements, or regulations shall not impose any license or other operational requirement on a transportation network company driver or transportation network company vehicle that is inconsistent with or additional to the requirements of this article.

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

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

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

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

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

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

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

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

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

2. Personal injury. a. Any person operating a motor vehicle who, knowing or having cause to know that personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then, he or she shall report said incident as soon as physically able to the nearest police station or judicial officer. In addition to the foregoing, any such person shall also: (i) produce the proof of insurance coverage required pursuant to article forty-four-B of this chapter if such person is a TNC driver operating a TNC vehicle at the time of the incident who was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip; and (ii) disclose whether he or she, at the time such incident occurred, was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip.

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

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

provided by law. Any subsequent such violation shall constitute a class A misdemeanor punishable by a fine of not less than five hundred nor more than one thousand dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, shall constitute a class A misdemeanor, punishable by a fine of not less than five hundred dollars nor more than one thousand dollars in addition to any other penalties provided by law. Any such violation committed by a person after such person has previously been convicted of such a violation shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than two thousand five hundred dollars in addition to any other penalties provided by law. Any violation of the provisions of paragraph a of this subdivision, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, where the personal injury involved (i) results in serious physical injury, as defined in section 10.00 of the penal law, shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than five thousand dollars in addition to any other penalties provided by law, or (ii) results in death shall constitute a class D felony punishable by a fine of not less than two thousand nor more than five thousand dollars in addition to any other penalties provided by law.

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

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

§ 601. Leaving scene of injury to certain animals without reporting. Any person operating a motor vehicle which shall strike and injure any horse, dog, cat or animal classified as cattle shall stop and endeavor to locate the owner or custodian of such animal or a police, peace or judicial officer of the vicinity, and take any other reasonable and appropriate action so that the animal may have necessary attention, and shall also promptly report the matter to such owner, custodian or officer (or if no one of such has been located, then to a police officer of some other nearby community), exhibiting his or her license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, giving his or her name and residence, including street and street number, insurance carrier and insurance identification information and license number. **In addition to the foregoing, any such person shall also: (i) produce the proof of insurance coverage required pursuant to article forty-four-B of this chapter is such person is a TNC driver operating a TNC vehicle at the time of the incident who was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip and (ii) disclose whether he or she, at the time such incident occurred, was either (A) logged on to the TNC's digital network and available to receive transportation requests but not engaged in a TNC prearranged trip or (B) was logged on to the TNC's digital network and was engaged in a TNC prearranged trip.** Violation of this section shall be punishable by a fine of

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

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

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

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

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

(3) "Transportation network company group policy" or "group policy" means a group policy, including certificates issued to the group members, where the group policyholder is a transportation network company and the policy provides insurance to the transportation network company and to group members:

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

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

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

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

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

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

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

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

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

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

(B) supplementary uninsured/underinsured motorists insurance for bodily injury pursuant to paragraph two of subsection (f) of section three thousand four hundred twenty of this article;

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

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

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

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

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

(1) wholly by the group policyholder;

(2) wholly by the group members; or

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

(e) (1) Any policy dividend, retrospective premium credit, or retrospective premium refund in respect of premiums paid by the group policyholder may:

(A) be applied to reduce the premium contribution of the group policyholder, but not in excess of the proportion to its contribution; or

(B) be retained by the group policyholder.

(2) Any policy dividend, retrospective premium credit, or retrospective premium refund not distributed under paragraph one of this subsection shall be:

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

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

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

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

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

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

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

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

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

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

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

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

(3) If any coverage afforded to the group member is excess of applicable insurance coverage, the certificate shall contain a notice advising the group members that, if the member has other insurance coverage, specified coverages under the transportation network company group policy will be excess over the other insurance.

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

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

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

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

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

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

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

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

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

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

(B) The group policyholder shall mail or deliver written notice to each affected group member of the group policyholder's cancellation of the group policy or certificate and the effective date of cancellation. The group policyholder shall mail or deliver the written notice to the group member's mailing address at least thirty days prior to the effective date of cancellation.

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

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

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

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

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

(6) Every notice of cancellation, nonrenewal, or conditional renewal shall set forth the specific reason or reasons for cancellation, nonrenewal, or conditional renewal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) rate filings for:

(1) workers' compensation insurance;

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

(3) joint underwriting;

(4) motor vehicle assigned risk insurance;

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

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

(7) title insurance;

(8) medical malpractice liability insurance;

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

(10) mortgage guaranty insurance;

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

(12) gap insurance; and

(13) [~~Private~~] private passenger automobile insurance, except as provided in section two thousand three hundred fifty of this article[~~.~~], shall be filed with the superintendent and shall not become effective unless either the filing has been approved or thirty days, which the superintendent may with cause extend an additional thirty days and with further cause extend an additional fifteen days, have elapsed and the filing has not been disapproved as failing to meet the requirements of this article, including the standard that rates be not otherwise unreasonable. After a rate filing becomes effective, the filing and supporting information shall be open to public inspection. If a filing is disapproved, then notice of such disapproval order shall be given, specifying in what respects such filing fails to meet the requirements of this article. Upon his or her request, the superintendent shall be provided with support and assistance from the workers' compensation board and other state agencies and departments with appropriate jurisdiction. The loss cost multiplier for each insurer providing coverage for workers' compensation, as defined by regulation promulgated by the superintendent, shall be promptly displayed on the department's website and updated in the event of any change.

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

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

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

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

ARTICLE 6-H

TRANSPORTATION NETWORK COMPANY DRIVER'S INJURY COMPENSATION FUND

Section 160-aaaa. Definitions.
160-bbbb. Transportation network company driver's injury compensation fund, Inc.
160-cccc. Supervision of transportation network companies.
160-dddd. Management of the fund.
160-eeee. Plan of operation.
160-ffff. Membership.
160-gggg. Securing of compensation.
160-hhhh. Assessment of fund members.
160-iiii. Certified financial statements.
160-jjjj. Exemption from taxes.
160-kkkk. Liability insurance.
160-llll. Regulations.
160-mmmm. Violations.

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

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

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

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

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

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

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

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

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

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

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

(b) owned, leased or otherwise authorized for use by the transportation network company driver and shall not include:

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

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

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

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

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

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

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

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

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

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

(ii) continuing while the transportation network company driver transports the requesting passenger in a TNC vehicle; and

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

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

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

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

(iii) a regional transportation provider.

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

9. "Department" means the department of state.

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

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

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

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

12. "Secretary" means the secretary of state.

§ 160-bbbb. Transportation network company driver's injury compensation fund, Inc. There is hereby created a not-for-profit corporation to be known as the New York transportation network company driver's injury compensation fund, Inc. To the extent that the provisions of the not-for-profit corporation law do not conflict with the provisions of this article, or with the plan of operation established pursuant to this article, the not-for-profit corporation law shall apply to the fund, which shall be a type C corporation pursuant to such law. If an applicable provision of this article or of the fund's plan of operation relates to a matter embraced in a provision of the not-for-profit corporation law but is not in conflict therewith, both provisions shall apply. The fund shall perform its functions in accordance with its plan of operation established and approved pursuant to section one hundred sixty-eeee of this article and shall exercise its powers through a board of directors established pursuant to this article.

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

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

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

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

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

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

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

(c) A vacancy occurring in a director position shall be filled in the same manner as the initial appointment to that position, provided however that no individual may serve as director for more than three successive terms.

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

reasonable and equitable administration of the fund. The plan of operation and any subsequent amendments thereto shall become effective upon being filed with the department.

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

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

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

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

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

(e) establish a procedure for determining and collecting the appropriate amount of surcharges and assessments under this article;

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

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

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

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

2. All transportation network companies shall be required, as a condition of obtaining or retaining their license from the department of motor vehicles pursuant to article forty-four-B of the vehicle and traffic law, to:

(a) be members of the fund;

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

(c) submit to the department of motor vehicles a copy of its certificate of registration as proof of such membership and registration.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Based upon its estimation of operating costs, the fund shall establish a proposed uniform percentage surcharge to be added to:

(a) the invoices or billings for covered services sent to transportation network company passengers by a member or its agent; and

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

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

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

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

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

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

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

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

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

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

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

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

§ 160-llll. Regulations. The department shall adopt regulations implementing the provisions of this article, including the conduct and notice of hearings held pursuant to section one hundred sixty-mmmm of this article.

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

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

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

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

1. All taxes, interest, penalties and fees collected or received by the commissioner or the commissioner's duly authorized agent under articles nine (except section one hundred eighty-two-a thereof and except as otherwise provided in section two hundred five thereof), nine-A, twelve-A (except as otherwise provided in section two hundred eighty-four-d thereof), thirteen, thirteen-A (except as otherwise provided in section three hundred twelve thereof), eighteen, nineteen, twenty (except as otherwise provided in section four hundred eighty-two thereof), twenty-B, twenty-one, twenty-two, twenty-six, [~~twenty-six-B,~~] twenty-eight (except as otherwise provided in section eleven hundred two or eleven hundred three thereof), twenty-eight-A, twenty-nine-B (except as otherwise provided in section twelve hundred ninety-eight thereof), thirty-one (except as otherwise provided in section fourteen hundred twenty-one thereof), thirty-three and thirty-three-A of this chapter shall be deposited daily in one account with such responsible banks, banking houses or trust companies as may be designated by the comptroller, to the credit of the comptroller. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under such articles of this chapter, the comptroller shall retain in the comptroller's hands such amount as the commissioner may determine to be necessary for refunds or reimbursements under such articles of this chapter out of which amount the comptroller shall pay any refunds or reimbursements to which taxpayers shall be entitled under the provisions of such articles of this chapter. The commissioner and the comptroller shall maintain a system of accounts showing the amount of revenue collected or received from each of the taxes imposed by such articles. The comptroller, after reserving the amount to pay such refunds or

reimbursements, shall, on or before the tenth day of each month, pay into the state treasury to the credit of the general fund all revenue deposited under this section during the preceding calendar month and remaining to the comptroller's credit on the last day of such preceding month, (i) except that the comptroller shall pay to the state department of social services that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this article, (ii) and except that the comptroller shall pay to the New York state higher education services corporation and the state university of New York or the city university of New York respectively that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of guaranteed student loans and state university loans or city university loans pursuant to subdivision five of section one hundred seventy-one-d and subdivision six of section one hundred seventy-one-e of this article, (iii) and except further that, notwithstanding any law, the comptroller shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter, and any interest thereon, which is certified to the comptroller by the commissioner as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this article, provided, however, he shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this article, (iv) and except further that the comptroller shall pay to the city of New York that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any interest thereon that is certified to the comptroller by the commissioner as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article, (v) and except further that the comptroller shall pay to a non-obligated spouse that amount of overpayment of tax imposed by article twenty-two of this chapter and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this article and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter; and (vi) the comptroller shall deduct a like amount which the comptroller shall pay into the treasury to the credit of the general fund from amounts subsequently payable to the department of social services, the state university of New York, the city university of New York, or the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment, and (vii) with respect to amounts originally withheld from such overpayment pursuant to section one hundred seventy-

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

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

1. All taxes, interest, penalties and fees collected or received by the commissioner or the commissioner's duly authorized agent under articles nine (except section one hundred eighty-two-a thereof and except as otherwise provided in section two hundred five thereof), nine-A, twelve-A (except as otherwise provided in section two hundred eighty-four-d thereof), thirteen, thirteen-A (except as otherwise provided in section three hundred twelve thereof), eighteen, nineteen, twenty (except as otherwise provided in section four hundred eighty-two thereof), twenty-one, twenty-two, twenty-six, [~~twenty-six-B,~~] twenty-eight (except as otherwise provided in section eleven hundred two or eleven hundred three thereof), twenty-eight-A, **twenty-nine-B (except as otherwise provided in section twelve hundred ninety-eight thereof),** thirty-one (except as otherwise provided in section fourteen hundred twenty-one thereof), thirty-three and thirty-three-A of this chapter shall be deposited daily in one account with such responsible banks, banking houses or trust companies as may be designated by the comptroller, to the credit of the comptroller. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under such articles of this chapter, the comptroller shall retain in the comptroller's hands such amount as the commissioner may determine to be necessary for refunds or reimbursements under such articles of this chapter out of which amount the comptroller shall pay any refunds or reimbursements to which taxpayers shall be entitled under the provisions of such articles of this chapter. The commissioner and the comptroller shall maintain a system of accounts showing the amount of revenue collected or received from each of the taxes imposed by such articles. The comptroller, after reserving the amount to pay such refunds or reimbursements, shall, on or before the tenth day of each month, pay into the state treasury to the credit of the general fund all revenue deposited under this section during the preceding calendar month and remaining to the comptroller's credit on the last day of such preceding month, (i) except that the comptroller shall pay to the state department of social services that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against past-due support pursuant to subdivision six of section one hundred seventy-one-c of this article, (ii) and except that the comptroller shall pay to the New York state higher education services corporation and the state university of New York or the city university of New York respectively that amount of overpayments of tax imposed by article twenty-two of this chapter and the interest on such amount which is certified to the comptroller by the commissioner as the amount to be credited against the amount of defaults in repayment of guaranteed student loans and state university loans or city university loans pursuant to subdivision five of section one hundred seventy-one-d and subdivision six of section one hundred seventy-one-e of this article, (iii) and except further that, notwithstanding any law, the comptroller shall credit to the revenue arrearage account, pursuant to section ninety-one-a of the state finance law, that amount

of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter, and any interest thereon, which is certified to the comptroller by the commissioner as the amount to be credited against a past-due legally enforceable debt owed to a state agency pursuant to paragraph (a) of subdivision six of section one hundred seventy-one-f of this article, provided, however, he shall credit to the special offset fiduciary account, pursuant to section ninety-one-c of the state finance law, any such amount creditable as a liability as set forth in paragraph (b) of subdivision six of section one hundred seventy-one-f of this article, (iv) and except further that the comptroller shall pay to the city of New York that amount of overpayment of tax imposed by article nine, nine-A, twenty-two, thirty, thirty-A, thirty-B or thirty-three of this chapter and any interest thereon that is certified to the comptroller by the commissioner as the amount to be credited against city of New York tax warrant judgment debt pursuant to section one hundred seventy-one-l of this article, (v) and except further that the comptroller shall pay to a non-obligated spouse that amount of overpayment of tax imposed by article twenty-two of this chapter and the interest on such amount which has been credited pursuant to section one hundred seventy-one-c, one hundred seventy-one-d, one hundred seventy-one-e, one hundred seventy-one-f or one hundred seventy-one-l of this article and which is certified to the comptroller by the commissioner as the amount due such non-obligated spouse pursuant to paragraph six of subsection (b) of section six hundred fifty-one of this chapter; and (vi) the comptroller shall deduct a like amount which the comptroller shall pay into the treasury to the credit of the general fund from amounts subsequently payable to the department of social services, the state university of New York, the city university of New York, or the higher education services corporation, or the revenue arrearage account or special offset fiduciary account pursuant to section ninety-one-a or ninety-one-c of the state finance law, as the case may be, whichever had been credited the amount originally withheld from such overpayment, and (vii) with respect to amounts originally withheld from such overpayment pursuant to section one hundred seventy-one-l of this article and paid to the city of New York, the comptroller shall collect a like amount from the city of New York.

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

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

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

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

ARTICLE 29-B

STATE ASSESSMENT FEE ON TRANSPORTATION NETWORK COMPANY PREARRANGED TRIPS

Section 1291. Definitions.
1292. Imposition.
1293. Presumption.
1294. Returns and payment of state assessment fee.
1295. Records to be kept.
1296. Secrecy of returns and reports.
1297. Practice and procedure.
1298. Deposit and disposition of revenue.

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

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

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

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

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

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

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

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

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

§ 1294. Returns and payment of state assessment fee. (a) Every person liable for the state assessment fee imposed by this article shall file a return on a calendar-quarterly basis with the commissioner. Each return shall show the number of TNC prearranged trips in the quarter for which the return is filed, together with such other information as the commissioner may require. The returns required by this section shall be filed within thirty days after the end of the quarterly period covered thereby. If the commissioner deems it necessary in order to ensure the payment of the state assessment fee imposed by this article, the commissioner may require returns to be made for shorter periods than prescribed by the foregoing provisions of this section, and upon such dates as the commissioner may specify. The form of returns shall be prescribed by the commissioner and shall contain such information as the commissioner may deem necessary for the proper administration of this article. The commissioner may require amended returns to be filed within thirty days after notice and to contain the information specified in the notice. The commissioner may require that the returns be filed electronically.

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

§ 1295. Records to be kept. Every person liable for the state assessment fee imposed by this article shall keep:

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

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

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

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

a state assessment fee due under this article to which the state or the commissioner is a party or a claimant, or on behalf of any party to any action, proceeding or hearing under the provisions of this article when the returns, reports or facts shown thereby are directly involved in such action, proceeding or hearing, in any of which events the court, or in the case of a hearing, the division of tax appeals may require the production of, and may admit into evidence, so much of said returns, reports or of the facts shown thereby, as are pertinent to the action, proceeding or hearing and no more. The commissioner or the division of tax appeals may, nevertheless, publish a copy or a summary of any decision rendered after a hearing required by this article. Nothing in this section shall be construed to prohibit the delivery to a person who has filed a return or report or to such person's duly authorized representative of a certified copy of any return or report filed in connection with such person's state assessment fee. Nor shall anything in this section be construed to prohibit the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof, or the inspection by the attorney general or other legal representatives of the state of the return or report of any person required to pay the state assessment fee who shall bring action to review the state assessment fee based thereon, or against whom an action or proceeding under this chapter has been recommended by the commissioner or the attorney general or has been instituted, or the inspection of the returns or reports required under this article by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any state assessment fee paid by a person required to pay the state assessment fee under this article. Provided, further, nothing in this section shall be construed to prohibit the disclosure, in such manner as the commissioner deems appropriate, of the names and other appropriate identifying information of those persons required to pay state assessment fee under this article.

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

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

such commissioner's authorized representative such returns filed under this article and other tax information, as such commissioner may consider proper, for use in court actions or proceedings under the internal revenue code, whether civil or criminal, where a written request therefor has been made to the commissioner by the secretary of the treasury of the United States or such secretary's delegate, provided the laws of the United States grant substantially similar powers to the secretary of the treasury of the United States or his or her delegate. Where the commissioner has so authorized use of returns and other information in such actions or proceedings, officers and employees of the department may testify in such actions or proceedings in respect to such returns or other information.

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

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

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

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

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

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

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

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

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

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

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

2. There is hereby established the New York State Transportation Network Company Accessibility Task Force to analyze and advise on how to maximize effective and integrated transportation services for persons with disabilities in the transportation network company market. The New York State Transportation Network Company Accessibility Task Force shall consist of eleven members. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the speaker of the assembly. Two members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the temporary president of the senate. Seven members of the New York State Transportation Network Company Accessibility Task Force shall be appointed by the governor and shall include, but not be limited to, two representatives of groups who serve persons with disabilities and two representatives from a transportation network company. The governor shall designate two chairpersons to the New York State Transportation Network Company Accessibility Task Force.

3. The New York State Transportation Network Company Accessibility Task Force shall study the demand responsive transportation marketplace and shall, in addition to any responsibilities assigned by the governor: (a) conduct a needs assessment concerning the demand for demand responsive accessible transportation; (b) conduct a resource assessment concerning the availability of accessible demand responsive transportation services for persons with disabilities; (c) identify opportunities for, and barriers to, increasing accessible demand responsive transportation service for persons with mobility disabilities; (d) propose strategies for increasing accessible demand responsive transportation service for persons with disabilities; and (e) any other issues determined important to the task force in establishing a recommendation pursuant to subdivision five of this section.

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

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

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

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

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

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

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

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

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

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

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

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

PART H

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

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

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

PART I

Intentionally Omitted

PART J

Intentionally Omitted

PART K

Intentionally Omitted

PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Any license which has been revoked pursuant to paragraph (c) of this subdivision shall not be restored for at least [~~one year~~] eighteen months after such revocation, nor thereafter, except in the discretion of the commissioner. However, no such license shall be restored for at least [~~eighteen~~] twenty-four months after such revocation, nor thereafter except in the discretion of the commissioner, in any case where the person has had a prior revocation resulting from refusal to submit to a chemical test, or has been convicted of or found to be in violation of any subdivision of section eleven hundred ninety-two or section eleven hundred ninety-two-a of this article not arising out of the same incident, within the five years immediately preceding the date of such revocation; provided, however, a prior finding that a person under the age of twenty-one has refused to submit to a chemical test pursuant to subdivision three of section eleven hundred ninety-four-a of this article shall have the same effect as a prior finding of a refusal pursuant to this subdivision solely for the purpose of determining the length of any license suspension or revocation required to be imposed under any provision of this article, provided that the subsequent offense or refusal is committed or occurred prior to the expiration of the retention period for such prior refusal as set forth in paragraph (k) of subdivision one of section two hundred one of this chapter.

b. Any license which has been revoked pursuant to paragraph (c) of this subdivision or pursuant to subdivision three of section eleven hundred ninety-four-a of this article, where the holder was under the age of twenty-one years at the time of such refusal, shall not be restored for at least [~~one year~~] eighteen months, nor thereafter, except in the discretion of the commissioner. Where such person under the age of twenty-one years has a prior finding, conviction or youthful offender adjudication resulting from a violation of section eleven hundred ninety-two or section eleven hundred ninety-two-a of this article, not arising from the same incident, such license shall not be restored for at least [~~one year~~] twenty-four months or until such person reaches the age of twenty-one years, whichever is the greater period of time, nor thereafter, except in the discretion of the commissioner.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

§ 9. Intentionally omitted.

§ 10. Intentionally omitted.

§ 11. Intentionally omitted.

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

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

§ 13. This act shall take effect on the first of October next succeeding the date on which it shall have become a law.

PART M

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

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

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

PART N

Section 1. Section 2 of 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, as amended by section 1 of part G of chapter 58 of the laws of 2016, is amended to read as follows:

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

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

PART O

Intentionally Omitted

PART P

Intentionally Omitted

PART Q

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 M of chapter 58 of the laws of 2016, 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, [~~2017~~] **2018**.

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

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART U

Intentionally Omitted

PART V

Section 1. Intentionally omitted.

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

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

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

PART W

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

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

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

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

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

Intentionally Omitted

PART AA

Intentionally Omitted

PART BB

Intentionally Omitted

PART CC

Intentionally Omitted

PART DD

Intentionally Omitted

PART EE

Intentionally Omitted

PART FF

Intentionally Omitted

PART GG

Intentionally Omitted

PART HH

Intentionally Omitted

PART II

Intentionally Omitted

PART JJ

Intentionally Omitted

PART KK

Intentionally Omitted

PART LL

Intentionally Omitted

PART MM

Section 1. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $1,200,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount which may be charged to any gas corporation and any electric corporation shall not exceed one cent per one thousand cubic feet of gas sold and .010 cent per kilowatt-hour of electricity sold by such corporations in their intrastate utility operations in calendar year 2015. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2017 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2017. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and directed to: (1) transfer $1,200,000 to the University of Rochester laboratory for laser energetics from the funds received; and (2) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or his or her designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on

a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service.

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

PART NN

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

(g) Nothing in this article shall be construed to authorize the existence of more than [~~twenty~~] **twenty-five** land banks located in the state at one time, provided further that each foreclosing governmental unit or units proposing to create a land bank shall submit such local law, ordinance or resolution as required by paragraph (a) of this section, to the urban development corporation, for its review and approval. The creation of a land bank shall be conditioned upon approval of the urban development corporation.

§ 2. This act shall take effect immediately.

PART OO

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

2. State-owned real property inventory. The commissioner of general services shall establish, maintain and have the custody of an inventory of all state-owned real property, as an aid in the utilization and management of the land resources of the state. The inventory shall include any state-owned real property under the jurisdiction, custody or management of any state agency, whether acquired by appropriation, purchase, gift or otherwise. In order to provide an accurate and current inventory for use by the commissioner of general services, state agencies and the legislature, the commissioner may by rule or regulation prescribe the elements, extent and format of the information to be included and the procedures for collection, presentation and verification of the information to be contained in the inventory. **The commissioner shall label all unused and unappropriated state lands as vacant. Such vacant land shall include unappropriated state lands as described in section thirty of this chapter and any other unused land owned by the state. The commissioner shall make a report which lists all state owned land that has been labeled vacant and furnish such report to the legislature by March thirty-first, two thousand eighteen and each year thereafter.** The commissioner shall by rule or regulation, and upon the advice of the comptroller, prescribe the elements, extent and format of the information to be included and the procedures for collection, presentation, and verification of such information necessary to establish and maintain a set of general fixed asset accounts that comply with generally accepted accounting principles. Each state agency shall deliver to the commissioner of general services such information at the times and in the manner as determined by him **or her** to be necessary for the establishment and maintenance of the inventory and shall permit the commissioner and his **or her** agents to make such physical and records inspections as deemed necessary by the commissioner for the purposes of the inventory program.

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

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

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

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

§ 3. This act shall take effect immediately.

PART PP

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

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

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

§ 2. This act shall take effect immediately.

PART QQ

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

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

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

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

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

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

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

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

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

PART RR

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

ARTICLE VII-A
CARGO FACILITY CHARGES

1. As used in this article:

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

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

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

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

(e) "Marine terminal operator" means any person, corporation, partnership, or any business organization which shall operate and maintain any of the marine terminals established, acquired, constructed, rehabilitated, or improved by the port authority by means of and through leasing agreements entered into by any such person, corporation, partnership, or any business organization with the port authority.

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

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

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

(i) "User" means:

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

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

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

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

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

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

PART SS

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

§ 2. This act shall take effect immediately.

PART TT

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

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

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

PART UU

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

§ 2. This act shall take effect immediately.

PART VV

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

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

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

PART WW

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

PART XX

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

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

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

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

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

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

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

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

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

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

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of section eleven hundred seventy of this article pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

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

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

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

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

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

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

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

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

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

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

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

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator failed to obey a

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

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

(m) In any such political subdivision which adopts a demonstration program pursuant to subdivision (a) of this section, such political subdivision shall submit an annual report on the results of the use of a railroad grade crossing photo violation-monitoring system to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand nineteen and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to:

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

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

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

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

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

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

7. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

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

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

10. quality of the adjudication process and its results.

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

§ 2. Subdivision 2 of section 87 of the public officers law is 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 of the vehicle and traffic law.

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

PART YY

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

13. Registration of motor vehicles, trailers and semitrailers operated upon public highways connecting portions of a farm or farms, municipal sanitary landfills, licensed motor vehicle repair shops and the point of sale of the vehicle. Motor vehicles, other than motor vehicles manufactured and equipped primarily for the transportation of passengers, trailers and semitrailers, to be operated by any person, upon a public highway for the purpose of traveling by the most direct route, but in no event further than twenty-five miles one-way from a point on the farm as designated by the vehicle owner [~~and set forth in an attachment to the vehicle registration~~], (a) between fields, buildings, and facilities managed or operated as part of a single farm enterprise in connection with the production, harvesting, processing or marketing on that farm of crops, livestock, or livestock products produced on that farm; or (b) for the purpose of transporting materials from a farm to the nearest available municipal sanitary landfill; or (c) for the purpose of transporting the motor vehicle, trailer or semitrailer to a motor vehicle repair shop licensed pursuant to this chapter for the repair or adjustment of equipment provided that, in addition to the route restrictions set forth in this subdivision, no such transport shall be authorized (i) if such vehicle has an out-of-service defect relating to load securement, brake systems, steering components and/or coupling devices, or after it has been placed out-of-service; (ii) on any limited access highway; and (iii) during the period of one hour before sunset to one hour after sunrise; or (d) for the purpose of transporting the motor vehicle, trailer or semitrailer, at the time of first receipt, from its point of sale to a farm, may be registered as provided in this subdivision. Every owner of such vehicles may cause to be filed by mail or otherwise, with the commissioner or with any agent of the commissioner, an application for registration of such vehicle, addressed to the commissioner, and on a blank to be furnished by the commissioner for that purpose, containing the information required by subdivision one of this section and such other information as the commissioner shall require. The commissioner or agent shall make such investigation, as he or she shall determine necessary, and if satisfied that the vehicle is to be operated exclusively as provided in this subdivision shall, upon the payment of a fee of one dollar, assign to such vehicle a distinctive number and issue and deliver to the applicant a set of number plates and a certificate of registration in such form as the commissioner shall prescribe, indicating the extent to which the vehicle registered may be operated on the public highways and such vehicle may be operated only as so indicated. For the purposes of this subdivision, the terms "farm" and "crops, livestock or livestock products," shall have the same meaning as "land used in agricultural production" and "crops, livestock and livestock products," respectively, as defined in section three hundred one of the agriculture and markets law, except that farmers with an average gross sales value of at least one thousand dollars per year of crops, livestock, and livestock products shall be eligible to register vehicles pursuant to this subdivision.

§ 2. This act shall take effect immediately.

PART ZZ

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

2. Such task force shall consist of eight members. Such members shall be as follows: two members appointed by the governor; two members appointed by the temporary president of the senate; two members appointed by the speaker of the assembly; the commissioner of transportation, or his or her designee; and the chairman of the New York state thruway authority, or his or her designee.

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

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

(a) current toll rates;

(b) commuter discount programs;

(c) resident discount programs;

(d) rates issued for commercial vehicles; and

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

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

6. The task force shall make a report to the governor and the legislature of its findings, conclusions and recommendations on or before September 1, 2018.

§ 2. This act shall take effect immediately.

PART AAA

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

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

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

PART BBB

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

§ 73-d. Interagency coordinating committee on rural public transportation. 1. There is hereby created a committee to be known as the "interagency coordinating committee on rural public transportation", to be comprised of nineteen members. The commissioner or his or her designee shall serve as chairperson. Twelve of such members shall be the following or his or her duly designated representative: the director of the

office for the aging; the commissioner of education; the commissioner of labor; the commissioner of health; the commissioner of the office of mental health; **the commissioner of the office of alcoholism and substance abuse;** the commissioner of the office [~~of mental retardation and~~] **for people with** developmental disabilities; the commissioner of [~~social services; state advocate for the disabled~~] **the office for temporary and disability assistance**; **the executive director of the New York state justice center for the protection of people with special needs; the** secretary of state; **the** commissioner of agriculture and markets[~~; the director of the office of rural affairs~~] and the [~~director of the division for youth~~] **commissioner of the office of children and family services**. Six additional members, all of whom shall be transportation providers or consumers representing rural counties shall be appointed to serve a term of three years as follows: two by the [~~president pro tempore~~] **temporary president** of the senate, two by the speaker of the assembly, one by the minority leader of the senate, and one by the minority leader of the assembly. Efforts shall be made to provide a broad representation of consumers and providers of transportation services in rural counties when making such appointments. [~~Members of the committee shall receive no salary.~~] **The six members appointed by the legislature, as well as the commissioner or his or her designee, shall be the voting members. The balance of the committee will serve in an advisory or consulting capacity. The committee shall keep a record of its official actions.**

The commissioner shall cause the department to provide staff assistance necessary for the efficient and effective operation of the committee.

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

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

b. identify rural populations currently utilizing public transportation, as well as populations in need of public transportation without access, and discuss recommendations for maintaining and expanding services;

c. include a breakdown by county of cost savings, modes of transportation provided to Medicaid patients, and rates of utilization of public transportation by Medicaid patients;

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

[~~b.~~] **e.** identify restrictions on existing programs that inhibit funds from such programs being used to pay for a coordinated public transportation service in rural counties;

[~~c.~~] **f.** recommend changes in state or local laws or regulations that would improve the coordination of funds, facilities, vehicles or equipment and other resources used for transportation at the local level[~~;~~

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

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

section three hundred sixty-five-h of the social services law for counties with a population of two hundred thousand or less. The committee shall submit recommendations for proposed and effective rates for rural communities to the commissioner of health with recommendations including, but not limited to, adjustments to individual ridership fares for public transportation utilization, rates for low-cost coordinated transportation with other human service agencies, and rates for private transportation with considerations of availability and cost savings.

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

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

§ 2. This act shall take effect immediately.

PART CCC

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

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

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

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

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

PART DDD

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

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

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

PART EEE

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

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

violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven of this chapter; (2) imposed in accordance with the provisions of section eleven hundred ninety-three, paragraph (f) of subdivision seven of section eleven hundred ninety-six, subdivision nine of section eleven hundred ninety-eight, and civil penalties imposed pursuant to subdivision two of section eleven hundred ninety-four-a of this article, including, where appropriate, a hearing officer acting on behalf of the commissioner, from violations of sections eleven hundred ninety-two, eleven hundred ninety-two-a and findings made under section eleven hundred ninety-four-a of this article; and (3) imposed upon a conviction for: aggravated vehicular assault, pursuant to section 120.04-a of the penal law; vehicular assault in the first degree, pursuant to section 120.04 of the penal law; vehicular assault in the second degree, pursuant to section 120.03 of the penal law; aggravated vehicular homicide, pursuant to section 125.14 of the penal law; vehicular manslaughter in the first degree, pursuant to section 125.13 of the penal law; and vehicular manslaughter in the second degree, pursuant to section 125.12 of the penal law, as provided in section eighteen hundred three of this chapter. Upon receipt of these moneys, the county shall deposit them in a separate account entitled "special traffic options program for driving while intoxicated," and they shall be under the exclusive care, custody, and control of the chief fiscal officer of each county participating in the program.

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

Where a county establishes a special traffic options program for driving while intoxicated, approved by the commissioner [~~of motor vehicles~~], pursuant to section eleven hundred ninety-seven of this chapter, all fines, penalties and forfeitures: (a) imposed and collected [~~from~~] for violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of subdivision three of section five hundred eleven[~~, all fines, penalties and forfeitures~~] of this chapter; (b) imposed and collected in accordance with section eleven hundred ninety-three of this chapter [~~collected from~~] for violations of section eleven hundred ninety-two of this chapter; [~~and any fines or forfeitures~~] (c) imposed and collected for violations of paragraph (f) of subdivision seven of section eleven hundred ninety-six of this chapter or for violations of subdivision nine of section eleven hundred ninety-eight of this chapter; (d) collected by any court, judge, magistrate or other officer imposed upon a conviction for: aggravated vehicular assault, pursuant to section 120.04-a of the penal law; vehicular assault in the first degree, pursuant to section 120.04 of the penal law; vehicular assault in the second degree, pursuant to section 120.03 of the penal law; aggravated vehicular homicide, pursuant to section 125.14 of the penal law; vehicular manslaughter in the first degree, pursuant to section 125.13 of the penal law; and vehicular manslaughter in the second degree, pursuant to section 125.12 of the penal law; and (e) civil penalties imposed pursuant to subdivision two of section eleven hundred ninety-four-a of this chapter, shall be paid to such county.

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

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

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

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

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

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

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

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

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

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

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

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

§ 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART FFF

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

§ 11-0935. Yearling buck protection program.

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

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

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

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

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

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

§ 2. This act shall take effect immediately.

PART GGG

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

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

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

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

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

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

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

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

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

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

§ 3. Subdivision 6 of section 11-0713 of the environmental conservation law is REPEALED.

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

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

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

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

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

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

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

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

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

13. Persons engaged in hunting deer and/or bear with a longbow or a crossbow must possess a current bowhunting privilege or a valid certificate of qualification in responsible bowhunting practices issued or honored by the department.

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

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

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

§ 10. Subdivision 10 of section 11-0907 of the environmental conservation law is REPEALED.

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

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

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

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

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

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

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

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

§ 11-0933. Taking small game by crossbow.

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

§ 15. This act shall take effect immediately.

PART HHH

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

§ 19-0323. Use of ultra low sulfur diesel fuel and best available technology by the state.

1. As used in this section, the terms:

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

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

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

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

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

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

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

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

4. In addition to other provisions for regulations in this section, the commissioner shall promulgate regulations as necessary and appropriate to carry out the provisions of this act including but not limited to provision for waivers upon written finding by the commissioner that (a) best available retrofit technology for reducing the emissions of pollutants as required by subdivision [~~3~~] **three** of this section is not available for a particular vehicle or class of vehicles and (b) that ultra low sulfur diesel fuel is not available.

5. In addition to any waiver which may be issued pursuant to subdivision four of this section, the department shall issue a waiver to a

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

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

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

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

§ 2. This act shall take effect immediately.

PART III

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

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

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

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

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

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

2. A licensee who is fourteen or fifteen years of age shall not[~~:~~

~~a.~~] hunt wildlife with a gun, crossbow or longbow, other than wild deer or bear as provided in [~~paragraph b~~] **subdivision three** of this [~~subdivision~~] **section**, unless he or she is accompanied by his or her parent or legal guardian holding a hunting license, or by a person eighteen years of age or older, designated in writing by his or her parent or legal guardian, holding such license;

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 11-0933. Taking small game by crossbow.

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

§ 7. This act shall take effect immediately.

PART JJJ

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

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

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

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

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

§ 3. This act shall take effect immediately.

PART KKK

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

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

§ 2. Paragraph f of subdivision 3 of section 33-0905 of the environmental conservation law is REPEALED.

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

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

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

§ 4. This act shall take effect immediately and shall apply to certifications issued on or after such date.

PART LLL

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

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

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

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

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

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

(e) the Capital region (which consists of Warren, Washington, Saratoga, Schenectady, Rensselaer, Albany, Columbia, and Greene counties);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART MMM

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

§ 100-a. Comprehensive economic development reporting. The department shall create a comprehensive economic development report each year listing all forms of economic development spending by all state agencies, authorities and corporations, including but not limited to direct spending, tax expenditures, marketing and advertising, grants, awards and all other subsidies. Such comprehensive report shall include aggregate totals for each agency, authority and corporation, as well as specific amounts by each individual economic development program with such agency, authority and corporation. For each individual program, the comprehensive report shall identify the specific source of the funding for the individual program and the exact amount disbursed in the prior fiscal year. In addition to the comprehensive report, the department shall also create a public database of economic development contracts and agreements identifying all forms of economic development assistance, as well as the total amount of such assistance, provided to each individual

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

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

§ 2. This act shall take effect immediately.

PART NNN

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

TITLE 9-B
NEW YORK MICROGRIDS ACT

Section 1900. Short title.
1901. Definitions.
1902. Purposes.
1903. Microgrids of New York grant program.

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

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

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

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

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

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

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

1. promote long term reduction of energy costs;

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

3. stabilize energy costs;

4. enhance the reliability of energy sources;

5. increase energy independence throughout the state; and

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

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

York, the Long Island power authority and the department of environmental conservation. In furtherance thereof, the authority shall:

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

(b) enter into contracts with constituency based organizations and other entities through the competitive grant process established pursuant to subdivision two of this section;

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

(d) exercise such other powers as are necessary for the proper implementation of this title.

2. The authority shall:

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

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

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

(i) communities in areas of the state where energy costs are particularly high in relation to a measure of its median household income as determined by the authority;

(ii) rural areas;

(iii) energy insecure regions; and

(iv) low income municipalities.

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

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

PART OOO

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

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

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

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

PART PPP

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

§ 62. Maintenance by state of certain bridges over the canal system. All highway or pedestrian, lift or movable bridges over the canal system other than highway bridges connecting parts of a state highway heretofore constructed as a part of the barge canal improvement shall be reconstructed, improved, maintained and repaired at the expense of the state, [~~if in the opinion of the commissioner of transportation, the public convenience requires such bridges to be maintained where no alternate crossing has been provided~~] **in a manner so as not to impede commercial motor vehicles as defined in subdivision four-a of section two of the transportation law**. In the event the commissioner of transportation determines that any such bridge is no longer required for the convenience of the public, he shall have power to close, remove or relocate such bridge**, provided at least one public hearing shall be conducted in the community or communities where the bridge to be closed or removed is located**. The commissioner of transportation shall have the supervision and direction of such reconstruction, improvement, maintenance, repair, closing, removing or relocation. All bridges over the canal system other than lift, movable, pedestrian or state highway bridges heretofore constructed as part of the barge canal improvement shall be reconstructed, improved, maintained and repaired at the expense of the state under the supervision and direction of the commissioner of transportation, if, in his opinion, the public convenience requires that each such bridge shall be continued as a bridge for highway traffic. In the event the commissioner of transportation is requested by any municipality to reconstruct or improve any such bridge, he is hereby empowered to do so, provided, however, that prior to such reconstruction or improvement the municipality enters into a written agreement that such bridge thereafter shall become a part of the highway system or systems which it may connect and the maintenance, repair, improvement, replacement or closing of any such bridge shall be governed by the provisions of the highway law, except that any such bridges situate in a city shall be maintained, repaired, improved, replaced or closed in the same manner and subject to the provisions of any special law which may apply or to the same provisions of law as apply to other streets and bridges in such city or in the case of such bridges situate in a village, such bridges shall be maintained, repaired, improved, replaced or closed in the same manner and subject to the same provisions of law as apply to other streets and bridges in such village. Any bridge over the New York state canal system or abandoned part thereof which joins parts of a state highway shall be under the jurisdiction of the commissioner of transportation and deemed to be part of the state highway system and such bridges shall be constructed, reconstructed, improved, maintained, repaired, closed or relocated pursuant to the provisions of the highway law and the cost of such work shall be paid from moneys available for construction, reconstruction, improvement, maintenance or repair of state highways.

§ 2. This act shall take effect immediately.

PART QQQ

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

ARTICLE 29-JJ
MADE BY NEW YORKERS

Section 613. Definitions.
613-a."Made by New Yorkers"; labeling.
613-b. Requirements.
613-c. Issuance of the label.
613-d. Application for registration.
613-e. Filing of applications.
613-f. Fees.
613-g. Administration and enforcement.
613-h. Suspension and revocation of registrations.
613-i. Renewal.
613-j. Reporting.
613-k. Rules and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. that the applicant or registrant has violated any of the provisions of this article or the rules and regulations promulgated pursuant thereto;

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

3. that the applicant or registrant has made a materially false statement in their application for registration.

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

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

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

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

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

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

3. For the purposes of this section:

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

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

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

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

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

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

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

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

(c) increase a business' capacity to participate in national and international markets.

6. The corporation shall establish a competitive process for the evaluation of applicants for the Made by New Yorkers fund. When awarding funds pursuant to this section, the corporation shall ensure that applicants meet the criteria and requirements determined by the corporation pursuant to this section.

7. Recipients shall be required to report the specific use of the disbursement of funds received pursuant to this section to the corporation on a biannual basis until such project is completed. Failure to comply with reporting criteria, or any other criteria set forth by the corporation, may result in suspension of all future payments.

8. The corporation shall:

(a) monitor the performance of each recipient of a grant under the provisions of this section to ensure monies issued pursuant to this section are used only for expenses related to the approved project; and

(b) on or before April first, two thousand eighteen and annually thereafter, submit to the governor, the temporary president of the senate, the speaker of the assembly, and the chairpersons of the senate finance committee and the assembly ways and means committee a report on the investments and accomplishments of the Made by New Yorkers fund. Such report shall include for each grant awarded, the name and location of the recipient, the amount awarded, a description of the expansion project, the number of jobs created or retained through the grant fund monies, a description of any funds that were not disbursed, and such other information as the corporation may deem appropriate.

§ 3. The New York state urban development corporation is hereby authorized to promulgate such rules and regulations, in accordance with the state administrative procedure act, as are necessary to fulfill the purposes of section two of this act.

§ 4. This act shall take effect immediately, except that section one of this act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of section one of this act on its effective date are authorized and directed to be made and completed on or before the effective date of such section.

PART RRR

Section 1. The economic development law is amended by adding a new article 23 to read as follows:

ARTICLE 23

LIFE SCIENCES INITIATIVES PROGRAM

Section 447. Life sciences initiatives program.

§ 447. Life sciences initiatives program. The life sciences initiatives program is hereby established for the purpose of attracting new life sciences technologies, to promote critical public and private sector investment in emerging life sciences fields in New York state, and to create and expand life sciences related businesses and employment.

1. Such life sciences initiatives program is designated to operate in areas identified by the department as having significant potential for economic growth in New York, or in which the application of new life sciences technologies could significantly enhance the productivity and stability of New York businesses.

2. Life sciences are defined as advanced and applied sciences that expand the understanding of human physiology and have the potential to lead to medical advances or therapeutic applications including, but not limited to, agricultural biotechnology, biogenerics, bioinformatics, biomedical engineering, biopharmaceuticals, biotechnology, chemical synthesis, chemistry technology, diagnostics, genomics, image analysis, marine biology, marine technology, medical devices, nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research, clinical trials and veterinary science.

3. A life sciences entity is defined as a business corporation, partnership, firm, unincorporated association, or any other entity engaged in life sciences research, development, manufacturing or commercialization.

4. As a condition of receipt of support authorized pursuant to this section the life sciences entity shall annually submit to the department a plan which includes a strategy for job creation and retention within New York state.

5. (a) From such funds as may be appropriated to life sciences entities for this purpose by the legislature, the department may provide financial support, through an application and approval process and such funds may be used for the advancement and economic growth of life sciences programs, employment of staff, development and facilities or other operating expenses that are aligned with the life sciences program strategy and approved by the department.

(b) A life sciences entity must submit a completed application as prescribed by the commissioner. Life sciences initiatives entity applications will be accepted, reviewed and approved on a rolling basis. Life sciences initiatives entity applicants may include a program or multiple programs in their application. Each life sciences program applicant shall include information in such application relating to how its life sciences program initiative will enhance and accelerate life science programs, research and job creation and retention within New York.

(c) Funds appropriated to any city with a population over one million shall be matched on a one to one basis by the institution receiving the funds and collaborative partners in the form of cash or in-kind personnel, equipment, material donations, and other facility and operations expenditures. No more than one-third of all funds appropriated shall be awarded to a city with a population over one million.

6. The commissioner shall, on or before February first, two thousand eighteen and every year thereafter, submit to the governor, the temporary president of the senate and the speaker of the assembly an annual report on the operations and accomplishments of the life sciences initiatives programs which shall include, but not be limited to, the economic impact of the activities undertaken with state funds, the number and amount of federal funds procured after program approval, including such factors as jobs created and maintained, the average salary of the jobs created and average salary of jobs retained and the actual or anticipated new products and processes with commercial application of importance to the affected industries that were created.

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part 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 part 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 Parts A through RRR of this act shall be as specifically set forth in the last section of such Parts.