

STATE OF NEW YORK

2508--B

IN SENATE

January 20, 2021

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 intentionally omitted (Part A); to amend the penal law, the vehicle and traffic law and the transportation law, in relation to transportation worker safety; and to amend the state finance law, in relation to establishing the work zone safety fund (Subpart A); to amend the vehicle and traffic law and the highway law, in relation to highway clearance (Subpart B); to amend the vehicle and traffic law, in relation to increased fines for injury to pedestrians (Subpart C); and to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof (Subpart D) (Part B); to amend the public authorities law, in relation to electronic bidding (Part C); intentionally omitted (Part D); to amend the penal law, in relation to including the intentional use of any toll highway, parkway, road, bridge or tunnel or entry into or remaining in a tolled central business district without payment of the lawful toll or charge as a theft of services; and to amend the vehicle and traffic law, in relation to 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); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); to amend the penal law, in relation to assaulting or harassing certain employees of a transit agency or authority (Part I); to amend chapter 393 of the laws of 1994 amending the New York state urban development corporation act relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part J); to amend the urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part K); intentionally omitted (Part L); to amend section 3 of part S of chapter 58 of the laws of 2016, relating

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

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to transferring the statutory authority for the promulgation of marketing orders from the department of agriculture and markets to the New York state urban development corporation, in relation to the effectiveness thereof (Part M); 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 the effectiveness thereof (Part N); to amend the business corporation law, the general associations law, the limited liability company law, the not-for-profit corporation law, the partnership law and the real property law, in relation to service of process (Part O); to amend the executive law, in relation to providing for electronic notarization (Part P); intentionally omitted (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); to amend part B of chapter 173 of the laws of 2013 relating to the issuance of securitized restructuring bonds to refinance the outstanding debt of the Long Island power authority, in relation to the utility debt securitization authority; in relation to permitting the issuance of securitized restructuring bonds to finance system resiliency costs; and to amend the public authorities law, in relation to contracts between service providers and third parties (Part T); to amend the economic development law, in relation to recharge New York power for eligible small businesses and not-for-profit corporations (Part U); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing the power authority of the state of New York to form a pure captive insurance company (Part V); to authorize the energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation and the department of agriculture and markets' Fuel NY program, from an assessment on gas and electric corporations (Part W); to amend the environmental conservation law and the state finance law, in relation to hunting; and to repeal certain provisions of the environmental conservation law relating thereto (Part X); intentionally omitted (Part Y); to authorize the county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart A); to authorize the village of East Rockaway, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart B); and to authorize the village of Rockville Centre, county of Nassau, to permanently and temporarily convey certain easements and to temporarily alienate certain parklands (Subpart C) (Part Z); to amend the tax law, in relation to extending certain brownfield credit periods that expire on or after 3/20/20 and before 12/31/21 for two years (Part AA); to authorize the grant of certain easements to AlleCatt Wind Energy LLC on a proportion of real property within the Farmersville State Forest, Swift Hill State Forest, and Lost Nation State Forest in the county of Allegany; and providing for the repeal of such provisions upon the expiration thereof (Part BB); to amend chapter 58 of the laws of 2013 amending the environmental conservation law and the state finance law relating to the "Cleaner, Greener NY Act of 2013", in relation to the effectiveness thereof (Part CC); in relation to establishing the "rail advantaged housing act" (Part DD); to amend the public authorities law, in relation to the clean energy resources development and incentives program (Part EE); to amend chapter 166 of

the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; and to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee (Part FF); in relation to establishing the New York task force on automated vehicle technology; to amend part FF of chapter 55 of the laws of 2017 relating to motor vehicles equipped with autonomous vehicle technology, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part GG); intentionally omitted (Part HH); to amend 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, in relation to the effectiveness thereof (Part II); authorizing the superintendent of financial services to convene a motor vehicle insurance task force to examine alternatives to the no-fault insurance system and deliver a report relating thereto (Part JJ); intentionally omitted (Part KK); intentionally omitted (Part LL); intentionally omitted (Part MM); to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the urban development corporation (Part NN); intentionally omitted (Part OO); to amend the general obligations law, in relation to the discontinuance of the London interbank offered rate (Part PP); intentionally omitted (Part QQ); intentionally omitted (Part RR); to amend the New York state medical care facilities finance agency act, in relation to the ability to issue certain bonds and notes (Part SS); to amend the economic development law and the tax law, in relation to establishing the small business return-to-work tax credit program (Subpart A); to amend the economic development law and the tax law, in relation to establishing the restaurant return-to-work tax credit program (Subpart B); and to amend the tax law and the state finance law, in relation to establishing the New York city musical and theatrical production tax credit; and providing for the repeal of such provisions upon expiration thereof (Subpart C) (Part TT); intentionally omitted (Part UU); intentionally omitted (Part VV); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of environmental conservation, department of state, and the office of parks, recreation and historic preservation from utility assessment revenues; and providing for the repeal of such provisions upon expiration thereof (Part WW); to amend the highway law, in relation to the rate paid by the state to a city for maintenance and repair of highways (Part XX); to amend the private housing finance law and the state finance law, in relation to enacting the "housing our neighbors with dignity act" (Part YY); to amend the public authorities law and the general municipal law, in relation to the procurement of electric-powered buses, vehicles or other related equipment (Part ZZ); authorizing the creation of state debt in the amount of three billion dollars, in relation to creating the environmental bond act of 2021 "clean water, green jobs, green New York" for the purposes of environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, 2021 (Part

AAA); to amend the environmental conservation law and the state finance law, in relation to the implementation of the environmental bond act of 2021 "clean water, green jobs, green New York" (Part BBB); to amend the environmental conservation law, in relation to establishing the extended producer responsibility act (Part CCC); to amend the agriculture and markets law, in relation to the Nourish New York program (Part DDD); to amend the public service law, in relation to directing the public service commission to review broadband and fiber optic services within the state (Part EEE); to amend the education law, the tax law, the state finance law and the public service law, in relation to ensuring all children have access to the delivery of technology through high-quality broadband internet connectivity in support of the constitutional education obligations of the state; and providing for the repeal of such provisions upon expiration thereof (Part FFF); to amend the infrastructure investment act, in relation to public employees' supervision, examination, review, and determination of acceptability of public works projects performed by contractors (Part GGG); and to amend the New York state urban development corporation act, in relation to establishing a small business grant program (Part HHH)

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

1 Section 1. This act enacts into law major components of legislation
 2 necessary to implement the state transportation, economic development
 3 and environmental conservation budget for the 2021-2022 state fiscal
 4 year. Each component is wholly contained within a Part identified as
 5 Parts A through HHH. The effective date for each particular provision
 6 contained within such Part is set forth in the last section of such
 7 Part. Any provision in any section contained within a Part, including
 8 the effective date of the Part, which makes a reference to a section "of
 9 this act", when used in connection with that particular component, shall
 10 be deemed to mean and refer to the corresponding section of the Part in
 11 which it is found. Section three of this act sets forth the general
 12 effective date of this act.

13 PART A

14 Intentionally Omitted

15 PART B

16 Section 1. This act enacts into law components of legislation which
 17 are necessary to implement legislation relating to the safety of trans-
 18 portation workers, pedestrians, and the traveling public. Each component
 19 is wholly contained within a Subpart identified as Subparts A through D.
 20 The effective date for each particular provision contained within such
 21 Subpart is set forth in the last section of such Subpart. Any provision
 22 in any section contained within a Subpart, including the effective date
 23 of the Subpart, which makes a reference to a section "of this act", when
 24 used in connection with that particular component, shall be deemed to
 25 mean and refer to the corresponding section of the Subpart in which it

1 is found. Section three of this act sets forth the general effective
2 date of this act.

3 SUBPART A

4 Section 1. Subdivisions 3 and 11 of section 120.05 of the penal law,
5 subdivision 3 as amended by chapter 267 of the laws of 2016, and subdivi-
6 sion 11 as separately amended by chapters 268 and 281 of the laws of
7 2016, are amended to read as follows:

8 3. With intent to prevent a peace officer, a police officer, prosecu-
9 tor as defined in subdivision thirty-one of section 1.20 of the criminal
10 procedure law, registered nurse, licensed practical nurse, public health
11 sanitarian, New York city public health sanitarian, sanitation enforce-
12 ment agent, New York city sanitation worker, a firefighter, including a
13 firefighter acting as a paramedic or emergency medical technician admin-
14 istering first aid in the course of performance of duty as such fire-
15 fighter, an emergency medical service paramedic or emergency medical
16 service technician, or medical or related personnel in a hospital emer-
17 gency department, a city marshal, a school crossing guard appointed
18 pursuant to section two hundred eight-a of the general municipal law, a
19 traffic enforcement officer, traffic enforcement agent, a highway worker
20 as defined in section one hundred eighteen-a of the vehicle and traffic
21 law, a motor vehicle inspector and motor carrier investigator as defined
22 in section one hundred eighteen-b of the vehicle and traffic law,
23 employee of the New York state department of motor vehicles or a county
24 clerk performing motor vehicle transactions on behalf of such depart-
25 ment, or employee of any entity governed by the public service law in
26 the course of performing an essential service, from performing a lawful
27 duty, by means including releasing or failing to control an animal under
28 circumstances evincing the actor's intent that the animal obstruct the
29 lawful activity of such peace officer, police officer, prosecutor as
30 defined in subdivision thirty-one of section 1.20 of the criminal proce-
31 dure law, registered nurse, licensed practical nurse, public health
32 sanitarian, New York city public health sanitarian, sanitation enforce-
33 ment agent, New York city sanitation worker, firefighter, paramedic,
34 technician, city marshal, school crossing guard appointed pursuant to
35 section two hundred eight-a of the general municipal law, traffic
36 enforcement officer, traffic enforcement agent, highway worker as
37 defined by section one hundred eighteen-a of the vehicle and traffic
38 law, motor vehicle inspector and motor carrier investigator as defined
39 in section one hundred eighteen-b of the vehicle and traffic law,
40 employee of the New York state department of motor vehicles or a county
41 clerk performing motor vehicle transactions on behalf of such depart-
42 ment, or employee of an entity governed by the public service law, he or
43 she causes physical injury to such peace officer, police officer, prosecu-
44 tor as defined in subdivision thirty-one of section 1.20 of the crimi-
45 nal procedure law, registered nurse, licensed practical nurse, public
46 health sanitarian, New York city public health sanitarian, sanitation
47 enforcement agent, New York city sanitation worker, firefighter,
48 paramedic, technician or medical or related personnel in a hospital
49 emergency department, city marshal, school crossing guard, traffic
50 enforcement officer, traffic enforcement agent, highway worker as
51 defined by section eighteen-a of the vehicle and traffic law, motor
52 vehicle inspector and motor carrier investigator as defined in section
53 one hundred eighteen-b of the vehicle and traffic law, employee of the
54 New York state department of motor vehicles or a county clerk performing

1 motor vehicle transactions on behalf of such department, or employee of
2 an entity governed by the public service law; or

3 11. With intent to cause physical injury to a train operator, ticket
4 inspector, conductor, signalperson, bus operator, station agent, station
5 cleaner or terminal cleaner employed by any transit agency, authority or
6 company, public or private, whose operation is authorized by New York
7 state or any of its political subdivisions, a city marshal, a school
8 crossing guard appointed pursuant to section two hundred eight-a of the
9 general municipal law, a traffic enforcement officer, traffic enforce-
10 ment agent, a highway worker as defined in section one hundred eigh-
11 teen-a of the vehicle and traffic law, a motor vehicle inspector and
12 motor carrier investigator as defined in section one hundred eighteen-b
13 of the vehicle and traffic law, employee of the New York state depart-
14 ment of motor vehicles or a county clerk performing motor vehicle trans-
15 actions on behalf of such department, prosecutor as defined in subdivi-
16 sion thirty-one of section 1.20 of the criminal procedure law,
17 sanitation enforcement agent, New York city sanitation worker, public
18 health sanitarian, New York city public health sanitarian, registered
19 nurse, licensed practical nurse, emergency medical service paramedic, or
20 emergency medical service technician, he or she causes physical injury
21 to such train operator, ticket inspector, conductor, signalperson, bus
22 operator, station agent, station cleaner or terminal cleaner, city
23 marshal, school crossing guard appointed pursuant to section two hundred
24 eight-a of the general municipal law, traffic enforcement officer, traf-
25 fic enforcement agent, highway worker as defined in section one hundred
26 eighteen-a of the vehicle and traffic law, motor vehicle inspector and
27 motor carrier investigator as defined in section one hundred eighteen-b
28 of the vehicle and traffic law, employee of the New York state depart-
29 ment of motor vehicles or a county clerk performing motor vehicle trans-
30 actions on behalf of such department, prosecutor as defined in subdivi-
31 sion thirty-one of section 1.20 of the criminal procedure law,
32 registered nurse, licensed practical nurse, public health sanitarian,
33 New York city public health sanitarian, sanitation enforcement agent,
34 New York city sanitation worker, emergency medical service paramedic, or
35 emergency medical service technician, while such employee is performing
36 an assigned duty on, or directly related to, the operation of a train or
37 bus, including the cleaning of a train or bus station or terminal, or
38 such city marshal, school crossing guard, traffic enforcement officer,
39 traffic enforcement agent, highway worker as defined by section one
40 hundred eighteen-a of the vehicle and traffic law, motor vehicle inspec-
41 tor and motor carrier investigator as defined in section one hundred
42 eighteen-b of the vehicle and traffic law, employee of the New York
43 state department of motor vehicles or a county clerk performing motor
44 vehicle transactions on behalf of such department, prosecutor as defined
45 in subdivision thirty-one of section 1.20 of the criminal procedure law,
46 registered nurse, licensed practical nurse, public health sanitarian,
47 New York city public health sanitarian, sanitation enforcement agent,
48 New York city sanitation worker, emergency medical service paramedic, or
49 emergency medical service technician is performing an assigned duty; or

50 § 2. The penal law is amended by adding a new section 120.19 to read
51 as follows:

52 § 120.19 Menacing a highway worker.

53 A person is guilty of menacing a highway worker when he or she inten-
54 tionally places or attempts to place a highway worker in reasonable fear
55 of death, imminent serious physical injury or physical injury. For
56 purposes of this section, a highway worker shall have the same meaning

1 as defined by section one hundred eighteen-a of the vehicle and traffic
2 law.

3 Menacing a highway worker is a class E felony.

4 § 3. The vehicle and traffic law is amended by adding two new sections
5 118-a and 118-b to read as follows:

6 § 118-a. Highway worker. Any person employed by or on behalf of the
7 state, a county, city, town or village, a public authority, a local
8 authority, or a public utility company, or the agent or contractor of
9 any such entity, who has been assigned to perform work on a highway,
10 including maintenance, repair, flagging, utility work, construction,
11 reconstruction or operation of equipment on public highway infrastruc-
12 ture and associated rights-of-way in highway work areas, and shall also
13 include any flagperson as defined in section one hundred fifteen-b of
14 this article.

15 § 118-b. Motor vehicle inspector and motor carrier investigator. Any
16 person employed by the New York state department of transportation who
17 has been assigned to perform inspections of any motor vehicles or inves-
18 tigation of any carriers regulated by the commissioner of the New York
19 state department of transportation.

20 § 4. Subparagraphs (xii) and (xiii) of paragraph a of subdivision 2 of
21 section 510 of the vehicle and traffic law, as added by section 1 of
22 part B of chapter 55 of the laws of 2014, are amended to read as
23 follows:

24 (xii) of a second or subsequent conviction of a violation of section
25 twelve hundred twenty-five-c or section twelve hundred twenty-five-d of
26 this chapter committed where such person is the holder of a probationary
27 license, as defined in subdivision four of section five hundred one of
28 this title, at the time of the commission of such violation and such
29 second or subsequent violation was committed within six months following
30 the restoration or issuance of such probationary license; [~~ex~~]

31 (xiii) of a second or subsequent conviction of a violation of section
32 twelve hundred twenty-five-c or section twelve hundred twenty-five-d of
33 this chapter committed where such person is the holder of a class DJ or
34 MJ learner's permit or a class DJ or MJ license at the time of the
35 commission of such violation and such second or subsequent violation was
36 committed within six months following the restoration of such permit or
37 license; or

38 (xiv) of menacing a highway worker, or menacing in the first, second
39 or third degree, as defined in article one hundred twenty of the penal
40 law, where such offense was committed against a highway worker.

41 § 5. The vehicle and traffic law is amended by adding a new section
42 1221-a to read as follows:

43 § 1221-a. Endangerment of a highway worker. 1. A driver of a motor
44 vehicle commits endangerment of a highway worker if the driver is oper-
45 ating a motor vehicle within a work area as defined in section one
46 hundred sixty-one of this chapter at any time one or more highway work-
47 ers are in the work area and does any of the following:

48 (a) enters a work area in any lane not clearly designated for use by
49 motor vehicles; or

50 (b) fails to obey traffic control devices controlling the flow of
51 motor vehicles through the work area for any reason other than:

52 (i) an emergency;

53 (ii) the avoidance of an obstacle; or

54 (iii) the protection of the health and safety of another person.

55 2. (a) A driver of a motor vehicle who violates this section shall be
56 guilty of a traffic infraction punishable by a fine of not more than one

1 thousand dollars and not less than five hundred dollars or by imprison-
2 ment for not more than fifteen days or by both such fine and imprison-
3 ment.

4 (b) A driver of a motor vehicle who causes physical injury as defined
5 in article ten of the penal law to a highway worker in the work area
6 while violating paragraph one of this section shall be guilty of a traf-
7 fic infraction punishable by a fine of not more than two thousand
8 dollars and not less than one thousand dollars or by imprisonment for
9 not more than forty-five days or by both such fine and imprisonment.

10 (c) A driver of a motor vehicle who causes serious physical injury as
11 defined in article ten of the penal law to a highway worker in the work
12 area while violating paragraph one of this section shall be guilty of a
13 traffic infraction punishable by a fine of not more than five thousand
14 dollars and not less than two thousand dollars or by imprisonment for
15 not more than ninety days or by both such fine and imprisonment.

16 3. In any case wherein the charge laid before the court alleges a
17 violation of this section, any plea of guilty thereafter entered in
18 satisfaction of such charge must include the fine imposed pursuant to
19 this section and no other plea of guilty to any other charge in satis-
20 faction of such charge shall be authorized; provided, however, if the
21 prosecuting attorney, upon reviewing the available evidence, determines
22 that the charge of a violation of this section is not warranted, such
23 prosecuting attorney may consent, and the court may allow a disposition
24 by plea of guilty to another charge in satisfaction of such charge;
25 provided, however, in all such cases, the court shall set forth upon the
26 record the basis for such disposition. Such fine shall not be waived or
27 reduced below the minimum as provided in subdivision two of this
28 section. Sixty percent of fines collected pursuant to this section shall
29 be paid to the work zone safety fund established by section ninety-nine-
30 ii of the state finance law.

31 4. No person shall be guilty of endangerment of a highway worker for
32 any act or omission otherwise constituting a violation under this
33 section if the act or omission results, in whole or in part, from
34 mechanical failure of the person's motor vehicle or from the negligence
35 of a highway worker or another person.

36 5. Nothing contained in this section shall prohibit the imposition of
37 a charge of any other offense set forth in this or any other provision
38 of law for any acts arising out of the same incident.

39 § 6. The vehicle and traffic law is amended by adding a new section
40 1221-b to read as follows:

41 § 1221-b. Work area safety and outreach. The governor's traffic safety
42 committee, upon consultation with the commissioner of transportation,
43 the superintendent of state police, the commissioner, the chairman of
44 the New York state thruway authority, local law enforcement agencies,
45 and representatives for contractors, laborers, and public employees,
46 shall design and implement a public education and outreach program to
47 increase motorist awareness of the importance of highway work area safe-
48 ty, to reduce the number of work area incidents, including speeding,
49 unauthorized intrusions into work areas, and any conduct resulting in
50 hazards or injuries to highway workers, and to increase and promote work
51 area safety.

52 § 7. Section 161 of the vehicle and traffic law, as added by chapter
53 92 of the laws of 1984 and as renumbered by chapter 303 of the laws of
54 2014, is amended to read as follows:

55 § 161. Work area or work zone. [~~That part of a highway being used or~~
56 ~~occupied for the conduct of highway work, within which workers, vehi-~~

1 ~~cles, equipment, materials, supplies, excavations, or other obstructions~~
2 ~~are present.]~~ The area of a highway, bridge, shoulder, median, or asso-
3 ciated right-of-way, where construction, maintenance, utility work,
4 accident response, or other incident response is being performed. The
5 work area must be marked by signs, traffic control devices, traffic-con-
6 trol signals, barriers, pavement markings, authorized emergency vehi-
7 cles, or hazard vehicles, and extends from the first traffic control
8 device erected for purposes of controlling the flow of motor vehicles
9 through the work area, including signs reducing the normal speed limit
10 but excluding signs notifying motorists of an impending speed limit
11 reduction, to the "END ROAD WORK" sign or the last temporary traffic
12 control device. The signs, traffic control devices, traffic control
13 signals, barriers, pavement markings, or authorized emergency vehicles,
14 or hazard vehicles must meet department of transportation standards and
15 the provisions of this chapter, and must be installed properly so that
16 they are clearly visible to motorists in accordance with the manual on
17 uniform traffic control devices.

18 § 8. Section 22 of the transportation law, as added by chapter 223 of
19 the laws of 2005, is amended to read as follows:

20 § 22. Work zone safety and enforcement. The department shall, in coop-
21 eration with the superintendent of state police, the commissioner of
22 motor vehicles, the chairman of the New York state thruway authority,
23 local law enforcement agencies and representatives for contractors ~~and~~
24 , laborers and public employees, develop and implement rules and regu-
25 lations for the increased safety of work zones. Such rules and regu-
26 lations shall include, but shall not be limited to, a police presence at
27 all major active work zones as defined by rules and regulations set
28 forth by the commissioner, the use of radar speed display signs at all
29 major active work zones as defined by rules and regulations set forth by
30 the commissioner, and a system for reviewing work zone safety and design
31 for all work zones under the jurisdiction of the department.

32 § 9. The state finance law is amended by adding a new section 99-ii to
33 read as follows:

34 § 99-ii. Work zone safety fund. 1. There is hereby established in the
35 custody of the state comptroller a special fund to be known as the "work
36 zone safety fund."

37 2. The fund shall consist of all monies appropriated for its purpose,
38 all monies required by this section or any other provision of law to be
39 paid into or credited to such fund, collected by the mandatory fines
40 imposed pursuant to section twelve hundred twenty-one-a of the vehicle
41 and traffic law, and all other monies appropriated, credited, or trans-
42 ferred thereto from any other fund or source pursuant to law. Any inter-
43 est received by the comptroller on monies on deposit in the work zone
44 safety fund shall be retained in and become a part of such fund.

45 3. Monies of the fund shall, following appropriation by the legisla-
46 ture, be disbursed to provide work zone safety enforcement, work zone
47 markings, radar speed display signs, and police monitoring of work zones
48 pursuant to section twenty-two of the transportation law. Monies of the
49 fund shall be expended only for the purposes listed in this paragraph,
50 and shall not be used to supplant any other funds which would otherwise
51 have been expended for work zone safety and enforcement, including with-
52 out limitation work zone safety enforcement, work zone markings, radar
53 speed display signs, and police monitoring of work zones.

54 4. Monies shall be payable from the fund on the audit and warrant of
55 the comptroller.

1 5. On or before the first day of February each year, the comptroller
2 shall certify to the governor, temporary president of the senate, speak-
3 er of the assembly, and chairs of the assembly and senate transportation
4 committees, the amount of money deposited in the work zone safety fund
5 during the preceding calendar year as the result of revenue derived
6 pursuant to section one thousand two hundred twenty-one-a of the vehicle
7 and traffic law.

8 6. On or before the first day of February each year, the director of
9 the division of budget, in consultation with the relevant agencies and
10 authorities, shall provide a written report to the temporary president
11 of the senate, speaker of the assembly, chair of the senate and assembly
12 transportation committees, the state comptroller and the public. Such
13 report shall include how the monies of the fund were utilized during the
14 preceding calendar year, and shall include:

15 (i) the amount of money disbursed from the fund and the award process
16 used for such disbursements;

17 (ii) recipients of disbursements from the fund;

18 (iii) the amount awarded to each;

19 (iv) the purposes for which such disbursements were made; and

20 (v) a summary financial plan for such monies which shall include esti-
21 mates of all receipts and all disbursements for the current and succeed-
22 ing fiscal years, along with the actual results of the prior fiscal
23 year.

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

26 SUBPART B

27 Section 1. Section 600 of the vehicle and traffic law is amended by
28 adding a new subdivision 4 to read as follows:

29 4. Any person operating a motor vehicle involved in an accident not
30 involving personal injury or death who moves such vehicle to a location
31 off the roadway but as near as possible to the place where the damage
32 occurred, so as not to obstruct the regular flow of traffic, shall not
33 be construed to be in violation of subdivision one of this section
34 because of such movement.

35 § 2. Subdivision 2 of section 15 of the highway law, as amended by
36 chapter 1110 of the laws of 1971, is amended to read as follows:

37 2. The commissioner [~~of transportation~~], a police officer, or any
38 hazard vehicle operator acting at the direction of the commissioner or a
39 police officer shall have the power to cause the immediate removal, from
40 the right of way of any state highway, of any vehicle, cargo, or debris
41 which obstructs or interferes with the use of such a highway for public
42 travel; or which obstructs or interferes with the construction, recon-
43 struction or maintenance of such a highway; or which obstructs or inter-
44 feres with the clearing or removal of snow or ice from such a highway;
45 or which obstructs or interferes with any operation of the department of
46 transportation during a public emergency. The commissioner, or a police
47 officer, or any hazard vehicle operator acting at the direction of the
48 commissioner or a police officer, shall not be liable for any damage to
49 such vehicle, cargo, or debris, unless such removal was carried out in a
50 negligent manner. For the purposes of this subdivision, the term
51 "police officer" shall have the same meaning as defined by subdivision
52 thirty-four of section 1.20 of the criminal procedure law.

53 § 3. The commissioner of transportation, in conjunction with the
54 commissioner of motor vehicles and the superintendent of state police,

1 shall undertake a public education campaign to alert motorists and law
2 enforcement officers of their rights and responsibilities under subdivi-
3 sion 4 of section 600 of the vehicle and traffic law and subdivision 2
4 of section 15 of the highway law.

5 § 4. The commissioner of motor vehicles shall incorporate the amend-
6 ments to subdivision 4 of section 600 of the vehicle and traffic law
7 into its training materials and driver's manual in the regular course of
8 business.

9 § 5. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law. Effective immediately, the addition, amend-
11 ment and/or repeal of any rule or regulation necessary for the implemen-
12 tation of this act on its effective date are authorized to be made and
13 completed on or before such effective date.

14

SUBPART C

15 Section 1. Paragraph 1 of subdivision (b) of section 1146 of the vehi-
16 cle and traffic law, as amended by chapter 333 of the laws of 2010, is
17 amended to read as follows:

18 1. A driver of a motor vehicle who causes physical injury as defined
19 in article ten of the penal law to a pedestrian or bicyclist while fail-
20 ing to exercise due care in violation of subdivision (a) of this
21 section, shall be guilty of a traffic infraction punishable by a fine of
22 not more than [~~five hundred~~ one thousand] dollars or by imprisonment for
23 not more than fifteen days or by both such fine and imprisonment.

24 § 2. Paragraph 1 of subdivision (c) of section 1146 of the vehicle and
25 traffic law, as amended by chapter 333 of the laws of 2010, is amended
26 to read as follows:

27 1. A driver of a motor vehicle who causes serious physical injury as
28 defined in article ten of the penal law to a pedestrian or bicyclist
29 while failing to exercise due care in violation of subdivision (a) of
30 this section, shall be guilty of a traffic infraction punishable by a
31 fine of not more than [~~seven hundred fifty~~ one thousand five hundred]
32 dollars or by imprisonment for not more than fifteen days or by required
33 participation in a motor vehicle accident prevention course pursuant to
34 paragraph (e-1) of subdivision two of section 65.10 of the penal law or
35 by any combination of such fine, imprisonment or course, and by suspen-
36 sion of a license or registration pursuant to subparagraph (xiv) or (xv)
37 of paragraph b of subdivision two of section five hundred ten of this
38 chapter.

39 § 3. Subdivision (d) of section 1146 of the vehicle and traffic law,
40 as amended by chapter 333 of the laws of 2010, is amended to read as
41 follows:

42 (d) A violation of subdivision (b) or (c) of this section committed by
43 a person who has previously been convicted of any violation of such
44 subdivisions within the preceding five years, shall constitute a class B
45 misdemeanor punishable by a fine of not more than [~~one~~ two] thousand
46 dollars in addition to any other penalties provided by law.

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

49

SUBPART D

50 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
51 law, as separately amended by sections 1 of chapters 145 and 148 of the
52 laws of 2019, is amended to read as follows:

1 1. Notwithstanding any inconsistent provision of any general, special
2 or local law or administrative code to the contrary, in any city which
3 heretofore or hereafter is authorized to establish an administrative
4 tribunal to hear and determine complaints of traffic infractions consti-
5 tuting parking, standing or stopping violations, or to adjudicate the
6 liability of owners for violations of subdivision (d) of section eleven
7 hundred eleven of this chapter in accordance with section eleven hundred
8 eleven-a of this chapter, or to adjudicate the liability of owners for
9 violations of subdivision (d) of section eleven hundred eleven of this
10 chapter in accordance with sections eleven hundred eleven-b of this
11 chapter [~~as added by sections sixteen of chapters twenty, and twenty-two~~
12 ~~of the laws of two thousand nine,~~] or to adjudicate the liability of
13 owners for violations of subdivision (d) of section eleven hundred elev-
14 en of this chapter in accordance with section eleven hundred eleven-d of
15 this chapter, or to adjudicate the liability of owners for violations of
16 section eleven hundred seventy-four of this chapter in accordance with
17 section eleven hundred seventy-four-a of this chapter, or to adjudicate
18 the liability of owners for violations of subdivision (d) of section
19 eleven hundred eleven of this chapter in accordance with section eleven
20 hundred eleven-e of this chapter, or to adjudicate the liability of
21 owners for violations of toll collection regulations as defined in and
22 in accordance with the provisions of section two thousand nine hundred
23 eighty-five of the public authorities law and sections sixteen-a,
24 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
25 laws of nineteen hundred fifty, or to adjudicate liability of owners in
26 accordance with section eleven hundred eleven-c of this chapter for
27 violations of bus lane restrictions as defined in subdivision (b), (c),
28 (d), (f) or (g) of such section, or to adjudicate the liability of
29 owners for violations of section eleven hundred eighty of this chapter
30 in accordance with section eleven hundred eighty-b of this chapter, or
31 to adjudicate the liability of owners for violations of section eleven
32 hundred eighty of this chapter in accordance with section eleven hundred
33 eighty-d of this chapter, or to adjudicate the liability of owners for
34 violations of section eleven hundred eighty of this chapter in accord-
35 ance with section eleven hundred eighty-e of this chapter, such tribunal
36 and the rules and regulations pertaining thereto shall be constituted in
37 substantial conformance with the following sections.

38 § 1-a. Subdivision 1 of section 235 of the vehicle and traffic law, as
39 amended by section 1 of chapter 145 of the laws of 2019, is amended to
40 read as follows:

41 1. Notwithstanding any inconsistent provision of any general, special
42 or local law or administrative code to the contrary, in any city which
43 heretofore or hereafter is authorized to establish an administrative
44 tribunal to hear and determine complaints of traffic infractions consti-
45 tuting parking, standing or stopping violations, or to adjudicate the
46 liability of owners for violations of subdivision (d) of section eleven
47 hundred eleven of this chapter in accordance with section eleven hundred
48 eleven-a of this chapter, or to adjudicate the liability of owners for
49 violations of subdivision (d) of section eleven hundred eleven of this
50 chapter in accordance with sections eleven hundred eleven-b of this
51 chapter as added by sections sixteen of chapters twenty, and twenty-two
52 of the laws of two thousand nine, or to adjudicate the liability of
53 owners for violations of subdivision (d) of section eleven hundred elev-
54 en of this chapter in accordance with section eleven hundred eleven-d of
55 this chapter, or to adjudicate the liability of owners for violations of
56 section eleven hundred seventy-four of this chapter in accordance with

1 section eleven hundred seventy-four-a of this chapter, or to adjudicate
2 the liability of owners for violations of subdivision (d) of section
3 eleven hundred eleven of this chapter in accordance with section eleven
4 hundred eleven-e of this chapter, or to adjudicate the liability of
5 owners for violations of toll collection regulations as defined in and
6 in accordance with the provisions of section two thousand nine hundred
7 eighty-five of the public authorities law and sections sixteen-a,
8 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
9 laws of nineteen hundred fifty, or to adjudicate liability of owners in
10 accordance with section eleven hundred eleven-c of this chapter for
11 violations of bus lane restrictions as defined in subdivision (b), (c),
12 (d), (f) or (g) of such section, or to adjudicate the liability of
13 owners for violations of section eleven hundred eighty of this chapter
14 in accordance with section eleven hundred eighty-b of this chapter, or
15 to adjudicate the liability of owners for violations of section eleven
16 hundred eighty of this chapter in accordance with section eleven hundred
17 eighty-e of this chapter, such tribunal and the rules and regulations
18 pertaining thereto shall be constituted in substantial conformance with
19 the following sections.

20 § 1-b. Section 235 of the vehicle and traffic law, as separately
21 amended by sections 1-a of chapters 145 and 148 of the laws of 2019, is
22 amended to read as follows:

23 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
24 general, special or local law or administrative code to the contrary, in
25 any city which heretofore or hereafter is authorized to establish an
26 administrative tribunal to hear and determine complaints of traffic
27 infractions constituting parking, standing or stopping violations, or to
28 adjudicate the liability of owners for violations of subdivision (d) of
29 section eleven hundred eleven of this chapter in accordance with section
30 eleven hundred eleven-a of this chapter, or to adjudicate the liability
31 of owners for violations of subdivision (d) of section eleven hundred
32 eleven-b of this chapter in accordance with sections eleven hundred
33 eleven-b of this chapter as added by sections sixteen of chapters twen-
34 ty, and twenty-two of the laws of two thousand nine, or to adjudicate
35 the liability of owners for violations of subdivision (d) of section
36 eleven hundred eleven of this chapter in accordance with section eleven
37 hundred eleven-d of this chapter, or to adjudicate the liability of
38 owners for violations of subdivision (d) of section eleven hundred elev-
39 en of this chapter in accordance with section eleven hundred eleven-e of
40 this chapter, or to adjudicate the liability of owners for violations of
41 section eleven hundred seventy-four of this chapter in accordance with
42 section eleven hundred seventy-four-a of this chapter, or to adjudicate
43 the liability of owners for violations of toll collection regulations as
44 defined in and in accordance with the provisions of section two thousand
45 nine hundred eighty-five of the public authorities law and sections
46 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
47 of the laws of nineteen hundred fifty, or to adjudicate liability of
48 owners in accordance with section eleven hundred eleven-c of this chap-
49 ter for violations of bus lane restrictions as defined in such section,
50 or to adjudicate the liability of owners for violations of subdivision
51 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
52 ter in accordance with section eleven hundred eighty-b of this chapter,
53 or to adjudicate the liability of owners for violations of subdivision
54 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
55 ter in accordance with section eleven hundred eighty-d of this chapter,
56 or to adjudicate the liability of owners for violations of subdivision

1 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in
2 accordance with section eleven hundred eighty-e of this chapter, such
3 tribunal and the rules and regulations pertaining thereto shall be
4 constituted in substantial conformance with the following sections.

5 § 1-c. Section 235 of the vehicle and traffic law, as separately
6 amended by sections 1-b of chapters 145 and 148 of the laws of 2019, is
7 amended to read as follows:

8 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
9 general, special or local law or administrative code to the contrary, in
10 any city which heretofore or hereafter is authorized to establish an
11 administrative tribunal to hear and determine complaints of traffic
12 infractions constituting parking, standing or stopping violations, or to
13 adjudicate the liability of owners for violations of subdivision (d) of
14 section eleven hundred eleven of this chapter in accordance with
15 sections eleven hundred eleven-b of this chapter as added by sections
16 sixteen of chapters twenty, and twenty-two of the laws of two thousand
17 nine, or to adjudicate the liability of owners for violations of subdivi-
18 sion (d) of section eleven hundred eleven of this chapter in accord-
19 ance with section eleven hundred eleven-d of this chapter, or to adjudi-
20 cate the liability of owners for violations of subdivision (d) of
21 section eleven hundred eleven of this chapter in accordance with section
22 eleven hundred eleven-e of this chapter, or to adjudicate the liability
23 of owners for violations of section eleven hundred seventy-four of this
24 chapter in accordance with section eleven hundred seventy-four-a of this
25 chapter, or to adjudicate the liability of owners for violations of toll
26 collection regulations as defined in and in accordance with the
27 provisions of section two thousand nine hundred eighty-five of the
28 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
29 of chapter seven hundred seventy-four of the laws of nineteen hundred
30 fifty, or to adjudicate liability of owners in accordance with section
31 eleven hundred eleven-c of this chapter for violations of bus lane
32 restrictions as defined in such section, or to adjudicate the liability
33 of owners for violations of subdivision (b), (c), (d), (f) or (g) of
34 section eleven hundred eighty of this chapter in accordance with section
35 eleven hundred eighty-b of this chapter, or to adjudicate the liability
36 of owners for violations of subdivision (b), (c), (d), (f) or (g) of
37 section eleven hundred eighty of this chapter in accordance with section
38 eleven hundred eighty-d of this chapter, or to adjudicate the liability
39 of owners for violations of subdivision (b), (d), (f) or (g) of section
40 eleven hundred eighty of this chapter in accordance with section eleven
41 hundred eighty-e of this chapter, such tribunal and the rules and regu-
42 lations pertaining thereto shall be constituted in substantial conform-
43 ance with the following sections.

44 § 1-d. Section 235 of the vehicle and traffic law, as separately
45 amended by sections 1-c of chapters 145 and 148 of the laws of 2019, is
46 amended to read as follows:

47 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
48 general, special or local law or administrative code to the contrary, in
49 any city which heretofore or hereafter is authorized to establish an
50 administrative tribunal to hear and determine complaints of traffic
51 infractions constituting parking, standing or stopping violations, or to
52 adjudicate the liability of owners for violations of subdivision (d) of
53 section eleven hundred eleven of this chapter in accordance with section
54 eleven hundred eleven-d of this chapter, or to adjudicate the liability
55 of owners for violations of subdivision (d) of section eleven hundred
56 eleven of this chapter in accordance with section eleven hundred

1 eleven-e of this chapter, or to adjudicate the liability of owners for
2 violations of section eleven hundred seventy-four of this chapter in
3 accordance with section eleven hundred seventy-four-a of this chapter,
4 or to adjudicate the liability of owners for violations of toll
5 collection regulations as defined in and in accordance with the
6 provisions of section two thousand nine hundred eighty-five of the
7 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
8 of chapter seven hundred seventy-four of the laws of nineteen hundred
9 fifty, or to adjudicate liability of owners in accordance with section
10 eleven hundred eleven-c of this chapter for violations of bus lane
11 restrictions as defined in such section, or to adjudicate the liability
12 of owners for violations of subdivision (b), (c), (d), (f) or (g) of
13 section eleven hundred eighty of this chapter in accordance with section
14 eleven hundred eighty-b of this chapter, or to adjudicate the liability
15 of owners for violations of subdivision (b), (c), (d), (f) or (g) of
16 section eleven hundred eighty of this chapter in accordance with section
17 eleven hundred eighty-d of this chapter, or to adjudicate the liability
18 of owners for violations of subdivision (b), (d), (f) or (g) of section
19 eleven hundred eighty of this chapter in accordance with section eleven
20 hundred eighty-e of this chapter, such tribunal and the rules and regu-
21 lations pertaining thereto shall be constituted in substantial conform-
22 ance with the following sections.

23 § 1-e. Section 235 of the vehicle and traffic law, as separately
24 amended by sections 1-d of chapters 145 and 148 of the laws of 2019, is
25 amended to read as follows:

26 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
27 general, special or local law or administrative code to the contrary, in
28 any city which heretofore or hereafter is authorized to establish an
29 administrative tribunal to hear and determine complaints of traffic
30 infractions constituting parking, standing or stopping violations, or to
31 adjudicate the liability of owners for violations of subdivision (d) of
32 section eleven hundred eleven of this chapter in accordance with section
33 eleven hundred eleven-d of this chapter, or to adjudicate the liability
34 of owners for violations of subdivision (d) of section eleven hundred
35 eleven of this chapter in accordance with section eleven hundred
36 eleven-e of this chapter, or to adjudicate the liability of owners for
37 violations of section eleven hundred seventy-four of this chapter in
38 accordance with section eleven hundred seventy-four-a of this chapter,
39 or to adjudicate the liability of owners for violations of toll
40 collection regulations as defined in and in accordance with the
41 provisions of section two thousand nine hundred eighty-five of the
42 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
43 of chapter seven hundred seventy-four of the laws of nineteen hundred
44 fifty, or to adjudicate liability of owners for violations of subdivi-
45 sions (c) and (d) of section eleven hundred eighty of this chapter in
46 accordance with section eleven hundred eighty-b of this chapter, or to
47 adjudicate the liability of owners for violations of subdivision (b),
48 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in
49 accordance with section eleven hundred eighty-d of this chapter, or to
50 adjudicate the liability of owners for violations of subdivision (b),
51 (d), (f) or (g) of section eleven hundred eighty of this chapter in
52 accordance with section eleven hundred eighty-e of this chapter, such
53 tribunal and the rules and regulations pertaining thereto shall be
54 constituted in substantial conformance with the following sections.

1 § 1-f. Section 235 of the vehicle and traffic law, as separately
2 amended by sections 1-e of chapters 145 and 148 of the laws of 2019, is
3 amended to read as follows:

4 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
5 general, special or local law or administrative code to the contrary, in
6 any city which heretofore or hereafter is authorized to establish an
7 administrative tribunal to hear and determine complaints of traffic
8 infractions constituting parking, standing or stopping violations, or to
9 adjudicate the liability of owners for violations of subdivision (d) of
10 section eleven hundred eleven of this chapter in accordance with section
11 eleven hundred eleven-d of this chapter, or to adjudicate the liability
12 of owners for violations of subdivision (d) of section eleven hundred
13 eleven of this chapter in accordance with section eleven hundred
14 eleven-e of this chapter, or to adjudicate the liability of owners for
15 violations of section eleven hundred seventy-four of this chapter in
16 accordance with section eleven hundred seventy-four-a of this chapter,
17 or to adjudicate the liability of owners for violations of toll
18 collection regulations as defined in and in accordance with the
19 provisions of section two thousand nine hundred eighty-five of the
20 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
21 of chapter seven hundred seventy-four of the laws of nineteen hundred
22 fifty, or to adjudicate the liability of owners for violations of subdi-
23 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
24 this chapter in accordance with section eleven hundred eighty-d of this
25 chapter, or to adjudicate the liability of owners for violations of
26 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
27 this chapter in accordance with section eleven hundred eighty-e of this
28 chapter, such tribunal and the rules and regulations pertaining thereto
29 shall be constituted in substantial conformance with the following
30 sections.

31 § 1-g. Section 235 of the vehicle and traffic law, as separately
32 amended by sections 1-f of chapters 145 and 148 of the laws of 2019, is
33 amended to read as follows:

34 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
35 general, special or local law or administrative code to the contrary, in
36 any city which heretofore or hereafter is authorized to establish an
37 administrative tribunal to hear and determine complaints of traffic
38 infractions constituting parking, standing or stopping violations, or to
39 adjudicate the liability of owners for violations of subdivision (d) of
40 section eleven hundred eleven of this chapter in accordance with section
41 eleven hundred eleven-e of this chapter, or to adjudicate the liability
42 of owners for violations of section eleven hundred seventy-four of this
43 chapter in accordance with section eleven hundred seventy-four-a of this
44 chapter, or to adjudicate the liability of owners for violations of toll
45 collection regulations as defined in and in accordance with the
46 provisions of section two thousand nine hundred eighty-five of the
47 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
48 of chapter seven hundred seventy-four of the laws of nineteen hundred
49 fifty, or to adjudicate the liability of owners for violations of subdi-
50 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
51 this chapter in accordance with section eleven hundred eighty-d of this
52 chapter, or to adjudicate the liability of owners for violations of
53 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
54 this chapter in accordance with section eleven hundred eighty-e of this
55 chapter, such tribunal and the rules and regulations pertaining thereto

1 shall be constituted in substantial conformance with the following
2 sections.

3 § 1-h. Section 235 of the vehicle and traffic law, as separately
4 amended by sections 1-g of chapters 145 and 148 of the laws of 2019, is
5 amended to read as follows:

6 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
7 general, special or local law or administrative code to the contrary, in
8 any city which heretofore or hereafter is authorized to establish an
9 administrative tribunal to hear and determine complaints of traffic
10 infractions constituting parking, standing or stopping violations, or to
11 adjudicate the liability of owners for violations of section eleven
12 hundred seventy-four of this chapter in accordance with section eleven
13 hundred seventy-four-a of this chapter, or to adjudicate the liability
14 of owners for violations of toll collection regulations as defined in
15 and in accordance with the provisions of section two thousand nine
16 hundred eighty-five of the public authorities law and sections
17 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
18 of the laws of nineteen hundred fifty, or to adjudicate the liability of
19 owners for violations of subdivision (b), (c), (d), (f) or (g) of
20 section eleven hundred eighty of this chapter in accordance with section
21 eleven hundred eighty-d of this chapter, or to adjudicate the liability
22 of owners for violations of subdivision (b), (d), (f) or (g) of section
23 eleven hundred eighty of this chapter in accordance with section eleven
24 hundred eighty-e of this chapter, such tribunal and the rules and regu-
25 lations pertaining thereto shall be constituted in substantial conform-
26 ance with the following sections.

27 § 1-i. Section 235 of the vehicle and traffic law, as separately
28 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
29 of 1992, is amended to read as follows:

30 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
31 general, special or local law or administrative code to the contrary, in
32 any city which heretofore or hereafter is authorized to establish an
33 administrative tribunal to hear and determine complaints of traffic
34 infractions constituting parking, standing or stopping violations, or to
35 adjudicate the liability of owners for violations of toll collection
36 regulations as defined in and in accordance with the provisions of
37 section two thousand nine hundred eighty-five of the public authorities
38 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
39 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
40 dicade the liability of owners for violations of subdivision (b), (d),
41 (f) or (g) of section eleven hundred eighty of this chapter in accord-
42 ance with section eleven hundred eighty-e of this chapter, such tribunal
43 and the rules and regulations pertaining thereto shall be constituted in
44 substantial conformance with the following sections.

45 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
46 separately amended by sections 2 of chapters 145 and 148 of the laws of
47 2019, is amended to read as follows:

48 1. Creation. In any city as hereinbefore or hereafter authorized such
49 tribunal when created shall be known as the parking violations bureau
50 and shall have jurisdiction of traffic infractions which constitute a
51 parking violation and, where authorized by local law adopted pursuant to
52 subdivision (a) of section eleven hundred eleven-a of this chapter or
53 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
54 added by sections sixteen of chapters twenty, and twenty-two of the laws
55 of two thousand nine, or subdivision (a) of section eleven hundred
56 eleven-d of this chapter, or subdivision (a) of section eleven hundred

1 eleven-e of this chapter, or subdivision (a) of section eleven hundred
2 seventy-four-a of this chapter, shall adjudicate the liability of owners
3 for violations of subdivision (d) of section eleven hundred eleven of
4 this chapter in accordance with such section eleven hundred eleven-a,
5 sections eleven hundred eleven-b as added by sections sixteen of chap-
6 ters twenty, and twenty-two of the laws of two thousand nine, or section
7 eleven hundred eleven-d or section eleven hundred eleven-e and shall
8 adjudicate the liability of owners for violations of toll collection
9 regulations as defined in and in accordance with the provisions of
10 section two thousand nine hundred eighty-five of the public authorities
11 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
12 hundred seventy-four of the laws of nineteen hundred fifty and shall
13 adjudicate liability of owners in accordance with section eleven hundred
14 eleven-c of this chapter for violations of bus lane restrictions as
15 defined in such section and shall adjudicate liability of owners in
16 accordance with section eleven hundred seventy-four-a of this chapter
17 for violations of section eleven hundred seventy-four of this chapter
18 and shall adjudicate the liability of owners for violations of subdivi-
19 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
20 chapter in accordance with section eleven hundred eighty-b of this chap-
21 ter and shall adjudicate the liability of owners for violations of
22 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
23 of this chapter in accordance with section eleven hundred eighty-d of
24 this chapter, and shall adjudicate the liability of owners for
25 violations of subdivision (b), (d), (f) or (g) of section eleven hundred
26 eighty of this chapter in accordance with section eleven hundred eight-
27 y-e of this chapter. Such tribunal, except in a city with a population
28 of one million or more, shall also have jurisdiction of abandoned vehi-
29 cle violations. For the purposes of this article, a parking violation is
30 the violation of any law, rule or regulation providing for or regulating
31 the parking, stopping or standing of a vehicle. In addition for purposes
32 of this article, "commissioner" shall mean and include the commissioner
33 of traffic of the city or an official possessing authority as such a
34 commissioner.

35 § 2-a. Subdivision 1 of section 236 of the vehicle and traffic law, as
36 amended by section 2 of chapter 145 of the laws of 2019, is amended to
37 read as follows:

38 1. Creation. In any city as hereinbefore or hereafter authorized such
39 tribunal when created shall be known as the parking violations bureau
40 and shall have jurisdiction of traffic infractions which constitute a
41 parking violation and, where authorized by local law adopted pursuant to
42 subdivision (a) of section eleven hundred eleven-a of this chapter or
43 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
44 added by sections sixteen of chapters twenty, and twenty-two of the laws
45 of two thousand nine, or subdivision (a) of section eleven hundred
46 eleven-d of this chapter, or subdivision (a) of section eleven hundred
47 eleven-e of this chapter, or subdivision (a) of section eleven hundred
48 seventy-four-a of this chapter, shall adjudicate the liability of owners
49 for violations of subdivision (d) of section eleven hundred eleven of
50 this chapter in accordance with such section eleven hundred eleven-a,
51 sections eleven hundred eleven-b as added by sections sixteen of chap-
52 ters twenty, and twenty-two of the laws of two thousand nine, or section
53 eleven hundred eleven-d or section eleven hundred eleven-e and shall
54 adjudicate the liability of owners for violations of toll collection
55 regulations as defined in and in accordance with the provisions of
56 section two thousand nine hundred eighty-five of the public authorities

1 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
2 hundred seventy-four of the laws of nineteen hundred fifty and shall
3 adjudicate liability of owners in accordance with section eleven hundred
4 eleven-c of this chapter for violations of bus lane restrictions as
5 defined in such section and shall adjudicate liability of owners in
6 accordance with section eleven hundred seventy-four-a of this chapter
7 for violations of section eleven hundred seventy-four of this chapter
8 and shall adjudicate the liability of owners for violations of subdivi-
9 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
10 chapter in accordance with section eleven hundred eighty-b of this chap-
11 ter, and shall adjudicate the liability of owners for violations of
12 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
13 this chapter in accordance with section eleven hundred eighty-e of this
14 chapter. Such tribunal, except in a city with a population of one
15 million or more, shall also have jurisdiction of abandoned vehicle
16 violations. For the purposes of this article, a parking violation is the
17 violation of any law, rule or regulation providing for or regulating the
18 parking, stopping or standing of a vehicle. In addition for purposes of
19 this article, "commissioner" shall mean and include the commissioner of
20 traffic of the city or an official possessing authority as such a
21 commissioner.

22 § 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
23 separately amended by sections 2-a of chapters 145 and 148 of the laws
24 of 2019, is amended to read as follows:

25 1. Creation. In any city as hereinbefore or hereafter authorized such
26 tribunal when created shall be known as the parking violations bureau
27 and shall have jurisdiction of traffic infractions which constitute a
28 parking violation and, where authorized by local law adopted pursuant to
29 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
30 added by sections sixteen of chapters twenty, and twenty-two of the laws
31 of two thousand nine, or subdivision (a) of section eleven hundred
32 eleven-d of this chapter, or subdivision (a) of section eleven hundred
33 eleven-e of this chapter, or subdivision (a) of section eleven hundred
34 seventy-four-a of this chapter, shall adjudicate the liability of owners
35 for violations of subdivision (d) of section eleven hundred eleven of
36 this chapter in accordance with such sections eleven hundred eleven-b as
37 added by sections sixteen of chapters twenty, and twenty-two of the laws
38 of two thousand nine or section eleven hundred eleven-d or section elev-
39 en hundred eleven-e; and shall adjudicate liability of owners in accord-
40 ance with section eleven hundred eleven-c of this chapter for violations
41 of bus lane restrictions as defined in such section and shall adjudicate
42 liability of owners in accordance with section eleven hundred seventy-
43 four-a of this chapter for violations of section eleven hundred seven-
44 ty-four of this chapter and shall adjudicate liability of owners for
45 violations of subdivisions (c) and (d) of section eleven hundred eighty
46 of this chapter in accordance with section eleven hundred eighty-b of
47 this chapter and shall adjudicate the liability of owners for violations
48 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
49 eighty of this chapter in accordance with section eleven hundred eight-
50 y-d of this chapter, shall adjudicate the liability of owners for
51 violations of subdivision (b), (d), (f) or (g) of section eleven hundred
52 eighty of this chapter in accordance with section eleven hundred eight-
53 y-e of this chapter. For the purposes of this article, a parking
54 violation is the violation of any law, rule or regulation providing for
55 or regulating the parking, stopping or standing of a vehicle. In addi-
56 tion for purposes of this article, "commissioner" shall mean and include

1 the commissioner of traffic of the city or an official possessing
2 authority as such a commissioner.

3 § 2-c. Subdivision 1 of section 236 of the vehicle and traffic law, as
4 separately amended by sections 2-b of chapters 145 and 148 of the laws
5 of 2019, is amended to read as follows:

6 1. Creation. In any city as hereinbefore or hereafter authorized such
7 tribunal when created shall be known as the parking violations bureau
8 and shall have jurisdiction of traffic infractions which constitute a
9 parking violation and, where authorized by local law adopted pursuant to
10 subdivision (a) of section eleven hundred eleven-d or subdivision (a) of
11 section eleven hundred eleven-e of this chapter, or subdivision (a) of
12 section eleven hundred seventy-four-a of this chapter, shall adjudicate
13 liability of owners in accordance with section eleven hundred eleven-c
14 of this chapter for violations of bus lane restrictions as defined in
15 such section; and shall adjudicate the liability of owners for
16 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
17 hundred eighty of this chapter in accordance with section eleven hundred
18 eighty-b of this chapter; and shall adjudicate the liability of owners
19 for violations of subdivision (b), (d), (f) or (g) of section eleven
20 hundred eighty of this chapter in accordance with section eleven hundred
21 eighty-d of this chapter, and shall adjudicate the liability of owners
22 for violations of subdivision (b), (d), (f) or (g) of section eleven
23 hundred eighty of this chapter in accordance with section eleven hundred
24 eighty-e of this chapter. For the purposes of this article, a parking
25 violation is the violation of any law, rule or regulation providing for
26 or regulating the parking, stopping or standing of a vehicle. In addi-
27 tion for purposes of this article, "commissioner" shall mean and include
28 the commissioner of traffic of the city or an official possessing
29 authority as such a commissioner.

30 § 2-d. Subdivision 1 of section 236 of the vehicle and traffic law, as
31 separately amended by sections 2-c of chapters 145 and 148 of the laws
32 of 2019, is amended to read as follows:

33 1. Creation. In any city as hereinbefore or hereafter authorized such
34 tribunal when created shall be known as the parking violations bureau
35 and, where authorized by local law adopted pursuant to subdivision (a)
36 of section eleven hundred eleven-d of this chapter or subdivision (a) of
37 section eleven hundred eleven-e of this chapter, or subdivision (a) of
38 section eleven hundred seventy-four-a of this chapter, shall have juris-
39 diction of traffic infractions which constitute a parking violation and
40 shall adjudicate the liability of owners for violations of subdivision
41 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
42 ter in accordance with section eleven hundred eighty-b of this chapter
43 and shall adjudicate the liability of owners for violations of subdivi-
44 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
45 chapter in accordance with section eleven hundred eighty-d of this chap-
46 ter, and shall adjudicate the liability of owners for violations of
47 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
48 this chapter in accordance with section eleven hundred eighty-e of this
49 chapter. For the purposes of this article, a parking violation is the
50 violation of any law, rule or regulation providing for or regulating the
51 parking, stopping or standing of a vehicle. In addition for purposes of
52 this article, "commissioner" shall mean and include the commissioner of
53 traffic of the city or an official possessing authority as such a
54 commissioner.

1 § 2-e. Subdivision 1 of section 236 of the vehicle and traffic law, as
2 separately amended by sections 2-d of chapters 145 and 148 of the laws
3 of 2019, is amended to read as follows:

4 1. Creation. In any city as hereinbefore or hereafter authorized such
5 tribunal when created shall be known as the parking violations bureau
6 and, where authorized by local law adopted pursuant to subdivision (a)
7 of section eleven hundred eleven-d of this chapter or subdivision (a) of
8 section eleven hundred eleven-e of this chapter, or subdivision (a) of
9 section eleven hundred seventy-four-a of this chapter, shall have juris-
10 diction of traffic infractions which constitute a parking violation and
11 shall adjudicate the liability of owners for violations of subdivision
12 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
13 ter in accordance with section eleven hundred eighty-d of this chapter,
14 and shall adjudicate the liability of owners for violations of subdivi-
15 sion (b), (d), (f) or (g) of section eleven hundred eighty of this chap-
16 ter in accordance with section eleven hundred eighty-e of this chapter.

17 For the purposes of this article, a parking violation is the violation
18 of any law, rule or regulation providing for or regulating the parking,
19 stopping or standing of a vehicle. In addition for purposes of this
20 article, "commissioner" shall mean and include the commissioner of traf-
21 fic of the city or an official possessing authority as such a commis-
22 sioner.

23 § 2-f. Subdivision 1 of section 236 of the vehicle and traffic law, as
24 separately amended by sections 2-e of chapters 145 and 148 of the laws
25 of 2019, is amended to read as follows:

26 1. Creation. In any city as hereinbefore or hereafter authorized such
27 tribunal when created shall be known as the parking violations bureau
28 and where authorized by local law adopted pursuant to subdivision (a) of
29 section eleven hundred eleven-e or subdivision (a) of section eleven
30 hundred seventy-four-a of this chapter, shall have jurisdiction of traf-
31 fic infractions which constitute a parking violation and shall adjudi-
32 cate the liability of owners for violations of subdivision (b), (c),
33 (d), (f) or (g) of section eleven hundred eighty of this chapter in
34 accordance with section eleven hundred eighty-d of this chapter, and
35 shall adjudicate the liability of owners for violations of subdivision
36 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in
37 accordance with section eleven hundred eighty-e of this chapter.

38 For the purposes of this article, a parking violation is the violation of
39 any law, rule or regulation providing for or regulating the parking,
40 stopping or standing of a vehicle. In addition for purposes of this
41 article, "commissioner" shall mean and include the commissioner of traf-
42 fic of the city or an official possessing authority as such a commis-
43 sioner.

44 § 2-g. Subdivision 1 of section 236 of the vehicle and traffic law, as
45 separately amended by sections 2-f of chapters 145 and 148 of the laws
46 of 2019, is amended to read as follows:

47 1. Creation. In any city as hereinbefore or hereafter authorized such
48 tribunal when created shall be known as the parking violations bureau
49 and where authorized by local law adopted pursuant to subdivision (a) of
50 section eleven hundred seventy-four-a of this chapter, shall have juris-
51 diction of traffic infractions which constitute a parking violation and
52 shall adjudicate the liability of owners for violations of subdivision
53 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
54 ter in accordance with section eleven hundred eighty-d of this chapter,
55 and shall adjudicate the liability of owners for violations of subdivi-
56 sion (b), (d), (f) or (g) of section eleven hundred eighty of this chap-

1 ter in accordance with section eleven hundred eighty-e of this chapter.

2 For the purposes of this article, a parking violation is the violation
3 of any law, rule or regulation providing for or regulating the parking,
4 stopping or standing of a vehicle. In addition for purposes of this
5 article, "commissioner" shall mean and include the commissioner of traf-
6 fic of the city or an official possessing authority as such a commis-
7 sioner.

8 § 2-h. Subdivision 1 of section 236 of the vehicle and traffic law, as
9 added by chapter 715 of the laws of 1972, is amended to read as follows:

10 1. Creation. In any city as hereinbefore or hereafter authorized such
11 tribunal when created shall be known as the parking violations bureau
12 and shall have jurisdiction of traffic infractions which constitute a
13 parking violation and, where authorized by local law adopted pursuant to
14 section eleven hundred eighty-e of this chapter, shall adjudicate the
15 liability of owners for violations of subdivision (b), (d), (f) or (g)
16 of section eleven hundred eighty of this chapter in accordance with
17 section eleven hundred eighty-e of this chapter. For the purposes of
18 this article, a parking violation is the violation of any law, rule or
19 regulation providing for or regulating the parking, stopping or standing
20 of a vehicle. In addition for purposes of this article, "commissioner"
21 shall mean and include the commissioner of traffic of the city or an
22 official possessing authority as such a commissioner.

23 § 3. Section 237 of the vehicle and traffic law is amended by adding a
24 new subdivision 17 to read as follows:

25 17. To adjudicate the liability of owners for violations of subdivi-
26 sion (b), (d), (f) or (g) of section eleven hundred eighty of this chap-
27 ter in accordance with section eleven hundred eighty-e of this chapter.

28 § 4. Paragraph f of subdivision 1 of section 239 of the vehicle and
29 traffic law, as separately amended by sections 4 of chapters 145 and 148
30 of the laws of 2019, is amended to read as follows:

31 f. "Notice of violation" means a notice of violation as defined in
32 subdivision nine of section two hundred thirty-seven of this article,
33 but shall not be deemed to include a notice of liability issued pursuant
34 to authorization set forth in section eleven hundred eleven-a of this
35 chapter, or sections eleven hundred eleven-b of this chapter as added by
36 sections sixteen of chapters twenty, and twenty-two of the laws of two
37 thousand nine, or section eleven hundred eleven-d of this chapter, or
38 section eleven hundred eleven-e of this chapter, or section eleven
39 hundred seventy-four-a of this chapter, and shall not be deemed to
40 include a notice of liability issued pursuant to section two thousand
41 nine hundred eighty-five of the public authorities law and sections
42 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
43 of the laws of nineteen hundred fifty and shall not be deemed to include
44 a notice of liability issued pursuant to section eleven hundred eleven-c
45 of this chapter and shall not be deemed to include a notice of liability
46 issued pursuant to section eleven hundred eighty-b of this chapter and
47 shall not be deemed to include a notice of liability issued pursuant to
48 section eleven hundred eighty-d of this chapter and shall not be deemed
49 to include a notice of liability issued pursuant to section eleven
50 hundred eighty-e of this chapter.

51 § 4-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
52 traffic law, as amended by section 4 of chapter 145 of the laws of 2019,
53 is amended to read as follows:

54 f. "Notice of violation" means a notice of violation as defined in
55 subdivision nine of section two hundred thirty-seven of this article,
56 but shall not be deemed to include a notice of liability issued pursuant

1 to authorization set forth in section eleven hundred eleven-a of this
2 chapter, or sections eleven hundred eleven-b of this chapter as added by
3 sections sixteen of chapters twenty, and twenty-two of the laws of two
4 thousand nine, or section eleven hundred eleven-d of this chapter, or
5 section eleven hundred eleven-e of this chapter, or section eleven
6 hundred seventy-four-a of this chapter, and shall not be deemed to
7 include a notice of liability issued pursuant to section two thousand
8 nine hundred eighty-five of the public authorities law and sections
9 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
10 of the laws of nineteen hundred fifty and shall not be deemed to include
11 a notice of liability issued pursuant to section eleven hundred eleven-c
12 of this chapter and shall not be deemed to include a notice of liability
13 issued pursuant to section eleven hundred eighty-b of this chapter, and
14 shall not be deemed to include a notice of liability issued pursuant to
15 section eleven hundred eighty-e of this chapter.

16 § 4-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
17 traffic law, as separately amended by sections 4-a of chapters 145 and
18 148 of the laws of 2019, is amended to read as follows:

19 f. "Notice of violation" means a notice of violation as defined in
20 subdivision nine of section two hundred thirty-seven of this article but
21 shall not be deemed to include a notice of liability issued pursuant to
22 authorization set forth in sections eleven hundred eleven-b of this
23 chapter as added by sections sixteen of chapters twenty, and twenty-two
24 of the laws of two thousand nine, or section eleven hundred eleven-d of
25 this chapter, or section eleven hundred eleven-e of this chapter or
26 section eleven hundred seventy-four-a of this chapter and shall not be
27 deemed to include a notice of liability issued pursuant to section elev-
28 en hundred eleven-c of this chapter and shall not be deemed to include a
29 notice of liability issued pursuant to section eleven hundred eighty-b
30 of this chapter and shall not be deemed to include a notice of liability
31 issued pursuant to section eleven hundred eighty-d of this chapter, and
32 shall not be deemed to include a notice of liability issued pursuant to
33 section eleven hundred eighty-e of this chapter.

34 § 4-c. Paragraph f of subdivision 1 of section 239 of the vehicle and
35 traffic law, as separately amended by sections 4-b of chapters 145 and
36 148 of the laws of 2019, is amended to read as follows:

37 f. "Notice of violation" means a notice of violation as defined in
38 subdivision nine of section two hundred thirty-seven of this article and
39 shall not be deemed to include a notice of liability issued pursuant to
40 authorization set forth in section eleven hundred eleven-d of this chap-
41 ter or to a notice of liability issued pursuant to authorization set
42 forth in section eleven hundred eleven-e of this chapter or to a notice
43 of liability issued pursuant to authorization set forth in section elev-
44 en hundred seventy-four-a of this chapter and shall not be deemed to
45 include a notice of liability issued pursuant to section eleven hundred
46 eleven-c of this chapter and shall not be deemed to include a notice of
47 liability issued pursuant to section eleven hundred eighty-b of this
48 chapter and shall not be deemed to include a notice of liability issued
49 pursuant to section eleven hundred eighty-d of this chapter, and shall
50 not be deemed to include a notice of liability issued pursuant to
51 section eleven hundred eighty-e of this chapter.

52 § 4-d. Paragraph f of subdivision 1 of section 239 of the vehicle and
53 traffic law, as separately amended by sections 4-c of chapters 145 and
54 148 of the laws of 2019, is amended to read as follows:

55 f. "Notice of violation" means a notice of violation as defined in
56 subdivision nine of section two hundred thirty-seven of this article and

1 shall not be deemed to include a notice of liability issued pursuant to
2 authorization set forth in section eleven hundred eleven-d of this chap-
3 ter or to a notice of liability issued pursuant to authorization set
4 forth in section eleven hundred eleven-e of this chapter or to a notice
5 of liability issued pursuant to authorization set forth in section elev-
6 en hundred seventy-four-a of this chapter and shall not be deemed to
7 include a notice of liability issued pursuant to section eleven hundred
8 eighty-b of this chapter and shall not be deemed to include a notice of
9 liability issued pursuant to section eleven hundred eighty-d of this
10 chapter, and shall not be deemed to include a notice of liability issued
11 pursuant to section eleven hundred eighty-e of this chapter.

12 § 4-e. Paragraph f of subdivision 1 of section 239 of the vehicle and
13 traffic law, as separately amended by sections 4-d of chapters 145 and
14 148 of the laws of 2019, is amended to read as follows:

15 f. "Notice of violation" means a notice of violation as defined in
16 subdivision nine of section two hundred thirty-seven of this article and
17 shall not be deemed to include a notice of liability issued pursuant to
18 authorization set forth in section eleven hundred eleven-d of this chap-
19 ter or to a notice of liability issued pursuant to authorization set
20 forth in section eleven hundred eleven-e of this chapter or to a notice
21 of liability issued pursuant to authorization set forth in section elev-
22 en hundred seventy-four-a of this chapter and shall not be deemed to
23 include a notice of liability issued pursuant to section eleven hundred
24 eighty-d of this chapter, and shall not be deemed to include a notice of
25 liability issued pursuant to section eleven hundred eighty-e of this
26 chapter.

27 § 4-f. Paragraph f of subdivision 1 of section 239 of the vehicle and
28 traffic law, as separately amended by sections 4-e of chapters 145 and
29 148 of the laws of 2019, is amended to read as follows:

30 f. "Notice of violation" means a notice of violation as defined in
31 subdivision nine of section two hundred thirty-seven of this article and
32 shall not be deemed to include a notice of liability issued pursuant to
33 authorization set forth in section eleven hundred eleven-e of this chap-
34 ter or to a notice of liability issued pursuant to authorization set
35 forth in section eleven hundred seventy-four-a of this chapter and shall
36 not be deemed to include a notice of liability issued pursuant to
37 section eleven hundred eighty-d of this chapter, and shall not be deemed
38 to include a notice of liability issued pursuant to section eleven
39 hundred eighty-e of this chapter.

40 § 4-g. Paragraph f of subdivision 1 of section 239 of the vehicle and
41 traffic law, as separately amended by sections 4-f of chapters 145 and
42 148 of the laws of 2019, is amended to read as follows:

43 f. "Notice of violation" means a notice of violation as defined in
44 subdivision nine of section two hundred thirty-seven of this article and
45 shall not be deemed to include a notice of liability issued pursuant to
46 authorization set forth in section eleven hundred seventy-four-a of this
47 chapter and shall not be deemed to include a notice of liability issued
48 pursuant to section eleven hundred eighty-d of this chapter, and shall
49 not be deemed to include a notice of liability issued pursuant to
50 section eleven hundred eighty-e of this chapter.

51 § 4-h. Paragraph f of subdivision 1 of section 239 of the vehicle and
52 traffic law, as added by chapter 180 of the laws of 1980, is amended to
53 read as follows:

54 f. "Notice of violation" means a notice of violation as defined in
55 subdivision nine of section two hundred thirty-seven of this article,
56 but shall not be deemed to include a notice of liability issued pursuant

1 to authorization set forth in section eleven hundred eighty-e of this
2 chapter.

3 § 5. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
4 law, as separately amended by sections 5 of chapters 145 and 148 of the
5 laws of 2019, are amended to read as follows:

6 1. Notice of hearing. Whenever a person charged with a parking
7 violation enters a plea of not guilty or a person alleged to be liable
8 in accordance with section eleven hundred eleven-a of this chapter or
9 sections eleven hundred eleven-b of this chapter as added by sections
10 sixteen of chapters twenty, and twenty-two of the laws of two thousand
11 nine or section eleven hundred eleven-d of this chapter, or section
12 eleven hundred eleven-e of this chapter, or section eleven hundred
13 seventy-four-a of this chapter, for a violation of subdivision (d) of
14 section eleven hundred eleven of this chapter contests such allegation,
15 or a person alleged to be liable in accordance with the provisions of
16 section two thousand nine hundred eighty-five of the public authorities
17 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
18 hundred seventy-four of the laws of nineteen hundred fifty, or a person
19 alleged to be liable in accordance with the provisions of section eleven
20 hundred eleven-c of this chapter for a violation of a bus lane
21 restriction as defined in such section contests such allegation, or a
22 person alleged to be liable in accordance with the provisions of section
23 eleven hundred eighty-b of this chapter for a violation of subdivision
24 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
25 ter contests such allegation, or a person alleged to be liable in
26 accordance with the provisions of section eleven hundred eighty-d of
27 this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of
28 section eleven hundred eighty of this chapter contests such allegation,
29 or a person alleged to be liable in accordance with the provisions of
30 section eleven hundred eighty-e of this chapter for a violation of
31 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
32 this chapter contests such allegation the bureau shall advise such
33 person personally by such form of first class mail as the director may
34 direct of the date on which he or she must appear to answer the charge
35 at a hearing. The form and content of such notice of hearing shall be
36 prescribed by the director, and shall contain a warning to advise the
37 person so pleading or contesting that failure to appear on the date
38 designated, or on any subsequent adjourned date, shall be deemed an
39 admission of liability, and that a default judgment may be entered ther-
40 eon.

41 1-a. Fines and penalties. Whenever a plea of not guilty has been
42 entered, or the bureau has been notified that an allegation of liability
43 in accordance with section eleven hundred eleven-a of this chapter or
44 sections eleven hundred eleven-b of this chapter [~~as added by sections~~
45 ~~sixteen of chapters twenty, and twenty-two of the laws of two thousand~~
46 ~~nine~~] or section eleven hundred eleven-d of this chapter or section
47 eleven hundred eleven-e of this chapter or section eleven hundred seven-
48 ty-four-a of this chapter or an allegation of liability in accordance
49 with section two thousand nine hundred eighty-five of the public author-
50 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
51 seven hundred seventy-four of the laws of nineteen hundred fifty or an
52 allegation of liability in accordance with section eleven hundred
53 eleven-c of this chapter or an allegation of liability in accordance
54 with section eleven hundred eighty-b of this chapter or an allegation of
55 liability in accordance with section eleven hundred eighty-d of this
56 chapter, or an allegation of liability in accordance with section eleven

1 hundred eighty-e of this chapter is being contested, by a person in a
2 timely fashion and a hearing upon the merits has been demanded, but has
3 not yet been held, the bureau shall not issue any notice of fine or
4 penalty to that person prior to the date of the hearing.

5 § 5-a. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
6 fic law, as amended by section 5 of chapter 145 of the laws of 2019, are
7 amended to read as follows:

8 1. Notice of hearing. Whenever a person charged with a parking
9 violation enters a plea of not guilty or a person alleged to be liable
10 in accordance with section eleven hundred eleven-a of this chapter or
11 sections eleven hundred eleven-b of this chapter as added by sections
12 sixteen of chapters twenty, and twenty-two of the laws of two thousand
13 nine or section eleven hundred eleven-d of this chapter, or section
14 eleven hundred eleven-e of this chapter, or section eleven hundred
15 seventy-four-a of this chapter, for a violation of subdivision (d) of
16 section eleven hundred eleven of this chapter contests such allegation,
17 or a person alleged to be liable in accordance with the provisions of
18 section two thousand nine hundred eighty-five of the public authorities
19 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
20 hundred seventy-four of the laws of nineteen hundred fifty, or a person
21 alleged to be liable in accordance with the provisions of section eleven
22 hundred eleven-c of this chapter for a violation of a bus lane
23 restriction as defined in such section contests such allegation, or a
24 person alleged to be liable in accordance with the provisions of section
25 eleven hundred eighty-b of this chapter for a violation of subdivision
26 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
27 ter contests such allegation, or a person alleged to be liable in
28 accordance with the provisions of section eleven hundred eighty-e of
29 this chapter for a violation of subdivision (b), (d), (f) or (g) of
30 section eleven hundred eighty of this chapter contests such allegation,
31 the bureau shall advise such person personally by such form of first
32 class mail as the director may direct of the date on which he or she
33 must appear to answer the charge at a hearing. The form and content of
34 such notice of hearing shall be prescribed by the director, and shall
35 contain a warning to advise the person so pleading or contesting that
36 failure to appear on the date designated, or on any subsequent adjourned
37 date, shall be deemed an admission of liability, and that a default
38 judgment may be entered thereon.

39 1-a. Fines and penalties. Whenever a plea of not guilty has been
40 entered, or the bureau has been notified that an allegation of liability
41 in accordance with section eleven hundred eleven-a of this chapter or
42 sections eleven hundred eleven-b of this chapter as added by sections
43 sixteen of chapters twenty, and twenty-two of the laws of two thousand
44 nine or section eleven hundred eleven-d of this chapter or section elev-
45 en hundred eleven-e of this chapter or section eleven hundred seventy-
46 four-a of this chapter or an allegation of liability in accordance with
47 section two thousand nine hundred eighty-five of the public authorities
48 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
49 hundred seventy-four of the laws of nineteen hundred fifty or an allega-
50 tion of liability in accordance with section eleven hundred eleven-c of
51 this chapter or an allegation of liability in accordance with section
52 eleven hundred eighty-b of this chapter, or an allegation of liability
53 in accordance with section eleven hundred eighty-e of this chapter is
54 being contested, by a person in a timely fashion and a hearing upon the
55 merits has been demanded, but has not yet been held, the bureau shall

1 not issue any notice of fine or penalty to that person prior to the date
2 of the hearing.

3 § 5-b. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
4 fic law, as separately amended by sections 5-a of chapters 145 and 148
5 of the laws of 2019, are amended to read as follows:

6 1. Notice of hearing. Whenever a person charged with a parking
7 violation enters a plea of not guilty or a person alleged to be liable
8 in accordance with sections eleven hundred eleven-b of this chapter as
9 added by sections sixteen of chapters twenty, and twenty-two of the laws
10 of two thousand nine or section eleven hundred eleven-d of this chapter
11 or section eleven hundred eleven-e of this chapter or section eleven
12 hundred seventy-four-a of this chapter for a violation of subdivision
13 (d) of section eleven hundred eleven of this chapter, or a person
14 alleged to be liable in accordance with the provisions of section eleven
15 hundred eleven-c of this chapter for a violation of a bus lane
16 restriction as defined in such section contests such allegation, or a
17 person alleged to be liable in accordance with the provisions of section
18 eleven hundred eighty-b of this chapter for violations of subdivision
19 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
20 ter contests such allegation, or a person alleged to be liable in
21 accordance with the provisions of section eleven hundred eighty-d of
22 this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of
23 section eleven hundred eighty of this chapter contests such allegation,
24 or a person alleged to be liable in accordance with the provisions of
25 section eleven hundred eighty-e of this chapter for a violation of
26 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
27 this chapter contests such allegation, the bureau shall advise such
28 person personally by such form of first class mail as the director may
29 direct of the date on which he or she must appear to answer the charge
30 at a hearing. The form and content of such notice of hearing shall be
31 prescribed by the director, and shall contain a warning to advise the
32 person so pleading or contesting that failure to appear on the date
33 designated, or on any subsequent adjourned date, shall be deemed an
34 admission of liability, and that a default judgment may be entered ther-
35 eon.

36 1-a. Fines and penalties. Whenever a plea of not guilty has been
37 entered, or the bureau has been notified that an allegation of liability
38 in accordance with sections eleven hundred eleven-b of this chapter, as
39 added by sections sixteen of chapters twenty, and twenty-two of the laws
40 of two thousand nine or in accordance with section eleven hundred
41 eleven-d of this chapter, or in accordance with section eleven hundred
42 eleven-e of this chapter or section eleven hundred seventy-four-a of
43 this chapter or an allegation of liability in accordance with section
44 eleven hundred eleven-c of this chapter or an allegation of liability in
45 accordance with section eleven hundred eighty-b of this chapter or an
46 allegation of liability in accordance with section eleven hundred eight-
47 y-d of this chapter, or an allegation of liability in accordance with
48 section eleven hundred eighty-e of this chapter is being contested, by a
49 person in a timely fashion and a hearing upon the merits has been
50 demanded, but has not yet been held, the bureau shall not issue any
51 notice of fine or penalty to that person prior to the date of the hear-
52 ing.

53 § 5-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
54 fic law, as separately amended by sections 5-b of chapters 145 and 148
55 of the laws of 2019, are amended to read as follows:

1 1. Notice of hearing. Whenever a person charged with a parking
2 violation enters a plea of not guilty or a person alleged to be liable
3 in accordance with section eleven hundred eleven-d of this chapter or in
4 accordance with section eleven hundred eleven-e of this chapter or
5 section eleven hundred seventy-four-a of this chapter or in accordance
6 with the provisions of section eleven hundred eleven-c of this chapter
7 for a violation of a bus lane restriction as defined in such section,
8 contests such allegation, or a person alleged to be liable in accordance
9 with the provisions of section eleven hundred eighty-b of this chapter
10 for violations of subdivision (b), (c), (d), (f) or (g) of section eleven
11 hundred eighty of this chapter contests such allegation, or a person
12 alleged to be liable in accordance with the provisions of section eleven
13 hundred eighty-d of this chapter for a violation of subdivision (b),
14 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter
15 contests such allegation, or a person alleged to be liable in accordance
16 with the provisions of section eleven hundred eighty-e of this chapter
17 for a violation of subdivision (b), (d), (f) or (g) of section eleven
18 hundred eighty of this chapter contests such allegation, the bureau
19 shall advise such person personally by such form of first class mail as
20 the director may direct of the date on which he or she must appear to
21 answer the charge at a hearing. The form and content of such notice of
22 hearing shall be prescribed by the director, and shall contain a warning
23 to advise the person so pleading that failure to appear on the date
24 designated, or on any subsequent adjourned date, shall be deemed an
25 admission of liability, and that a default judgment may be entered there-
26 on.

27 1-a. Fines and penalties. Whenever a plea of not guilty has been
28 entered, or the bureau has been notified that an allegation of liability
29 in accordance with section eleven hundred eleven-d of this chapter or in
30 accordance with section eleven hundred eleven-e of this chapter or
31 section eleven hundred seventy-four-a of this chapter or in accordance
32 with section eleven hundred eleven-c of this chapter or an allegation of
33 liability in accordance with section eleven hundred eighty-b of this
34 chapter or an allegation of liability in accordance with section eleven
35 hundred eighty-d of this chapter, or an allegation of liability in
36 accordance with section eleven hundred eighty-e of this chapter, is
37 being contested, by a person in a timely fashion and a hearing upon the
38 merits has been demanded, but has not yet been held, the bureau shall
39 not issue any notice of fine or penalty to that person prior to the date
40 of the hearing.

41 § 5-d. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
42 fic law, as separately amended by sections 5-c of chapters 145 and 148
43 of the laws of 2019, are amended to read as follows:

44 1. Notice of hearing. Whenever a person charged with a parking
45 violation enters a plea of not guilty, or a person alleged to be liable
46 in accordance with section eleven hundred eleven-d of this chapter, or a
47 person alleged to be liable in accordance with section eleven hundred
48 eleven-e of this chapter, or a person alleged to be liable in accordance
49 with section eleven hundred seventy-four-a of this chapter, or a person
50 alleged to be liable in accordance with the provisions of section eleven
51 hundred eighty-b of this chapter for violations of subdivision (b), (c),
52 (d), (f) or (g) of section eleven hundred eighty of this chapter
53 contests such allegation, or a person alleged to be liable in accordance
54 with the provisions of section eleven hundred eighty-d of this chapter
55 for a violation of subdivision (b), (c), (d), (f) or (g) of section
56 eleven hundred eighty of this chapter contests such allegation, or a

1 person alleged to be liable in accordance with the provisions of section
2 eleven hundred eighty-e of this chapter for a violation of subdivision
3 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter
4 contests such allegation, the bureau shall advise such person personally
5 by such form of first class mail as the director may direct of the date
6 on which he or she must appear to answer the charge at a hearing. The
7 form and content of such notice of hearing shall be prescribed by the
8 director, and shall contain a warning to advise the person so pleading
9 that failure to appear on the date designated, or on any subsequent
10 adjourned date, shall be deemed an admission of liability, and that a
11 default judgment may be entered thereon.

12 1-a. Fines and penalties. Whenever a plea of not guilty has been
13 entered, or the bureau has been notified that an allegation of liability
14 in accordance with section eleven hundred eleven-d of this chapter, or
15 the bureau has been notified that an allegation of liability in accord-
16 ance with section eleven hundred eleven-e of this chapter, or the bureau
17 has been notified that an allegation of liability in accordance with
18 section eleven hundred seventy-four-a of this chapter, or the bureau has
19 been notified that an allegation of liability in accordance with section
20 eleven hundred eighty-b of this chapter, or an allegation of liability
21 in accordance with section eleven hundred eighty-d of this chapter, or
22 an allegation of liability in accordance with section eleven hundred
23 eighty-e of this chapter is being contested, by a person in a timely
24 fashion and a hearing upon the merits has been demanded, but has not yet
25 been held, the bureau shall not issue any notice of fine or penalty to
26 that person prior to the date of the hearing.

27 § 5-e. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
28 fic law, as separately amended by sections 5-d of chapters 145 and 148
29 of the laws of 2019, are amended to read as follows:

30 1. Notice of hearing. Whenever a person charged with a parking
31 violation enters a plea of not guilty, or a person alleged to be liable
32 in accordance with section eleven hundred eleven-d of this chapter
33 contests such allegation, or a person alleged to be liable in accordance
34 with section eleven hundred eleven-e of this chapter contests such alle-
35 gation, or a person alleged to be liable in accordance with the
36 provisions of section eleven hundred eighty-d of this chapter for a
37 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
38 hundred eighty of this chapter contests such allegation, or a person
39 alleged to be liable in accordance with the provisions of section eleven
40 hundred eighty-e of this chapter for a violation of subdivision (b),
41 (d), (f) or (g) of section eleven hundred eighty of this chapter
42 contests such allegation, or a person alleged to be liable in accordance
43 with section eleven hundred seventy-four-a of this chapter contests such
44 allegation, the bureau shall advise such person personally by such form
45 of first class mail as the director may direct of the date on which he
46 or she must appear to answer the charge at a hearing. The form and
47 content of such notice of hearing shall be prescribed by the director,
48 and shall contain a warning to advise the person so pleading that fail-
49 ure to appear on the date designated, or on any subsequent adjourned
50 date, shall be deemed an admission of liability, and that a default
51 judgment may be entered thereon.

52 1-a. Fines and penalties. Whenever a plea of not guilty has been
53 entered, or the bureau has been notified that an allegation of liability
54 in accordance with section eleven hundred eleven-d of this chapter, is
55 being contested, or the bureau has been notified that an allegation of
56 liability in accordance with section eleven hundred eleven-e of this

1 chapter, or an allegation of liability in accordance with section eleven
2 hundred eighty-d of this chapter, is being contested, or the bureau has
3 been notified that an allegation of liability in accordance with section
4 eleven hundred eighty-e of this chapter is being contested, or the
5 bureau has been notified that an allegation of liability in accordance
6 with section eleven hundred seventy-four-a of this chapter, is being
7 contested, by a person in a timely fashion and a hearing upon the merits
8 has been demanded, but has not yet been held, the bureau shall not issue
9 any notice of fine or penalty to that person prior to the date of the
10 hearing.

11 § 5-f. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
12 fic law, as separately amended by sections 5-e of chapters 145 and 148
13 of the laws of 2019, are amended to read as follows:

14 1. Notice of hearing. Whenever a person charged with a parking
15 violation enters a plea of not guilty, or a person alleged to be liable
16 in accordance with section eleven hundred eleven-e of this chapter
17 contests such allegation, or a person alleged to be liable in accordance
18 with the provisions of section eleven hundred eighty-d of this chapter
19 for a violation of subdivision (b), (c), (d), (f) or (g) of section
20 eleven hundred eighty of this chapter contests such allegation, or a
21 person alleged to be liable in accordance with the provisions of section
22 eleven hundred eighty-e of this chapter for a violation of subdivision
23 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter
24 contests such allegation, or a person alleged to be liable in accordance
25 with section eleven hundred seventy-four-a of this chapter contests such
26 allegation, the bureau shall advise such person personally by such form
27 of first class mail as the director may direct of the date on which he
28 or she must appear to answer the charge at a hearing. The form and
29 content of such notice of hearing shall be prescribed by the director,
30 and shall contain a warning to advise the person so pleading that fail-
31 ure to appear on the date designated, or on any subsequent adjourned
32 date, shall be deemed an admission of liability, and that a default
33 judgment may be entered thereon.

34 1-a. Fines and penalties. Whenever a plea of not guilty has been
35 entered, or the bureau has been notified that an allegation of liability
36 in accordance with section eleven hundred eleven-e of this chapter, or
37 an allegation of liability in accordance with section eleven hundred
38 eighty-d of this chapter, is being contested, or the bureau has been
39 notified that an allegation of liability in accordance with section
40 eleven hundred eighty-e of this chapter is being contested, or the
41 bureau has been notified that an allegation of liability in accordance
42 with section eleven hundred seventy-four-a of this chapter, is being
43 contested, by a person in a timely fashion and a hearing upon the merits
44 has been demanded, but has not yet been held, the bureau shall not issue
45 any notice of fine or penalty to that person prior to the date of the
46 hearing.

47 § 5-g. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
48 fic law, as separately amended by sections 5-f of chapters 145 and 148
49 of the laws of 2019, are amended to read as follows:

50 1. Notice of hearing. Whenever a person charged with a parking
51 violation enters a plea of not guilty, or a person alleged to be liable
52 in accordance with the provisions of section eleven hundred eighty-d of
53 this chapter for a violation of subdivision (b), (c), (d), (f) or (g) of
54 section eleven hundred eighty of this chapter contests such allegation,
55 or a person alleged to be liable in accordance with the provisions of
56 section eleven hundred eighty-e of this chapter for a violation of

1 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
2 this chapter contests such allegation, or a person alleged to be liable
3 in accordance with section eleven hundred seventy-four-a of this chapter
4 contests such allegation, the bureau shall advise such person personally
5 by such form of first class mail as the director may direct of the date
6 on which he or she must appear to answer the charge at a hearing. The
7 form and content of such notice of hearing shall be prescribed by the
8 director, and shall contain a warning to advise the person so pleading
9 that failure to appear on the date designated, or on any subsequent
10 adjourned date, shall be deemed an admission of liability, and that a
11 default judgment may be entered thereon.

12 1-a. Fines and penalties. Whenever a plea of not guilty has been
13 entered, or the bureau has been notified that an allegation of liability
14 in accordance with section eleven hundred seventy-four-a of this chap-
15 ter, is being contested, or the bureau has been notified that an allega-
16 tion of liability in accordance with section eleven hundred eighty-d of
17 this chapter is being contested, or the bureau has been notified that an
18 allegation of liability in accordance with section eleven hundred eight-
19 y-e of this chapter is being contested, by a person in a timely fashion
20 and a hearing upon the merits has been demanded, but has not yet been
21 held, the bureau shall not issue any notice of fine or penalty to that
22 person prior to the date of the hearing.

23 § 5-h. Subdivision 1 of section 240 of the vehicle and traffic law, as
24 added by chapter 715 of the laws of 1972, is amended to read as follows:

25 1. Notice of hearing. Whenever a person charged with a parking
26 violation enters a plea of not guilty, or a person alleged to be liable
27 in accordance with the provisions of section eleven hundred eighty-e of
28 this chapter for a violation of subdivision (b), (d), (f) or (g) of
29 section eleven hundred eighty of this chapter contests such allegation,
30 the bureau shall advise such person personally by such form of first
31 class mail as the director may direct of the date on which he must
32 appear to answer the charge at a hearing. The form and content of such
33 notice of hearing shall be prescribed by the director, and shall contain
34 a warning to advise the person so pleading that failure to appear on the
35 date designated, or on any subsequent adjourned date, shall be deemed an
36 admission of liability, and that a default judgment may be entered ther-
37 eon.

38 § 5-i. Subdivision 1-a of section 240 of the vehicle and traffic law,
39 as added by chapter 365 of the laws of 1978, is amended to read as
40 follows:

41 1-a. Fines and penalties. Whenever a plea of not guilty has been
42 entered, or the bureau has been notified that an allegation of liability
43 in accordance with section eleven hundred eighty-e of this chapter is
44 being contested by a person in a timely fashion and a hearing upon the
45 merits has been demanded, but has not yet been held, the bureau shall
46 not issue any notice of fine or penalty to that person prior to the date
47 of the hearing.

48 § 6. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
49 and traffic law, as separately amended by sections 6 of chapters 145 and
50 148 of the laws of 2019, are amended to read as follows:

51 a. Every hearing for the adjudication of a charge of parking violation
52 or an allegation of liability in accordance with section eleven hundred
53 eleven-a of this chapter or in accordance with sections eleven hundred
54 eleven-b of this chapter as added by sections sixteen of chapters twen-
55 ty, and twenty-two of the laws of two thousand nine or in accordance
56 with section eleven hundred eleven-d of this chapter or in accordance

1 with section eleven hundred eleven-e of this chapter or in accordance
2 with section eleven hundred seventy-four-a of this chapter or an allega-
3 tion of liability in accordance with section two thousand nine hundred
4 eighty-five of the public authorities law or sections sixteen-a,
5 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
6 laws of nineteen hundred fifty or an allegation of liability in accord-
7 ance with section eleven hundred eleven-c of this chapter or an allega-
8 tion of liability in accordance with section eleven hundred eighty-b of
9 this chapter, or an allegation of liability in accordance with section
10 eleven hundred eighty-d of this chapter, or an allegation of liability
11 in accordance with section eleven hundred eighty-e of this chapter,
12 shall be held before a hearing examiner in accordance with rules and
13 regulations promulgated by the bureau.

14 g. A record shall be made of a hearing on a plea of not guilty or of a
15 hearing at which liability in accordance with section eleven hundred
16 eleven-a of this chapter or in accordance with sections eleven hundred
17 eleven-b of this chapter as added by sections sixteen of chapters twen-
18 ty, and twenty-two of the laws of two thousand nine or in accordance
19 with section eleven hundred eleven-d of this chapter is contested or in
20 accordance with section eleven hundred eleven-e of this chapter is
21 contested or in accordance with section eleven hundred seventy-four-a of
22 this chapter is contested or of a hearing at which liability in accord-
23 ance with section two thousand nine hundred eighty-five of the public
24 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
25 ter seven hundred seventy-four of the laws of nineteen hundred fifty is
26 contested or of a hearing at which liability in accordance with section
27 eleven hundred eleven-c of this chapter or of a hearing at which liabil-
28 ity in accordance with section eleven hundred eighty-b of this chapter
29 or of a hearing at which liability in accordance with section eleven
30 hundred eighty-d of this chapter or of a hearing at which liability in
31 accordance with section eleven hundred eighty-e of this chapter is
32 contested. Recording devices may be used for the making of the record.

33 § 6-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
34 cle and traffic law, as amended by section 6 of chapter 145 of the laws
35 of 2019, are amended to read as follows:

36 a. Every hearing for the adjudication of a charge of parking violation
37 or an allegation of liability in accordance with section eleven hundred
38 eleven-a of this chapter or in accordance with sections eleven hundred
39 eleven-b of this chapter as added by sections sixteen of chapters twen-
40 ty, and twenty-two of the laws of two thousand nine or in accordance
41 with section eleven hundred eleven-d of this chapter or in accordance
42 with section eleven hundred eleven-e of this chapter or in accordance
43 with section eleven hundred seventy-four-a of this chapter or an allega-
44 tion of liability in accordance with section two thousand nine hundred
45 eighty-five of the public authorities law or sections sixteen-a,
46 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
47 laws of nineteen hundred fifty or an allegation of liability in accord-
48 ance with section eleven hundred eleven-c of this chapter or an allega-
49 tion of liability in accordance with section eleven hundred eighty-b of
50 this chapter or an allegation of liability in accordance with section
51 eleven hundred eighty-e of this chapter, shall be held before a hearing
52 examiner in accordance with rules and regulations promulgated by the
53 bureau.

54 g. A record shall be made of a hearing on a plea of not guilty or of a
55 hearing at which liability in accordance with section eleven hundred
56 eleven-a of this chapter or in accordance with sections eleven hundred

1 eleven-b of this chapter as added by sections sixteen of chapters twen-
2 ty, and twenty-two of the laws of two thousand nine or in accordance
3 with section eleven hundred eleven-d of this chapter is contested or in
4 accordance with section eleven hundred eleven-e of this chapter is
5 contested or in accordance with section eleven hundred seventy-four-a of
6 this chapter is contested or of a hearing at which liability in accord-
7 ance with section two thousand nine hundred eighty-five of the public
8 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
9 ter seven hundred seventy-four of the laws of nineteen hundred fifty is
10 contested or of a hearing at which liability in accordance with section
11 eleven hundred eleven-c of this chapter or of a hearing at which liabil-
12 ity in accordance with section eleven hundred eighty-b of this chapter
13 or of a hearing at which liability in accordance with section eleven
14 hundred eighty-e of this chapter is contested. Recording devices may be
15 used for the making of the record.

16 § 6-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
17 cle and traffic law, as separately amended by sections 6-a of chapters
18 145 and 148 of the laws of 2019, are amended to read as follows:

19 a. Every hearing for the adjudication of a charge of parking violation
20 or an allegation of liability in accordance with sections eleven hundred
21 eleven-b of this chapter, as added by sections sixteen of chapters twen-
22 ty, and twenty-two of the laws of two thousand nine or in accordance
23 with section eleven hundred eleven-d of this chapter or in accordance
24 with section eleven hundred eleven-e of this chapter or in accordance
25 with section eleven hundred seventy-four-a of this chapter or an allega-
26 tion of liability in accordance with section eleven hundred eleven-c of
27 this chapter or an allegation of liability in accordance with section
28 eleven hundred eighty-b of this chapter or an allegation of liability in
29 accordance with section eleven hundred eighty-d of this chapter or an
30 allegation of liability in accordance with section eleven hundred eight-
31 y-e of this chapter, shall be held before a hearing examiner in accord-
32 ance with rules and regulations promulgated by the bureau.

33 g. A record shall be made of a hearing on a plea of not guilty or of a
34 hearing at which liability in accordance with sections eleven hundred
35 eleven-b of this chapter, as added by sections sixteen of chapters twen-
36 ty, and twenty-two of the laws of two thousand nine or in accordance
37 with section eleven hundred eleven-d of this chapter or in accordance
38 with section eleven hundred eleven-e of this chapter or in accordance
39 with section eleven hundred seventy-four-a of this chapter or of a hear-
40 ing at which liability in accordance with section eleven hundred
41 eleven-c of this chapter or of a hearing at which liability in accord-
42 ance with section eleven hundred eighty-b of this chapter or of a hear-
43 ing at which liability in accordance with section eleven hundred eight-
44 y-d of this chapter or of a hearing at which liability in accordance
45 with section eleven hundred eighty-e of this chapter is contested.
46 Recording devices may be used for the making of the record.

47 § 6-c. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
48 cle and traffic law, as separately amended by sections 6-b of chapters
49 145 and 148 of the laws of 2019, are amended to read as follows:

50 a. Every hearing for the adjudication of a charge of parking violation
51 or an allegation of liability in accordance with section eleven hundred
52 seventy-four-a of this chapter or an allegation of liability in accord-
53 ance with section eleven hundred eleven-e of this chapter or an allega-
54 tion of liability in accordance with section eleven hundred eleven-d of
55 this chapter or an allegation of liability in accordance with section
56 eleven hundred eleven-c of this chapter or an allegation of liability in

1 accordance with section eleven hundred eighty-b of this chapter or an
2 allegation of liability in accordance with section eleven hundred eight-
3 y-d of this chapter or an allegation of liability in accordance with
4 section eleven hundred eighty-e of this chapter shall be held before a
5 hearing examiner in accordance with rules and regulations promulgated by
6 the bureau.

7 g. A record shall be made of a hearing on a plea of not guilty or of a
8 hearing at which liability in accordance with section eleven hundred
9 seventy-four-a of this chapter or of a hearing at which liability in
10 accordance with section eleven hundred eleven-e of this chapter or of a
11 hearing at which liability in accordance with section eleven hundred
12 eleven-d of this chapter or of a hearing at which liability in accord-
13 ance with section eleven hundred eleven-c of this chapter or of a hear-
14 ing at which liability in accordance with section eleven hundred eight-
15 y-b of this chapter or of a hearing at which liability in accordance
16 with section eleven hundred eighty-d of this chapter or of a hearing at
17 which liability in accordance with section eleven hundred eighty-e of
18 this chapter is contested. Recording devices may be used for the making
19 of the record.

20 § 6-d. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
21 cle and traffic law, as separately amended by sections 6-c of chapters
22 145 and 148 of the laws of 2019, are amended to read as follows:

23 a. Every hearing for the adjudication of a charge of parking violation
24 or an allegation of liability in accordance with section eleven hundred
25 seventy-four-a of this chapter or an allegation of liability in accord-
26 ance with section eleven hundred eleven-e of this chapter or an allega-
27 tion of liability in accordance with section eleven hundred eleven-d of
28 this chapter or an allegation of liability in accordance with section
29 eleven hundred eighty-b of this chapter or an allegation of liability in
30 accordance with section eleven hundred eighty-d of this chapter or an
31 allegation of liability in accordance with section eleven hundred eight-
32 y-e of this chapter shall be held before a hearing examiner in accord-
33 ance with rules and regulations promulgated by the bureau.

34 g. A record shall be made of a hearing on a plea of not guilty or of a
35 hearing at which liability in accordance with section eleven hundred
36 seventy-four-a of this chapter or of a hearing at which liability in
37 accordance with section eleven hundred eleven-e of this chapter or of a
38 hearing at which liability in accordance with section eleven hundred
39 eleven-d of this chapter or of a hearing at which liability in accord-
40 ance with section eleven hundred eighty-b of this chapter or of a hear-
41 ing at which liability in accordance with section eleven hundred eight-
42 y-d of this chapter or of a hearing at which liability in accordance
43 with section eleven hundred eighty-e of this chapter is contested.
44 Recording devices may be used for the making of the record.

45 § 6-e. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
46 cle and traffic law, as separately amended by section 6-d of chapters
47 145 and 148 of the laws of 2019, are amended to read as follows:

48 a. Every hearing for the adjudication of a charge of parking violation
49 or an allegation of liability in accordance with section eleven hundred
50 seventy-four-a of this chapter or an allegation of liability in accord-
51 ance with section eleven hundred eleven-e of this chapter or an allega-
52 tion of liability in accordance with section eleven hundred eleven-d of
53 this chapter or an allegation of liability in accordance with section
54 eleven hundred eighty-d of this chapter or an allegation of liability in
55 accordance with section eleven hundred eighty-e of this chapter shall be

1 held before a hearing examiner in accordance with rules and regulations
2 promulgated by the bureau.

3 g. A record shall be made of a hearing on a plea of not guilty or a
4 hearing at which liability in accordance with section eleven hundred
5 eleven-d of this chapter is contested or of a hearing at which liability
6 in accordance with section eleven hundred seventy-four-a of this chapter
7 or a hearing at which liability in accordance with section eleven
8 hundred eleven-e of this chapter or a hearing at which liability in
9 accordance with section eleven hundred eighty-d of this chapter or of a
10 hearing at which liability in accordance with section eleven hundred
11 eighty-e of this chapter is contested. Recording devices may be used for
12 the making of the record.

13 § 6-f. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
14 cle and traffic law, as separately amended by section 6-e of chapters
15 145 and 148 of the laws of 2019, are amended to read as follows:

16 a. Every hearing for the adjudication of a charge of parking violation
17 or an allegation of liability in accordance with section eleven hundred
18 eleven-e of this chapter or an allegation of liability in accordance
19 with section eleven hundred seventy-four-a of this chapter or an allega-
20 tion of liability in accordance with section eleven hundred eighty-d of
21 this chapter or an allegation of liability in accordance with section
22 eleven hundred eighty-e of this chapter shall be held before a hearing
23 examiner in accordance with rules and regulations promulgated by the
24 bureau.

25 g. A record shall be made of a hearing on a plea of not guilty or a
26 hearing at which liability in accordance with section eleven hundred
27 eleven-e of this chapter or a hearing at which liability in accordance
28 with section eleven hundred eighty-d of this chapter or a hearing at
29 which liability in accordance with section eleven hundred eighty-e of
30 this chapter is contested or a hearing at which liability in accordance
31 with section eleven hundred seventy-four-a of this chapter is contested.
32 Recording devices may be used for the making of the record.

33 § 6-g. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
34 cle and traffic law, as separately amended by sections 6-f of chapters
35 145 and 148 of the laws of 2019, are amended to read as follows:

36 a. Every hearing for the adjudication of a charge of parking violation
37 or an allegation of liability in accordance with section eleven hundred
38 seventy-four-a of this chapter or an allegation of liability in accord-
39 ance with section eleven hundred eighty-d of this chapter or an allega-
40 tion of liability in accordance with section eleven hundred eighty-e of
41 this chapter shall be held before a hearing examiner in accordance with
42 rules and regulations promulgated by the bureau.

43 g. A record shall be made of a hearing on a plea of not guilty or a
44 hearing at which liability in accordance with section eleven hundred
45 seventy-four-a of this chapter is contested or a hearing at which
46 liability in accordance with section eleven hundred eighty-d of this
47 chapter is contested or a hearing at which liability in accordance with
48 section eleven hundred eighty-e of this chapter is contested. Recording
49 devices may be used for the making of the record.

50 § 6-h. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
51 cle and traffic law, as added by chapter 715 of the laws of 1972, are
52 amended to read as follows:

53 a. Every hearing for the adjudication of a charge of parking violation
54 or an allegation of liability in accordance with section eleven hundred
55 eighty-e of this chapter shall be held before a hearing examiner in
56 accordance with rules and regulations promulgated by the bureau.

1 g. A record shall be made of a hearing on a plea of not guilty or of a
2 hearing at which liability in accordance with section eleven hundred
3 eighty-e of this chapter is contested. Recording devices may be used
4 for the making of the record.

5 § 7. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
6 law, as separately amended by sections 7 of chapters 145 and 148 of the
7 laws of 2019, are amended to read as follows:

8 1. The hearing examiner shall make a determination on the charges,
9 either sustaining or dismissing them. Where the hearing examiner deter-
10 mines that the charges have been sustained he or she may examine either
11 the prior parking violations record or the record of liabilities
12 incurred in accordance with section eleven hundred eleven-a of this
13 chapter or in accordance with sections eleven hundred eleven-b of this
14 chapter [~~as added by sections sixteen of chapters twenty, and twenty-two~~
15 ~~of the laws of two thousand nine~~] or in accordance with section eleven
16 hundred eleven-d of this chapter or in accordance with section eleven
17 hundred eleven-e of this chapter or in accordance with section eleven
18 hundred seventy-four-a of this chapter or the record of liabilities
19 incurred in accordance with section two thousand nine hundred eighty-
20 five of the public authorities law or sections sixteen-a, sixteen-b and
21 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
22 hundred fifty of the person charged, or the record of liabilities
23 incurred in accordance with section eleven hundred eleven-c of this
24 chapter, or the record of liabilities incurred in accordance with
25 section eleven hundred eighty-b of this chapter, or in the record of
26 liabilities incurred in accordance with section eleven hundred eighty-d
27 of this chapter of the person charged, or in the record of liabilities
28 incurred in accordance with section eleven hundred eighty-e of this
29 chapter of the person charged, as applicable prior to rendering a final
30 determination. Final determinations sustaining or dismissing charges
31 shall be entered on a final determination roll maintained by the bureau
32 together with records showing payment and nonpayment of penalties.

33 2. Where an operator or owner fails to enter a plea to a charge of a
34 parking violation or contest an allegation of liability in accordance
35 with section eleven hundred eleven-a of this chapter or in accordance
36 with sections eleven hundred eleven-b of this chapter [~~as added by~~
37 ~~sections sixteen of chapters twenty, and twenty-two of the laws of two~~
38 ~~thousand nine~~] or in accordance with section eleven hundred eleven-d of
39 this chapter or in accordance with section eleven hundred eleven-e of
40 this chapter or in accordance with section eleven hundred seventy-four-a
41 of this chapter or fails to contest an allegation of liability in
42 accordance with section two thousand nine hundred eighty-five of the
43 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
44 chapter seven hundred seventy-four of the laws of nineteen hundred
45 fifty, or fails to contest an allegation of liability in accordance with
46 section eleven hundred eleven-c of this chapter or fails to contest an
47 allegation of liability in accordance with section eleven hundred eight-
48 y-b of this chapter or fails to contest an allegation of liability in
49 accordance with section eleven hundred eighty-d of this chapter or fails
50 to contest an allegation of liability in accordance with section eleven
51 hundred eighty-e of this chapter or fails to appear on a designated
52 hearing date or subsequent adjourned date or fails after a hearing to
53 comply with the determination of a hearing examiner, as prescribed by
54 this article or by rule or regulation of the bureau, such failure to
55 plead or contest, appear or comply shall be deemed, for all purposes, an
56 admission of liability and shall be grounds for rendering and entering a

1 default judgment in an amount provided by the rules and regulations of
2 the bureau. However, after the expiration of the original date
3 prescribed for entering a plea and before a default judgment may be
4 rendered, in such case the bureau shall pursuant to the applicable
5 provisions of law notify such operator or owner, by such form of first
6 class mail as the commission may direct; (1) of the violation charged,
7 or liability in accordance with section eleven hundred eleven-a of this
8 chapter or in accordance with sections eleven hundred eleven-b of this
9 chapter [~~as added by sections sixteen of chapters twenty, and twenty-two~~
10 ~~of the laws of two thousand nine~~] or in accordance with section eleven
11 hundred eleven-d of this chapter or in accordance with section eleven
12 hundred eleven-e of this chapter or in accordance with section eleven
13 hundred seventy-four-a of this chapter alleged or liability in accord-
14 ance with section two thousand nine hundred eighty-five of the public
15 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
16 ter seven hundred seventy-four of the laws of nineteen hundred fifty
17 alleged or liability in accordance with section eleven hundred eleven-c
18 of this chapter or liability in accordance with section eleven hundred
19 eighty-b of this chapter alleged, or liability in accordance with
20 section eleven hundred eighty-d of this chapter alleged, or liability in
21 accordance with section eleven hundred eighty-e of this chapter alleged,
22 (2) of the impending default judgment, (3) that such judgment will be
23 entered in the Civil Court of the city in which the bureau has been
24 established, or other court of civil jurisdiction or any other place
25 provided for the entry of civil judgments within the state of New York,
26 and (4) that a default may be avoided by entering a plea or contesting
27 an allegation of liability in accordance with section eleven hundred
28 eleven-a of this chapter or in accordance with sections eleven hundred
29 eleven-b of this chapter as added by sections sixteen of chapters twen-
30 ty, and twenty-two of the laws of two thousand nine or in accordance
31 with section eleven hundred eleven-d of this chapter or in accordance
32 with section eleven hundred eleven-e of this chapter or in accordance
33 with section eleven hundred seventy-four-a of this chapter or contesting
34 an allegation of liability in accordance with section two thousand nine
35 hundred eighty-five of the public authorities law or sections sixteen-a,
36 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
37 laws of nineteen hundred fifty or contesting an allegation of liability
38 in accordance with section eleven hundred eleven-c of this chapter or
39 contesting an allegation of liability in accordance with section eleven
40 hundred eighty-b of this chapter or contesting an allegation of liabil-
41 ity in accordance with section eleven hundred eighty-d of this chapter,
42 or contesting an allegation of liability in accordance with section
43 eleven hundred eighty-e of this chapter, as appropriate, or making an
44 appearance within thirty days of the sending of such notice. Pleas
45 entered and allegations contested within that period shall be in the
46 manner prescribed in the notice and not subject to additional penalty or
47 fee. Such notice of impending default judgment shall not be required
48 prior to the rendering and entry thereof in the case of operators or
49 owners who are non-residents of the state of New York. In no case shall
50 a default judgment be rendered or, where required, a notice of impending
51 default judgment be sent, more than two years after the expiration of
52 the time prescribed for entering a plea or contesting an allegation.
53 When a person has demanded a hearing, no fine or penalty shall be
54 imposed for any reason, prior to the holding of the hearing. If the
55 hearing examiner shall make a determination on the charges, sustaining

1 them, he or she shall impose no greater penalty or fine than those upon
2 which the person was originally charged.

3 § 7-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
4 law, as amended by section 7 of chapter 145 of the laws of 2019, are
5 amended to read as follows:

6 1. The hearing examiner shall make a determination on the charges,
7 either sustaining or dismissing them. Where the hearing examiner deter-
8 mines that the charges have been sustained he or she may examine either
9 the prior parking violations record or the record of liabilities
10 incurred in accordance with section eleven hundred eleven-a of this
11 chapter or in accordance with sections eleven hundred eleven-b of this
12 chapter [~~as added by sections sixteen of chapters twenty, and twenty two~~
13 ~~of the laws of two thousand nine~~] or in accordance with section eleven
14 hundred eleven-d of this chapter or in accordance with section eleven
15 hundred eleven-e of this chapter or in accordance with section eleven
16 hundred seventy-four-a of this chapter or the record of liabilities
17 incurred in accordance with section two thousand nine hundred eighty-
18 five of the public authorities law or sections sixteen-a, sixteen-b and
19 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
20 hundred fifty of the person charged, or the record of liabilities
21 incurred in accordance with section eleven hundred eleven-c of this
22 chapter, or the record of liabilities incurred in accordance with
23 section eleven hundred eighty-b of this chapter, or the record of
24 liabilities incurred in accordance with section eleven hundred eighty-e
25 of this chapter of the person charged, as applicable prior to rendering
26 a final determination. Final determinations sustaining or dismissing
27 charges shall be entered on a final determination roll maintained by the
28 bureau together with records showing payment and nonpayment of penal-
29 ties.

30 2. Where an operator or owner fails to enter a plea to a charge of a
31 parking violation or contest an allegation of liability in accordance
32 with section eleven hundred eleven-a of this chapter or in accordance
33 with sections eleven hundred eleven-b of this chapter [~~as added by~~
34 ~~sections sixteen of chapters twenty, and twenty two of the laws of two~~
35 ~~thousand nine~~] or in accordance with section eleven hundred eleven-d of
36 this chapter or in accordance with section eleven hundred eleven-e of
37 this chapter or in accordance with section eleven hundred seventy-four-a
38 of this chapter or fails to contest an allegation of liability in
39 accordance with section two thousand nine hundred eighty-five of the
40 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
41 chapter seven hundred seventy-four of the laws of nineteen hundred
42 fifty, or fails to contest an allegation of liability in accordance with
43 section eleven hundred eleven-c of this chapter or fails to contest an
44 allegation of liability in accordance with section eleven hundred eight-
45 y-b of this chapter, or fails to contest an allegation of liability
46 incurred in accordance with section eleven hundred eighty-e of this
47 chapter, or fails to appear on a designated hearing date or subsequent
48 adjourned date or fails after a hearing to comply with the determination
49 of a hearing examiner, as prescribed by this article or by rule or regu-
50 lation of the bureau, such failure to plead [~~or~~], contest, appear or
51 comply shall be deemed, for all purposes, an admission of liability and
52 shall be grounds for rendering and entering a default judgment in an
53 amount provided by the rules and regulations of the bureau. However,
54 after the expiration of the original date prescribed for entering a plea
55 and before a default judgment may be rendered, in such case the bureau
56 shall pursuant to the applicable provisions of law notify such operator

1 or owner, by such form of first class mail as the commission may direct;
2 (1) of the violation charged, or liability in accordance with section
3 eleven hundred eleven-a of this chapter or in accordance with sections
4 eleven hundred eleven-b of this chapter [~~as added by sections sixteen of~~
5 ~~chapters twenty, and twenty-two of the laws of two thousand nine~~] or in
6 accordance with section eleven hundred eleven-d of this chapter or in
7 accordance with section eleven hundred eleven-e of this chapter or in
8 accordance with section eleven hundred seventy-four-a of this chapter
9 alleged or liability in accordance with section two thousand nine
10 hundred eighty-five of the public authorities law or sections sixteen-a,
11 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
12 laws of nineteen hundred fifty alleged or liability in accordance with
13 section eleven hundred eleven-c of this chapter or liability in accord-
14 ance with section eleven hundred eighty-b of this chapter alleged, or
15 liability in accordance with section eleven hundred eighty-e of this
16 chapter alleged. (2) of the impending default judgment, (3) that such
17 judgment will be entered in the Civil Court of the city in which the
18 bureau has been established, or other court of civil jurisdiction or any
19 other place provided for the entry of civil judgments within the state
20 of New York, and (4) that a default may be avoided by entering a plea or
21 contesting an allegation of liability in accordance with section eleven
22 hundred eleven-a of this chapter or in accordance with sections eleven
23 hundred eleven-b of this chapter [~~as added by sections sixteen of chap-~~
24 ~~ters twenty, and twenty-two of the laws of two thousand nine~~] or in
25 accordance with section eleven hundred eleven-d of this chapter or in
26 accordance with section eleven hundred eleven-e of this chapter or in
27 accordance with section eleven hundred seventy-four-a of this chapter or
28 contesting an allegation of liability in accordance with section two
29 thousand nine hundred eighty-five of the public authorities law or
30 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
31 seventy-four of the laws of nineteen hundred fifty or contesting an
32 allegation of liability in accordance with section eleven hundred
33 eleven-c of this chapter or contesting an allegation of liability in
34 accordance with section eleven hundred eighty-b of this chapter, or
35 contesting an allegation of liability in accordance with section eleven
36 hundred eighty-e of this chapter, as appropriate, or making an appear-
37 ance within thirty days of the sending of such notice. Pleas entered and
38 allegations contested within that period shall be in the manner
39 prescribed in the notice and not subject to additional penalty or fee.
40 Such notice of impending default judgment shall not be required prior to
41 the rendering and entry thereof in the case of operators or owners who
42 are non-residents of the state of New York. In no case shall a default
43 judgment be rendered or, where required, a notice of impending default
44 judgment be sent, more than two years after the expiration of the time
45 prescribed for entering a plea or contesting an allegation. When a
46 person has demanded a hearing, no fine or penalty shall be imposed for
47 any reason, prior to the holding of the hearing. If the hearing examiner
48 shall make a determination on the charges, sustaining them, he or she
49 shall impose no greater penalty or fine than those upon which the person
50 was originally charged.

51 § 7-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
52 law, as separately amended by sections 7-a of chapters 145 and 148 of
53 the laws of 2019, are amended to read as follows:

54 1. The hearing examiner shall make a determination on the charges,
55 either sustaining or dismissing them. Where the hearing examiner deter-
56 mines that the charges have been sustained he or she may examine either

1 the prior parking violations record or the record of liabilities
2 incurred in accordance with sections eleven hundred eleven-b of this
3 chapter [~~as added by sections sixteen of chapters twenty, and twenty-two~~
4 ~~of the laws of two thousand nine~~] or in accordance with section eleven
5 hundred eleven-d of this chapter or in accordance with section eleven
6 hundred eleven-e of this chapter or in accordance with section eleven
7 hundred seventy-four-a of this chapter of the person charged, or the
8 record of liabilities incurred in accordance with section eleven hundred
9 eleven-c of this chapter, or the record of liabilities incurred in
10 accordance with section eleven hundred eighty-b of this chapter, or the
11 record of liabilities incurred in accordance with section eleven hundred
12 eighty-d of this chapter of the person charged, or the record of liabil-
13 ities incurred in accordance with section eleven hundred eighty-e of
14 this chapter of the person charged, as applicable prior to rendering a
15 final determination. Final determinations sustaining or dismissing
16 charges shall be entered on a final determination roll maintained by the
17 bureau together with records showing payment and nonpayment of penal-
18 ties.

19 2. Where an operator or owner fails to enter a plea to a charge of a
20 parking violation or contest an allegation of liability in accordance
21 with sections eleven hundred eleven-b of this chapter [~~as added by~~
22 ~~sections sixteen of chapters twenty, and twenty-two of the laws of two~~
23 ~~thousand nine~~] or in accordance with section eleven hundred eleven-d of
24 this chapter, or in accordance with section eleven hundred eleven-e of
25 this chapter, or in accordance with section eleven hundred
26 seventy-four-a of this chapter, or fails to contest an allegation of
27 liability in accordance with section eleven hundred eleven-c of this
28 chapter, or fails to contest an allegation of liability incurred in
29 accordance with section eleven hundred eighty-b of this chapter, or
30 fails to contest an allegation of liability incurred in accordance with
31 section eleven hundred eighty-d of this chapter, or fails to contest an
32 allegation of liability incurred in accordance with section eleven
33 hundred eighty-e of this chapter, or fails to appear on a designated
34 hearing date or subsequent adjourned date or fails after a hearing to
35 comply with the determination of a hearing examiner, as prescribed by
36 this article or by rule or regulation of the bureau, such failure to
37 plead, contest, appear or comply shall be deemed, for all purposes, an
38 admission of liability and shall be grounds for rendering and entering a
39 default judgment in an amount provided by the rules and regulations of
40 the bureau. However, after the expiration of the original date
41 prescribed for entering a plea and before a default judgment may be
42 rendered, in such case the bureau shall pursuant to the applicable
43 provisions of law notify such operator or owner, by such form of first
44 class mail as the commission may direct; (1) of the violation charged,
45 or liability in accordance with sections eleven hundred eleven-b of this
46 chapter, [~~as added by sections sixteen of chapters twenty, and twenty-~~
47 ~~two of the laws of two thousand nine~~] or in accordance with section
48 eleven hundred eleven-d of this chapter, or in accordance with section
49 eleven hundred eleven-e of this chapter, or in accordance with section
50 eleven hundred seventy-four-a of this chapter, or liability in accord-
51 ance with section eleven hundred eleven-c of this chapter or liability
52 in accordance with section eleven hundred eighty-b of this chapter
53 alleged, or liability in accordance with section eleven hundred eighty-d
54 of this chapter alleged, or alleged liability in accordance with section
55 eleven hundred eighty-e of this chapter, (2) of the impending default
56 judgment, (3) that such judgment will be entered in the Civil Court of

1 the city in which the bureau has been established, or other court of
2 civil jurisdiction or any other place provided for the entry of civil
3 judgments within the state of New York, and (4) that a default may be
4 avoided by entering a plea or contesting an allegation of liability in
5 accordance with sections eleven hundred eleven-b of this chapter [~~as
6 added by sections sixteen of chapters twenty, and twenty-two of the laws
7 of two thousand nine~~] or in accordance with section eleven hundred
8 eleven-d of this chapter or in accordance with section eleven hundred
9 eleven-e of this chapter, or in accordance with section eleven hundred
10 seventy-four-a of this chapter, or contesting an allegation of liability
11 in accordance with section eleven hundred eleven-c of this chapter or
12 contesting an allegation of liability in accordance with section eleven
13 hundred eighty-b of this chapter or contesting an allegation of liabil-
14 ity in accordance with section eleven hundred eighty-d of this chapter,
15 or contesting an allegation of liability in accordance with section
16 eleven hundred eighty-e of this chapter, as appropriate, or making an
17 appearance within thirty days of the sending of such notice. Pleas
18 entered and allegations contested within that period shall be in the
19 manner prescribed in the notice and not subject to additional penalty or
20 fee. Such notice of impending default judgment shall not be required
21 prior to the rendering and entry thereof in the case of operators or
22 owners who are non-residents of the state of New York. In no case shall
23 a default judgment be rendered or, where required, a notice of impending
24 default judgment be sent, more than two years after the expiration of
25 the time prescribed for entering a plea or contesting an allegation.
26 When a person has demanded a hearing, no fine or penalty shall be
27 imposed for any reason, prior to the holding of the hearing. If the
28 hearing examiner shall make a determination on the charges, sustaining
29 them, he or she shall impose no greater penalty or fine than those upon
30 which the person was originally charged.

31 § 7-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
32 law, as separately amended by sections 7-b of chapters 145 and 148 of
33 the laws of 2019, are amended to read as follows:

34 1. The hearing examiner shall make a determination on the charges,
35 either sustaining or dismissing them. Where the hearing examiner deter-
36 mines that the charges have been sustained he or she may examine the
37 prior parking violations record or the record of liabilities incurred in
38 accordance with section eleven hundred eleven-e of this chapter of the
39 person charged, or the record of liabilities incurred in accordance with
40 section eleven hundred seventy-four-a of this chapter of the person
41 charged, or the record of liabilities incurred in accordance with
42 section eleven hundred eleven-d of this chapter of the person charged,
43 or the record of liabilities incurred in accordance with section eleven
44 hundred eleven-c of this chapter, or the record of liabilities incurred
45 in accordance with section eleven hundred eighty-b of this chapter, or
46 the record of liabilities incurred in accordance with section eleven
47 hundred eighty-d of this chapter of the person charged, or the record of
48 liabilities incurred in accordance with section eleven hundred eighty-e
49 of this chapter of the person charged, as applicable, prior to rendering
50 a final determination. Final determinations sustaining or dismissing
51 charges shall be entered on a final determination roll maintained by the
52 bureau together with records showing payment and nonpayment of penal-
53 ties.

54 2. Where an operator or owner fails to enter a plea to a charge of a
55 parking violation or contest an allegation of liability in accordance
56 with section eleven hundred seventy-four-a of this chapter, or contest

1 an allegation of liability in accordance with section eleven hundred
2 eleven-e of this chapter, or contest an allegation of liability in
3 accordance with section eleven hundred eleven-d of this chapter, or
4 fails to contest an allegation of liability in accordance with section
5 eleven hundred eleven-c of this chapter, or fails to contest an allega-
6 tion of liability incurred in accordance with section eleven hundred
7 eighty-b of this chapter, or fails to contest an allegation of liability
8 incurred in accordance with section eleven hundred eighty-d of this
9 chapter, or fails to contest an allegation of liability incurred in
10 accordance with section eleven hundred eighty-e of this chapter, or
11 fails to appear on a designated hearing date or subsequent adjourned
12 date or fails after a hearing to comply with the determination of a
13 hearing examiner, as prescribed by this article or by rule or regulation
14 of the bureau, such failure to plead, appear or comply shall be deemed,
15 for all purposes, an admission of liability and shall be grounds for
16 rendering and entering a default judgment in an amount provided by the
17 rules and regulations of the bureau. However, after the expiration of
18 the original date prescribed for entering a plea and before a default
19 judgment may be rendered, in such case the bureau shall pursuant to the
20 applicable provisions of law notify such operator or owner, by such form
21 of first class mail as the commission may direct; (1) of the violation
22 charged, or liability in accordance with section eleven hundred seven-
23 ty-four-a of this chapter, or liability in accordance with section elev-
24 en hundred eleven-e of this chapter, or liability in accordance with
25 section eleven hundred eleven-d of this chapter, or alleged liability in
26 accordance with section eleven hundred eleven-c of this chapter or
27 alleged liability in accordance with section eleven hundred eighty-b of
28 this chapter, or alleged liability in accordance with section eleven
29 hundred eighty-d of this chapter, or liability in accordance with
30 section eleven hundred eighty-e of this chapter alleged, (2) of the
31 impending default judgment, (3) that such judgment will be entered in
32 the Civil Court of the city in which the bureau has been established, or
33 other court of civil jurisdiction or any other place provided for the
34 entry of civil judgments within the state of New York, and (4) that a
35 default may be avoided by entering a plea or contesting an allegation of
36 liability in accordance with section eleven hundred seventy-four-a of
37 this chapter or contesting an allegation of liability in accordance with
38 section eleven hundred eleven-e of this chapter or contesting an allega-
39 tion of liability in accordance with section eleven hundred eleven-d of
40 this chapter or contesting an allegation of liability in accordance with
41 section eleven hundred eleven-c of this chapter or contesting an allega-
42 tion of liability in accordance with section eleven hundred eighty-b of
43 this chapter or contesting an allegation of liability in accordance with
44 section eleven hundred eighty-d of this chapter or contesting an allega-
45 tion of liability in accordance with section eleven hundred eighty-e of
46 this chapter or making an appearance within thirty days of the sending
47 of such notice. Pleas entered and allegations contested within that
48 period shall be in the manner prescribed in the notice and not subject
49 to additional penalty or fee. Such notice of impending default judgment
50 shall not be required prior to the rendering and entry thereof in the
51 case of operators or owners who are non-residents of the state of New
52 York. In no case shall a default judgment be rendered or, where
53 required, a notice of impending default judgment be sent, more than two
54 years after the expiration of the time prescribed for entering a plea or
55 contesting an allegation. When a person has demanded a hearing, no fine
56 or penalty shall be imposed for any reason, prior to the holding of the

1 hearing. If the hearing examiner shall make a determination on the
2 charges, sustaining them, he or she shall impose no greater penalty or
3 fine than those upon which the person was originally charged.

4 § 7-d. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
5 law, as separately amended by sections 7-c of chapters 145 and 148 of
6 the laws of 2019, are amended to read as follows:

7 1. The hearing examiner shall make a determination on the charges,
8 either sustaining or dismissing them. Where the hearing examiner deter-
9 mines that the charges have been sustained he or she may examine either
10 the prior parking violations record or the record of liabilities
11 incurred in accordance with section eleven hundred eleven-d of this
12 chapter of the person charged, or the record of liabilities incurred in
13 accordance with section eleven hundred seventy-four-a of this chapter of
14 the person charged, or the record of liabilities incurred in accordance
15 with section eleven hundred eleven-e of this chapter of the person
16 charged or the record of liabilities incurred in accordance with section
17 eleven hundred eighty-b of this chapter, or the record of liabilities
18 incurred in accordance with section eleven hundred eighty-d of this
19 chapter of the person charged, or the record of liabilities incurred in
20 accordance with section eleven hundred eighty-e of this chapter of the
21 person charged, as applicable, prior to rendering a final determination.
22 Final determinations sustaining or dismissing charges shall be entered
23 on a final determination roll maintained by the bureau together with
24 records showing payment and nonpayment of penalties.

25 2. Where an operator or owner fails to enter a plea to a charge of a
26 parking violation or contest an allegation of liability in accordance
27 with section eleven hundred seventy-four-a of this chapter, or contest
28 an allegation of liability in accordance with section eleven hundred
29 eleven-e of this chapter or contest an allegation of liability in
30 accordance with section eleven hundred eleven-d of this chapter or fails
31 to contest an allegation of liability incurred in accordance with
32 section eleven hundred eighty-b of this chapter or fails to contest an
33 allegation of liability incurred in accordance with section eleven
34 hundred eighty-d of this chapter or fails to contest an allegation of
35 liability incurred in accordance with section eleven hundred eighty-e of
36 this chapter or fails to appear on a designated hearing date or subse-
37 quent adjourned date or fails after a hearing to comply with the deter-
38 mination of a hearing examiner, as prescribed by this article or by rule
39 or regulation of the bureau, such failure to plead, contest, appear or
40 comply shall be deemed, for all purposes, an admission of liability and
41 shall be grounds for rendering and entering a default judgment in an
42 amount provided by the rules and regulations of the bureau. However,
43 after the expiration of the original date prescribed for entering a plea
44 and before a default judgment may be rendered, in such case the bureau
45 shall pursuant to the applicable provisions of law notify such operator
46 or owner, by such form of first class mail as the commission may direct;
47 (1) of the violation charged or liability in accordance with section
48 eleven hundred seventy-four-a of this chapter or liability in accordance
49 with section eleven hundred eleven-e of this chapter or liability in
50 accordance with section eleven hundred eleven-d of this chapter or
51 liability in accordance with section eleven hundred eighty-b of this
52 chapter alleged, or liability in accordance with section eleven hundred
53 eighty-d of this chapter alleged, or liability in accordance with
54 section eleven hundred eighty-e of this chapter alleged, (2) of the
55 impending default judgment, (3) that such judgment will be entered in
56 the Civil Court of the city in which the bureau has been established, or

1 other court of civil jurisdiction or any other place provided for the
2 entry of civil judgments within the state of New York, and (4) that a
3 default may be avoided by entering a plea or contesting an allegation of
4 liability in accordance with section eleven hundred seventy-four-a of
5 this chapter or contesting an allegation of liability in accordance with
6 section eleven hundred eleven-e of this chapter or contesting an allega-
7 tion of liability in accordance with section eleven hundred eleven-d of
8 this chapter or contesting an allegation of liability in accordance with
9 section eleven hundred eighty-b of this chapter or contesting an allega-
10 tion of liability in accordance with section eleven hundred eighty-d of
11 this chapter or contesting an allegation of liability in accordance with
12 section eleven hundred eighty-e of this chapter or making an appearance
13 within thirty days of the sending of such notice. Pleas entered and
14 allegations contested within that period shall be in the manner
15 prescribed in the notice and not subject to additional penalty or fee.
16 Such notice of impending default judgment shall not be required prior to
17 the rendering and entry thereof in the case of operators or owners who
18 are non-residents of the state of New York. In no case shall a default
19 judgment be rendered or, where required, a notice of impending default
20 judgment be sent, more than two years after the expiration of the time
21 prescribed for entering a plea or contesting an allegation. When a
22 person has demanded a hearing, no fine or penalty shall be imposed for
23 any reason, prior to the holding of the hearing. If the hearing examiner
24 shall make a determination on the charges, sustaining them, he or she
25 shall impose no greater penalty or fine than those upon which the person
26 was originally charged.

27 § 7-e. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
28 law, as separately amended by sections 7-d of chapters 145 and 148 of
29 the laws of 2019, are amended to read as follows:

30 1. The hearing examiner shall make a determination on the charges,
31 either sustaining or dismissing them. Where the hearing examiner deter-
32 mines that the charges have been sustained he or she may examine either
33 the prior parking violations record or the record of liabilities
34 incurred in accordance with section eleven hundred seventy-four-a of
35 this chapter of the person charged or the record of liabilities incurred
36 in accordance with section eleven hundred eleven-e of this chapter of
37 the person charged or the record of liabilities incurred in accordance
38 with section eleven hundred eleven-d of this chapter of the person
39 charged or the record of liabilities incurred in accordance with section
40 eleven hundred eighty-d of this chapter of the person charged, or the
41 record of liabilities incurred in accordance with section eleven hundred
42 eighty-e of this chapter of the person charged, as applicable, prior to
43 rendering a final determination. Final determinations sustaining or
44 dismissing charges shall be entered on a final determination roll main-
45 tained by the bureau together with records showing payment and nonpay-
46 ment of penalties.

47 2. Where an operator or owner fails to enter a plea to a charge of a
48 parking violation or contest an allegation of liability in accordance
49 with section eleven hundred seventy-four-a of this chapter, or contest
50 an allegation of liability in accordance with section eleven hundred
51 eleven-e of this chapter or contest an allegation of liability in
52 accordance with section eleven hundred eleven-d of this chapter or
53 contest an allegation of liability incurred in accordance with section
54 eleven hundred eighty-d of this chapter or contest an allegation of
55 liability incurred in accordance with section eleven hundred eighty-e of
56 this chapter or fails to appear on a designated hearing date or subse-

1 quent adjourned date or fails after a hearing to comply with the deter-
2 mination of a hearing examiner, as prescribed by this article or by rule
3 or regulation of the bureau, such failure to plead, contest, appear or
4 comply shall be deemed, for all purposes, an admission of liability and
5 shall be grounds for rendering and entering a default judgment in an
6 amount provided by the rules and regulations of the bureau. However,
7 after the expiration of the original date prescribed for entering a plea
8 and before a default judgment may be rendered, in such case the bureau
9 shall pursuant to the applicable provisions of law notify such operator
10 or owner, by such form of first class mail as the commission may direct;
11 (1) of the violation charged or liability in accordance with section
12 eleven hundred seventy-four-a of this chapter or liability in accordance
13 with section eleven hundred eleven-e of this chapter alleged or liabil-
14 ity in accordance with section eleven hundred eleven-d of this chapter
15 alleged or liability in accordance with section eleven hundred eighty-d
16 of this chapter alleged or liability in accordance with section eleven
17 hundred eighty-e of this chapter alleged, (2) of the impending default
18 judgment, (3) that such judgment will be entered in the Civil Court of
19 the city in which the bureau has been established, or other court of
20 civil jurisdiction or any other place provided for the entry of civil
21 judgments within the state of New York, and (4) that a default may be
22 avoided by entering a plea or contesting an allegation of liability in
23 accordance with section eleven hundred seventy-four-a of this chapter or
24 contesting an allegation of liability in accordance with section eleven
25 hundred eleven-e of this chapter or contesting an allegation of liabil-
26 ity in accordance with section eleven hundred eleven-d of this chapter
27 or contesting an allegation of liability in accordance with section
28 eleven hundred eighty-d of this chapter or contesting an allegation of
29 liability in accordance with section eleven hundred eighty-e of this
30 chapter or making an appearance within thirty days of the sending of
31 such notice. Pleas entered and allegations contested within that period
32 shall be in the manner prescribed in the notice and not subject to addi-
33 tional penalty or fee. Such notice of impending default judgment shall
34 not be required prior to the rendering and entry thereof in the case of
35 operators or owners who are non-residents of the state of New York. In
36 no case shall a default judgment be rendered or, where required, a
37 notice of impending default judgment be sent, more than two years after
38 the expiration of the time prescribed for entering a plea or contesting
39 an allegation. When a person has demanded a hearing, no fine or penalty
40 shall be imposed for any reason, prior to the holding of the hearing. If
41 the hearing examiner shall make a determination on the charges, sustain-
42 ing them, he or she shall impose no greater penalty or fine than those
43 upon which the person was originally charged.

44 § 7-f. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
45 law, as separately amended by sections 7-e of chapters 145 and 148 of
46 the laws of 2019, are amended to read as follows:

47 1. The hearing examiner shall make a determination on the charges,
48 either sustaining or dismissing them. Where the hearing examiner deter-
49 mines that the charges have been sustained he or she may examine the
50 prior parking violations record or the record of liabilities incurred in
51 accordance with section eleven hundred eleven-e of this chapter of the
52 person charged or the record of liabilities incurred in accordance with
53 section eleven hundred eighty-d of this chapter or the record of liabil-
54 ities incurred in accordance with section eleven hundred eighty-e of
55 this chapter of the person charged, as applicable, prior to rendering a
56 final determination or the record of liabilities incurred in accordance

1 with section eleven hundred seventy-four-a of this chapter of the person
2 charged, as applicable, prior to rendering a final determination. Final
3 determinations sustaining or dismissing charges shall be entered on a
4 final determination roll maintained by the bureau together with records
5 showing payment and nonpayment of penalties.

6 2. Where an operator or owner fails to enter a plea to a charge of a
7 parking violation or contest an allegation of liability in accordance
8 with section eleven hundred seventy-four-a of this chapter, or contest
9 an allegation of liability in accordance with section eleven hundred
10 eleven-e of this chapter or contest an allegation of liability incurred
11 in accordance with section eleven hundred eighty-d of this chapter or
12 contest an allegation of liability incurred in accordance with section
13 eleven hundred eighty-e of this chapter or fails to appear on a desig-
14 nated hearing date or subsequent adjourned date or fails after a hearing
15 to comply with the determination of a hearing examiner, as prescribed by
16 this article or by rule or regulation of the bureau, such failure to
17 plead, contest, appear or comply shall be deemed, for all purposes, an
18 admission of liability and shall be grounds for rendering and entering a
19 default judgment in an amount provided by the rules and regulations of
20 the bureau. However, after the expiration of the original date
21 prescribed for entering a plea and before a default judgment may be
22 rendered, in such case the bureau shall pursuant to the applicable
23 provisions of law notify such operator or owner, by such form of first
24 class mail as the commission may direct; (1) of the violation charged or
25 liability in accordance with section eleven hundred eleven-e of this
26 chapter alleged or liability in accordance with section eleven hundred
27 seventy-four-a of this chapter or liability in accordance with section
28 eleven hundred eighty-d of this chapter alleged or liability in accord-
29 ance with section eleven hundred eighty-e of this chapter alleged, (2)
30 of the impending default judgment, (3) that such judgment will be
31 entered in the Civil Court of the city in which the bureau has been
32 established, or other court of civil jurisdiction or any other place
33 provided for the entry of civil judgments within the state of New York,
34 and (4) that a default may be avoided by entering a plea or contesting
35 an allegation of liability in accordance with section eleven hundred
36 eleven-e of this chapter or contesting an allegation of liability in
37 accordance with section eleven hundred seventy-four-a of this chapter or
38 contesting an allegation of liability in accordance with section eleven
39 hundred eighty-d of this chapter or contesting an allegation of liabil-
40 ity in accordance with section eleven hundred eighty-e of this chapter
41 or making an appearance within thirty days of the sending of such
42 notice. Pleas entered and allegations contested within that period
43 shall be in the manner prescribed in the notice and not subject to addi-
44 tional penalty or fee. Such notice of impending default judgment shall
45 not be required prior to the rendering and entry thereof in the case of
46 operators or owners who are non-residents of the state of New York. In
47 no case shall a default judgment be rendered or, where required, a
48 notice of impending default judgment be sent, more than two years after
49 the expiration of the time prescribed for entering a plea or contesting
50 an allegation. When a person has demanded a hearing, no fine or penalty
51 shall be imposed for any reason, prior to the holding of the hearing. If
52 the hearing examiner shall make a determination on the charges, sustain-
53 ing them, he or she shall impose no greater penalty or fine than those
54 upon which the person was originally charged.

1 § 7-g. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
2 law, as separately amended by sections 7-f of chapters 145 and 148 of
3 the laws of 2019, are amended to read as follows:

4 1. The hearing examiner shall make a determination on the charges,
5 either sustaining or dismissing them. Where the hearing examiner deter-
6 mines that the charges have been sustained he or she may examine the
7 prior parking violations record or the record of liabilities incurred in
8 accordance with section eleven hundred seventy-four-a of this chapter or
9 the record of liabilities incurred in accordance with section eleven
10 hundred eighty-d of this chapter or the record of liabilities incurred
11 in accordance with section eleven hundred eighty-e of this chapter of
12 the person charged, as applicable, prior to rendering a final determi-
13 nation. Final determinations sustaining or dismissing charges shall be
14 entered on a final determination roll maintained by the bureau together
15 with records showing payment and nonpayment of penalties.

16 2. Where an operator or owner fails to enter a plea to a charge of a
17 parking violation or contest an allegation of liability in accordance
18 with section eleven hundred seventy-four-a of this chapter, or contest
19 an allegation of liability incurred in accordance with section eleven
20 hundred eighty-d of this chapter or contest an allegation of liability
21 incurred in accordance with section eleven hundred eighty-e of this
22 chapter or fails to appear on a designated hearing date or subsequent
23 adjourned date or fails after a hearing to comply with the determination
24 of a hearing examiner, as prescribed by this article or by rule or regu-
25 lation of the bureau, such failure to plead, contest, appear or comply
26 shall be deemed, for all purposes, an admission of liability and shall
27 be grounds for rendering and entering a default judgment in an amount
28 provided by the rules and regulations of the bureau. However, after the
29 expiration of the original date prescribed for entering a plea and
30 before a default judgment may be rendered, in such case the bureau shall
31 pursuant to the applicable provisions of law notify such operator or
32 owner, by such form of first class mail as the commission may direct;
33 (1) of the violation charged or liability in accordance with section
34 eleven hundred eighty-d of this chapter alleged or liability in accord-
35 ance with section eleven hundred eighty-e of this chapter alleged, (2)
36 of the impending default judgment, (3) that such judgment will be
37 entered in the Civil Court of the city in which the bureau has been
38 established, or other court of civil jurisdiction or any other place
39 provided for the entry of civil judgments within the state of New York,
40 and (4) that a default may be avoided by entering a plea or contesting
41 an allegation of liability in accordance with section eleven hundred
42 eighty-d of this chapter or contesting an allegation of liability in
43 accordance with section eleven hundred eighty-e of this chapter or
44 making an appearance within thirty days of the sending of such notice.
45 Pleas entered and allegations contested within that period shall be in
46 the manner prescribed in the notice and not subject to additional penal-
47 ty or fee. Such notice of impending default judgment shall not be
48 required prior to the rendering and entry thereof in the case of opera-
49 tors or owners who are non-residents of the state of New York. In no
50 case shall a default judgment be rendered or, where required, a notice
51 of impending default judgment be sent, more than two years after the
52 expiration of the time prescribed for entering a plea or contesting an
53 allegation. When a person has demanded a hearing, no fine or penalty
54 shall be imposed for any reason, prior to the holding of the hearing. If
55 the hearing examiner shall make a determination on the charges, sustain-

1 ing them, he or she shall impose no greater penalty or fine than those
2 upon which the person was originally charged.

3 § 7-h. Subdivision 1 of section 241 of the vehicle and traffic law, as
4 added by chapter 715 of the laws of 1972, is amended to read as follows:

5 1. The hearing examiner shall make a determination on the charges,
6 either sustaining or dismissing them. Where the hearing examiner deter-
7 mines that the charges have been sustained he or she may examine either
8 the prior parking violations record or the record of liabilities
9 incurred in accordance with section eleven hundred eighty-e of this
10 chapter of the person charged, as applicable, prior to rendering a final
11 determination. Final determinations sustaining or dismissing charges
12 shall be entered on a final determination roll maintained by the bureau
13 together with records showing payment and nonpayment of penalties.

14 § 7-i. Subdivision 2 of section 241 of the vehicle and traffic law, as
15 amended by chapter 365 of the laws of 1978, is amended to read as
16 follows:

17 2. Where an operator or owner fails to enter a plea to a charge of a
18 parking violation or contest an allegation of liability incurred in
19 accordance with section eleven hundred eighty-e of this chapter or fails
20 to appear on a designated hearing date or subsequent adjourned date or
21 fails after a hearing to comply with the determination of a hearing
22 examiner, as prescribed by this article or by rule or regulation of the
23 bureau, such failure to plead, contest, appear or comply shall be
24 deemed, for all purposes, an admission of liability and shall be grounds
25 for rendering and entering a default judgment in an amount provided by
26 the rules and regulations of the bureau. However, after the expiration
27 of the original date prescribed for entering a plea or contesting an
28 allegation and before a default judgment may be rendered, in such case
29 the bureau shall pursuant to the applicable provisions of law notify
30 such operator or owner, by such form of first class mail as the commis-
31 sion may direct; (1) of the violation charged, or liability in accord-
32 ance with section eleven hundred eighty-e of this chapter alleged, (2)
33 of the impending default judgment, (3) that such judgment will be
34 entered in the Civil Court of the city in which the bureau has been
35 established, or other court of civil jurisdiction or any other place
36 provided for the entry of civil judgments within the state of New York,
37 and (4) that a default may be avoided by entering a plea or contesting
38 an allegation of liability in accordance with section eleven hundred
39 eighty-e of this chapter or making an appearance within thirty days of
40 the sending of such notice. Pleas entered and allegations contested
41 within that period shall be in the manner prescribed in the notice and
42 not subject to additional penalty or fee. Such notice of impending
43 default judgment shall not be required prior to the rendering and entry
44 thereof in the case of operators or owners who are non-residents of the
45 state of New York. In no case shall a default judgment be rendered or,
46 where required, a notice of impending default judgment be sent, more
47 than two years after the expiration of the time prescribed for entering
48 a plea or contesting an allegation. When a person has demanded a hear-
49 ing, no fine or penalty shall be imposed for any reason, prior to the
50 holding of the hearing. If the hearing examiner shall make a determi-
51 nation on the charges, sustaining them, he or she shall impose no great-
52 er penalty or fine than those upon which the person was originally
53 charged.

54 § 8. The vehicle and traffic law is amended by adding a new section
55 1180-e to read as follows:

1 § 1180-e. Owner liability for failure of operator to comply with
2 certain posted maximum speed limits. (a) 1. Notwithstanding any other
3 provision of law, the commissioner of transportation is hereby author-
4 ized to establish a demonstration program imposing monetary liability on
5 the owner of a vehicle for failure of an operator thereof to comply with
6 posted maximum speed limits in a highway construction or maintenance
7 work area when highway construction or maintenance work is occurring and
8 located on an interstate or auxiliary interstate highway under the
9 commissioner's jurisdiction (i) when a work area speed limit is in
10 effect as provided in paragraph two of subdivision (d) or subdivision
11 (f) of section eleven hundred eighty of this article or (ii) when other
12 speed limits are in effect as provided in subdivision (b) or (g) or
13 paragraph one of subdivision (d) of section eleven hundred eighty of
14 this article. Such demonstration program shall empower the commissioner
15 to install photo speed violation monitoring systems within no more than
16 fifteen highway construction or maintenance work areas located on inter-
17 state or auxiliary interstate highways under the commissioner's juris-
18 isdiction and to operate such systems when highway construction or mainte-
19 nance work is occurring and within such work areas (iii) when a work
20 area speed limit is in effect as provided in paragraph two of subdivi-
21 sion (d) or subdivision (f) of section eleven hundred eighty of this
22 article or (iv) when other speed limits are in effect as provided in
23 subdivision (b) or (g) or paragraph one of subdivision (d) of section
24 eleven hundred eighty of this article. The commissioner, in consulta-
25 tion with the superintendent of the division of state police, shall
26 determine the location of the highway construction or maintenance work
27 areas located on an interstate or auxiliary interstate highway under the
28 jurisdiction of the commissioner in which to install and operate photo
29 speed violation monitoring systems. In selecting a highway construction
30 or maintenance work area in which to install and operate a photo speed
31 violation monitoring system, the commissioner shall consider criteria
32 including, but not limited to, the speed data, crash history, and road-
33 way geometry applicable to such highway construction or maintenance work
34 area. A photo speed violation monitoring system shall not be installed
35 or operated on an interstate or auxiliary interstate highway exit ramp.

36 2. Notwithstanding any other provision of law, after holding a public
37 hearing in accordance with the public officers law and subsequent
38 approval by a majority of the members of the entire board the chair of
39 the thruway authority is hereby authorized to establish a demonstration
40 program imposing monetary liability on the owner of a vehicle for fail-
41 ure of an operator thereof to comply with posted maximum speed limits in
42 a highway construction or maintenance work area when highway
43 construction or maintenance work is occurring and located on the thruway
44 (i) when a work area speed limit is in effect as provided in paragraph
45 two of subdivision (d) or subdivision (f) of section eleven hundred
46 eighty of this article or (ii) when other speed limits are in effect as
47 provided in subdivision (b) or (g) or paragraph one of subdivision (d)
48 of section eleven hundred eighty of this article. Such demonstration
49 program shall empower the chair to install photo speed violation moni-
50 toring systems within no more than five highway construction or mainte-
51 nance work areas located on the thruway and to operate such systems when
52 highway construction or maintenance work is occurring and within such
53 work areas (iii) when a work area speed limit is in effect as provided
54 in paragraph two of subdivision (d) or subdivision (f) of section eleven
55 hundred eighty of this article or (iv) when other speed limits are in
56 effect as provided in subdivision (b) or (g) or paragraph one of subdivi-

1 vision (d) of section eleven hundred eighty of this article. The chair,
2 in consultation with the superintendent of the division of state police,
3 shall determine the location of the highway construction or maintenance
4 work areas located on the thruway in which to install and operate photo
5 speed violation monitoring systems. In selecting a highway construction
6 or maintenance work area in which to install and operate a photo speed
7 violation monitoring system, the chair shall consider criteria includ-
8 ing, but not limited to, the speed data, crash history, and roadway
9 geometry applicable to such highway construction or maintenance work
10 area. A photo speed violation monitoring system shall not be installed
11 or operated on a thruway exit ramp.

12 3. No photo speed violation monitoring system shall be used in a high-
13 way construction or maintenance work area unless (i) on the day it is to
14 be used it has successfully passed a self-test of its functions; and
15 (ii) it has undergone an annual calibration check performed pursuant to
16 paragraph five of this subdivision. The commissioner or chair, as appli-
17 cable, shall install signs giving notice that a photo speed violation
18 monitoring system is in use, in conformance with standards established
19 in the MUTCD.

20 4. Operators of photo speed violation monitoring systems shall have
21 completed training in the procedures for setting up, testing, and oper-
22 ating such systems. Each such operator shall complete and sign a daily
23 set-up log for each such system that he or she operates that (i) states
24 the date and time when, and the location where, the system was set up
25 that day, and (ii) states that such operator successfully performed, and
26 the system passed, the self-tests of such system before producing a
27 recorded image that day. The commissioner or the chair, as applicable,
28 shall retain each such daily log until the later of the date on which
29 the photo speed violation monitoring system to which it applies has been
30 permanently removed from use or the final resolution of all cases
31 involving notices of liability issued based on photographs, microphoto-
32 graphs, video or other recorded images produced by such system.

33 5. Each photo speed violation monitoring system shall undergo an annu-
34 al calibration check performed by an independent calibration laboratory
35 which shall issue a signed certificate of calibration. The commissioner
36 or the chair, as applicable, shall keep each such annual certificate of
37 calibration on file until the final resolution of all cases involving a
38 notice of liability issued during such year which were based on photo-
39 graphs, microphotographs, videotape or other recorded images produced by
40 such photo speed violation monitoring system.

41 6. (i) Such demonstration program shall utilize necessary technologies
42 to ensure, to the extent practicable, that photographs, microphoto-
43 graphs, videotape or other recorded images produced by such photo speed
44 violation monitoring systems shall not include images that identify the
45 driver, the passengers, or the contents of the vehicle. Provided, howev-
46 er, that no notice of liability issued pursuant to this section shall be
47 dismissed solely because such a photograph, microphotograph, videotape
48 or other recorded image allows for the identification of the driver, the
49 passengers, or the contents of vehicles where the commissioner or the
50 chair, as applicable, shows that they made reasonable efforts to comply
51 with the provisions of this paragraph in such case.

52 (ii) Photographs, microphotographs, videotape or any other recorded
53 image from a photo speed violation monitoring system shall be for the
54 exclusive use of the commissioner or the chair, as applicable, for the
55 purpose of the adjudication of liability imposed pursuant to this
56 section and of the owner receiving a notice of liability pursuant to

1 this section, and shall be destroyed by the commissioner or chair, as
2 applicable, upon the final resolution of the notice of liability to
3 which such photographs, microphotographs, videotape or other recorded
4 images relate, or one year following the date of issuance of such notice
5 of liability, whichever is later. Notwithstanding the provisions of any
6 other law, rule or regulation to the contrary, photographs, microphoto-
7 graphs, videotape or any other recorded image from a photo speed
8 violation monitoring system shall not be open to the public, nor subject
9 to civil or criminal process or discovery, nor used by any court or
10 administrative or adjudicatory body in any action or proceeding therein
11 except that which is necessary for the adjudication of a notice of
12 liability issued pursuant to this section, and no public entity or
13 employee, officer or agent thereof shall disclose such information,
14 except that such photographs, microphotographs, videotape or any other
15 recorded images from such systems:

16 (A) shall be available for inspection and copying and use by the motor
17 vehicle owner and operator for so long as such photographs, microphoto-
18 graphs, videotape or other recorded images are required to be maintained
19 or are maintained by such public entity, employee, officer or agent; and

20 (B) (1) shall be furnished when described in a search warrant issued
21 by a court authorized to issue such a search warrant pursuant to article
22 six hundred ninety of the criminal procedure law or a federal court
23 authorized to issue such a search warrant under federal law, where such
24 search warrant states that there is reasonable cause to believe such
25 information constitutes evidence of, or tends to demonstrate that, a
26 misdemeanor or felony offense was committed in this state or another
27 state, or that a particular person participated in the commission of a
28 misdemeanor or felony offense in this state or another state, provided,
29 however, that if such offense was against the laws of another state, the
30 court shall only issue a warrant if the conduct comprising such offense
31 would, if occurring in this state, constitute a misdemeanor or felony
32 against the laws of this state; and

33 (2) shall be furnished in response to a subpoena duces tecum signed by
34 a judge of competent jurisdiction and issued pursuant to article six
35 hundred ten of the criminal procedure law or a judge or magistrate of a
36 federal court authorized to issue such a subpoena duces tecum under
37 federal law, where the judge finds and the subpoena states that there is
38 reasonable cause to believe such information is relevant and material to
39 the prosecution, or the defense, or the investigation by an authorized
40 law enforcement official, of the alleged commission of a misdemeanor or
41 felony in this state or another state, provided, however, that if such
42 offense was against the laws of another state, such judge or magistrate
43 shall only issue such subpoena if the conduct comprising such offense
44 would, if occurring in this state, constitute a misdemeanor or felony in
45 this state; and

46 (3) may, if lawfully obtained pursuant to this clause and clause (A)
47 of this subparagraph and otherwise admissible, be used in such criminal
48 action or proceeding.

49 (b) If the commissioner or chair establishes a demonstration program
50 pursuant to subdivision (a) of this section, the owner of a vehicle
51 shall be liable for a penalty imposed pursuant to this section if such
52 vehicle was used or operated with the permission of the owner, express
53 or implied, within a highway construction or maintenance work area
54 located on a controlled-access highway under the jurisdiction of the
55 commissioner or on the thruway in violation of paragraph two of subdivi-
56 sion (d) or subdivision (f), or when other speed limits are in effect in

1 violation of subdivision (b) or (g) or paragraph one of subdivision (d),
2 of section eleven hundred eighty of this article, such vehicle was trav-
3 eling at a speed of more than ten miles per hour above the posted speed
4 limit in effect within such highway construction or maintenance work
5 area, and such violation is evidenced by information obtained from a
6 photo speed violation monitoring system; provided however that no owner
7 of a vehicle shall be liable for a penalty imposed pursuant to this
8 section where the operator of such vehicle has been convicted of the
9 underlying violation of subdivision (b), (d), (f) or (g) of section
10 eleven hundred eighty of this article.

11 (c) For purposes of this section, the following terms shall have the
12 following meanings:

13 1. "chair" shall mean the chair of the New York state thruway authori-
14 ty;

15 2. "commissioner" shall mean the commissioner of transportation;

16 3. "manual on uniform traffic control devices" or "MUTCD" shall mean
17 the manual and specifications for a uniform system of traffic control
18 devices maintained by the commissioner of transportation pursuant to
19 section sixteen hundred eighty of this chapter;

20 4. "owner" shall have the meaning provided in article two-B of this
21 chapter;

22 5. "photo speed violation monitoring system" shall mean a vehicle
23 sensor installed to work in conjunction with a speed measuring device
24 which automatically produces two or more photographs, two or more micro-
25 photographs, a videotape or other recorded images of each vehicle at the
26 time it is used or operated in a highway construction or maintenance
27 work area located on a controlled-access highway under the jurisdiction
28 of the commissioner or on the thruway in violation of subdivision (b),
29 (d), (f) or (g) of section eleven hundred eighty of this article in
30 accordance with the provisions of this section;

31 6. "thruway authority" shall mean the New York state thruway authori-
32 ty, a body corporate and politic constituting a public corporation
33 created and constituted pursuant to title nine of article two of the
34 public authorities law; and

35 7. "thruway" shall mean generally a divided highway under the juris-
36 isdiction of the thruway authority for mixed traffic with access limited
37 as the authority may determine and generally with grade separations at
38 intersections.

39 (d) A certificate, sworn to or affirmed by a technician employed by
40 the commissioner or chair as applicable, or a facsimile thereof, based
41 upon inspection of photographs, microphotographs, videotape or other
42 recorded images produced by a photo speed violation monitoring system,
43 shall be prima facie evidence of the facts contained therein. Any photo-
44 graphs, microphotographs, videotape or other recorded images evidencing
45 such a violation shall include at least two date and time stamped images
46 of the rear of the motor vehicle that include the same stationary object
47 near the motor vehicle and shall be available for inspection reasonably
48 in advance of and at any proceeding to adjudicate the liability for such
49 violation pursuant to this section.

50 (e) An owner liable for a violation of subdivision (b), (d), (f) or
51 (g) of section eleven hundred eighty of this article pursuant to a
52 demonstration program established pursuant to this section shall be
53 liable for monetary penalties not to exceed fifty dollars for a first
54 violation, seventy-five dollars for a second violation committed within
55 a period of eighteen months, and one hundred dollars for a third or
56 subsequent violation committed within eighteen months of the previous

1 violations; provided, however, that an additional penalty not in excess
2 of twenty-five dollars for each violation may be imposed for the failure
3 to respond to a notice of liability within the prescribed time period.

4 (f) An imposition of liability under the demonstration program estab-
5 lished pursuant to this section shall not be deemed a conviction as an
6 operator and shall not be made part of the operating record of the
7 person upon whom such liability is imposed nor shall it be used for
8 insurance purposes in the provision of motor vehicle insurance coverage.

9 (g) 1. A notice of liability shall be sent by first class mail to each
10 person alleged to be liable as an owner for a violation of subdivision
11 (b), (d), (f) or (g) of section eleven hundred eighty of this article
12 pursuant to this section, within fourteen business days if such owner is
13 a resident of this state and within forty-five business days if such
14 owner is a non-resident. Personal delivery on the owner shall not be
15 required. A manual or automatic record of mailing prepared in the ordi-
16 nary course of business shall be prima facie evidence of the facts
17 contained therein.

18 2. A notice of liability shall contain the name and address of the
19 person alleged to be liable as an owner for a violation of subdivision
20 (b), (d), (f) or (g) of section eleven hundred eighty of this article
21 pursuant to this section, the registration number of the vehicle
22 involved in such violation, the location where such violation took
23 place, the date and time of such violation, the identification number of
24 the camera which recorded the violation or other document locator
25 number, at least two date and time stamped images of the rear of the
26 motor vehicle that include the same stationary object near the motor
27 vehicle, and the certificate charging the liability.

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

34 4. The notice of liability shall be prepared and mailed by the commis-
35 sioner or chair as applicable, or by any other entity authorized by the
36 commissioner or chair to prepare and mail such notice of liability.

37 (h) Adjudication of the liability imposed upon owners of this section
38 shall be by a traffic violations bureau established pursuant to section
39 three hundred seventy of the general municipal law where the violation
40 occurred or, if there be none, by the court having jurisdiction over
41 traffic infractions where the violation occurred, except that if a city
42 has established an administrative tribunal to hear and determine
43 complaints of traffic infractions constituting parking, standing or
44 stopping violations such city may, by local law, authorize such adjudi-
45 cation by such tribunal.

46 (i) If an owner receives a notice of liability pursuant to this
47 section for any time period during which the vehicle or the number plate
48 or plates of such vehicle was reported to the police department as
49 having been stolen, it shall be a valid defense to an allegation of
50 liability for a violation of subdivision (b), (d), (f) or (g) of section
51 eleven hundred eighty of this article pursuant to this section that the
52 vehicle or the number plate or plates of such vehicle had been reported
53 to the police as stolen prior to the time the violation occurred and had
54 not been recovered by such time. For purposes of asserting the defense
55 provided by this subdivision, it shall be sufficient that a certified
56 copy of the police report on the stolen vehicle or number plate or

1 plates of such vehicle be sent by first class mail to the traffic
2 violations bureau, court having jurisdiction or parking violations
3 bureau.

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

25 2. (i) In a city which, by local law, has authorized the adjudication
26 of liability imposed upon owners by this section by a parking violations
27 bureau, an owner who is a lessor of a vehicle to which a notice of
28 liability was issued pursuant to subdivision (g) of this section shall
29 not be liable for the violation of subdivision (b), (d), (f) or (g) of
30 section eleven hundred eighty of this article, provided that:

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

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

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

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

51 (k) 1. If the owner liable for a violation of subdivision (b), (d),
52 (f) or (g) of section eleven hundred eighty of this article pursuant to
53 this section was not the operator of the vehicle at the time of the
54 violation, the owner may maintain an action for indemnification against
55 the operator.

1 2. Notwithstanding any other provision of this section, no owner of a
2 vehicle shall be subject to a monetary fine imposed pursuant to this
3 section if the operator of such vehicle was operating such vehicle with-
4 out the consent of the owner at the time such operator operated such
5 vehicle in violation of subdivision (b), (d), (f) or (g) of section
6 eleven hundred eighty of this article. For purposes of this subdivision
7 there shall be a presumption that the operator of such vehicle was oper-
8 ating such vehicle with the consent of the owner at the time such oper-
9 ator operated such vehicle in violation of subdivision (b), (d), (f) or
10 (g) of section eleven hundred eighty of this article.

11 (l) Nothing in this section shall be construed to limit the liability
12 of an operator of a vehicle for any violation of subdivision (b), (d),
13 (f) or (g) of section eleven hundred eighty of this article.

14 (m) If the commissioner or chair adopts a demonstration program pursu-
15 ant to subdivision (a) of this section the commissioner or chair, as
16 applicable, shall conduct a study and submit a report on the results of
17 the use of photo devices to the governor, the temporary president of the
18 senate and the speaker of the assembly on or before June first, two
19 thousand twenty-one and on the same date in each succeeding year in
20 which the demonstration program is operable. The commissioner or chair
21 shall also make such reports available on their public-facing websites,
22 provided that they may provide aggregate data from paragraph one of this
23 subdivision if the commissioner or chair finds that providing specific
24 location data would jeopardize public safety. Such report shall
25 include:

26 1. the locations where and dates when photo speed violation monitoring
27 systems were used;

28 2. the aggregate number, type and severity of crashes, fatalities,
29 injuries and property damage reported within all highway construction or
30 maintenance work areas on controlled-access highways under the jurisdic-
31 tion of the commissioner or on the thruway, to the extent the informa-
32 tion is maintained by the commissioner, chair or the department of motor
33 vehicles of this state;

34 3. the aggregate number, type and severity of crashes, fatalities,
35 injuries and property damage reported within highway construction or
36 maintenance work areas where photo speed violation monitoring systems
37 were used, to the extent the information is maintained by the commis-
38 sioner, chair or the department of motor vehicles of this state;

39 4. the number of violations recorded within all highway construction
40 or maintenance work areas on controlled-access highways under the juris-
41 isdiction of the commissioner or on the thruway, in the aggregate on a
42 daily, weekly and monthly basis to the extent the information is main-
43 tained by the commissioner, chair or the department of motor vehicles of
44 this state;

45 5. the number of violations recorded within each highway construction
46 or maintenance work area where a photo speed violation monitoring system
47 is used, in the aggregate on a daily, weekly and monthly basis;

48 6. to the extent the information is maintained by the commissioner,
49 chair or the department of motor vehicles of this state, the number of
50 violations recorded within all highway construction or maintenance work
51 areas on controlled-access highways under the jurisdiction of the
52 commissioner or on the thruway that were:

53 (i) more than ten but not more than twenty miles per hour over the
54 posted speed limit;

55 (ii) more than twenty but not more than thirty miles per hour over the
56 posted speed limit;

1 (iii) more than thirty but not more than forty miles per hour over the
 2 posted speed limit; and

3 (iv) more than forty miles per hour over the posted speed limit;

4 7. the number of violations recorded within each highway construction
 5 or maintenance work area where a photo speed violation monitoring system
 6 is used that were:

7 (i) more than ten but not more than twenty miles per hour over the
 8 posted speed limit;

9 (ii) more than twenty but not more than thirty miles per hour over the
 10 posted speed limit;

11 (iii) more than thirty but not more than forty miles per hour over the
 12 posted speed limit; and

13 (iv) more than forty miles per hour over the posted speed limit;

14 8. the total number of notices of liability issued for violations
 15 recorded by such systems;

16 9. the number of fines and total amount of fines paid after the first
 17 notice of liability issued for violations recorded by such systems, to
 18 the extent the information is maintained by the commissioner, chair or
 19 the department of motor vehicles of this state;

20 10. the number of violations adjudicated and the results of such adju-
 21 dications including breakdowns of dispositions made for violations
 22 recorded by such systems, to the extent the information is maintained by
 23 the commissioner, chair or the department of motor vehicles of this
 24 state;

25 11. the total amount of revenue realized by the state or thruway
 26 authority in connection with the program;

27 12. the expenses incurred by the state or the thruway authority in
 28 connection with the program;

29 13. an itemized list of expenditures made by the state and the thruway
 30 authority on work zone safety projects in accordance with subdivisions
 31 eleven and twelve of section eighteen hundred three of this chapter; and

32 14. the quality of the adjudication process and its results, to the
 33 extent the information is maintained by the commissioner, chair or the
 34 department of motor vehicles of this state.

35 (n) It shall be a defense to any prosecution for a violation of subdi-
 36 vision (b), (d), (f) or (g) of section eleven hundred eighty of this
 37 article pursuant to this section that such photo speed violation moni-
 38 toring system was malfunctioning at the time of the alleged violation.

39 § 9. The opening paragraph and paragraph (c) of subdivision 1 of
 40 section 1809 of the vehicle and traffic law, as separately amended by
 41 section 10 of chapter 145 and section 9 of chapter 148 of the laws of
 42 2019, are amended to read as follows:

43 Whenever proceedings in an administrative tribunal or a court of this
 44 state result in a conviction for an offense under this chapter or a
 45 traffic infraction under this chapter, or a local law, ordinance, rule
 46 or regulation adopted pursuant to this chapter, other than a traffic
 47 infraction involving standing, stopping, or parking or violations by
 48 pedestrians or bicyclists, or other than an adjudication of liability of
 49 an owner for a violation of subdivision (d) of section eleven hundred
 50 eleven of this chapter in accordance with section eleven hundred
 51 eleven-a of this chapter, or other than an adjudication of liability of
 52 an owner for a violation of subdivision (d) of section eleven hundred
 53 eleven of this chapter in accordance with section eleven hundred
 54 eleven-b of this chapter, or other than an adjudication in accordance
 55 with section eleven hundred eleven-c of this chapter for a violation of
 56 a bus lane restriction as defined in such section, or other than an

1 adjudication of liability of an owner for a violation of subdivision (d)
2 of section eleven hundred eleven of this chapter in accordance with
3 section eleven hundred eleven-d of this chapter, or other than an adju-
4 dication of liability of an owner for a violation of subdivision (b),
5 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in
6 accordance with section eleven hundred eighty-b of this chapter, or
7 other than an adjudication of liability of an owner for a violation of
8 subdivision (d) of section eleven hundred eleven of this chapter in
9 accordance with section eleven hundred eleven-e of this chapter, or
10 other than an adjudication of liability of an owner for a violation of
11 section eleven hundred seventy-four of this chapter in accordance with
12 section eleven hundred seventy-four-a of this chapter, or other than an
13 adjudication of liability of an owner for a violation of subdivision
14 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
15 ter in accordance with section eleven hundred eighty-d of this chapter,
16 or other than an adjudication of liability of an owner for a violation
17 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
18 this chapter in accordance with section eleven hundred eighty-e of this
19 chapter, there shall be levied a crime victim assistance fee and a
20 mandatory surcharge, in addition to any sentence required or permitted
21 by law, in accordance with the following schedule:

22 (c) Whenever proceedings in an administrative tribunal or a court of
23 this state result in a conviction for an offense under this chapter
24 other than a crime pursuant to section eleven hundred ninety-two of this
25 chapter, or a traffic infraction under this chapter, or a local law,
26 ordinance, rule or regulation adopted pursuant to this chapter, other
27 than a traffic infraction involving standing, stopping, or parking or
28 violations by pedestrians or bicyclists, or other than an adjudication
29 of liability of an owner for a violation of subdivision (d) of section
30 eleven hundred eleven of this chapter in accordance with section eleven
31 hundred eleven-a of this chapter, or other than an adjudication of
32 liability of an owner for a violation of subdivision (d) of section
33 eleven hundred eleven of this chapter in accordance with section eleven
34 hundred eleven-b of this chapter, or other than an adjudication of
35 liability of an owner for a violation of subdivision (d) of section
36 eleven hundred eleven of this chapter in accordance with section eleven
37 hundred eleven-d of this chapter, or other than an infraction pursuant
38 to article nine of this chapter or other than an adjudication of liabil-
39 ity of an owner for a violation of toll collection regulations pursuant
40 to section two thousand nine hundred eighty-five of the public authori-
41 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
42 hundred seventy-four of the laws of nineteen hundred fifty or other than
43 an adjudication in accordance with section eleven hundred eleven-c of
44 this chapter for a violation of a bus lane restriction as defined in
45 such section, or other than an adjudication of liability of an owner for
46 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
47 hundred eighty of this chapter in accordance with section eleven hundred
48 eighty-b of this chapter, or other than an adjudication of liability of
49 an owner for a violation of subdivision (d) of section eleven hundred
50 eleven of this chapter in accordance with section eleven hundred
51 eleven-e of this chapter, or other than an adjudication of liability of
52 an owner for a violation of section eleven hundred seventy-four of this
53 chapter in accordance with section eleven hundred seventy-four-a of this
54 chapter, or other than an adjudication of liability of an owner for a
55 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
56 hundred eighty of this chapter in accordance with section eleven hundred

1 eighty-d of this chapter, or other than an adjudication of liability of
2 an owner for a violation of subdivision (b), (d), (f) or (g) of section
3 eleven hundred eighty of this chapter in accordance with section eleven
4 hundred eighty-e of this chapter, there shall be levied a crime victim
5 assistance fee in the amount of five dollars and a mandatory surcharge,
6 in addition to any sentence required or permitted by law, in the amount
7 of fifty-five dollars.

8 § 9-a. The opening paragraph and paragraph (c) of subdivision 1 of
9 section 1809 of the vehicle and traffic law, as amended by section 10 of
10 chapter 145 of the laws of 2019, are amended to read as follows:

11 Whenever proceedings in an administrative tribunal or a court of this
12 state result in a conviction for an offense under this chapter or a
13 traffic infraction under this chapter, or a local law, ordinance, rule
14 or regulation adopted pursuant to this chapter, other than a traffic
15 infraction involving standing, stopping, or parking or violations by
16 pedestrians or bicyclists, or other than an adjudication of liability of
17 an owner for a violation of subdivision (d) of section eleven hundred
18 eleven of this chapter in accordance with section eleven hundred
19 eleven-a of this chapter, or other than an adjudication of liability of
20 an owner for a violation of subdivision (d) of section eleven hundred
21 eleven of this chapter in accordance with section eleven hundred
22 eleven-b of this chapter, or other than an adjudication in accordance
23 with section eleven hundred eleven-c of this chapter for a violation of
24 a bus lane restriction as defined in such section, or other than an
25 adjudication of liability of an owner for a violation of subdivision (d)
26 of section eleven hundred eleven of this chapter in accordance with
27 section eleven hundred eleven-d of this chapter, or other than an adju-
28 dication of liability of an owner for a violation of subdivision (b),
29 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in
30 accordance with section eleven hundred eighty-b of this chapter, or
31 other than an adjudication of liability of an owner for a violation of
32 subdivision (d) of section eleven hundred eleven of this chapter in
33 accordance with section eleven hundred eleven-e of this chapter, or
34 other than an adjudication of liability of an owner for a violation of
35 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
36 this chapter in accordance with section eleven hundred eighty-e of this
37 chapter, or other than an adjudication of liability of an owner for a
38 violation of section eleven hundred seventy-four of this chapter in
39 accordance with section eleven hundred seventy-four-a of this chapter,
40 there shall be levied a crime victim assistance fee and a mandatory
41 surcharge, in addition to any sentence required or permitted by law, in
42 accordance with the following schedule:

43 (c) Whenever proceedings in an administrative tribunal or a court of
44 this state result in a conviction for an offense under this chapter
45 other than a crime pursuant to section eleven hundred ninety-two of this
46 chapter, or a traffic infraction under this chapter, or a local law,
47 ordinance, rule or regulation adopted pursuant to this chapter, other
48 than a traffic infraction involving standing, stopping, or parking or
49 violations by pedestrians or bicyclists, or other than an adjudication
50 of liability of an owner for a violation of subdivision (d) of section
51 eleven hundred eleven of this chapter in accordance with section eleven
52 hundred eleven-a of this chapter, or other than an adjudication of
53 liability of an owner for a violation of subdivision (d) of section
54 eleven hundred eleven of this chapter in accordance with section eleven
55 hundred eleven-b of this chapter, or other than an adjudication of
56 liability of an owner for a violation of subdivision (d) of section

1 eleven hundred eleven of this chapter in accordance with section eleven
2 hundred eleven-d of this chapter, or other than an infraction pursuant
3 to article nine of this chapter or other than an adjudication of liability
4 of an owner for a violation of toll collection regulations pursuant
5 to section two thousand nine hundred eighty-five of the public authori-
6 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
7 hundred seventy-four of the laws of nineteen hundred fifty or other than
8 an adjudication in accordance with section eleven hundred eleven-c of
9 this chapter for a violation of a bus lane restriction as defined in
10 such section, or other than an adjudication of liability of an owner for
11 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
12 hundred eighty of this chapter in accordance with section eleven hundred
13 eighty-b of this chapter, or other than an adjudication of liability of
14 an owner for a violation of subdivision (d) of section eleven hundred
15 eleven of this chapter in accordance with section eleven hundred
16 eleven-e of this chapter, or other than an adjudication of liability of
17 an owner for a violation of subdivision (b), (d), (f) or (g) of section
18 eleven hundred eighty of this chapter in accordance with section eleven
19 hundred eighty-e of this chapter, or other than an adjudication of
20 liability of an owner for a violation of section eleven hundred seven-
21 ty-four of this chapter in accordance with section eleven hundred seven-
22 ty-four-a of this chapter, there shall be levied a crime victim assist-
23 ance fee in the amount of five dollars and a mandatory surcharge, in
24 addition to any sentence required or permitted by law, in the amount of
25 fifty-five dollars.

26 § 9-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
27 as separately amended by section 10-a of chapter 145 and section 9-a of
28 chapter 148 of the laws of 2019, is amended to read as follows:

29 1. Whenever proceedings in an administrative tribunal or a court of
30 this state result in a conviction for a crime under this chapter or a
31 traffic infraction under this chapter, or a local law, ordinance, rule
32 or regulation adopted pursuant to this chapter, other than a traffic
33 infraction involving standing, stopping, parking or motor vehicle equip-
34 ment or violations by pedestrians or bicyclists, or other than an adju-
35 dication of liability of an owner for a violation of subdivision (d) of
36 section eleven hundred eleven of this chapter in accordance with section
37 eleven hundred eleven-a of this chapter, or other than an adjudication
38 of liability of an owner for a violation of subdivision (d) of section
39 eleven hundred eleven of this chapter in accordance with section eleven
40 hundred eleven-b of this chapter, or other than an adjudication in
41 accordance with section eleven hundred eleven-c of this chapter for a
42 violation of a bus lane restriction as defined in such section, or other
43 than an adjudication of liability of an owner for a violation of subdivi-
44 sion (d) of section eleven hundred eleven of this chapter in accord-
45 ance with section eleven hundred eleven-d of this chapter, or other than
46 an adjudication of liability of an owner for a violation of subdivision
47 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
48 ter in accordance with section eleven hundred eighty-b of this chapter,
49 or other than an adjudication of liability of an owner for a violation
50 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
51 eighty of this chapter in accordance with section eleven hundred eight-
52 y-d of this chapter, or other than an adjudication of liability of an
53 owner for a violation of subdivision (b), (d), (f) or (g) of section
54 eleven hundred eighty of this chapter in accordance with section eleven
55 hundred eighty-e of this chapter, or other than an adjudication of
56 liability of an owner for a violation of subdivision (d) of section

1 eleven hundred eleven of this chapter in accordance with section eleven
2 hundred eleven-e of this chapter, or other than an adjudication of
3 liability of an owner for a violation of section eleven hundred seven-
4 ty-four of this chapter in accordance with section eleven hundred seven-
5 ty-four-a of this chapter, there shall be levied a mandatory surcharge,
6 in addition to any sentence required or permitted by law, in the amount
7 of twenty-five dollars.

8 § 9-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
9 as separately amended by section 10-b of chapter 145 and section 9-b of
10 chapter 148 of the laws of 2019, is amended to read as follows:

11 1. Whenever proceedings in an administrative tribunal or a court of
12 this state result in a conviction for a crime under this chapter or a
13 traffic infraction under this chapter other than a traffic infraction
14 involving standing, stopping, parking or motor vehicle equipment or
15 violations by pedestrians or bicyclists, or other than an adjudication
16 in accordance with section eleven hundred eleven-c of this chapter for a
17 violation of a bus lane restriction as defined in such section, or other
18 than an adjudication of liability of an owner for a violation of subdivi-
19 sion (d) of section eleven hundred eleven of this chapter in accord-
20 ance with section eleven hundred eleven-d of this chapter, or other than
21 an adjudication of liability of an owner for a violation of subdivision
22 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
23 ter in accordance with section eleven hundred eighty-d of this chapter,
24 or other than an adjudication of liability of an owner for a violation
25 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
26 this chapter in accordance with section eleven hundred eighty-e of this
27 chapter, or other than an adjudication of liability of an owner for a
28 violation of subdivision (d) of section eleven hundred eleven of this
29 chapter in accordance with section eleven hundred eleven-e of this chap-
30 ter, or other than an adjudication of liability of an owner for a
31 violation of section eleven hundred seventy-four of this chapter in
32 accordance with section eleven hundred seventy-four-a of this chapter,
33 there shall be levied a mandatory surcharge, in addition to any sentence
34 required or permitted by law, in the amount of seventeen dollars.

35 § 9-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
36 as separately amended by section 10-c of chapter 145 and section 9-c of
37 chapter 148 of the laws of 2019, is amended to read as follows:

38 1. Whenever proceedings in an administrative tribunal or a court of
39 this state result in a conviction for a crime under this chapter or a
40 traffic infraction under this chapter other than a traffic infraction
41 involving standing, stopping, parking or motor vehicle equipment or
42 violations by pedestrians or bicyclists, or other than an adjudication
43 of liability of an owner for a violation of subdivision (b), (c), (d),
44 (f) or (g) of section eleven hundred eighty of this chapter in accord-
45 ance with section eleven hundred eighty-b of this chapter, or other than
46 an adjudication of liability of an owner for a violation of subdivision
47 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
48 ter in accordance with section eleven hundred eighty-d of this chapter,
49 or other than an adjudication of liability of an owner for a violation
50 of subdivision (d) of section eleven hundred eleven of this chapter in
51 accordance with section eleven hundred eleven-d of this chapter, or
52 other than an adjudication of liability of an owner for a violation of
53 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
54 this chapter in accordance with section eleven hundred eighty-e of this
55 chapter, or other than an adjudication of liability of an owner for a
56 violation of subdivision (d) of section eleven hundred eleven of this

1 chapter in accordance with section eleven hundred eleven-e of this chap-
2 ter, or other than an adjudication of liability of an owner for a
3 violation of section eleven hundred seventy-four of this chapter in
4 accordance with section eleven hundred seventy-four-a of this chapter,
5 there shall be levied a mandatory surcharge, in addition to any sentence
6 required or permitted by law, in the amount of seventeen dollars.

7 § 9-e. Subdivision 1 of section 1809 of the vehicle and traffic law,
8 as separately amended by section 10-d of chapter 145 and section 9-d of
9 chapter 148 of the laws of 2019, is amended to read as follows:

10 1. Whenever proceedings in an administrative tribunal or a court of
11 this state result in a conviction for a crime under this chapter or a
12 traffic infraction under this chapter other than a traffic infraction
13 involving standing, stopping, parking or motor vehicle equipment or
14 violations by pedestrians or bicyclists, or other than an adjudication
15 of liability of an owner for a violation of subdivision (b), (c), (d),
16 (f) or (g) of section eleven hundred eighty of this chapter in accord-
17 ance with section eleven hundred eighty-d of this chapter, or other than
18 an adjudication of liability of an owner for a violation of subdivision
19 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in
20 accordance with section eleven hundred eighty-e of this chapter, or
21 other than an adjudication of liability of an owner for a violation of
22 subdivision (d) of section eleven hundred eleven of this chapter in
23 accordance with section eleven hundred eleven-d of this chapter, or
24 other than an adjudication of liability of an owner for a violation of
25 subdivision (d) of section eleven hundred eleven of this chapter in
26 accordance with section eleven hundred eleven-e of this chapter, or
27 other than an adjudication of liability of an owner for a violation of
28 section eleven hundred seventy-four of this chapter in accordance with
29 section eleven hundred seventy-four-a of this chapter, there shall be
30 levied a mandatory surcharge, in addition to any sentence required or
31 permitted by law, in the amount of seventeen dollars.

32 § 9-f. Subdivision 1 of section 1809 of the vehicle and traffic law,
33 as separately amended by section 10-f of chapter 145 and section 9-f of
34 chapter 148 of the laws of 2019, is amended to read as follows:

35 1. Whenever proceedings in an administrative tribunal or a court of
36 this state result in a conviction for a crime under this chapter or a
37 traffic infraction under this chapter other than a traffic infraction
38 involving standing, stopping, parking or motor vehicle equipment or
39 violations by pedestrians or bicyclists, or other than an adjudication
40 of liability of an owner for a violation of subdivision (b), (c), (d),
41 (f) or (g) of section eleven hundred eighty of this chapter in accord-
42 ance with section eleven hundred eighty-d of this chapter, or other than
43 an adjudication of liability of an owner for a violation of subdivision
44 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in
45 accordance with section eleven hundred eighty-e of this chapter, or
46 other than an adjudication of liability of an owner for a violation of
47 subdivision (d) of section eleven hundred eleven of this chapter in
48 accordance with section eleven hundred eleven-e of this chapter, or
49 other than an adjudication of liability of an owner for a violation of
50 section eleven hundred seventy-four of this chapter in accordance with
51 section eleven hundred seventy-four-a of this chapter, there shall be
52 levied a mandatory surcharge, in addition to any sentence required or
53 permitted by law, in the amount of seventeen dollars.

54 § 9-g. Subdivision 1 of section 1809 of the vehicle and traffic law,
55 as separately amended by section 10-g of chapter 145 and section 9-g of
56 chapter 148 of the laws of 2019, is amended to read as follows:

1 1. Whenever proceedings in an administrative tribunal or a court of
2 this state result in a conviction for a crime under this chapter or a
3 traffic infraction under this chapter other than a traffic infraction
4 involving standing, stopping, parking or motor vehicle equipment or
5 violations by pedestrians or bicyclists, or other than an adjudication
6 of liability of an owner for a violation of subdivision (b), (d), (f) or
7 (g) of section eleven hundred eighty of this chapter in accordance with
8 section eleven hundred eighty-d of this chapter, or other than an adju-
9 dicatation of liability of an owner for a violation of subdivision (b),
10 (d), (f) or (g) of section eleven hundred eighty of this chapter in
11 accordance with section eleven hundred eighty-e of this chapter, or
12 other than an adjudication of liability of an owner for a violation of
13 section eleven hundred seventy-four of this chapter in accordance with
14 section eleven hundred seventy-four-a of this chapter, there shall be
15 levied a mandatory surcharge, in addition to any sentence required or
16 permitted by law, in the amount of seventeen dollars.

17 § 9-h. Subdivision 1 of section 1809 of the vehicle and traffic law,
18 as separately amended by chapter 16 of the laws of 1983 and chapter 62
19 of the laws of 1989, is amended to read as follows:

20 1. Whenever proceedings in an administrative tribunal or a court of
21 this state result in a conviction for a crime under this chapter or a
22 traffic infraction under this chapter other than a traffic infraction
23 involving standing, stopping, parking or motor vehicle equipment or
24 violations by pedestrians or bicyclists, or other than an adjudication
25 of liability of an owner for a violation of subdivision (b), (d), (f) or
26 (g) of section eleven hundred eighty of this chapter in accordance with
27 section eleven hundred eighty-e of this chapter, there shall be levied a
28 mandatory surcharge, in addition to any sentence required or permitted
29 by law, in the amount of seventeen dollars.

30 § 10. Paragraph a of subdivision 1 of section 1809-e of the vehicle
31 and traffic law, as separately amended by section 11 of chapter 145 and
32 section 10 of chapter 148 of the laws of 2019, is amended to read as
33 follows:

34 a. Notwithstanding any other provision of law, whenever proceedings in
35 a court or an administrative tribunal of this state result in a
36 conviction for an offense under this chapter, except a conviction pursu-
37 ant to section eleven hundred ninety-two of this chapter, or for a traf-
38 fic infraction under this chapter, or a local law, ordinance, rule or
39 regulation adopted pursuant to this chapter, except a traffic infraction
40 involving standing, stopping, or parking or violations by pedestrians or
41 bicyclists, and except an adjudication of liability of an owner for a
42 violation of subdivision (d) of section eleven hundred eleven of this
43 chapter in accordance with section eleven hundred eleven-a of this chap-
44 ter or in accordance with section eleven hundred eleven-d of this chap-
45 ter, or in accordance with section eleven hundred eleven-e of this chap-
46 ter, or in accordance with section eleven hundred seventy-four-a of this
47 chapter, and except an adjudication of liability of an owner for a
48 violation of subdivision (d) of section eleven hundred eleven of this
49 chapter in accordance with section eleven hundred eleven-b of this chap-
50 ter, and except an adjudication in accordance with section eleven
51 hundred eleven-c of this chapter of a violation of a bus lane
52 restriction as defined in such section, and [~~except~~] except an adju-
53 dicatation of liability of an owner for a violation of subdivision (b), (c),
54 (d), (f) or (g) of section eleven hundred eighty of this chapter in
55 accordance with section eleven hundred eighty-b of this chapter, and
56 except an adjudication of liability of an owner for a violation of toll

1 collection regulations pursuant to section two thousand nine hundred
2 eighty-five of the public authorities law or sections sixteen-a,
3 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
4 laws of nineteen hundred fifty, or other than an adjudication of liabil-
5 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
6 of section eleven hundred eighty of this chapter in accordance with
7 section eleven hundred eighty-d of this chapter, and except an adjudi-
8 cation of liability of an owner for a violation of subdivision (b), (d),
9 (f) or (g) of section eleven hundred eighty of this chapter in accord-
10 ance with section eleven hundred eighty-e of this chapter, there shall
11 be levied in addition to any sentence, penalty or other surcharge
12 required or permitted by law, an additional surcharge of twenty-eight
13 dollars.

14 § 10-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
15 and traffic law, as amended by section 11 of chapter 145 of the laws of
16 2019, is amended to read as follows:

17 a. Notwithstanding any other provision of law, whenever proceedings in
18 a court or an administrative tribunal of this state result in a
19 conviction for an offense under this chapter, except a conviction pursu-
20 ant to section eleven hundred ninety-two of this chapter, or for a traf-
21 fic infraction under this chapter, or a local law, ordinance, rule or
22 regulation adopted pursuant to this chapter, except a traffic infraction
23 involving standing, stopping, or parking or violations by pedestrians or
24 bicyclists, and except an adjudication of liability of an owner for a
25 violation of subdivision (d) of section eleven hundred eleven of this
26 chapter in accordance with section eleven hundred eleven-a of this chap-
27 ter or in accordance with section eleven hundred eleven-d of this chap-
28 ter, or in accordance with section eleven hundred eleven-e of this chap-
29 ter, or in accordance with section eleven hundred seventy-four-a of this
30 chapter, and except an adjudication of liability of an owner for a
31 violation of subdivision (d) of section eleven hundred eleven of this
32 chapter in accordance with section eleven hundred eleven-b of this chap-
33 ter, and except an adjudication in accordance with section eleven
34 hundred eleven-c of this chapter of a violation of a bus lane
35 restriction as defined in such section, and [~~expect~~] except an adjudi-
36 cation of liability of an owner for a violation of subdivision (b), (c),
37 (d), (f) or (g) of section eleven hundred eighty of this chapter in
38 accordance with section eleven hundred eighty-b of this chapter, and
39 except an adjudication of liability of an owner for a violation of
40 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
41 this chapter in accordance with section eleven hundred eighty-e of this
42 chapter, and except an adjudication of liability of an owner for a
43 violation of toll collection regulations pursuant to section two thou-
44 sand nine hundred eighty-five of the public authorities law or sections
45 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
46 of the laws of nineteen hundred fifty, there shall be levied in addition
47 to any sentence, penalty or other surcharge required or permitted by
48 law, an additional surcharge of twenty-eight dollars.

49 § 10-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
50 and traffic law, as separately amended by section 11-a of chapter 145
51 and section 10-a of chapter 148 of the laws of 2019, is amended to read
52 as follows:

53 a. Notwithstanding any other provision of law, whenever proceedings in
54 a court or an administrative tribunal of this state result in a
55 conviction for an offense under this chapter, except a conviction pursu-
56 ant to section eleven hundred ninety-two of this chapter, or for a traf-

1 fic infraction under this chapter, or a local law, ordinance, rule or
2 regulation adopted pursuant to this chapter, except a traffic infraction
3 involving standing, stopping, or parking or violations by pedestrians or
4 bicyclists, and except an adjudication of liability of an owner for a
5 violation of subdivision (d) of section eleven hundred eleven of this
6 chapter in accordance with section eleven hundred eleven-a of this chap-
7 ter or in accordance with section eleven hundred eleven-d of this chap-
8 ter or in accordance with section eleven hundred eleven-e of this chap-
9 ter, or in accordance with section eleven hundred seventy-four-a of this
10 chapter, and except an adjudication in accordance with section eleven
11 hundred eleven-c of this chapter of a violation of a bus lane
12 restriction as defined in such section, and except an adjudication of
13 liability of an owner for a violation of subdivision (b), (c), (d), (f)
14 or (g) of section eleven hundred eighty of this chapter in accordance
15 with section eleven hundred eighty-b of this chapter, and except an
16 adjudication of liability of an owner for a violation of subdivision
17 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
18 ter in accordance with section eleven hundred eighty-d of this chapter,
19 and except an adjudication of liability of an owner for a violation of
20 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
21 this chapter in accordance with section eleven hundred eighty-e of this
22 chapter, and except an adjudication of liability of an owner for a
23 violation of toll collection regulations pursuant to section two thou-
24 sand nine hundred eighty-five of the public authorities law or sections
25 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
26 of the laws of nineteen hundred fifty, there shall be levied in addition
27 to any sentence, penalty or other surcharge required or permitted by
28 law, an additional surcharge of twenty-eight dollars.

29 § 10-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
30 and traffic law, as separately amended by section 11-b of chapter 145
31 and section 10-b of chapter 148 of the laws of 2019, is amended to read
32 as follows:

33 a. Notwithstanding any other provision of law, whenever proceedings in
34 a court or an administrative tribunal of this state result in a
35 conviction for an offense under this chapter, except a conviction pursu-
36 ant to section eleven hundred ninety-two of this chapter, or for a traf-
37 fic infraction under this chapter, or a local law, ordinance, rule or
38 regulation adopted pursuant to this chapter, except a traffic infraction
39 involving standing, stopping, or parking or violations by pedestrians or
40 bicyclists, and except an adjudication of liability of an owner for a
41 violation of subdivision (d) of section eleven hundred eleven of this
42 chapter in accordance with section eleven hundred eleven-a of this chap-
43 ter or in accordance with section eleven hundred eleven-d of this chap-
44 ter or in accordance with section eleven hundred eleven-e of this chap-
45 ter, or in accordance with section eleven hundred seventy-four-a of this
46 chapter, and except an adjudication of liability of an owner for a
47 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
48 hundred eighty of this chapter in accordance with section eleven hundred
49 eighty-b of this chapter, and except an adjudication of liability of an
50 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
51 section eleven hundred eighty of this chapter in accordance with section
52 eleven hundred eighty-d of this chapter, and except an adjudication of
53 liability of an owner for a violation of subdivision (b), (d), (f) or
54 (g) of section eleven hundred eighty of this chapter in accordance with
55 section eleven hundred eighty-e of this chapter, and except an adjudi-
56 cation of liability of an owner for a violation of toll collection regu-

1 lations pursuant to section two thousand nine hundred eighty-five of the
2 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
3 chapter seven hundred seventy-four of the laws of nineteen hundred
4 fifty, there shall be levied in addition to any sentence, penalty or
5 other surcharge required or permitted by law, an additional surcharge of
6 twenty-eight dollars.

7 § 10-d. Paragraph a of subdivision 1 of section 1809-e of the vehicle
8 and traffic law, as separately amended by section 11-c of chapter 145
9 and section 10-c of chapter 148 of the laws of 2019, is amended to read
10 as follows:

11 a. Notwithstanding any other provision of law, whenever proceedings in
12 a court or an administrative tribunal of this state result in a
13 conviction for an offense under this chapter, except a conviction pursu-
14 ant to section eleven hundred ninety-two of this chapter, or for a traf-
15 fic infraction under this chapter, or a local law, ordinance, rule or
16 regulation adopted pursuant to this chapter, except a traffic infraction
17 involving standing, stopping, or parking or violations by pedestrians or
18 bicyclists, and except an adjudication of liability of an owner for a
19 violation of subdivision (d) of section eleven hundred eleven of this
20 chapter in accordance with section eleven hundred eleven-a of this chap-
21 ter or in accordance with section eleven hundred eleven-d of this chap-
22 ter or in accordance with section eleven hundred eleven-e of this chap-
23 ter, or in accordance with section eleven hundred seventy-four-a of this
24 chapter, and except an adjudication of liability of an owner for a
25 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
26 hundred eighty of this chapter in accordance with section eleven hundred
27 eighty-d of this chapter, and except an adjudication of liability of an
28 owner for a violation of subdivision (b), (d), (f) or (g) of section
29 eleven hundred eighty of this chapter in accordance with section eleven
30 hundred eighty-e of this chapter, and except an adjudication of liabil-
31 ity of an owner for a violation of toll collection regulations pursuant
32 to section two thousand nine hundred eighty-five of the public authori-
33 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
34 hundred seventy-four of the laws of nineteen hundred fifty, there shall
35 be levied in addition to any sentence, penalty or other surcharge
36 required or permitted by law, an additional surcharge of twenty-eight
37 dollars.

38 § 10-e. Paragraph a of subdivision 1 of section 1809-e of the vehicle
39 and traffic law, as separately amended by section 11-e of chapter 145
40 and section 10-e of chapter 148 of the laws of 2019, is amended to read
41 as follows:

42 a. Notwithstanding any other provision of law, whenever proceedings in
43 a court or an administrative tribunal of this state result in a
44 conviction for an offense under this chapter, except a conviction pursu-
45 ant to section eleven hundred ninety-two of this chapter, or for a traf-
46 fic infraction under this chapter, or a local law, ordinance, rule or
47 regulation adopted pursuant to this chapter, except a traffic infraction
48 involving standing, stopping, or parking or violations by pedestrians or
49 bicyclists, and except an adjudication of liability of an owner for a
50 violation of subdivision (d) of section eleven hundred eleven of this
51 chapter in accordance with section eleven hundred eleven-a of this chap-
52 ter or in accordance with section eleven hundred eleven-e of this chap-
53 ter, and except an adjudication of liability of an owner for a violation
54 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
55 eighty of this chapter in accordance with section eleven hundred eight-
56 y-d of this chapter, and except an adjudication of liability of an owner

1 for a violation of subdivision (b), (d), (f) or (g) of section eleven
2 hundred eighty of this chapter in accordance with section eleven hundred
3 eighty-e of this chapter, or in accordance with section eleven hundred
4 seventy-four-a of this chapter, and except an adjudication of liability
5 of an owner for a violation of toll collection regulations pursuant to
6 section two thousand nine hundred eighty-five of the public authorities
7 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
8 hundred seventy-four of the laws of nineteen hundred fifty, there shall
9 be levied in addition to any sentence, penalty or other surcharge
10 required or permitted by law, an additional surcharge of twenty-eight
11 dollars.

12 § 10-f. Paragraph a of subdivision 1 of section 1809-e of the vehicle
13 and traffic law, as separately amended by section 11-f of chapter 145
14 and section 10-f of chapter 148 of the laws of 2019, is amended to read
15 as follows:

16 a. Notwithstanding any other provision of law, whenever proceedings in
17 a court or an administrative tribunal of this state result in a
18 conviction for an offense under this chapter, except a conviction pursu-
19 ant to section eleven hundred ninety-two of this chapter, or for a traf-
20 fic infraction under this chapter, or a local law, ordinance, rule or
21 regulation adopted pursuant to this chapter, except a traffic infraction
22 involving standing, stopping, or parking or violations by pedestrians or
23 bicyclists, and except an adjudication of liability of an owner for a
24 violation of subdivision (d) of section eleven hundred eleven of this
25 chapter in accordance with section eleven hundred eleven-a of this chap-
26 ter and except an adjudication of liability of an owner for a violation
27 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
28 this chapter in accordance with section eleven hundred eighty-e of this
29 chapter, or in accordance with section eleven hundred seventy-four-a of
30 this chapter, and except an adjudication of liability of an owner for a
31 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
32 hundred eighty of this chapter in accordance with section eleven hundred
33 eighty-d of this chapter, and except an adjudication of liability of an
34 owner for a violation of toll collection regulations pursuant to section
35 two thousand nine hundred eighty-five of the public authorities law or
36 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
37 seventy-four of the laws of nineteen hundred fifty, there shall be
38 levied in addition to any sentence, penalty or other surcharge required
39 or permitted by law, an additional surcharge of twenty-eight dollars.

40 § 10-g. Paragraph a of subdivision 1 of section 1809-e of the vehicle
41 and traffic law, as amended by section 5 of part C of chapter 55 of the
42 laws of 2013, is amended to read as follows:

43 a. Notwithstanding any other provision of law, whenever proceedings in
44 a court or an administrative tribunal of this state result in a
45 conviction for an offense under this chapter, except a conviction pursu-
46 ant to section eleven hundred ninety-two of this chapter, or for a traf-
47 fic infraction under this chapter, or a local law, ordinance, rule or
48 regulation adopted pursuant to this chapter, except a traffic infraction
49 involving standing, stopping, or parking or violations by pedestrians or
50 bicyclists, and except an adjudication of liability of an owner for a
51 violation of subdivision (d) of section eleven hundred eleven of this
52 chapter in accordance with section eleven hundred eleven-a of this chap-
53 ter, and except as an adjudication of liability of an owner for a
54 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
55 eighty of this chapter in accordance with section eleven hundred eight-
56 y-e of this chapter, and except an adjudication of liability of an owner

1 for a violation of toll collection regulations pursuant to section two
2 thousand nine hundred eighty-five of the public authorities law or
3 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
4 seventy-four of the laws of nineteen hundred fifty, there shall be
5 levied in addition to any sentence, penalty or other surcharge required
6 or permitted by law, an additional surcharge of twenty-eight dollars.

7 § 11. Subparagraph (i) of paragraph a of subdivision 5-a of section
8 401 of the vehicle and traffic law, as separately amended by section 8
9 of chapter 145 and section 11 of chapter 148 of the laws of 2019, is
10 amended to read as follows:

11 (i) If at the time of application for a registration or renewal there-
12 of there is a certification from a court, parking violations bureau,
13 traffic and parking violations agency or administrative tribunal of
14 appropriate jurisdiction or administrative tribunal of appropriate
15 jurisdiction that the registrant or his or her representative failed to
16 appear on the return date or any subsequent adjourned date or failed to
17 comply with the rules and regulations of an administrative tribunal
18 following entry of a final decision in response to a total of three or
19 more summonses or other process in the aggregate, issued within an eigh-
20 teen month period, charging either that: (i) such motor vehicle was
21 parked, stopped or standing, or that such motor vehicle was operated for
22 hire by the registrant or his or her agent without being licensed as a
23 motor vehicle for hire by the appropriate local authority, in violation
24 of any of the provisions of this chapter or of any law, ordinance, rule
25 or regulation made by a local authority; or (ii) the registrant was
26 liable in accordance with section eleven hundred eleven-a, section elev-
27 en hundred eleven-b or section eleven hundred eleven-d of this chapter
28 for a violation of subdivision (d) of section eleven hundred eleven of
29 this chapter; or (iii) the registrant was liable in accordance with
30 section eleven hundred eleven-c of this chapter for a violation of a bus
31 lane restriction as defined in such section, or (iv) the registrant was
32 liable in accordance with section eleven hundred eighty-b of this chap-
33 ter for a violation of subdivision (c) or (d) of section eleven hundred
34 eighty of this chapter, or (vi) the registrant was liable in accordance
35 with section eleven hundred eleven-e of this chapter for a violation of
36 subdivision (d) of section eleven hundred eleven of this chapter; or
37 (vii) the registrant was liable in accordance with section eleven
38 hundred seventy-four-a of this chapter for a violation of section eleven
39 hundred seventy-four of this chapter, or (vii) the registrant was liable
40 in accordance with section eleven hundred eighty-d of this chapter for a
41 violation of subdivision (c) or (d) of section eleven hundred eighty of
42 this chapter, or (viii) the registrant was liable in accordance with
43 section eleven hundred eighty-e of this chapter for a violation of
44 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
45 this chapter, the commissioner or his or her agent shall deny the regis-
46 tration or renewal application until the applicant provides proof from
47 the court, traffic and parking violations agency or administrative
48 tribunal wherein the charges are pending that an appearance or answer
49 has been made or in the case of an administrative tribunal that he or
50 she has complied with the rules and regulations of said tribunal follow-
51 ing entry of a final decision. Where an application is denied pursuant
52 to this section, the commissioner may, in his or her discretion, deny a
53 registration or renewal application to any other person for the same
54 vehicle and may deny a registration or renewal application for any other
55 motor vehicle registered in the name of the applicant where the commis-
56 sioner has determined that such registrant's intent has been to evade

1 the purposes of this subdivision and where the commissioner has reason-
2 able grounds to believe that such registration or renewal will have the
3 effect of defeating the purposes of this subdivision. Such denial shall
4 only remain in effect as long as the summonses remain unanswered, or in
5 the case of an administrative tribunal, the registrant fails to comply
6 with the rules and regulations following entry of a final decision.

7 § 11-a. Subparagraph (i) of paragraph a of subdivision 5-a of section
8 401 of the vehicle and traffic law, as amended by section 8 of chapter
9 145 of the laws of 2019, is amended to read as follows:

10 (i) If at the time of application for a registration or renewal there-
11 of there is a certification from a court, parking violations bureau,
12 traffic and parking violations agency or administrative tribunal of
13 appropriate jurisdiction or [~~administrative~~] administrative tribunal of
14 appropriate jurisdiction that the registrant or his or her represen-
15 tative failed to appear on the return date or any subsequent adjourned
16 date or failed to comply with the rules and regulations of an adminis-
17 trative tribunal following entry of a final decision in response to a
18 total of three or more summonses or other process in the aggregate,
19 issued within an eighteen month period, charging either that: (i) such
20 motor vehicle was parked, stopped or standing, or that such motor vehi-
21 cle was operated for hire by the registrant or his or her agent without
22 being licensed as a motor vehicle for hire by the appropriate local
23 authority, in violation of any of the provisions of this chapter or of
24 any law, ordinance, rule or regulation made by a local authority; or
25 (ii) the registrant was liable in accordance with section eleven hundred
26 eleven-a, section eleven hundred eleven-b or section eleven hundred
27 eleven-d of this chapter for a violation of subdivision (d) of section
28 eleven hundred eleven of this chapter; or (iii) the registrant was
29 liable in accordance with section eleven hundred eleven-c of this chap-
30 ter for a violation of a bus lane restriction as defined in such
31 section, or (iv) the registrant was liable in accordance with section
32 eleven hundred eighty-b of this chapter for a violation of subdivision
33 (c) or (d) of section eleven hundred eighty of this chapter, or (vi) the
34 registrant was liable in accordance with section eleven hundred eleven-e
35 of this chapter for a violation of subdivision (d) of section eleven
36 hundred eleven of this chapter; or (vii) the registrant was liable in
37 accordance with section eleven hundred seventy-four-a of this chapter
38 for a violation of section eleven hundred seventy-four of this chapter,
39 or (viii) the registrant was liable in accordance with section eleven
40 hundred eighty-e of this chapter for a violation of subdivision (b),
41 (d), (f) or (g) of section eleven hundred eighty of this chapter, the
42 commissioner or his or her agent shall deny the registration or renewal
43 application until the applicant provides proof from the court, traffic
44 and parking violations agency or administrative tribunal wherein the
45 charges are pending that an appearance or answer has been made or in the
46 case of an administrative tribunal that he or she has complied with the
47 rules and regulations of said tribunal following entry of a final deci-
48 sion. Where an application is denied pursuant to this section, the
49 commissioner may, in his or her discretion, deny a registration or
50 renewal application to any other person for the same vehicle and may
51 deny a registration or renewal application for any other motor vehicle
52 registered in the name of the applicant where the commissioner has
53 determined that such registrant's intent has been to evade the purposes
54 of this subdivision and where the commissioner has reasonable grounds to
55 believe that such registration or renewal will have the effect of
56 defeating the purposes of this subdivision. Such denial shall only

1 remain in effect as long as the summonses remain unanswered, or in the
2 case of an administrative tribunal, the registrant fails to comply with
3 the rules and regulations following entry of a final decision.

4 § 11-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
5 and traffic law, as separately amended by section 8-a of chapter 145 of
6 the laws of 2019 and section 11-a of chapter 148 of the laws of 2019. is
7 amended to read as follows:

8 a. If at the time of application for a registration or renewal thereof
9 there is a certification from a court or administrative tribunal of
10 appropriate jurisdiction that the registrant or his or her represen-
11 tative failed to appear on the return date or any subsequent adjourned
12 date or failed to comply with the rules and regulations of an adminis-
13 trative tribunal following entry of a final decision in response to a
14 total of three or more summonses or other process in the aggregate,
15 issued within an eighteen month period, charging either that: (i) such
16 motor vehicle was parked, stopped or standing, or that such motor vehi-
17 cle was operated for hire by the registrant or his or her agent without
18 being licensed as a motor vehicle for hire by the appropriate local
19 authority, in violation of any of the provisions of this chapter or of
20 any law, ordinance, rule or regulation made by a local authority; or
21 (ii) the registrant was liable in accordance with section eleven hundred
22 eleven-b of this chapter for a violation of subdivision (d) of section
23 eleven hundred eleven of this chapter; or (iii) the registrant was
24 liable in accordance with section eleven hundred eleven-c of this chap-
25 ter for a violation of a bus lane restriction as defined in such
26 section; or (iv) the registrant was liable in accordance with section
27 eleven hundred eleven-d of this chapter for a violation of subdivision
28 (d) of section eleven hundred eleven of this chapter; or (v) the regis-
29 trant was liable in accordance with section eleven hundred eighty-b of
30 this chapter for a violation of subdivision (b), (d), (f) or (g) of
31 section eleven hundred eighty of this chapter ; or (vi) the registrant
32 was liable in accordance with section eleven hundred eleven-e of this
33 chapter for a violation of subdivision (d) of section eleven hundred
34 eleven of this chapter; or (vii) the registrant was liable in accordance
35 with section eleven hundred seventy-four-a of this chapter for a
36 violation of section eleven hundred seventy-four of this chapter; or
37 [~~(vii)~~] (viii) the registrant was liable in accordance with section
38 eleven hundred eighty-d of this chapter for a violation of subdivision
39 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
40 ter; or (ix) the registrant was liable in accordance with section eleven
41 hundred eighty-e of this chapter for a violation of subdivision (b),
42 (d), (f) or (g) of section eleven hundred eighty of this chapter, the
43 commissioner or his or her agent shall deny the registration or renewal
44 application until the applicant provides proof from the court or admin-
45 istrative tribunal wherein the charges are pending that an appearance or
46 answer has been made or in the case of an administrative tribunal that
47 he or she has complied with the rules and regulations of said tribunal
48 following entry of a final decision. Where an application is denied
49 pursuant to this section, the commissioner may, in his or her
50 discretion, deny a registration or renewal application to any other
51 person for the same vehicle and may deny a registration or renewal
52 application for any other motor vehicle registered in the name of the
53 applicant where the commissioner has determined that such registrant's
54 intent has been to evade the purposes of this subdivision and where the
55 commissioner has reasonable grounds to believe that such registration or
56 renewal will have the effect of defeating the purposes of this subdivi-

1 sion. Such denial shall only remain in effect as long as the summonses
2 remain unanswered, or in the case of an administrative tribunal, the
3 registrant fails to comply with the rules and regulations following
4 entry of a final decision.

5 § 11-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
6 and traffic law, as separately amended by section 8-b of chapter 145 and
7 section 11-b of chapter 148 of the laws of 2019, is amended to read as
8 follows:

9 a. If at the time of application for a registration or renewal thereof
10 there is a certification from a court or administrative tribunal of
11 appropriate jurisdiction that the registrant or his or her represen-
12 tative failed to appear on the return date or any subsequent adjourned
13 date or failed to comply with the rules and regulations of an adminis-
14 trative tribunal following entry of a final decision in response to
15 three or more summonses or other process, issued within an eighteen
16 month period, charging that: (i) such motor vehicle was parked, stopped
17 or standing, or that such motor vehicle was operated for hire by the
18 registrant or his or her agent without being licensed as a motor vehicle
19 for hire by the appropriate local authority, in violation of any of the
20 provisions of this chapter or of any law, ordinance, rule or regulation
21 made by a local authority; or (ii) the registrant was liable in accord-
22 ance with section eleven hundred eleven-c of this chapter for a
23 violation of a bus lane restriction as defined in such section; or (iii)
24 the registrant was liable in accordance with section eleven hundred
25 eleven-d of this chapter for a violation of subdivision (d) of section
26 eleven hundred eleven of this chapter; or (iv) the registrant was liable
27 in accordance with section eleven hundred eighty-b of this chapter for a
28 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
29 hundred eighty of this chapter, [r] or the registrant was liable in
30 accordance with section eleven hundred eighty-d of this chapter for a
31 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
32 hundred eighty of this chapter; or (v) the registrant was liable in
33 accordance with section eleven hundred eleven-e of this chapter for a
34 violation of subdivision (d) of section eleven hundred eleven of this
35 chapter; or (vi) the registrant was liable in accordance with section
36 eleven hundred eighty-e of this chapter for a violation of subdivision
37 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter;
38 or (vii) the registrant was liable in accordance with section eleven
39 hundred seventy-four-a of this chapter for a violation of section eleven
40 hundred seventy-four of this chapter, the commissioner or his or her
41 agent shall deny the registration or renewal application until the
42 applicant provides proof from the court or administrative tribunal wher-
43 ein the charges are pending that an appearance or answer has been made
44 or in the case of an administrative tribunal that he or she has complied
45 with the rules and regulations of said tribunal following entry of a
46 final decision. Where an application is denied pursuant to this section,
47 the commissioner may, in his or her discretion, deny a registration or
48 renewal application to any other person for the same vehicle and may
49 deny a registration or renewal application for any other motor vehicle
50 registered in the name of the applicant where the commissioner has
51 determined that such registrant's intent has been to evade the purposes
52 of this subdivision and where the commissioner has reasonable grounds to
53 believe that such registration or renewal will have the effect of
54 defeating the purposes of this subdivision. Such denial shall only
55 remain in effect as long as the summonses remain unanswered, or in the

1 case of an administrative tribunal, the registrant fails to comply with
2 the rules and regulations following entry of a final decision.

3 § 11-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
4 and traffic law, as separately amended by section 8-c of chapter 145 and
5 section 11-c of chapter 148 of the laws of 2019, is amended to read as
6 follows:

7 a. If at the time of application for a registration or renewal thereof
8 there is a certification from a court or administrative tribunal of
9 appropriate jurisdiction that the registrant or his or her represen-
10 tative failed to appear on the return date or any subsequent adjourned
11 date or failed to comply with the rules and regulations of an adminis-
12 trative tribunal following entry of a final decision in response to
13 three or more summonses or other process, issued within an eighteen
14 month period, charging that: (i) such motor vehicle was parked, stopped
15 or standing, or that such motor vehicle was operated for hire by the
16 registrant or his or her agent without being licensed as a motor vehicle
17 for hire by the appropriate local authority, in violation of any of the
18 provisions of this chapter or of any law, ordinance, rule or regulation
19 made by a local authority; or (ii) the registrant was liable in accord-
20 ance with section eleven hundred eleven-d of this chapter for a
21 violation of subdivision (d) of section eleven hundred eleven of this
22 chapter; or (iii) the registrant was liable in accordance with section
23 eleven hundred eighty-b of this chapter for violations of subdivision
24 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
25 ter, [7] or the registrant was liable in accordance with section eleven
26 hundred eighty-d of this chapter for violations of subdivision (b), (c),
27 (d), (f) or (g) of section eleven hundred eighty of this chapter; or
28 (iv) the registrant was liable in accordance with section eleven hundred
29 eleven-e of this chapter for a violation of subdivision (d) of section
30 eleven hundred eleven of this chapter; or (v) the registrant was liable
31 in accordance with section eleven hundred eighty-e of this chapter for a
32 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
33 eighty of this chapter; or (vi) the registrant was liable in accordance
34 with section eleven hundred seventy-four-a of this chapter for a
35 violation of section eleven hundred seventy-four of this chapter, the
36 commissioner or his or her agent shall deny the registration or renewal
37 application until the applicant provides proof from the court or admin-
38 istrative tribunal wherein the charges are pending that an appearance or
39 answer has been made or in the case of an administrative tribunal that
40 he or she has complied with the rules and regulations of said tribunal
41 following entry of a final decision. Where an application is denied
42 pursuant to this section, the commissioner may, in his or her
43 discretion, deny a registration or renewal application to any other
44 person for the same vehicle and may deny a registration or renewal
45 application for any other motor vehicle registered in the name of the
46 applicant where the commissioner has determined that such registrant's
47 intent has been to evade the purposes of this subdivision and where the
48 commissioner has reasonable grounds to believe that such registration or
49 renewal will have the effect of defeating the purposes of this subdivi-
50 sion. Such denial shall only remain in effect as long as the summonses
51 remain unanswered, or in the case of an administrative tribunal, the
52 registrant fails to comply with the rules and regulations following
53 entry of a final decision.

54 § 11-e. Paragraph a of subdivision 5-a of section 401 of the vehicle
55 and traffic law, as separately amended by section 8-d of chapter 145 and

1 section 11-d of chapter 148 of the laws of 2019, is amended to read as
2 follows:

3 a. If at the time of application for a registration or renewal thereof
4 there is a certification from a court or administrative tribunal of
5 appropriate jurisdiction that the registrant or his or her represen-
6 tative failed to appear on the return date or any subsequent adjourned
7 date or failed to comply with the rules and regulations of an adminis-
8 trative tribunal following entry of a final decision in response to
9 three or more summonses or other process, issued within an eighteen
10 month period, charging that such motor vehicle was parked, stopped or
11 standing, or that such motor vehicle was operated for hire by the regis-
12 trant or his or her agent without being licensed as a motor vehicle for
13 hire by the appropriate local authority, in violation of any of the
14 provisions of this chapter or of any law, ordinance, rule or regulation
15 made by a local authority, or the registrant was liable in accordance
16 with section eleven hundred eighty-d of this chapter for violations of
17 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
18 of this chapter, or the registrant was liable in accordance with section
19 eleven hundred eleven-d of this chapter for a violation of subdivision
20 (d) of section eleven hundred eleven of this chapter, or the registrant
21 was liable in accordance with section eleven hundred eleven-e of this
22 chapter for a violation of subdivision (d) of section eleven hundred
23 eleven of this chapter, or the registrant was liable in accordance with
24 section eleven hundred eighty-e of this chapter for a violation of
25 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
26 this chapter, or the registrant was liable in accordance with section
27 eleven hundred seventy-four-a of this chapter for a violation of section
28 eleven hundred seventy-four of this chapter, the commissioner or his or
29 her agent shall deny the registration or renewal application until the
30 applicant provides proof from the court or administrative tribunal wher-
31 ein the charges are pending that an appearance or answer has been made
32 or in the case of an administrative tribunal that he or she has complied
33 with the rules and regulations of said tribunal following entry of a
34 final decision. Where an application is denied pursuant to this section,
35 the commissioner may, in his or her discretion, deny a registration or
36 renewal application to any other person for the same vehicle and may
37 deny a registration or renewal application for any other motor vehicle
38 registered in the name of the applicant where the commissioner has
39 determined that such registrant's intent has been to evade the purposes
40 of this subdivision and where the commissioner has reasonable grounds to
41 believe that such registration or renewal will have the effect of
42 defeating the purposes of this subdivision. Such denial shall only
43 remain in effect as long as the summonses remain unanswered, or in the
44 case of an administrative tribunal, the registrant fails to comply with
45 the rules and regulations following entry of a final decision.

46 § 11-f. Paragraph a of subdivision 5-a of section 401 of the vehicle
47 and traffic law, as separately amended by section 8-f of chapter 145 and
48 section 11-f of chapter 148 of the laws of 2019, is amended to read as
49 follows:

50 a. If at the time of application for a registration or renewal thereof
51 there is a certification from a court or administrative tribunal of
52 appropriate jurisdiction that the registrant or his or her represen-
53 tative failed to appear on the return date or any subsequent adjourned
54 date or failed to comply with the rules and regulations of an adminis-
55 trative tribunal following entry of a final decision in response to
56 three or more summonses or other process, issued within an eighteen

1 month period, charging that such motor vehicle was parked, stopped or
2 standing, or that such motor vehicle was operated for hire by the regis-
3 trant or his or her agent without being licensed as a motor vehicle for
4 hire by the appropriate local authority, in violation of any of the
5 provisions of this chapter or of any law, ordinance, rule or regulation
6 made by a local authority, or the registrant was liable in accordance
7 with section eleven hundred eighty-d of this chapter for violations of
8 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
9 of this chapter, or the registrant was liable in accordance with section
10 eleven hundred eleven-e of this chapter for a violation of subdivision
11 (d) of section eleven hundred eleven of this chapter, or the registrant
12 was liable in accordance with section eleven hundred eighty-e of this
13 chapter for a violation of subdivision (b), (d), (f) or (g) of section
14 eleven hundred eighty of this chapter, or the registrant was liable in
15 accordance with section eleven hundred seventy-four-a of this chapter
16 for a violation of section eleven hundred seventy-four of this chapter,
17 the commissioner or his or her agent shall deny the registration or
18 renewal application until the applicant provides proof from the court or
19 administrative tribunal wherein the charges are pending that an appear-
20 ance or answer has been made or in the case of an administrative tribu-
21 nal that he has complied with the rules and regulations of said tribu-
22 nal following entry of a final decision. Where an application is denied
23 pursuant to this section, the commissioner may, in his or her
24 discretion, deny a registration or renewal application to any other
25 person for the same vehicle and may deny a registration or renewal
26 application for any other motor vehicle registered in the name of the
27 applicant where the commissioner has determined that such registrant's
28 intent has been to evade the purposes of this subdivision and where the
29 commissioner has reasonable grounds to believe that such registration or
30 renewal will have the effect of defeating the purposes of this subdivi-
31 sion. Such denial shall only remain in effect as long as the summonses
32 remain unanswered, or in the case of an administrative tribunal, the
33 registrant fails to comply with the rules and regulations following
34 entry of a final decision.

35 § 11-g. Paragraph a of subdivision 5-a of section 401 of the vehicle
36 and traffic law, as separately amended by section 8-g of chapter 145 and
37 section 11-g of chapter 148 of the laws of 2019, is amended to read as
38 follows:

39 a. If at the time of application for a registration or renewal thereof
40 there is a certification from a court or administrative tribunal of
41 appropriate jurisdiction that the registrant or his or her represen-
42 tative failed to appear on the return date or any subsequent adjourned
43 date or failed to comply with the rules and regulations of an adminis-
44 trative tribunal following entry of a final decision in response to
45 three or more summonses or other process, issued within an eighteen
46 month period, charging that such motor vehicle was parked, stopped or
47 standing, or that such motor vehicle was operated for hire by the regis-
48 trant or his or her agent without being licensed as a motor vehicle for
49 hire by the appropriate local authority, in violation of any of the
50 provisions of this chapter or of any law, ordinance, rule or regulation
51 made by a local authority, or the registrant was liable in accordance
52 with section eleven hundred seventy-four-a of this chapter for a
53 violation of section eleven hundred seventy-four of this chapter, or the
54 registrant was liable in accordance with section eleven hundred eighty-d
55 of this chapter for violations of subdivision (b), (c), (d), (f) or (g)
56 of section eleven hundred eighty of this chapter, or the registrant was

1 liable in accordance with section eleven hundred eighty-e of this chap-
2 ter for a violation of subdivision (b), (d), (f) or (g) of section elev-
3 en hundred eighty of this chapter, the commissioner or his or her agent
4 shall deny the registration or renewal application until the applicant
5 provides proof from the court or administrative tribunal wherein the
6 charges are pending that an appearance or answer has been made or in the
7 case of an administrative tribunal that he or she has complied with the
8 rules and regulations of said tribunal following entry of a final deci-
9 sion. Where an application is denied pursuant to this section, the
10 commissioner may, in his or her discretion, deny a registration or
11 renewal application to any other person for the same vehicle and may
12 deny a registration or renewal application for any other motor vehicle
13 registered in the name of the applicant where the commissioner has
14 determined that such registrant's intent has been to evade the purposes
15 of this subdivision and where the commissioner has reasonable grounds to
16 believe that such registration or renewal will have the effect of
17 defeating the purposes of this subdivision. Such denial shall only
18 remain in effect as long as the summonses remain unanswered, or in the
19 case of an administrative tribunal, the registrant fails to comply with
20 the rules and regulations following entry of a final decision.

21 § 11-h. Paragraph a of subdivision 5-a of section 401 of the vehicle
22 and traffic law, as separately amended by chapters 339 and 592 of the
23 laws of 1987, is amended to read as follows:

24 a. If at the time of application for a registration or renewal thereof
25 there is a certification from a court or administrative tribunal of
26 appropriate jurisdiction that the registrant or his or her represen-
27 tative failed to appear on the return date or any subsequent adjourned
28 date or failed to comply with the rules and regulations of an adminis-
29 trative tribunal following entry of a final decision in response to
30 three or more summonses or other process, issued within an eighteen
31 month period, charging that such motor vehicle was parked, stopped or
32 standing, or that such motor vehicle was operated for hire by the regis-
33 trant or his or her agent without being licensed as a motor vehicle for
34 hire by the appropriate local authority, in violation of any of the
35 provisions of this chapter or of any law, ordinance, rule or regulation
36 made by a local authority, or the registrant was liable in accordance
37 with section eleven hundred eighty-e of this chapter for a violation of
38 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
39 this chapter, the commissioner or his or her agent shall deny the regis-
40 tration or renewal application until the applicant provides proof from
41 the court or administrative tribunal wherein the charges are pending
42 that an appearance or answer has been made or in the case of an adminis-
43 trative tribunal that he or she has complied with the rules and regu-
44 lations of said tribunal following entry of a final decision. Where an
45 application is denied pursuant to this section, the commissioner may, in
46 his or her discretion, deny a registration or renewal application to any
47 other person for the same vehicle and may deny a registration or renewal
48 application for any other motor vehicle registered in the name of the
49 applicant where the commissioner has determined that such registrant's
50 intent has been to evade the purposes of this subdivision and where the
51 commissioner has reasonable grounds to believe that such registration or
52 renewal will have the effect of defeating the purposes of this subdivi-
53 sion. Such denial shall only remain in effect as long as the summonses
54 remain unanswered, or in the case of an administrative tribunal, the
55 registrant fails to comply with the rules and regulations following
56 entry of a final decision.

1 § 12. The general municipal law is amended by adding a new section
2 371-a to read as follows:

3 § 371-a. Additional jurisdiction and procedure related to the adjudi-
4 cation of certain notices of liability. A traffic violations bureau
5 established pursuant to subdivision one and a traffic and parking
6 violations agency established pursuant to subdivision two of section
7 three hundred seventy-one of this article may be authorized to adjudi-
8 cate the liability of owners for violations of subdivision (b), (d), (f)
9 or (g) of section eleven hundred eighty of the vehicle and traffic law
10 pursuant to a demonstration program established pursuant to section
11 eleven hundred eighty-e of the vehicle and traffic law, in accordance
12 with the provisions of this article.

13 § 13. Section 1803 of the vehicle and traffic law is amended by adding
14 two new subdivisions 11 and 12 to read as follows:

15 11. Except as otherwise provided in paragraph e of subdivision one of
16 this section, where the commissioner of transportation has established a
17 demonstration program imposing monetary liability on the owner of a
18 vehicle for failure of an operator thereof to comply with subdivision
19 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in
20 accordance with section eleven hundred eighty-e of this chapter, any
21 fine or penalty collected by a court, judge, magistrate or other officer
22 for an imposition of liability which occurs pursuant to such program
23 shall be paid to the state comptroller within the first ten days of the
24 month following collection. Every such payment shall be accompanied by a
25 statement in such form and detail as the comptroller shall provide. The
26 comptroller shall pay eighty percent of any such fine or penalty imposed
27 for such liability to the commissioner in accordance with the schedule
28 below, and twenty percent of any such fine or penalty to the city, town
29 or village in which the violation giving rise to the liability occurred.
30 All fines, penalties and forfeitures paid to a city, town or village
31 pursuant to the provisions of this subdivision shall be credited to the
32 general fund of such city, town or village, unless a different disposi-
33 tion is prescribed by charter, special law, local law or ordinance.
34 With respect to the percentage of fines or penalties paid to the commis-
35 sioner, no less than sixty percent shall be dedicated to the work zone
36 safety fund as established by section ninety-nine-ii of the state
37 finance law after deducting the expenses necessary to administer the
38 demonstration program.

39 12. Except as otherwise provided in paragraph e of subdivision one of
40 this section, where the chair of the New York state thruway authority
41 has established a demonstration program imposing monetary liability on
42 the owner of a vehicle for failure of an operator thereof to comply with
43 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
44 this chapter in accordance with section eleven hundred eighty-e of this
45 chapter, any fine or penalty collected by a court, judge, magistrate or
46 other officer for an imposition of liability which occurs pursuant to
47 such program shall be paid to the state comptroller within the first ten
48 days of the month following collection. Every such payment shall be
49 accompanied by a statement in such form and detail as the comptroller
50 shall provide. The comptroller shall pay eighty percent of any such fine
51 or penalty imposed for such liability to the thruway authority in
52 accordance with the schedule below, and twenty percent of any such fine
53 or penalty to the city, town or village in which the violation giving
54 rise to the liability occurred. For the purposes of this subdivision,
55 the term "thruway authority" shall mean the New York state thruway
56 authority, a body corporate and politic constituting a public corpo-

1 ration created and constituted pursuant to title nine of article two of
2 the public authorities law. All fines, penalties and forfeitures paid to
3 a city, town or village pursuant to the provisions of this subdivision
4 shall be credited to the general fund of such city, town or village,
5 unless a different disposition is prescribed by charter, special law,
6 local law or ordinance. With respect to the percentage of fines or
7 penalties paid to the thruway authority, no less than sixty percent
8 shall be dedicated to improving work zone and roadway safety after
9 deducting the expenses necessary to administer the demonstration
10 program.

11 § 14. Subdivision 2 of section 87 of the public officers law is
12 amended by adding a new paragraph (r) to read as follows:

13 (r) are photographs, microphotographs, videotape or other recorded
14 images prepared under the authority of section eleven hundred eighty-e
15 of the vehicle and traffic law.

16 § 15. The purchase or lease of equipment for a demonstration program
17 pursuant to section 1180-e of the vehicle and traffic law shall be
18 subject to the provisions of section 103 of the general municipal law.

19 § 16. For the purpose of informing and educating owners of motor
20 vehicles in this state, an agency or authority authorized to issue
21 notices of liability pursuant to the provisions of this act shall,
22 during the first thirty-day period in which the photo violation monitor-
23 ing systems are in operation pursuant to the provisions of this act,
24 issue a written warning in lieu of a notice of liability to all owners
25 of motor vehicles who would be held liable for failure of operators
26 thereof to comply with subdivision (b), (d), (f) or (g) of section elev-
27 en hundred eighty of the vehicle and traffic law in accordance with
28 section eleven hundred eighty-e of the vehicle and traffic law.

29 § 17. This act shall take effect on the thirtieth day after it shall
30 have become a law and shall expire 5 years after such effective date
31 when upon such date the provisions of this act shall be deemed repealed;
32 and provided further that any rules necessary for the implementation of
33 this act on its effective date shall be promulgated on or before such
34 effective date, provided that:

35 (a) the amendments to subdivision 1 of section 235 of the vehicle and
36 traffic law made by section one of this act shall not affect the expira-
37 tion of such section and shall be deemed to expire therewith, when upon
38 such date the provisions of section one-a of this act shall take effect;

39 (a-1) the amendments to section 235 of the vehicle and traffic law
40 made by section one-a of this act shall not affect the expiration of
41 such section and shall be deemed to expire therewith, when upon such
42 date the provisions of section one-b of this act shall take effect;

43 (a-2) the amendments to section 235 of the vehicle and traffic law
44 made by section one-b of this act shall not affect the expiration of
45 such section and shall be deemed to expire therewith, when upon such
46 date the provisions of section one-c of this act shall take effect;

47 (a-3) the amendments to section 235 of the vehicle and traffic law
48 made by section one-c of this act shall not affect the expiration of
49 such section and shall be deemed to expire therewith, when upon such
50 date the provisions of section one-d of this act shall take effect;

51 (a-4) the amendments to section 235 of the vehicle and traffic law
52 made by section one-d of this act shall not affect the expiration of
53 such section and shall be deemed to expire therewith, when upon such
54 date the provisions of section one-e of this act shall take effect;

55 (a-5) the amendments to section 235 of the vehicle and traffic law
56 made by section one-e of this act shall not affect the expiration of

1 such section and shall be deemed to expire therewith, when upon such
2 date the provisions of section one-f of this act shall take effect;

3 (a-6) the amendments to section 235 of the vehicle and traffic law
4 made by section one-f of this act shall not affect the expiration of
5 such section and shall be deemed to expire therewith, when upon such
6 date the provisions of section one-g of this act shall take effect;

7 (a-7) the amendments to section 235 of the vehicle and traffic law
8 made by section one-g of this act shall not affect the expiration of
9 such section and shall be deemed to expire therewith, when upon such
10 date the provisions of section one-h of this act shall take effect;

11 (a-8) the amendments to section 235 of the vehicle and traffic law
12 made by section one-h of this act shall not affect the expiration of
13 such section and shall be deemed to expire therewith, when upon such
14 date the provisions of section one-i of this act shall take effect;

15 (b) the amendments to subdivision 1 of section 236 of the vehicle and
16 traffic law made by section two of this act shall not affect the expira-
17 tion of such subdivision and shall be deemed to expire therewith, when
18 upon such date the provisions of section two-a of this act shall take
19 effect;

20 (b-1) the amendments to subdivision 1 of section 236 of the vehicle
21 and traffic law made by section two-a of this act shall not affect the
22 expiration of such subdivision and shall be deemed to expire therewith,
23 when upon such date the provisions of section two-b of this act shall
24 take effect;

25 (b-2) the amendments to subdivision 1 of section 236 of the vehicle
26 and traffic law made by section two-b of this act shall not affect the
27 expiration of such subdivision and shall be deemed to expire therewith,
28 when upon such date the provisions of section two-c of this act shall
29 take effect;

30 (b-3) the amendments to subdivision 1 of section 236 of the vehicle
31 and traffic law made by section two-c of this act shall not affect the
32 expiration of such subdivision and shall be deemed to expire therewith,
33 when upon such date the provisions of section two-d of this act shall
34 take effect;

35 (b-4) the amendments to subdivision 1 of section 236 of the vehicle
36 and traffic law made by section two-d of this act shall not affect the
37 expiration of such subdivision and shall be deemed to expire therewith,
38 when upon such date the provisions of section two-e of this act shall
39 take effect;

40 (b-5) the amendments to subdivision 1 of section 236 of the vehicle
41 and traffic law made by section two-e of this act shall not affect the
42 expiration of such subdivision and shall be deemed to expire therewith,
43 when upon such date the provisions of section two-f of this act shall
44 take effect;

45 (b-6) the amendments to subdivision 1 of section 236 of the vehicle
46 and traffic law made by section two-f of this act shall not affect the
47 expiration of such subdivision and shall be deemed to expire therewith,
48 when upon such date the provisions of section two-g of this act shall
49 take effect;

50 (b-7) the amendments to subdivision 1 of section 236 of the vehicle
51 and traffic law made by section two-g of this act shall not affect the
52 expiration of such subdivision and shall be deemed to expire therewith,
53 when upon such date the provisions of section two-h of this act shall
54 take effect;

55 (c) the amendments to subdivision 10 of section 237 of the vehicle and
56 traffic law made by section three of this act shall not affect the expi-

1 ration of such subdivision and shall be deemed to expire therewith, when
2 upon such date the provisions of section three-a of this act shall take
3 effect;

4 (c-1) the amendments to paragraph f of subdivision 1 of section 239 of
5 the vehicle and traffic law made by section four of this act shall not
6 affect the expiration of such paragraph and shall be deemed to expire
7 therewith, when upon such date the provisions of section four-a of this
8 act shall take effect;

9 (c-2) the amendments to paragraph f of subdivision 1 of section 239 of
10 the vehicle and traffic law made by section four-a of this act shall not
11 affect the expiration of such paragraph and shall be deemed to expire
12 therewith, when upon such date the provisions of section four-b of this
13 act shall take effect;

14 (c-3) the amendments to paragraph f of subdivision 1 of section 239 of
15 the vehicle and traffic law made by section four-b of this act shall not
16 affect the expiration of such paragraph and shall be deemed to expire
17 therewith, when upon such date the provisions of section four-c of this
18 act shall take effect;

19 (c-4) the amendments to paragraph f of subdivision 1 of section 239 of
20 the vehicle and traffic law made by section four-c of this act shall not
21 affect the expiration of such paragraph and shall be deemed to expire
22 therewith, when upon such date the provisions of section four-d of this
23 act shall take effect;

24 (c-5) the amendments to paragraph f of subdivision 1 of section 239 of
25 the vehicle and traffic law made by section four-d of this act shall not
26 affect the expiration of such paragraph and shall be deemed to expire
27 therewith, when upon such date the provisions of section four-e of this
28 act shall take effect;

29 (c-6) the amendments to paragraph f of subdivision 1 of section 239 of
30 the vehicle and traffic law made by section four-e of this act shall not
31 affect the expiration of such paragraph and shall be deemed to expire
32 therewith, when upon such date the provisions of section four-f of this
33 act shall take effect;

34 (c-7) the amendments to paragraph f of subdivision 1 of section 239 of
35 the vehicle and traffic law made by section four-f of this act shall not
36 affect the expiration of such paragraph and shall be deemed to expire
37 therewith, when upon such date the provisions of section four-g of this
38 act shall take effect;

39 (c-8) the amendments to paragraph f of subdivision 1 of section 239 of
40 the vehicle and traffic law made by section four-g of this act shall not
41 affect the expiration of such paragraph and shall be deemed to expire
42 therewith, when upon such date the provisions of section four-h of this
43 act shall take effect;

44 (d) the amendments to subdivisions 1 and 1-a of section 240 of the
45 vehicle and traffic law made by section five of this act shall not
46 affect the expiration of such subdivisions and shall be deemed to expire
47 therewith, when upon such date the provisions of section five-a of this
48 act shall take effect;

49 (d-1) the amendments to subdivisions 1 and 1-a of section 240 of the
50 vehicle and traffic law made by section five-a of this act shall not
51 affect the expiration of such subdivisions and shall be deemed to expire
52 therewith, when upon such date the provisions of section five-b of this
53 act shall take effect;

54 (d-2) the amendments to subdivisions 1 and 1-a of section 240 of the
55 vehicle and traffic law made by section five-b of this act shall not
56 affect the expiration of such subdivisions and shall be deemed to expire

1 therewith, when upon such date the provisions of section five-c of this
2 act shall take effect;

3 (d-3) the amendments to subdivisions 1 and 1-a of section 240 of the
4 vehicle and traffic law made by section five-c of this act shall not
5 affect the expiration of such subdivisions and shall be deemed to expire
6 therewith, when upon such date the provisions of section five-d of this
7 act shall take effect;

8 (d-4) the amendments to subdivisions 1 and 1-a of section 240 of the
9 vehicle and traffic law made by section five-d of this act shall not
10 affect the expiration of such subdivisions and shall be deemed to expire
11 therewith, when upon such date the provisions of section five-e of this
12 act shall take effect;

13 (d-5) the amendments to subdivisions 1 and 1-a of section 240 of the
14 vehicle and traffic law made by section five-e of this act shall not
15 affect the expiration of such subdivisions and shall be deemed to expire
16 therewith, when upon such date the provisions of section five-f of this
17 act shall take effect;

18 (d-6) the amendments to subdivisions 1 and 1-a of section 240 of the
19 vehicle and traffic law made by section five-f of this act shall not
20 affect the expiration of such subdivisions and shall be deemed to expire
21 therewith, when upon such date the provisions of section five-g of this
22 act shall take effect;

23 (d-7) the amendments to subdivision 1 of section 240 of the vehicle
24 and traffic law made by section five-g of this act shall not affect the
25 expiration of such subdivision and shall be deemed to expire therewith,
26 when upon such date the provisions of section five-h of this act shall
27 take effect;

28 (d-8) the amendments to subdivision 1-a of section 240 of the vehicle
29 and traffic law made by section five-h of this act shall not affect the
30 expiration of such subdivision and shall be deemed to expire therewith,
31 when upon such date the provisions of section five-i of this act shall
32 take effect;

33 (e) the amendments to paragraphs a and g of subdivision 2 of section
34 240 of the vehicle and traffic law made by section six of this act shall
35 not affect the expiration of such paragraphs and shall be deemed to
36 expire therewith, when upon such date the provisions of section six-a of
37 this act shall take effect;

38 (e-1) the amendments to paragraphs a and g of subdivision 2 of section
39 240 of the vehicle and traffic law made by section six-a of this act
40 shall not affect the expiration of such paragraphs and shall be deemed
41 to expire therewith, when upon such date the provisions of section six-b
42 of this act shall take effect;

43 (e-2) the amendments to paragraphs a and g of subdivision 2 of section
44 240 of the vehicle and traffic law made by section six-b of this act
45 shall not affect the expiration of such paragraphs and shall be deemed
46 to expire therewith, when upon such date the provisions of section six-c
47 of this act shall take effect;

48 (e-3) the amendments to paragraphs a and g of subdivision 2 of section
49 240 of the vehicle and traffic law made by section six-c of this act
50 shall not affect the expiration of such paragraphs and shall be deemed
51 to expire therewith, when upon such date the provisions of section six-d
52 of this act shall take effect;

53 (e-4) the amendments to paragraphs a and g of subdivision 2 of section
54 240 of the vehicle and traffic law made by section six-d of this act
55 shall not affect the expiration of such paragraphs and shall be deemed

1 to expire therewith, when upon such date the provisions of section six-e
2 of this act shall take effect;

3 (e-5) the amendments to paragraphs a and g of subdivision 2 of section
4 240 of the vehicle and traffic law made by section six-e of this act
5 shall not affect the expiration of such paragraphs and shall be deemed
6 to expire therewith, when upon such date the provisions of section six-f
7 of this act shall take effect;

8 (e-6) the amendments to paragraphs a and g of subdivision 2 of section
9 240 of the vehicle and traffic law made by section six-f of this act
10 shall not affect the expiration of such paragraphs and shall be deemed
11 to expire therewith, when upon such date the provisions of section six-g
12 of this act shall take effect;

13 (e-7) the amendments to paragraphs a and g of subdivision 2 of section
14 240 of the vehicle and traffic law made by section six-g of this act
15 shall not affect the expiration of such paragraphs and shall be deemed
16 to expire therewith, when upon such date the provisions of section six-h
17 of this act shall take effect;

18 (f) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
19 cle and traffic law made by section seven of this act shall not affect
20 the expiration of such subdivisions and shall be deemed to expire there-
21 with, when upon such date the provisions of section seven-a of this act
22 shall take effect;

23 (f-1) the amendments to subdivisions 1 and 2 of section 241 of the
24 vehicle and traffic law made by section seven-a of this act shall not
25 affect the expiration of such subdivisions and shall be deemed to expire
26 therewith, when upon such date the provisions of section seven-b of this
27 act shall take effect;

28 (f-2) the amendments to subdivisions 1 and 2 of section 241 of the
29 vehicle and traffic law made by section seven-b of this act shall not
30 affect the expiration of such subdivisions and shall be deemed to expire
31 therewith, when upon such date the provisions of section seven-c of this
32 act shall take effect;

33 (f-3) the amendments to subdivisions 1 and 2 of section 241 of the
34 vehicle and traffic law made by section seven-c of this act shall not
35 affect the expiration of such subdivisions and shall be deemed to expire
36 therewith, when upon such date the provisions of section seven-d of this
37 act shall take effect;

38 (f-4) the amendments to subdivisions 1 and 2 of section 241 of the
39 vehicle and traffic law made by section seven-d of this act shall not
40 affect the expiration of such subdivisions and shall be deemed to expire
41 therewith, when upon such date the provisions of section seven-e of this
42 act shall take effect;

43 (f-5) the amendments to subdivisions 1 and 2 of section 241 of the
44 vehicle and traffic law made by section seven-e of this act shall not
45 affect the expiration of such subdivisions and shall be deemed to expire
46 therewith, when upon such date the provisions of section seven-f of this
47 act shall take effect;

48 (f-6) the amendments to subdivisions 1 and 2 of section 241 of the
49 vehicle and traffic law made by section seven-f of this act shall not
50 affect the expiration of such subdivisions and shall be deemed to expire
51 therewith, when upon such date the provisions of section seven-g of this
52 act shall take effect;

53 (f-7) the amendments to subdivisions 1 and 2 of section 241 of the
54 vehicle and traffic law made by section seven-g of this act shall not
55 affect the expiration of such subdivisions and shall be deemed to expire

1 therewith, when upon such date the provisions of sections seven-h and
2 seven-i of this act shall take effect;

3 (g) the amendments to the opening paragraph and paragraph (c) of
4 subdivision 1 of section 1809 of the vehicle and traffic law made by
5 section nine of this act shall not affect the expiration of such section
6 and shall be deemed to expire therewith, when upon such date the
7 provisions of section nine-a of this act shall take effect;

8 (g-1) the amendments to the opening paragraph and paragraph (c) of
9 subdivision 1 of section 1809 of the vehicle and traffic law made by
10 section nine-a of this act shall not affect the expiration of such
11 section and shall be deemed to expire therewith, when upon such date the
12 provisions of section nine-b of this act shall take effect;

13 (g-2) the amendments to subdivision 1 of section 1809 of the vehicle
14 and traffic law made by section nine-b of this act shall not affect the
15 expiration of such section and shall be deemed to expire therewith, when
16 upon such date the provisions of section nine-c of this act shall take
17 effect;

18 (g-3) the amendments to subdivision 1 of section 1809 of the vehicle
19 and traffic law made by section nine-c of this act shall not affect the
20 expiration of such section and shall be deemed to expire therewith, when
21 upon such date the provisions of section nine-d of this act shall take
22 effect;

23 (g-4) the amendments to subdivision 1 of section 1809 of the vehicle
24 and traffic law made by section nine-d of this act shall not affect the
25 expiration of such section and shall be deemed to expire therewith, when
26 upon such date the provisions of section nine-e of this act shall take
27 effect;

28 (g-5) the amendments to subdivision 1 of section 1809 of the vehicle
29 and traffic law made by section nine-e of this act shall not affect the
30 expiration of such section and shall be deemed to expire therewith, when
31 upon such date the provisions of section nine-f of this act shall take
32 effect;

33 (g-6) the amendments to subdivision 1 of section 1809 of the vehicle
34 and traffic law made by section nine-f of this act shall not affect the
35 expiration of such section and shall be deemed to expire therewith, when
36 upon such date the provisions of section nine-g of this act shall take
37 effect;

38 (g-7) the amendments to subdivision 1 of section 1809 of the vehicle
39 and traffic law made by section nine-g of this act shall not affect the
40 expiration of such section and shall be deemed to expire therewith, when
41 upon such date the provisions of section nine-h of this act shall take
42 effect;

43 (h) the amendments to paragraph a of subdivision 1 of section 1809-e
44 of the vehicle and traffic law made by section ten of this act shall not
45 affect the expiration of such section and shall be deemed to expire
46 therewith, when upon such date the provisions of section ten-a of this
47 act shall take effect;

48 (h-1) the amendments to section 1809-e of the vehicle and traffic law
49 made by section ten-a of this act shall not affect the expiration of
50 such section and shall be deemed to expire therewith, when upon such
51 date the provisions of section ten-b of this act shall take effect;

52 (h-2) the amendments to section 1809-e of the vehicle and traffic law
53 made by section ten-b of this act shall not affect the expiration of
54 such section and shall be deemed to expire therewith, when upon such
55 date the provisions of section ten-c of this act shall take effect;

1 (h-3) the amendments to section 1809-e of the vehicle and traffic law
2 made by section ten-c of this act shall not affect the expiration of
3 such section and shall be deemed to expire therewith, when upon such
4 date the provisions of section ten-d of this act shall take effect;

5 (h-4) the amendments to section 1809-e of the vehicle and traffic law
6 made by section ten-d of this act shall not affect the expiration of
7 such section and shall be deemed to expire therewith, when upon such
8 date the provisions of section ten-e of this act shall take effect;

9 (h-5) the amendments to section 1809-e of the vehicle and traffic law
10 made by section ten-e of this act shall not affect the expiration of
11 such section and shall be deemed to expire therewith, when upon such
12 date the provisions of section ten-f of this act shall take effect;

13 (h-6) the amendments to section 1809-e of the vehicle and traffic law
14 made by section ten-f of this act shall not affect the expiration of
15 such section and shall be deemed to expire therewith, when upon such
16 date the provisions of section ten-g of this act shall take effect;

17 (i) the amendments to subparagraph (i) of paragraph a of subdivision
18 5-a of of section 401 of the vehicle and traffic law made by section
19 eleven of this act shall not affect the expiration of such section and
20 shall be deemed to expire therewith, when upon such date the provisions
21 of section eleven-a of this act shall take effect;

22 (i-1) the amendments to subparagraph (i) of paragraph a of subdivision
23 5-a of section 401 of the vehicle and traffic law made by section
24 eleven-a of this act shall not affect the expiration of such section and
25 shall be deemed to expire therewith, when upon such date the provisions
26 of section eleven-b of this act shall take effect;

27 (i-2) the amendments to section 401 of the vehicle and traffic law
28 made by section eleven-b of this act shall not affect the expiration of
29 such section and shall be deemed to expire therewith, when upon such
30 date the provisions of section eleven-c of this act shall take effect;

31 (i-3) the amendments to section 401 of the vehicle and traffic law
32 made by section eleven-c of this act shall not affect the expiration of
33 such section and shall be deemed to expire therewith, when upon such
34 date the provisions of section eleven-d of this act shall take effect;

35 (i-4) the amendments to section 401 of the vehicle and traffic law
36 made by section eleven-d of this act shall not affect the expiration of
37 such section and shall be deemed to expire therewith, when upon such
38 date the provisions of section eleven-e of this act shall take effect;

39 (i-5) the amendments to section 401 of the vehicle and traffic law
40 made by section eleven-e of this act shall not affect the expiration of
41 such section and shall be deemed to expire therewith, when upon such
42 date the provisions of section eleven-f of this act shall take effect;

43 (i-6) the amendments to section 401 of the vehicle and traffic law
44 made by section eleven-f of this act shall not affect the expiration of
45 such section and shall be deemed to expire therewith, when upon such
46 date the provisions of section eleven-g of this act shall take effect;

47 and

48 (i-7) the amendments to section 401 of the vehicle and traffic law
49 made by section eleven-g of this act shall not affect the expiration of
50 such section and shall be deemed to expire therewith, when upon such
51 date the provisions of section eleven-h of this act shall take effect.

52 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
53 sion, section, subpart or part of this act shall be adjudged by a court
54 of competent jurisdiction to be invalid, such judgment shall not affect,
55 impair, or invalidate the remainder thereof, but shall be confined in
56 its operation to the clause, sentence, paragraph, subdivision, section,

1 subpart or part thereof directly involved in the controversy in which
2 such judgment shall have been rendered. It is hereby declared to be the
3 intent of the legislature that this act would have been enacted even if
4 such invalid provisions had not been included herein.

5 § 3. This act shall take effect immediately, provided, however, that
6 the applicable effective date of Subparts A through D of this act shall
7 be as specifically set forth in the last section of such Subparts.

8 PART C

9 Section 1. Subdivision 1 of section 359 of the public authorities law,
10 as amended by section 6 of part TT of chapter 54 of the laws of 2016, is
11 amended to read as follows:

12 1. On assuming jurisdiction of a thruway section or connection or any
13 part thereof, or of a highway connection, the authority shall proceed
14 with the construction, reconstruction or improvement thereof. All such
15 work shall be done pursuant to a contract or contracts which shall be
16 let to the lowest responsible bidder, by sealed proposals publicly
17 opened, after public advertisement and upon such terms and conditions as
18 the authority shall require; provided, however, that the authority may
19 reject any and all proposals and may advertise for new proposals, as
20 herein provided, if in its opinion, the best interests of the authority
21 will thereby be promoted; provided further, however, that at the request
22 of the authority, all or any portion of such work, together with any
23 engineering required by the authority in connection therewith, shall be
24 performed by the commissioner and his subordinates in the department of
25 transportation as agents for, and at the expense of, the authority. For
26 the purposes of this section, a sealed proposal may be received and
27 secured electronically as permitted by the authority, provided such
28 proposal is maintained and opened in a manner consistent with that for
29 physically sealed proposals and is posted for public view at the same
30 time as any competing sealed proposal. The authority shall, at minimum,
31 provide the same opportunity and time for submitting bids electronically
32 as for proposals submitted physically, and the board shall also approve
33 a process for force majeure events, including but not limited to inter-
34 net and power outage events.

35 § 2. This act shall take effect immediately.

36 PART D

37 Intentionally Omitted

38 PART E

39 Section 1. The closing paragraph of section 165.15 of the penal law,
40 as amended by chapter 275 of the laws of 2018, is amended and a new
41 subdivision 3-a is added to read as follows:

42 3-a. With intent to use any toll highway, parkway, road, bridge or
43 tunnel or to enter or remain in the tolled central business district
44 described in section seventeen hundred four of the vehicle and traffic
45 law without payment of the lawful charge or toll therefor, or to avoid
46 payment of the lawful charge or toll for such transportation service
47 which has been rendered to him or her for such use of any toll highway,
48 parkway, road, bridge or tunnel or for such entering or remaining in
49 such tolled central business district, he or she avoid or attempts to

1 avoid payment by force, intimidation, stealth, deception or mechanical
2 tampering; or

3 Theft of services is a class A misdemeanor[~~, provided~~]. (a) Provided,
4 however, that theft of cable television service as defined by the
5 provisions of paragraphs (a), (c) and (d) of subdivision four of this
6 section, and having a value not in excess of one hundred dollars by a
7 person who has not been previously convicted of theft of services under
8 subdivision four of this section is a violation, that theft of services
9 under subdivision nine of this section by a person who has not been
10 previously convicted of theft of services under subdivision nine of this
11 section is a violation, that theft of services under subdivision twelve
12 of this section by a person who has not previously been convicted of
13 theft of services under subdivision twelve of this section is a
14 violation[~~, and provided~~].

15 (b) Provided further, however, that theft of services of any telephone
16 service under paragraph (a) or (b) of subdivision five of this section
17 having a value in excess of one thousand dollars or by a person who has
18 been previously convicted within five years of theft of services under
19 paragraph (a) of subdivision five of this section is a class E felony.

20 (c) (i) Provided, further, that a court or hearing officer shall offer
21 a person who is charged with theft of services of any transportation
22 service under subdivision three-a of this section who is financially
23 unable to afford counsel pursuant to article eighteen-B of the county
24 law the opportunity to enter into an installment payment plan as an
25 alternate sentence to the criminal charge set forth in this section. The
26 court or hearing officer shall offer such person the opportunity to
27 enter into an installment payment plan at no charge for the payment of
28 such fines, surcharges and any fees related to violation of this
29 section. Any such installment payment plan shall be comprised of all
30 fines, fees, and surcharges and shall consist of monthly payments that
31 do not exceed two percent of such person's monthly net income or fifteen
32 dollars per month, whichever is greater. For purposes of this subdivi-
33 sion, the term "net income" shall mean such person's total income from
34 all sources and assets, minus deductions required by law including but
35 not limited to unrelated administrative or court-ordered garnishments
36 and support payments. A court or hearing officer may require the
37 submission of a financial disclosure report from all persons who opt to
38 enter into installment payment plans. A court or hearing officer also
39 may accept payments higher than the set amount, but shall not undertake
40 additional enforcement actions so long as the person meets his or her
41 payment obligations under the installment payment plan. A court or hear-
42 ing officer may require persons entering installment payment plans to
43 appear no more frequently than annually before such court or hearing
44 officer to assess their financial circumstances, and may set a new
45 payment amount if such person's financial circumstances have changed. A
46 person who enters into an installment payment plan and experiences a
47 reduction in income may petition the court or hearing officer at any
48 time to seek a reduction in the monthly payment.

49 (ii) Any fines paid by a person convicted of theft of services of any
50 transportation service under subdivision three-a of this section shall
51 be paid to the comptroller for remittance to the executive director of
52 the authority which operates such highway, bridge, tunnel, or central
53 business district. The executive directors shall dedicate such penalties
54 or fines to maintenance or state of good repair purposes on highways,
55 bridges, or tunnels, and shall include an itemized list of expenditures
56 made with funds received pursuant to this section in their annual

1 report. Such amounts of revenue dedicated pursuant to this subparagraph
2 shall be used to increase the level of funds that would otherwise be
3 made available for maintenance or state of good repair purposes and
4 shall not supplant the amount to be expended as otherwise provided for
5 pursuant to state or local law, rule or regulation.

6 § 2. Paragraph (b) of subdivision 1 of section 402 of the vehicle and
7 traffic law, as amended by chapter 109 of the laws of 2005, is amended
8 to read as follows:

9 (b) (i) Number plates shall be kept clean and in a condition so as to
10 be easily readable and shall not be covered by glass or any plastic
11 material~~[, and];~~

12 (ii) Number plates shall not be knowingly covered or coated with any
13 artificial or synthetic material or substance that conceals or obscures
14 such number plates or that distorts a recorded or photographic image of
15 such number plates~~[, and the]; and~~

16 (iii) The view of such number plates shall not be obstructed by any
17 part of the vehicle or by anything carried thereon, except for a receiver-
18 transmitter issued by a publicly owned tolling facility in connection
19 with electronic toll collection when such receiver-transmitter is
20 affixed to the exterior of a vehicle in accordance with mounting
21 instructions provided by the tolling facility.

22 § 3. Subdivision 8 of section 402 of the vehicle and traffic law, as
23 amended by chapter 61 of the laws of 1989 and as renumbered by chapter
24 648 of the laws of 2006, is amended to read as follows:

25 8. The violation of this section shall be punishable by a fine of not
26 less than twenty-five nor more than two hundred dollars except for
27 violations of subparagraphs (ii) and (iii) of paragraph (b) of subdivi-
28 sion one of this section which shall be punishable by a fine of not less
29 than one hundred nor more than five hundred dollars. Provided further
30 that civil penalties or fines assessed pursuant to subparagraphs (ii)
31 and (iii) of paragraph (b) of subdivision one of this section that occur
32 on a tolled highway, bridge, and/or tunnel facility or in the tolled
33 central business district described in section seventeen hundred four of
34 this chapter shall be paid to the comptroller for remittance to the
35 executive director of the authority which operates such highway, bridge,
36 tunnel, or central business district. The executive directors shall
37 dedicate such penalties or fines to maintenance or state of good repair
38 purposes on highways, bridges, or tunnels, and shall include an itemized
39 list of expenditures made with funds received pursuant to this section
40 in their annual report. Provided additionally that such amounts of
41 revenue dedicated to such authorities shall be used to increase the
42 level of funds that would otherwise be made available for maintenance or
43 state of good repair purposes and shall not supplant the amount to be
44 expended as otherwise provided for pursuant to state or local law, rule
45 or regulation.

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

48 PART F

49 Intentionally Omitted

50 PART G

51 Intentionally Omitted

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PART H

Intentionally Omitted

PART I

Section 1. Subdivision 11 of section 120.05 of the penal law, as separately amended by chapters 268 and 281 of the laws of 2016, is amended to read as follows:

11. With intent to cause physical injury to a train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers, or other fare payment media for use on a train or bus; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of a transit signal system, elevated or underground subway tracks, transit station structure, commuter rail tracks or stations, train yard, revenue train in passenger service, bus while on the road, or a train or bus station or terminal; or a supervisor of such personnel, employed by any transit or commuter railroad agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions, a city marshal, a school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, a traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, sanitation enforcement agent, New York city sanitation worker, public health sanitarian, New York city public health sanitarian, registered nurse, licensed practical nurse, emergency medical service paramedic, or emergency medical service technician, he or she causes physical injury to such train operator, ticket inspector, conductor, signalperson, bus operator, station agent, station cleaner, terminal cleaner, station customer assistant; person whose official duties include the sale or collection of tickets, passes, vouchers or other fare payment media for use on a train or bus; a person whose official duties include the maintenance, repair, inspection, troubleshooting, testing or cleaning of a transit signal system, elevated or underground subway tracks, transit station structure, commuter rail tracks or stations, train yard, revenue train in passenger service, bus while on the road, or a train or bus station or terminal; or a supervisor of such personnel, city marshal, school crossing guard appointed pursuant to section two hundred eight-a of the general municipal law, traffic enforcement officer, traffic enforcement agent, prosecutor as defined in subdivision thirty-one of section 1.20 of the criminal procedure law, registered nurse, licensed practical nurse, public health sanitarian, New York city public health sanitarian, sanitation enforcement agent, New York city sanitation worker, emergency medical service paramedic, or emergency medical service technician, while such employee is performing an assigned duty on, or directly related to, the operation of a train or bus, [~~including the~~ cleaning of a train or bus station or terminal, assisting customers, the sale or collection of tickets, passes, vouchers, or other fare media for use on a train or bus, or maintenance of a train or bus station or terminal, signal system, elevated or underground subway tracks, transit station structure, commuter rail tracks or stations, train yard, revenue train in passenger service or bus while on the road, or such city marshal, school crossing guard, traffic enforcement officer, traffic

1 enforcement agent, prosecutor as defined in subdivision thirty-one of
2 section 1.20 of the criminal procedure law, registered nurse, licensed
3 practical nurse, public health sanitarian, New York city public health
4 sanitarian, sanitation enforcement agent, New York city sanitation work-
5 er, emergency medical service paramedic, or emergency medical service
6 technician is performing an assigned duty; or

7 § 2. Section 240.30 of the penal law is amended by adding a new subdi-
8 vision 3-a to read as follows:

9 3-a. Strikes, shoves, kicks, or otherwise subjects another person to
10 physical contact, which includes spitting on such other person, and such
11 other person is an on-duty train operator; ticket inspector; conductor;
12 signalperson; bus operator; station agent; station cleaner; terminal
13 cleaner; station customer assistant; person whose official duties
14 include the sale or collection of tickets, passes, vouchers or other
15 fare payment media for use on a train or bus; person whose official
16 duties include the maintenance, repair, inspection, troubleshooting,
17 testing or cleaning of a transit signal system, elevated or underground
18 subway tracks, transit station structure, commuter rail tracks or
19 stations, train yard, revenue train in passenger service, bus while on
20 the road, or train or bus station or terminal, or a supervisor of such
21 personnel, employed by any transit or commuter railroad agency, authori-
22 ty or company, public or private, whose operation is authorized by New
23 York state or any of its political subdivisions; or

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

26 PART J

27 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
28 New York state urban development corporation act, relating to the powers
29 of the New York state urban development corporation to make loans, as
30 amended by section 1 of part FF of chapter 58 of the laws of 2020, is
31 amended to read as follows:

32 § 2. This act shall take effect immediately provided, however, that
33 section one of this act shall expire on July 1, [~~2021~~] 2022, at which
34 time the provisions of subdivision 26 of section 5 of the New York state
35 urban development corporation act shall be deemed repealed; provided,
36 however, that neither the expiration nor the repeal of such subdivision
37 as provided for herein shall be deemed to affect or impair in any manner
38 any loan made pursuant to the authority of such subdivision prior to
39 such expiration and repeal.

40 § 2. This act shall take effect immediately and shall be deemed to
41 have been in full force and effect on and after July 1, 2021.

42 PART K

43 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
44 of the laws of 1968 constituting the New York state urban development
45 corporation act, as amended by section 1 of part EE of chapter 58 of the
46 laws of 2020, is amended to read as follows:

47 3. The provisions of this section shall expire, notwithstanding any
48 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
49 the laws of 1996 or of any other law, on July 1, [~~2021~~] 2022.

50 § 2. This act shall take effect immediately and shall be deemed to
51 have been in full force and effect on and after July 1, 2021.

1 PART L

2 Intentionally Omitted

3 PART M

4 Section 1. Section 3 of part S of chapter 58 of the laws of 2016,
5 relating to transferring the statutory authority for the promulgation of
6 marketing orders from the department of agriculture and markets to the
7 New York state urban development corporation, as amended by section 1 of
8 part Y of chapter 58 of the laws of 2018, is amended to read as follows:

9 § 3. This act shall take effect on the ninetieth day after it shall
10 have become a law [~~and shall expire and be deemed repealed July 31,~~
11 ~~2021~~]; provided, however, that any assessment due and payable under such
12 marketing orders shall be remitted to the urban development corporation
13 starting 30 days after such effective date.

14 § 2. This act shall take effect immediately.

15 PART N

16 Section 1. Section 2 of chapter 21 of the laws of 2003, amending the
17 executive law relating to permitting the secretary of state to provide
18 special handling for all documents filed or issued by the division of
19 corporations and to permit additional levels of such expedited service,
20 as amended by section 1 of part R of chapter 58 of the laws of 2020, is
21 amended to read as follows:

22 § 2. This act shall take effect immediately, provided however, that
23 section one of this act shall be deemed to have been in full force and
24 effect on and after April 1, 2003 [~~and shall expire March 31, 2021~~].

25 § 2. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after March 31, 2021.

27 PART O

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

30 (d) Any designated [~~post-office~~] post office address to which the
31 secretary of state shall mail a copy of process served upon him or her
32 as agent of a domestic corporation or a foreign corporation, shall
33 continue until the filing of a certificate or other instrument under
34 this chapter directing the mailing to a different [~~post-office~~] post
35 office address and any designated email address to which the secretary
36 of state shall email notice of the fact that process has been electron-
37 ically served upon him or her as agent of a domestic corporation or
38 foreign corporation shall continue until the filing of a certificate or
39 other instrument under this chapter changing or deleting the email
40 address.

41 § 2. Subparagraph 1 of paragraph (b) of section 306 of the business
42 corporation law, as amended by chapter 419 of the laws of 1990, is
43 amended to read as follows:

44 (1) Service of process on the secretary of state as agent of a domes-
45 tic or authorized foreign corporation shall be made [~~by personally~~] in
46 the manner provided by clause (i) or (ii) of this subparagraph. (i)
47 Personally delivering to and leaving with the secretary of state or a
48 deputy, or with any person authorized by the secretary of state to

1 receive such service, at the office of the department of state in the
2 city of Albany, duplicate copies of such process together with the stat-
3 utory fee, which fee shall be a taxable disbursement. Service of process
4 on such corporation shall be complete when the secretary of state is so
5 served. The secretary of state shall promptly send one of such copies by
6 certified mail, return receipt requested, to such corporation, at the
7 post office address, on file in the department of state, specified for
8 the purpose. If a domestic or authorized foreign corporation has no such
9 address on file in the department of state, the secretary of state shall
10 so mail such copy, in the case of a domestic corporation, in care of any
11 director named in its certificate of incorporation at the director's
12 address stated therein or, in the case of an authorized foreign corpo-
13 ration, to such corporation at the address of its office within this
14 state on file in the department. (ii) Electronically submitting a copy
15 of the process to the department of state together with the statutory
16 fee, which fee shall be a taxable disbursement, through an electronic
17 system operated by the department of state, provided the domestic or
18 authorized foreign corporation has an email address on file in the
19 department of state to which the secretary of state shall email a notice
20 of the fact that process has been served electronically on the secretary
21 of state. Service of process on such corporation shall be complete when
22 the secretary of state has reviewed and accepted service of such proc-
23 ess. The secretary of state shall promptly send a notice of the fact
24 that process has been served to such corporation at the email address on
25 file in the department of state, specified for the purpose and shall
26 make a copy of the process available to such corporation.

27 § 3. The opening paragraph of paragraph (b) of section 307 of the
28 business corporation law is amended to read as follows:

29 Service of such process upon the secretary of state shall be made [~~by~~
30 personally] in the manner provided by subparagraph one or two of this
31 paragraph. (1) Personally delivering to and leaving with him or his
32 deputy, or with any person authorized by the secretary of state to
33 receive such service, at the office of the department of state in the
34 city of Albany, a copy of such process together with the statutory fee,
35 which fee shall be a taxable disbursement. (2) Electronically submitting
36 a copy of the process to the department of state together with the stat-
37 utory fee, which fee shall be a taxable disbursement, through an elec-
38 tronic system operated by the department of state. Such service shall be
39 sufficient if notice thereof and a copy of the process are:

40 § 4. Subparagraph 7 of paragraph (a) of section 402 of the business
41 corporation law is amended to read as follows:

42 (7) A designation of the secretary of state as agent of the corpo-
43 ration upon whom process against it may be served and the post office
44 address within or without this state to which the secretary of state
45 shall mail a copy of any process against it served upon him or her. The
46 corporation may include an email address to which the secretary of state
47 shall email a notice of the fact that process against it has been elec-
48 tronically served upon him or her.

49 § 5. Paragraph (b) of section 801 of the business corporation law is
50 amended by adding a new subparagraph 15 to read as follows:

51 (15) To specify, change or delete the email address to which the
52 secretary of state shall email a notice of the fact that process against
53 the corporation has been electronically served upon him or her.

54 § 6. Paragraph (b) of section 803 of the business corporation law is
55 amended by adding a new subparagraph 4 to read as follows:

1 (4) To specify, change or delete the email address to which the secre-
2 tary of state shall email a notice of the fact that process against the
3 corporation has been electronically served upon him or her.

4 § 7. Paragraph (b) of section 805-A of the business corporation law,
5 as added by chapter 725 of the laws of 1964, is amended to read as
6 follows:

7 (b) A certificate of change which changes only the post office address
8 to which the secretary of state shall mail a copy of any process against
9 a corporation served upon him or her, and/or the email address to which
10 the secretary of state shall email a notice of the fact that process
11 against it has been electronically served upon the secretary of state
12 and/or the address of the registered agent, provided such address being
13 changed is the address of a person, partnership or other corporation
14 whose address, as agent, is the address to be changed, and/or the email
15 address being changed is the email address of a person, partnership or
16 corporation whose email address, as agent, is the email address to be
17 changed, or who has been designated as registered agent for such corpo-
18 ration, may be signed[~~, verified~~] and delivered to the department of
19 state by such agent. The certificate of change shall set forth the
20 statements required under subparagraphs (a) (1), (2) and (3) of this
21 section; that a notice of the proposed change was mailed to the corpo-
22 ration by the party signing the certificate not less than thirty days
23 prior to the date of delivery to the department and that such corpo-
24 ration has not objected thereto; and that the party signing the certif-
25 icate is the agent of such corporation to whose address the secretary of
26 state is required to mail copies of process [~~ex~~], and/or the agent of
27 the corporation to whose email address the secretary of state is
28 required to mail a notice of the fact that process against it has been
29 electronically served upon the secretary of state, and/or the registered
30 agent, if such be the case. A certificate signed[~~, verified~~] and deliv-
31 ered under this paragraph shall not be deemed to effect a change of
32 location of the office of the corporation in whose behalf such certif-
33 icate is filed.

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

37 (8) If the surviving or resulting entity is a foreign corporation or
38 other business entity, a designation of the secretary of state as its
39 agent upon whom process against it may be served in the manner set forth
40 in paragraph (b) of section three hundred six of this chapter, in any
41 action or special proceeding, and a post office address, within or with-
42 out this state, to which the secretary of state shall mail a copy of any
43 process against it served upon him or her. The corporation may include
44 an email address to which the secretary of state shall email a notice of
45 the fact that process against it has been electronically served upon him
46 or her. Such post office address shall supersede any prior address
47 designated as the address to which process shall be mailed and such
48 email address shall supersede any prior email address designated as the
49 email address to which a notice shall be sent;

50 § 9. Clause (G) of subparagraph 2 of paragraph (e) of section 907 of
51 the business corporation law, as amended by chapter 494 of the laws of
52 1997, is amended to read as follows:

53 (G) A designation of the secretary of state as its agent upon whom
54 process against it may be served in the manner set forth in paragraph
55 (b) of section 306 (Service of process), in any action or special
56 proceeding, and a post office address, within or without this state, to

1 which the secretary of state shall mail a copy of any process against it
2 served upon him or her. The corporation may include an email address to
3 which the secretary of state shall email a notice of the fact that proc-
4 ess against it has been electronically served upon him or her. Such
5 post office address shall supersede any prior address designated as the
6 address to which process shall be mailed and such email address shall
7 supersede any prior email address designated as the email address to
8 which a notice shall be sent.

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

13 (6) A designation of the secretary of state as its agent upon whom
14 process against it may be served and the post office address within or
15 without this state to which the secretary of state shall mail a copy of
16 any process against it served upon him or her. The corporation may
17 include an email address to which the secretary of state shall email a
18 notice of the fact that process against it has been electronically
19 served upon him or her.

20 § 11. Paragraph (a) of section 1308 of the business corporation law is
21 amended by adding a new subparagraph 10 to read as follows:

22 (10) To specify, change or delete the email address to which the
23 secretary of state shall email a notice of the fact that process against
24 the corporation has been electronically served upon him or her.

25 § 12. Paragraph (c) of section 1309-A of the business corporation law,
26 as amended by chapter 172 of the laws of 1999, is amended and a new
27 subparagraph 4 is added to paragraph (a) to read as follows:

28 (4) To specify, change or delete the email address to which the secre-
29 tary of state shall email a notice of the fact that process against the
30 corporation has been electronically served upon him or her.

31 (c) A certificate of change of application for authority which changes
32 only the post office address to which the secretary of state shall mail
33 a copy of any process against an authorized foreign corporation served
34 upon him or her, and/or the email address to which the secretary of
35 state shall email a notice of the fact that process against it has been
36 electronically served upon the secretary of state and/or which changes
37 the address of its registered agent, provided such address is the
38 address of a person, partnership or other corporation whose address, as
39 agent, is the address to be changed [~~or~~], and/or the email address being
40 changed is the email address of a person, partnership or corporation
41 whose email address, as agent, is the email address to be changed,
42 and/or who has been designated as registered agent for such authorized
43 foreign corporation, may be signed and delivered to the department of
44 state by such agent. The certificate of change of application for
45 authority shall set forth the statements required under subparagraphs
46 (1), (2), (3) and (4) of paragraph (b) of this section; that a notice of
47 the proposed change was mailed by the party signing the certificate to
48 the authorized foreign corporation not less than thirty days prior to
49 the date of delivery to the department and that such corporation has not
50 objected thereto; and that the party signing the certificate is the
51 agent of such foreign corporation to whose address the secretary of
52 state is required to mail copies of process [~~or~~], and/or the agent of
53 such foreign corporation to whose email address the secretary of state
54 is required to mail a notice of the fact that process against it has
55 been electronically served on the secretary of state and/or the regis-
56 tered agent, if such be the case. A certificate signed and delivered

1 under this paragraph shall not be deemed to effect a change of location
2 of the office of the corporation in whose behalf such certificate is
3 filed.

4 § 13. Subparagraph 6 of paragraph (a) and paragraph (d) of section
5 1310 of the business corporation law, the opening paragraph of paragraph
6 (d) as amended by chapter 172 of the laws of 1999, are amended to read
7 as follows:

8 (6) A post office address within or without this state to which the
9 secretary of state shall mail a copy of any process against it served
10 upon him or her. The corporation may include an email address to which
11 the secretary of state shall email a notice of the fact that process
12 against it has been electronically served upon him or her.

13 (d) The post office address and/or the email address specified under
14 subparagraph (6) of paragraph (a) of this section may be changed. A
15 certificate, entitled "Certificate of amendment of certificate of
16 surrender of authority of (name of corporation) under section
17 1310 of the Business Corporation Law", shall be signed as provided in
18 paragraph (a) of this section and delivered to the department of state.
19 It shall set forth:

20 (1) The name of the foreign corporation.

21 (2) The jurisdiction of its incorporation.

22 (3) The date its certificate of surrender of authority was filed by
23 the department of state.

24 (4) The changed post office address, within or without this state, to
25 which the secretary of state shall mail a copy of any process against it
26 served upon him or her and/or the changed email address to which the
27 secretary of state shall email a notice of the fact that process against
28 it has been electronically served upon him or her.

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

31 § 1311. Termination of existence.

32 When an authorized foreign corporation is dissolved or its authority
33 or existence is otherwise terminated or cancelled in the jurisdiction of
34 its incorporation or when such foreign corporation is merged into or
35 consolidated with another foreign corporation, a certificate of the
36 secretary of state, or official performing the equivalent function as to
37 corporate records, of the jurisdiction of incorporation of such foreign
38 corporation attesting to the occurrence of any such event or a certified
39 copy of an order or decree of a court of such jurisdiction directing the
40 dissolution of such foreign corporation, the termination of its exist-
41 ence or the cancellation of its authority shall be delivered to the
42 department of state. The filing of the certificate, order or decree
43 shall have the same effect as the filing of a certificate of surrender
44 of authority under section 1310 (Surrender of authority). The secretary
45 of state shall continue as agent of the foreign corporation upon whom
46 process against it may be served in the manner set forth in paragraph
47 (b) of section 306 (Service of process), in any action or special
48 proceeding based upon any liability or obligation incurred by the
49 foreign corporation within this state prior to the filing of such
50 certificate, order or decree and he or she shall promptly cause a copy
51 of any such process to be mailed by [~~registered~~] certified mail, return
52 receipt requested, to such foreign corporation at the post office
53 address on file in his or her office specified for such purpose or a
54 notice of the fact that process against such foreign corporation has
55 been served on him or her to be emailed to the foreign corporation at
56 the email address on file in his or her office specified for such

1 purpose. The post office address and/or email address may be changed by
2 signing and delivering to the department of state a certificate of
3 change setting forth the statements required under section 1309-A
4 (Certificate of change; contents) to effect a change in the post office
5 address and/or email address under subparagraph (a) [~~(4)~~] (7) or (10) of
6 section 1308 (Amendments or changes).

7 § 15. Subdivisions 2 and 3 of section 18 of the general associations
8 law, as amended by chapter 13 of the laws of 1938, are amended to read
9 as follows:

10 2. Every association doing business within this state shall file in
11 the department of state a certificate in its associate name, signed and
12 acknowledged by its president, or a vice-president, or secretary, or
13 treasurer, or managing director, or trustee, designating the secretary
14 of state as an agent upon whom process in any action or proceeding
15 against the association may be served within this state, and setting
16 forth an address to which the secretary of state shall mail a copy of
17 any process against the association which may be served upon him or her
18 pursuant to law. The association may include an email address to which
19 the secretary of state shall email a notice of the fact that process
20 against it has been electronically served upon him or her. Annexed to
21 the certificate of designation shall be a statement, executed in the
22 same manner as the certificate is required to be executed under this
23 section, which shall set forth:

24 (a) the names and places of residence of its officers and trustees
25 (b) its principal place of business
26 (c) the place where its office within this state is located and if
27 such place be in a city, the location thereof by street and number or
28 other particular description.

29 3. Any association, from time to time, may change the address to which
30 the secretary of state is directed to mail copies of process or specify,
31 change or delete the email address to which the secretary of state shall
32 email a notice of the fact that process against the association has been
33 electronically served upon him or her, by filing a statement to that
34 effect, executed, signed and acknowledged in like manner as a certifi-
35 cate of designation as herein provided.

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

38 § 19. Service of process. Service of process against an association
39 upon the secretary of state shall be made [~~by personally~~] in the manner
40 provided by subdivision one or two of this section. (1) Personally
41 delivering to and leaving with him [~~or a deputy secretary of state or an~~
42 associate attorney, senior attorney or attorney in the corporation divi-
43 sion of the department of state] or her or with a person authorized by
44 the secretary of state to receive such service, duplicate copies of such
45 process at the office of the department of state in the city of Albany.
46 At the time of such service the plaintiff shall pay a fee of forty
47 dollars to the secretary of state which shall be a taxable disbursement.
48 [~~If the cost of registered mail for transmitting a copy of the process~~
49 ~~shall exceed two dollars, an additional fee equal to such excess shall~~
50 ~~be paid at the time of the service of such process.~~] The secretary of
51 state shall [~~forthwith~~] promptly send by [~~registered~~] certified mail one
52 of such copies to the association at the address fixed for that purpose,
53 as herein provided. (2) Electronically submitting a copy of the process
54 to the department of state together with the statutory fee, which fee
55 shall be a taxable disbursement, through an electronic system operated
56 by the department of state, provided the association has an email

1 address on file in the department of state to which the secretary of
2 state shall email a notice of the fact that process has been served
3 electronically on the secretary of state. Service of process on such
4 association shall be complete when the secretary of state has reviewed
5 and accepted service of such process. The secretary of state shall
6 promptly send a notice of the fact that process against such association
7 has been served electronically upon him or her, to such association at
8 the email address on file in the department of state, specified for the
9 purpose and shall make a copy of the process available to such associ-
10 ation. If the action or proceeding is instituted in a court of limited
11 jurisdiction, service of process may be made in the manner provided in
12 this section if the cause of action arose within the territorial juris-
13 diction of the court and the office of the defendant, as set forth in
14 its statement filed pursuant to section eighteen of this chapter, is
15 within such territorial jurisdiction.

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

19 (4) a designation of the secretary of state as agent of the limited
20 liability company upon whom process against it may be served and the
21 post office address within or without this state to which the secretary
22 of state shall mail a copy of any process against the limited liability
23 company served upon him or her. The limited liability company may
24 include an email address to which the secretary of state shall email a
25 notice of the fact that process against it has been electronically
26 served upon him or her;

27 § 18. Subdivision (d) of section 211 of the limited liability company
28 law is amended by adding a new paragraph 10 to read as follows:

29 (10) to specify, change or delete the email address to which the
30 secretary of state shall email a notice of the fact that process against
31 the limited liability company has been electronically served upon him or
32 her.

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

35 § 211-A. Certificate of change. (a) A limited liability company may
36 amend its articles of organization from time to time to (i) specify or
37 change the location of the limited liability company's office; (ii)
38 specify or change the post office address to which the secretary of
39 state shall mail a copy of any process against the limited liability
40 company served upon him or her; [~~and~~] (iii) specify, change or delete
41 the email address to which the secretary of state shall email a notice
42 of the fact that process against the limited liability company has been
43 electronically served upon him or her; and (iv) make, revoke or change
44 the designation of a registered agent, or specify or change the address
45 of the registered agent. Any one or more such changes may be accom-
46 plished by filing a certificate of change which shall be entitled
47 "Certificate of Change of (name of limited liability company)
48 under section 211-A of the Limited Liability Company Law" and shall be
49 signed and delivered to the department of state. It shall set forth:

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

52 (2) the date the articles of organization were filed by the department
53 of state; and

54 (3) each change effected thereby.

55 (b) A certificate of change which changes only the post office address
56 to which the secretary of state shall mail a copy of any process against

1 a limited liability company served upon him or her, and/or the email
2 address to which the secretary of state shall email a notice of the fact
3 that process against it has been electronically served upon the secre-
4 tary of state and/or the address of the registered agent, provided such
5 address being changed, and/or the email address being changed is the
6 email address of a person, partnership or other corporation whose email
7 address, as agent, is the email address to be changed, is the address of
8 a person, partnership or corporation whose address, as agent, is the
9 address to be changed or who has been designated as registered agent for
10 such limited liability company may be signed and delivered to the
11 department of state by such agent. The certificate of change shall set
12 forth the statements required under subdivision (a) of this section;
13 that a notice of the proposed change was mailed to the domestic limited
14 liability company by the party signing the certificate not less than
15 thirty days prior to the date of delivery to the department of state and
16 that such domestic limited liability company has not objected thereto;
17 and that the party signing the certificate is the agent of such limited
18 liability company to whose address the secretary of state is required to
19 mail copies of process, and/or the agent of the limited liability compa-
20 ny to whose email address of the secretary of state is required to
21 email a notice of the fact that process against it has been electron-
22 ically served upon the secretary of state, or the registered agent, if
23 such be the case. A certificate signed and delivered under this subdivi-
24 sion shall not be deemed to effect a change of location of the office of
25 the limited liability company in whose behalf such certificate is filed.

26 § 20. Subdivision (c) of section 301 of the limited liability company
27 law is amended to read as follows:

28 (c) Any designated post office address to which the secretary of state
29 shall mail a copy of process served upon him or her as agent of a domes-
30 tic limited liability company or a foreign limited liability company
31 shall continue until the filing of a certificate or other instrument
32 under this chapter directing the mailing to a different post office
33 address and any designated email address to which the secretary of state
34 shall email a notice of the fact that process has been electronically
35 served upon him or her as agent of a domestic limited liability company
36 or foreign limited liability company, shall continue until the filing of
37 a certificate or other instrument under this chapter changing or delet-
38 ing such email address.

39 § 21. Subdivision (a) of section 303 of the limited liability company
40 law, as relettered by chapter 341 of the laws of 1999, is amended to
41 read as follows:

42 (a) Service of process on the secretary of state as agent of a domes-
43 tic limited liability company or authorized foreign limited liability
44 company shall be made [~~by personally~~] in the manner provided by para-
45 graph one or two of this subdivision. (1) Personally delivering to and
46 leaving with the secretary of state or his or her deputy, or with any
47 person authorized by the secretary of state to receive such service, at
48 the office of the department of state in the city of Albany, duplicate
49 copies of such process together with the statutory fee, which fee shall
50 be a taxable disbursement. Service of process on such limited liability
51 company shall be complete when the secretary of state is so served. The
52 secretary of state shall promptly send one of such copies by certified
53 mail, return receipt requested, to such limited liability company at the
54 post office address on file in the department of state specified for
55 that purpose. (2) Electronically submitting a copy of the process to the
56 department of state together with the statutory fee, which fee shall be

1 a taxable disbursement, through an electronic system operated by the
2 department of state, provided the domestic or authorized foreign limited
3 liability company has an email address on file in the department of
4 state to which the secretary of state shall email a notice of the fact
5 that process has been served electronically on the secretary of state.
6 Service of process on such limited liability company shall be complete
7 when the secretary of state has reviewed and accepted service of such
8 process. The secretary of state shall promptly send a notice of the fact
9 that process against such limited liability company has been served
10 electronically on him or her to such limited liability company at the
11 email address on file in the department of state, specified for the
12 purpose and shall make a copy of the process available to such limited
13 liability company.

14 § 22. Subdivision (b) of section 304 of the limited liability company
15 law is amended to read as follows:

16 (b) Service of such process upon the secretary of state shall be made
17 [~~by personally~~] in the manner provided by paragraph one or two of this
18 subdivision.

19 (1) Personally delivering to and leaving with the secretary of state
20 or his or her deputy, or with any person authorized by the secretary of
21 state to receive such service, at the office of the department of state
22 in the city of Albany, a copy of such process together with the statuto-
23 ry fee, which fee shall be a taxable disbursement.

24 (2) Electronically submitting a copy of the process to the department
25 of state together with the statutory fee, which fee shall be a taxable
26 disbursement, through an electronic system operated by the department of
27 state.

28 § 23. Paragraph 4 of subdivision (a) of section 802 of the limited
29 liability company law, as amended by chapter 470 of the laws of 1997, is
30 amended to read as follows:

31 (4) a designation of the secretary of state as its agent upon whom
32 process against it may be served and the post office address within or
33 without this state to which the secretary of state shall mail a copy of
34 any process against it served upon him or her. The limited liability
35 company may include an email address to which the secretary of state
36 shall email a notice of the fact that process against it has been elec-
37 tronically served upon him or her;

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

40 § 804-A. Certificate of change. (a) A foreign limited liability compa-
41 ny may amend its application for authority from time to time to (i)
42 specify or change the location of the limited liability company's
43 office; (ii) specify or change the post office address to which the
44 secretary of state shall mail a copy of any process against the limited
45 liability company served upon him or her; [~~and~~] (iii) specify, change or
46 delete the email address to which the secretary of state shall email a
47 notice of the fact that process against the limited liability company
48 has been electronically served upon him or her; and (iv) to make, revoke
49 or change the designation of a registered agent, or to specify or change
50 the address of a registered agent. Any one or more such changes may be
51 accomplished by filing a certificate of change which shall be entitled
52 "Certificate of Change of (name of limited liability company)
53 under section 804-A of the Limited Liability Company Law" and shall be
54 signed and delivered to the department of state. It shall set forth:

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

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

6 (3) each change effected thereby,

7 (b) A certificate of change which changes only the post office address
8 to which the secretary of state shall mail a copy of any process against
9 a foreign limited liability company served upon him or her, and/or the
10 email address to which the secretary of state shall email a notice of
11 the fact that process against it has been electronically served upon the
12 secretary of state, and/or the address of the registered agent, provided
13 such address being changed is the address of a person, partnership or
14 corporation whose address, as agent, is the address to be changed,
15 and/or the email address being changed is the email address of a person,
16 partnership or other corporation whose email address, as agent, is the
17 email address to be changed, or who has been designated as registered
18 agent for such limited liability company may be signed and delivered to
19 the department of state by such agent. The certificate of change shall
20 set forth the statements required under subdivision (a) of this section;
21 that a notice of the proposed change was mailed to the foreign limited
22 liability company by the party signing the certificate not less than
23 thirty days prior to the date of delivery to the department of state and
24 that such foreign limited liability company has not objected thereto;
25 and that the party signing the certificate is the agent of such foreign
26 limited liability company to whose address the secretary of state is
27 required to mail copies of process, and/or the agent of such foreign
28 limited liability company to whose email address the secretary of state
29 is required to email a notice of the fact that process against it has
30 been electronically served upon the secretary of state, or the regis-
31 tered agent, if such be the case. A certificate signed and delivered
32 under this subdivision shall not be deemed to effect a change of
33 location of the office of the foreign limited liability company in whose
34 behalf such certificate is filed.

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

37 (6) a post office address within or without this state to which the
38 secretary of state shall mail a copy of any process against it served
39 upon him or her. The limited liability company may include an email
40 address to which the secretary of state shall email a notice of the fact
41 that process against it has been electronically served upon him or her.

42 § 26. Section 807 of the limited liability company law is amended to
43 read as follows:

44 § 807. Termination of existence. When a foreign limited liability
45 company that has received a certificate of authority is dissolved or its
46 authority to conduct its business or existence is otherwise terminated
47 or canceled in the jurisdiction of its formation or when such foreign
48 limited liability company is merged into or consolidated with another
49 foreign limited liability company, (a) a certificate of the secretary of
50 state or official performing the equivalent function as to limited
51 liability company records in the jurisdiction of organization of such
52 limited liability company attesting to the occurrence of any such event
53 or (b) a certified copy of an order or decree of a court of such juris-
54 diction directing the dissolution of such foreign limited liability
55 company, the termination of its existence or the surrender of its
56 authority shall be delivered to the department of state. The filing of

1 the certificate, order or decree shall have the same effect as the
2 filing of a certificate of surrender of authority under section eight
3 hundred six of this article. The secretary of state shall continue as
4 agent of the foreign limited liability company upon whom process against
5 it may be served in the manner set forth in article three of this chap-
6 ter, in any action or proceeding based upon any liability or obligation
7 incurred by the foreign limited liability company within this state
8 prior to the filing of such certificate, order or decree. The post
9 office address and/or email address may be changed by filing with the
10 department of state a certificate of amendment under section eight
11 hundred four of this article.

12 § 27. Paragraph 11 of subdivision (a) of section 1003 of the limited
13 liability company law, as amended by chapter 374 of the laws of 1998, is
14 amended to read as follows:

15 (11) a designation of the secretary of state as its agent upon whom
16 process against it may be served in the manner set forth in article
17 three of this chapter in any action or special proceeding, and a post
18 office address, within or without this state, to which the secretary of
19 state shall mail a copy of any process served upon him or her. The
20 limited liability company may include an email address to which the
21 secretary of state shall email a notice of the fact that process against
22 it has been electronically served upon him or her. Such post office
23 address or email address shall supersede any prior address designated as
24 the address to which process shall be mailed or a notice emailed;

25 § 28. Paragraph 6 of subdivision (a) of section 1306 of the limited
26 liability company law is amended to read as follows:

27 (6) a designation of the secretary of state as its agent upon whom
28 process against it may be served and the post office address within or
29 without this state to which the secretary of state shall mail a copy of
30 any process against it served upon him or her. The limited liability
31 company may include an email address to which the secretary of state
32 shall email a notice of the fact that process against it has been elec-
33 tronically served upon him or her; and

34 § 29. Paragraph (d) of section 304 of the not-for-profit corporation
35 law, as amended by chapter 358 of the laws of 2015, is amended to read
36 as follows:

37 (d) Any designated post-office address to which the secretary of state
38 shall mail a copy of process served upon him or her as agent of a domes-
39 tic corporation formed under article four of this chapter or foreign
40 corporation, shall continue until the filing of a certificate or other
41 instrument under this chapter directing the mailing to a different post-
42 office address and any designated email address to which the secretary
43 of state shall email a notice of the fact that process has been elec-
44 tronically served upon him or her as agent of a domestic corporation or
45 foreign corporation, shall continue until the filing of a certificate or
46 other instrument under this chapter changing or deleting the email
47 address.

48 § 30. Paragraph (b) of section 306 of the not-for-profit corporation
49 law, as amended by chapter 23 of the laws of 2014, is amended to read as
50 follows:

51 (b) Service of process on the secretary of state as agent of a domes-
52 tic corporation formed under article four of this chapter or an author-
53 ized foreign corporation shall be made [~~by personally~~] in the manner
54 provided by subparagraph one or two of this paragraph. (1) Personally
55 delivering to and leaving with the secretary of state or his or her
56 deputy, or with any person authorized by the secretary of state to

1 receive such service, at the office of the department of state in the
2 city of Albany, duplicate copies of such process together with the stat-
3 utory fee, which fee shall be a taxable disbursement. Service of process
4 on such corporation shall be complete when the secretary of state is so
5 served. The secretary of state shall promptly send one of such copies
6 by certified mail, return receipt requested, to such corporation, at the
7 post office address, on file in the department of state, specified for
8 the purpose. If a domestic corporation formed under article four of this
9 chapter or an authorized foreign corporation has no such address on file
10 in the department of state, the secretary of state shall so mail such
11 copy to such corporation at the address of its office within this state
12 on file in the department. (2) Electronically submitting a copy of the
13 process to the department of state together with the statutory fee,
14 which fee shall be a taxable disbursement, through an electronic system
15 operated by the department of state, provided the domestic or authorized
16 foreign corporation has an email address on file in the department of
17 state to which the secretary of state shall email a notice of the fact
18 that process has been served electronically on the secretary of state.
19 Service of process on such corporation shall be complete when the secre-
20 tary of state has reviewed and accepted service of such process. The
21 secretary of state shall promptly send a notice of the fact that process
22 against such corporation has been served electronically on him or her to
23 such corporation at the email address on file in the department of
24 state, specified for the purpose and shall make a copy of the process
25 available to such corporation.

26 § 31. Paragraph (b) of section 307 of the not-for-profit corporation
27 law is amended to read as follows:

28 (b) (1) Service of such process upon the secretary of state shall be
29 made [~~by personally~~] in the manner provided by items (i) or (ii) of this
30 subparagraph. (i) Personally delivering to and leaving with him or his
31 deputy, or with any person authorized by the secretary of state to
32 receive such service, at the office of the department of state in the
33 city of Albany, a copy of such process together with the statutory fee,
34 which fee shall be a taxable disbursement. [~~Such service~~] (ii) Electron-
35 ically submitting a copy of the process to the department of state
36 together with the statutory fee, which fee shall be a taxable disburse-
37 ment, through an electronic system operated by the department of state.

38 (2) Service under this paragraph shall be sufficient if notice thereof
39 and a copy of the process are:

40 [~~(1)~~] (i) Delivered personally without this state to such foreign
41 corporation by a person and in the manner authorized to serve process by
42 law of the jurisdiction in which service is made, or

43 [~~(2)~~] (ii) Sent by or on behalf of the plaintiff to such foreign
44 corporation by registered mail with return receipt requested, at the
45 post office address specified for the purpose of mailing process, on
46 file in the department of state, or with any official or body performing
47 the equivalent function, in the jurisdiction of its incorporation, or if
48 no such address is there specified, to its registered or other office
49 there specified, or if no such office is there specified, to the last
50 address of such foreign corporation known to the plaintiff.

51 § 32. Subparagraph 6 of paragraph (a) of section 402 of the not-for-
52 profit corporation law, as added by chapter 564 of the laws of 1981 and
53 as renumbered by chapter 132 of the laws of 1985, is amended to read as
54 follows:

55 (6) A designation of the secretary of state as agent of the corpo-
56 ration upon whom process against it may be served and the post office

1 address within or without this state to which the secretary of state
2 shall mail a copy of any process against it served upon him or her. The
3 corporation may include an email address to which the secretary of state
4 shall email a notice of the fact that process against it has been elec-
5 tronically served upon him or her.

6 § 33. Paragraph (b) of section 801 of the not-for-profit corporation
7 law is amended by adding a new paragraph 10 to read as follows:

8 (10) To specify, change or delete the email address to which the
9 secretary of state shall email a notice that process against the corpo-
10 ration has been electronically served upon him or her.

11 § 34. Paragraph (c) of section 802 of the not-for-profit corporation
12 law is amended by adding a new paragraph 4 to read as follows:

13 (4) To specify, change or delete the email address to which the secre-
14 tary of state shall email a notice of the fact that process against the
15 corporation has been electronically served upon him or her.

16 § 35. Subparagraph 6 of paragraph (a) of section 803 of the not-for-
17 profit corporation law, as amended by chapter 23 of the laws of 2014, is
18 amended to read as follows:

19 (6) A designation of the secretary of state as agent of the corpo-
20 ration upon whom process against it may be served and the post office
21 address within or without this state to which the secretary of state
22 shall mail a copy of any process against it served upon the secretary.
23 The corporation may include an email address to which the secretary of
24 state shall email a notice of the fact that process against it has been
25 electronically served upon him or her.

26 § 36. Paragraph (b) of section 803-A of the not-for-profit corporation
27 law, as amended by chapter 172 of the laws of 1999, is amended to read
28 as follows:

29 (b) A certificate of change which changes only the post office address
30 to which the secretary of state shall mail a copy of any process against
31 the corporation served upon him or her, and/or the email address to
32 which the secretary of state shall email a notice of the fact that proc-
33 ess against it has been electronically served upon the secretary of
34 state, and/or the address of the registered agent, provided such address
35 being changed is the address of a person, partnership or other corpo-
36 ration whose address, as agent, is the address to be changed [~~ex~~],
37 and/or the email address being changed is the email address of a person,
38 partnership or other corporation, whose email address, as agent, is the
39 email address to be changed, and/or who has been designated as regis-
40 tered agent for such corporation, may be signed and delivered to the
41 department of state by such agent. The certificate of change shall set
42 forth the statements required under subparagraphs (1), (2) and (3) of
43 paragraph (a) of this section; that a notice of the proposed change was
44 mailed to the corporation by the party signing the certificate not less
45 than thirty days prior to the date of delivery to the department and
46 that such corporation has not objected thereto; and that the party sign-
47 ing the certificate is the agent of such corporation to whose address
48 the secretary of state is required to mail copies of any process against
49 the corporation served upon him or her, and/or the agent of the corpo-
50 ration to whose the email address the secretary of state is required to
51 email a notice of the fact that process against the corporation has been
52 electronically served upon him or her, and/or the registered agent, if
53 such be the case. A certificate signed and delivered under this para-
54 graph shall not be deemed to effect a change of location of the office
55 of the corporation in whose behalf such certificate is filed.

1 § 37. Paragraph (c) of section 1310 of the not-for-profit corporation
2 law, as amended by chapter 172 of the laws of 1999, is amended and a new
3 subparagraph 4 is added to paragraph (a) to read as follows:

4 (4) To specify, change or delete the email address to which the secre-
5 tary of state shall email a notice of the fact that process against the
6 corporation has been electronically served upon him or her.

7 (c) A certificate of change of application for authority which changes
8 only the post office address to which the secretary of state shall mail
9 a copy of any process against an authorized foreign corporation served
10 upon him or her, the email address to which the secretary of state shall
11 email a notice of the fact that process against it has been electron-
12 ically served upon the secretary of state and/or which changes the
13 address of its registered agent, provided such address is the address of
14 a person, partnership or other corporation whose address, as agent, is
15 the address to be changed, and/or the email address being changed is the
16 email address of a person, partnership or other corporation whose email
17 address, as agent, is the email address to be changed, or who has been
18 designated as registered agent for such authorized foreign corporation,
19 may be signed and delivered to the department of state by such agent.
20 The certificate of change of application for authority shall set forth
21 the statements required under subparagraphs (1), (2), (3) and (4) of
22 paragraph (b) of this section; that a notice of the proposed change was
23 mailed by the party signing the certificate to the authorized foreign
24 corporation not less than thirty days prior to the date of delivery to
25 the department and that such corporation has not objected thereto; and
26 that the party signing the certificate is the agent of such foreign
27 corporation to whose address the secretary of state is required to mail
28 copies of process [~~e~~], and/or the agent of such foreign corporation to
29 whose email address the secretary of state is required to email a notice
30 of the fact that process against it has been electronically served upon
31 the secretary of state, and/or the registered agent, if such be the
32 case. A certificate signed and delivered under this paragraph shall not
33 be deemed to effect a change of location of the office of the corpo-
34 ration in whose behalf such certificate is filed.

35 § 38. Subparagraph 6 of paragraph (a) of section 1311 of the not-for-
36 profit corporation law is amended to read as follows:

37 (6) A post office address within or without this state to which the
38 secretary of state shall mail a copy of any process against it served
39 upon him or her. The corporation may include an email address to which
40 the secretary of state shall email a notice of the fact that process
41 against it has been electronically served upon him or her.

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

44 § 1312. Termination of existence.

45 When an authorized foreign corporation is dissolved or its authority
46 or existence is otherwise terminated or cancelled in the jurisdiction of
47 its incorporation or when such foreign corporation is merged into or
48 consolidated with another foreign corporation, a certificate of the
49 secretary of state, or official performing the equivalent function as to
50 corporate records, of the jurisdiction of incorporation of such foreign
51 corporation attesting to the occurrence of any such event or a certified
52 copy of an order or decree of a court of such jurisdiction directing the
53 dissolution of such foreign corporation, the termination of its exist-
54 ence or the cancellation of its authority shall be delivered to the
55 department of state. The filing of the certificate, order or decree
56 shall have the same effect as the filing of a certificate of surrender

1 of authority under section 1311 (Surrender of authority). The secretary
2 of state shall continue as agent of the foreign corporation upon whom
3 process against it may be served in the manner set forth in paragraph
4 (b) of section 306 (Service of process), in any action or special
5 proceeding based upon any liability or obligation incurred by the
6 foreign corporation within this state prior to the filing of such
7 certificate, order or decree and he shall promptly cause a copy of any
8 such process to be mailed by [~~registered~~] certified mail, return receipt
9 requested, to such foreign corporation at the post office address on
10 file in his or her office specified for such purpose or a notice of the
11 fact that process against the corporation has been served on him or her
12 to be emailed to the foreign corporation at the email address on file in
13 his or her office specified for such purpose. The post office address
14 and/or email address may be changed by signing and delivering to the
15 department of state a certificate of change setting forth the statements
16 required under section 1310 (Certificate of change[~~7~~]; contents) to
17 effect a change in the post office address and/or email address under
18 subparagraph (a) [~~(4)~~] (7) of section 1308 (Amendments or changes).

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

21 (c) Any designated post office address to which the secretary of state
22 shall mail a copy of process served upon him as agent of a domestic
23 limited partnership or foreign limited partnership shall continue until
24 the filing of a certificate or other instrument under this article
25 directing the mailing to a different post office address and any desig-
26 nated email address to which the secretary of state shall email a notice
27 of the fact that process against such domestic limited partnership or
28 foreign limited partnership has been electronically served upon him or
29 her as agent of a domestic limited partnership or foreign limited part-
30 nership, shall continue until the filing of a certificate or other
31 instrument under this chapter changing or deleting the email address.

32 § 41. Subdivision (a) and the opening paragraph of subdivision (b) of
33 section 121-109 of the partnership law, as added by chapter 950 of the
34 laws of 1990 and as relettered by chapter 341 of the laws of 1999, are
35 amended to read as follows:

36 (a) Service of process on the secretary of state as agent of a domes-
37 tic or authorized foreign limited partnership shall be made [~~as follows~~]
38 in the manner provided by paragraph one or two of this subdivision:

39 (1) By personally delivering to and leaving with him or her or his or
40 her deputy, or with any person authorized by the secretary of state to
41 receive such service, at the office of the department of state in the
42 city of Albany, duplicate copies of such process together with the stat-
43 utory fee, which fee shall be a taxable disbursement.

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

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

50 (2) Electronically submitting a copy of the process to the department
51 of state together with the statutory fee, which fee shall be a taxable
52 disbursement, through an electronic system operated by the department of
53 state, provided the domestic or authorized foreign limited partnership
54 has an email address on file in the department of state to which the
55 secretary of state shall email a notice of the fact that process has
56 been served electronically on the secretary of state as agent of such

1 domestic or authorized foreign limited partnership. Service of process
2 on such limited partnership or authorized foreign limited partnership
3 shall be complete when the secretary of state has reviewed and accepted
4 service of such process. The secretary of state shall promptly send a
5 notice of the fact that process has been served to such limited partner-
6 ship at the email address on file in the department of state, specified
7 for the purpose and shall make a copy of the process available to such
8 limited partnership or authorized foreign limited partnership.

9 In any case in which a non-domiciliary would be subject to the
10 personal or other jurisdiction of the courts of this state under article
11 three of the civil practice law and rules, a foreign limited partnership
12 not authorized to do business in this state is subject to a like juris-
13 diction. In any such case, process against such foreign limited partner-
14 ship may be served upon the secretary of state as its agent. Such proc-
15 ess may issue in any court in this state having jurisdiction of the
16 subject matter. Service of process upon the secretary of state shall be
17 made [~~by personally~~] in the manner provided by paragraph one or two of
18 this subdivision. (1) Personally delivering to and leaving with him or
19 his deputy, or with any person authorized by the secretary of state to
20 receive such service, at the office of the department of state in the
21 city of Albany, a copy of such process together with the statutory fee,
22 which fee shall be a taxable disbursement. (2) Electronically submit-
23 ting a copy of the process to the department of state together with the
24 statutory fee, which fee shall be a taxable disbursement, through an
25 electronic system operated by the department of state. Such service
26 shall be sufficient if notice thereof and a copy of the process are:

27 § 42. Paragraph 3 of subdivision (a) of section 121-201 of the part-
28 nership law, as amended by chapter 264 of the laws of 1991, is amended
29 to read as follows:

30 (3) a designation of the secretary of state as agent of the limited
31 partnership upon whom process against it may be served and the post
32 office address within or without this state to which the secretary of
33 state shall mail a copy of any process against it served upon him or
34 her. The limited partnership may include an email address to which the
35 secretary of state shall email a notice of the fact that process against
36 it has been electronically served upon him or her;

37 § 43. Paragraph 4 of subdivision (b) of section 121-202 of the part-
38 nership law, as amended by chapter 576 of the laws of 1994, is amended
39 to read as follows:

40 (4) a change in the name of the limited partnership, or a change in
41 the post office address to which the secretary of state shall mail a
42 copy of any process against the limited partnership served on him or
43 her, a change in the email address to which the secretary of state shall
44 email a notice of the fact that process against the limited partnership
45 has been electronically served upon him or her, or a change in the name
46 or address of the registered agent, if such change is made other than
47 pursuant to section 121-104 or 121-105 of this article.

48 § 44. The opening paragraph of subdivision (a) and subdivision (b) of
49 section 121-202-A of the partnership law, as added by chapter 448 of the
50 laws of 1998, are amended to read as follows:

51 A certificate of limited partnership may be changed by filing with the
52 department of state a certificate of change entitled "Certificate of
53 Change of (name of limited partnership) under Section 121-202-A of
54 the Revised Limited Partnership Act" and shall be signed and delivered
55 to the department of state. A certificate of change may (i) specify or
56 change the location of the limited partnership's office; (ii) specify or

1 change the post office address to which the secretary of state shall
2 mail a copy of process against the limited partnership served upon him;
3 [~~and~~] (iii) specify, change or delete the email address to which the
4 secretary of state shall email a notice of the fact that process against
5 the limited partnership has been electronically served upon him or her;
6 and (iv) make, revoke or change the designation of a registered agent,
7 or to specify or change the address of its registered agent. It shall
8 set forth:

9 (b) A certificate of change which changes only the post office address
10 to which the secretary of state shall mail a copy of any process against
11 a limited partnership served upon him or her, the email address to
12 which the secretary of state shall email a notice of the fact that proc-
13 ess against it has been electronically served upon the secretary of
14 state, and/or the address of the registered agent, provided such address
15 being changed is the address of a person, partnership or corporation
16 whose address, as agent, is the address to be changed, and/or the email
17 address being changed is the email address of a person, partnership or
18 other corporation whose email address, as agent, is the email address to
19 be changed, or who has been designated as registered agent for such
20 limited partnership shall be signed and delivered to the department of
21 state by such agent. The certificate of change shall set forth the
22 statements required under subdivision (a) of this section; that a notice
23 of the proposed change was mailed to the domestic limited partnership by
24 the party signing the certificate not less than thirty days prior to the
25 date of delivery to the department of state and that such domestic
26 limited partnership has not objected thereto; and that the party signing
27 the certificate is the agent of such limited partnership to whose
28 address the secretary of state is required to mail copies of process
29 [~~or~~], and/or the agent to whose email address the secretary of state is
30 required to email a notice of the fact that process against it has been
31 electronically served upon the secretary of state, and/or the registered
32 agent, if such be the case. A certificate signed and delivered under
33 this subdivision shall not be deemed to effect a change of location of
34 the office of the limited partnership in whose behalf such certificate
35 is filed.

36 § 45. Paragraph 4 of subdivision (a) of section 121-902 of the part-
37 nership law, as amended by chapter 172 of the laws of 1999, is amended
38 to read as follows:

39 (4) a designation of the secretary of state as its agent upon whom
40 process against it may be served and the post office address within or
41 without this state to which the secretary of state shall mail a copy of
42 any process against it served upon him or her. The limited partnership
43 may include an email address to which the secretary of state shall email
44 a notice of the fact that process against it has been electronically
45 served upon him or her;

46 § 46. The opening paragraph of subdivision (a) and subdivision (b) of
47 section 121-903-A of the partnership law, as added by chapter 448 of the
48 laws of 1998, are amended to read as follows:

49 A foreign limited partnership may change its application for authority
50 by filing with the department of state a certificate of change entitled
51 "Certificate of Change of (name of limited partnership) under
52 Section 121-903-A of the Revised Limited Partnership Act" and shall be
53 signed and delivered to the department of state. A certificate of change
54 may (i) change the location of the limited partnership's office; (ii)
55 change the post office address to which the secretary of state shall
56 mail a copy of process against the limited partnership served upon him;

1 [~~and~~] (iii) specify, change or delete the email address to which the
2 secretary of state shall email a notice of the fact that process against
3 the limited partnership has been electronically served upon him or her;
4 and (iv) make, revoke or change the designation of a registered agent,
5 or to specify or change the address of its registered agent. It shall
6 set forth:

7 (b) A certificate of change which changes only the post office address
8 to which the secretary of state shall mail a copy of any process against
9 a foreign limited partnership served upon him or her, and/or the email
10 address to which the secretary of state shall email a notice of the fact
11 that process against it has been electronically served upon the secre-
12 tary of state, and/or the address of the registered agent, provided such
13 address being changed is the address of a person, partnership or corpo-
14 ration whose address, as agent, is the address to be changed, and/or the
15 email address being changed is the email address of a person, partner-
16 ship or other corporation whose email address, as agent, is the email
17 address to be changed, or who has been designated as registered agent
18 for such foreign limited partnership shall be signed and delivered to
19 the department of state by such agent. The certificate of change shall
20 set forth the statements required under subdivision (a) of this section;
21 that a notice of the proposed change was mailed to the foreign limited
22 partnership by the party signing the certificate not less than thirty
23 days prior to the date of delivery to the department of state and that
24 such foreign limited partnership has not objected thereto; and that the
25 party signing the certificate is the agent of such foreign limited part-
26 nership to whose address the secretary of state is required to mail
27 copies of process [~~ex~~], the email address of the party to whose email
28 address the secretary of state is required to mail a notice of the fact
29 that process against it has been electronically served upon the secre-
30 tary of state and/or the registered agent, if such be the case. A
31 certificate signed and delivered under this subdivision shall not be
32 deemed to effect a change of location of the office of the limited part-
33 nership in whose behalf such certificate is filed.

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

37 (6) a post office address within or without this state to which the
38 secretary of state shall mail a copy of any process against it served
39 upon him or her. The limited partnership may include an email address to
40 which the secretary of state shall email a notice of the fact that proc-
41 ess against it has been electronically served upon him or her.

42 § 48. Section 121-906 of the partnership law, as amended by chapter
43 172 of the laws of 1999, is amended to read as follows:

44 § 121-906. Termination of existence. When a foreign limited partner-
45 ship which has received a certificate of authority is dissolved or its
46 authority to conduct its business or existence is otherwise terminated
47 or cancelled in the jurisdiction of its organization or when such
48 foreign limited partnership is merged into or consolidated with another
49 foreign limited partnership, (i) a certificate of the secretary of
50 state, or official performing the equivalent function as to limited
51 partnership records, in the jurisdiction of organization of such limited
52 partnership attesting to the occurrence of any such event, or (ii) a
53 certified copy of an order or decree of a court of such jurisdiction
54 directing the dissolution of such foreign limited partnership, the
55 termination of its existence or the surrender of its authority, shall be
56 delivered to the department of state. The filing of the certificate,

1 order or decree shall have the same effect as the filing of a certifi-
2 cate of surrender of authority under section 121-905 of this article.
3 The secretary of state shall continue as agent of the foreign limited
4 partnership upon whom process against it may be served in the manner set
5 forth in section 121-109 of this article, in any action or proceeding
6 based upon any liability or obligation incurred by the foreign limited
7 partnership within this state prior to the filing of such certificate,
8 order or decree. The post office address and/or email address may be
9 changed by filing with the department of state a certificate of amend-
10 ment under section 121-903 or a certificate of change under section
11 121-903-A of this article.

12 § 49. Paragraph 7 of subdivision (a) of section 121-1103 of the part-
13 nership law, as added by chapter 950 of the laws of 1990, is amended to
14 read as follows:

15 (7) A designation of the secretary of state as its agent upon whom
16 process against it may be served in the manner set forth in section
17 121-109 of this article in any action or special proceeding, and a post
18 office address, within or without this state, to which the secretary of
19 state shall mail a copy of any process served upon him or her. The
20 limited partnership may include an email address to which the secretary
21 of state shall email a notice of the fact that process against it has
22 been electronically served upon him or her. Such post office address or
23 email address shall supersede any prior address designated as the
24 address to which process shall be mailed or a notice emailed.

25 § 50. Subparagraph 4 of paragraph (I) of subdivision (a) and subdivi-
26 sion (j-1) of section 121-1500 of the partnership law, paragraph (I) of
27 subdivision (a) as amended by chapter 643 of the laws of 1995 and as
28 redesignated by chapter 767 of the laws of 2005 and subdivision (j-1) as
29 added by chapter 448 of the laws of 1998, are amended to read as
30 follows:

31 (4) a designation of the secretary of state as agent of the partner-
32 ship without limited partners upon whom process against it may be served
33 and the post office address within or without this state to which the
34 secretary of state shall mail a copy of any process against it or served
35 upon it. The partnership without limited partners may include an email
36 address to which the secretary of state shall email a notice of the fact
37 that process against it has been electronically served upon him or her;

38 (j-1) A certificate of change which changes only the post office
39 address to which the secretary of state shall mail a copy of any process
40 against a registered limited liability partnership served upon him or
41 her, and/or the email address to which the secretary of state shall
42 email a notice of the fact that process against it has been electron-
43 ically served upon the secretary of state, and/or the address of the
44 registered agent, provided such address being changed is the address of
45 a person, partnership or corporation whose address, as agent, is the
46 address to be changed [~~or~~], and/or the email address being changed is
47 the email address of a person, partnership or other corporation whose
48 email address, as agent, is the email address to be changed, and/or who
49 has been designated as registered agent for such registered limited
50 liability partnership shall be signed and delivered to the department of
51 state by such agent. The certificate of change shall set forth: (i) the
52 name of the registered limited liability partnership and, if it has been
53 changed, the name under which it was originally filed with the depart-
54 ment of state; (ii) the date of filing of its initial registration or
55 notice statement; (iii) each change effected thereby; (iv) that a notice
56 of the proposed change was mailed to the limited liability partnership

1 by the party signing the certificate not less than thirty days prior to
2 the date of delivery to the department of state and that such limited
3 liability partnership has not objected thereto; and (v) that the party
4 signing the certificate is the agent of such limited liability partner-
5 ship to whose address the secretary of state is required to mail copies
6 of process [~~ex~~], and/or to whose email address the secretary of state is
7 required to mail a notice of the fact that process against it has been
8 electronically served upon the secretary of state, and/or the registered
9 agent, if such be the case. A certificate signed and delivered under
10 this subdivision shall not be deemed to effect a change of location of
11 the office of the limited liability partnership in whose behalf such
12 certificate is filed. The certificate of change shall be accompanied by
13 a fee of five dollars.

14 § 51. Paragraph (v) of subdivision (a) and subdivision (i-1) of
15 section 121-1502 of the partnership law, paragraph (v) of subdivision
16 (a) as amended by chapter 470 of the laws of 1997 and subdivision (i-1)
17 as added by chapter 448 of the laws of 1998, are amended to read as
18 follows:

19 (v) a designation of the secretary of state as agent of the foreign
20 limited liability partnership upon whom process against it may be served
21 and the post office address within or without this state to which the
22 secretary of state shall mail a copy of any process against it or served
23 upon it. The foreign limited liability partnership may include an email
24 address to which the secretary of state shall email a notice of the fact
25 that process against it has been electronically served upon him or her;

26 (i-1) A certificate of change which changes only the post office
27 address to which the secretary of state shall mail a copy of any process
28 against a New York registered foreign limited liability partnership
29 served upon him or her, and/or the email address to which the secretary
30 of state shall email a notice of the fact that process against it has
31 been electronically served upon the secretary of state, and/or the
32 address of the registered agent, provided such address being changed, is
33 the address of a person, partnership or corporation whose address, as
34 agent, is the address to be changed [~~ex~~], and/or the email address being
35 changed is the email address of a person, partnership or other corpo-
36 ration whose email address, as agent, is the email address to be
37 changed, and/or who has been designated as registered agent of such
38 registered foreign limited liability partnership shall be signed and
39 delivered to the department of state by such agent. The certificate of
40 change shall set forth: (i) the name of the New York registered foreign
41 limited liability partnership; (ii) the date of filing of its initial
42 registration or notice statement; (iii) each change effected thereby;
43 (iv) that a notice of the proposed change was mailed to the limited
44 liability partnership by the party signing the certificate not less than
45 thirty days prior to the date of delivery to the department of state and
46 that such limited liability partnership has not objected thereto; and
47 (v) that the party signing the certificate is the agent of such limited
48 liability partnership to whose address the secretary of state is
49 required to mail copies of process [~~ex~~], and/or to whose email address
50 the secretary of state is required to mail a notice of the fact that
51 process against it has been electronically served upon the secretary of
52 state, and/or the registered agent, if such be the case. A certificate
53 signed and delivered under this subdivision shall not be deemed to
54 effect a change of location of the office of the limited liability part-
55 nership in whose behalf such certificate is filed. The certificate of
56 change shall be accompanied by a fee of five dollars.

1 § 52. Subdivision (a) of section 121-1505 of the partnership law, as
2 added by chapter 470 of the laws of 1997, is amended to read as follows:

3 (a) Service of process on the secretary of state as agent of a regis-
4 tered limited liability partnership or New York registered foreign
5 limited liability partnership under this article shall be made [~~by~~
6 ~~personally~~] in the manner provided by paragraph one or two of this
7 subdivision. (1) Personally delivering to and leaving with the secretary
8 of state or a deputy, or with any person authorized by the secretary of
9 state to receive such service, at the office of the department of state
10 in the city of Albany, duplicate copies of such process together with
11 the statutory fee, which fee shall be a taxable disbursement. Service of
12 process on such registered limited liability partnership shall be
13 complete when the secretary of state is so served. The secretary of
14 state shall promptly send one of such copies by certified mail, return
15 receipt requested, to such registered limited liability partnership, at
16 the post office address on file in the department of state specified for
17 such purpose. (2) Electronically submitting a copy of the process to the
18 department of state together with the statutory fee, which fee shall be
19 a taxable disbursement, through an electronic system operated by the
20 department of state, provided the registered limited liability partner-
21 ship or New York registered foreign limited liability partnership has an
22 email address on file in the department of state to which the secretary
23 of state shall email a notice of the fact that process against such
24 registered limited liability partnership or New York registered foreign
25 limited liability partnership served has been electronically served on
26 the secretary of state. Service of process on such registered limited
27 liability partnership or New York registered foreign limited liability
28 partnership shall be complete when the secretary of state has reviewed
29 and accepted service of such process. The secretary of state shall
30 promptly send a notice of the fact that process against such registered
31 limited liability partnership or New York registered foreign limited
32 liability partnership has been served electronically upon him or her, to
33 such registered limited liability partnership or New York registered
34 foreign limited liability partnership at the email address on file in
35 the department of state, specified for the purpose and shall make a copy
36 of the process available to such registered limited liability partner-
37 ship or New York registered foreign limited liability partnership.

38 § 53. Subdivision 7 of section 339-n of the real property law, as
39 amended by chapter 346 of the laws of 1997, is amended to read as
40 follows:

41 7. A designation of the secretary of state as agent of the corporation
42 or board of managers upon whom process against it may be served and the
43 post office address within or without this state to which the secretary
44 of state shall mail a copy of any process against it served upon him or
45 her. The designation may include an email address to which the secretary
46 of state shall email a notice of the fact that process against it has
47 been electronically served upon him or her. Service of process on the
48 secretary of state as agent of such corporation or board of managers
49 shall be made [~~personally~~] in the manner provided by paragraph (a) or
50 (b) of this subdivision. (a) Personally delivering to and leaving with
51 him or her or his or her deputy, or with any person authorized by the
52 secretary of state to receive such service, at the office of the depart-
53 ment of state in the city of Albany, duplicate copies of such process
54 together with the statutory fee, which shall be a taxable disbursement.
55 Service of process on such corporation or board of managers shall be
56 complete when the secretary of state is so served. The secretary of

1 state shall promptly send one of such copies by certified mail, return
2 receipt requested, to such corporation or board of managers, at the post
3 office address, on file in the department of state, specified for such
4 purpose. (b) Electronically submitting a copy of the process to the
5 department of state together with the statutory fee, which fee shall be
6 a taxable disbursement, through an electronic system operated by the
7 department of state, provided the corporation or board of managers has
8 an email address on file in the department of state to which the secre-
9 tary of state shall email a notice of the fact that process against the
10 corporation or board of managers has been served electronically on the
11 secretary of state. Service of process on such corporation or board of
12 managers shall be complete when the secretary of state has reviewed and
13 accepted service of such process. The secretary of state shall promptly
14 send notice of the fact that process has been served electronically on
15 the secretary of state to such corporation or board of managers at the
16 email address on file in the department of state, specified for the
17 purpose and shall make a copy of the process available to such corpo-
18 ration or board of managers. Nothing in this subdivision shall affect
19 the right to serve process in any other manner permitted by law. The
20 corporation or board of managers shall also file with the secretary of
21 state the name and post office address within or without this state to
22 which the secretary of state shall mail a copy of any process against it
23 served upon the secretary of state and shall update the filing as neces-
24 sary.

25 § 54. This act shall take effect January 1, 2023.

26 PART P

27 Section 1. The executive law is amended by adding a new section 137-a
28 to read as follows:

29 § 137-a. Electronic notarization. 1. Definitions. (a) "Communication
30 technology" means an electronic device or process that: (i) allows a
31 notary public and a remotely located individual to communicate with each
32 other simultaneously by sight and sound; and (ii) when necessary and
33 consistent with other applicable law, facilitates communication with a
34 remotely located individual who has a vision, hearing, or speech impair-
35 ment.

36 (b) "Electronic" shall have the same meaning as set forth in subdivi-
37 sion one of section three hundred two of the state technology law.

38 (c) "Electronic document" means information that is created, gener-
39 ated, sent, communicated, received or stored by electronic means.

40 (d) "Electronic notarial act" means an official act by a notary public
41 on or involving an electronic document and using means authorized by the
42 secretary of state.

43 (e) "Electronic notary public" or "electronic notary" means a notary
44 public who has registered with the secretary of state the capability of
45 performing electronic notarial acts.

46 (f) "Electronic signature" shall have the same meaning as set forth in
47 subdivision three of section three hundred two of the state technology
48 law.

49 (g) "Electronic notarial statement of authority" means the portion of
50 a notarized electronic document that is completed by a notary public and
51 contains the notary public's electronic signature and all information
52 required by section one hundred thirty-seven of this article.

53 (h) "Notary electronic signature" means those forms of electronic
54 signature, which have been approved by the secretary of state as an

1 acceptable means for an electronic notary to affix the notary public's
2 official signature to an electronic record that is being notarized.

3 (i) "Remotely located individual" means an individual who is not in
4 the physical presence of the notary public at the time of the notarial
5 act.

6 2. Identifying document signers. (a) The methods for identifying
7 document signers for an electronic notarization shall be the same as the
8 methods required for a paper-based notarization; provided, however, an
9 electronic notarization conducted utilizing communication technology
10 shall meet the following standards:

11 (i) the signal transmission shall be secure from interception through
12 lawful means by anyone other than the persons communicating;

13 (ii) the signal transmission shall be live, in real time; and

14 (iii) the technology shall permit the notary to communicate with and
15 identify the remotely located individual at the time of the notarial
16 act, provided that such identification is confirmed by:

17 (A) personal knowledge;

18 (B) an antecedent in-person identity verification process in accord-
19 ance with the specifications of the federal bridge certification author-
20 ity; or

21 (C) each of the following: (1) remote presentation by the person
22 creating the electronic signature of a government issued identification
23 credential, including such person's passport or driver's license, that
24 contains the signature and a photograph of such person; (2) credential
25 analysis; and (3) identity proofing.

26 (b) If video and audio conference technology has been used to ascer-
27 tain a document signer's identity, the electronic notary shall keep a
28 copy of the recording of the video and audio conference and a notation
29 of the type of any other identification used. The recording shall be
30 maintained for a period of at least ten years from the date of trans-
31 action.

32 (c) For purposes of this subdivision: (i) "credential analysis" means
33 a process or service that meets the standards established by the secre-
34 tary of state through which a third person affirms the validity of a
35 government-issued identification credential through review of public and
36 proprietary data sources; and

37 (ii) "identity proofing" means a process or service operating accord-
38 ing to standards established by the secretary of state through which a
39 third person affirms the identity of an individual: (A) by means of
40 dynamic knowledge based authentication such as a review of personal
41 information from public or proprietary data sources; or (B) by means of
42 analysis of biometric data such as, but not limited to, facial recogni-
43 tion, voiceprint analysis, or fingerprint analysis.

44 3. Registration requirements. (a) Before performing any electronic
45 notarial act or acts, a notary public shall register the capability to
46 notarize electronically with the secretary of state on a form prescribed
47 by the secretary of state.

48 (b) In registering the capability to perform electronic notarial acts,
49 the notary public shall provide the following information to the secre-
50 tary of state, notary processing unit:

51 (i) the applicant's name as currently commissioned and complete mail-
52 ing address;

53 (ii) the expiration date of the notary public's commission and signa-
54 ture of the commissioned notary public;

55 (iii) the applicant's e-mail address;

1 (iv) the description of the electronic technology or technologies to
2 be used in attaching the notary public's electronic signature to the
3 electronic document; and

4 (v) an exemplar of the notary public's electronic signature, which
5 shall contain the notary public's name and any necessary instructions or
6 techniques that allow the notary public's electronic signature to be
7 read.

8 4. Types of electronic notarial acts. (a) Any notarial act authorized
9 by section one hundred thirty-five of this article may be performed
10 electronically as prescribed by this section if: (i) under applicable
11 law that document may be signed with an electronic signature; and (ii)
12 the electronic notary public is located within the state at the time of
13 the performance of an electronic notarial act using communication tech-
14 nology, regardless of the location of the document signer.

15 (b) An electronic notarial act performed using communication technolo-
16 gy pursuant to this section satisfies any requirement of law of this
17 state that a document signer personally appear before, be in the pres-
18 ence of, or be in a single time and place with a notary public at the
19 time of the performance of the notarial act.

20 5. Form and manner of performing the electronic notarial act. (a) When
21 performing an electronic notarial act, a notary public shall apply an
22 electronic signature, which shall be attached to or logically associated
23 with the electronic document such that removal or alteration of such
24 electronic signature is detectable and will render evidence of alter-
25 ation of the document containing the notary signature which may invali-
26 date the electronic notarial act.

27 (b) The notary public's electronic signature is deemed to be reliable
28 if the following requirements are met: (i) it is unique to the notary
29 public;

30 (ii) it is capable of independent verification;

31 (iii) it is retained under the notary public's sole control;

32 (iv) it is attached to or logically associated with the electronic
33 document; and

34 (v) it is linked to the data in such a manner that any subsequent
35 alterations to the underlying document are detectable and may invalidate
36 the electronic notarial act.

37 (c) The notary public's electronic signature shall be used only for
38 the purpose of performing electronic notarial acts.

39 (d) The remote online notarial certificate for an electronic notarial
40 act shall state that the person making the acknowledgement or making the
41 oath appeared remotely online.

42 (e) The secretary shall adopt rules necessary to establish standards,
43 procedures, practices, forms, and records relating to a notary public's
44 electronic signature. The notary public's electronic signature shall
45 conform to any standards adopted by the secretary.

46 6. Recording of an electronic record. (a) If otherwise required by
47 law as a condition for recording that a document be an original docu-
48 ment, printed on paper or another tangible medium, or be in writing, the
49 requirement is satisfied by paper copy of an electronic record that
50 complies with the requirements of this section.

51 (b) If otherwise required by law as a condition for recording, that a
52 document be signed, the requirement is satisfied by an electronic signa-
53 ture.

54 (c) A requirement that a document or a signature associated with a
55 document be notarized, acknowledged, verified, witnessed, or made under
56 oath is satisfied if the electronic signature of the person authorized

1 to perform that act, and all other information required to be included,
2 is attached to or logically associated with the document or signature. A
3 physical or electronic image of a stamp, impression, or seal need not
4 accompany an electronic signature if the notary has attached an elec-
5 tronic notarial certificate that meets the requirements of this section.

6 7. Change of e-mail address. Within five days after the change of an
7 electronic notary public's e-mail address, the notary public shall elec-
8 tronically transmit to the secretary of state a notice of the change,
9 signed with the notary public's official electronic signature.

10 § 2. Section 136 of the executive law, as amended by chapter 143 of
11 the laws of 1991, is amended to read as follows:

12 § 136. Notarial fees. A notary public shall be entitled to [~~the~~
13 ~~following~~] fees[+]

14 ~~1. For administering an oath or affirmation, and certifying the same~~
15 ~~when required, except where another fee is specifically prescribed by~~
16 ~~statute, two dollars.~~

17 ~~2. For taking and certifying the acknowledgment or proof of execution~~
18 ~~of a written instrument, by one person, two dollars, and by each addi-~~
19 ~~tional person, two dollars, for swearing each witness thereto, two~~
20 ~~dollars], including for electronic notarial services, as authorized by~~
21 the secretary of state.

22 § 3. This act shall take effect on the ninetieth day after it shall
23 have become a law. Effective immediately, the addition, amendment and/or
24 repeal of any rule or regulation necessary for the implementation of
25 this act on its effective date are authorized to be made on or before
26 such effective date.

27 PART Q

28 Intentionally Omitted

29 PART R

30 Intentionally Omitted

31 PART S

32 Intentionally Omitted

33 PART T

34 Section 1. Legislative findings. The legislature hereby finds and
35 determines that the establishment of the utility debt securitization
36 authority under part B of chapter 173 of the laws of 2013, as amended,
37 permitted the issuance of securitized restructuring bonds on favorable
38 terms which resulted in lower aggregate distribution, transmission and
39 transition charges to Long Island ratepayers, compared to other avail-
40 able alternatives, and the purposes of such act will be further advanced
41 by amending such act to permit the issuance of additional such bonds
42 subject to a limit on the outstanding principal amount thereof and to
43 allow such bonds to be issued to refund bonds of the utility debt secu-
44 ritization authority. The legislature hereby further finds and deter-
45 mines that improvements to the transmission and distribution system of

1 the Long Island Power Authority to increase resiliency and better with-
2 stand the effects of climate change are necessary, and that issuance of
3 securitized restructuring bonds by the Utility Debt Securitization
4 Authority may allow the funding of such improvements on more favorable
5 terms than if such bonds were issued by the Long Island Power Authority.
6 The legislature hereby further finds and determines that it is in the
7 interest of Long Island ratepayers for the state comptroller to exercise
8 oversight over the issuance of securitized restructuring bonds and
9 contracts entered into on behalf of the service provider.

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

14 2. "Approved restructuring costs" means, to the extent approved as
15 such under a restructuring cost financing order, (a) costs of purchas-
16 ing, redeeming or defeasing a portion of outstanding debt of the author-
17 ity or the restructuring bond issuer, including bonds and notes issued
18 by the authority or the restructuring bond issuer, debt issued by the
19 New York state energy research and development authority for the benefit
20 of the LILCO; (b) costs of terminating interest rate swap contracts and
21 other financial contracts entered into by or for the benefit of the
22 authority and related to debt obligations of the authority; (c) rebate,
23 yield reduction payments and any other amounts payable to the United
24 States Treasury or to the Internal Revenue Service to preserve or
25 protect the federal tax-exempt status of outstanding debt obligations of
26 the authority; ~~and~~ (d) upfront financing costs associated with
27 restructuring bonds; and (e) system resiliency costs.

28 § 3. Subdivision 11 of section 2 of part B of chapter 173 of the laws
29 of 2013 relating to the issuance of securitized restructuring bonds to
30 refinance the outstanding debt of the Long Island power authority, as
31 amended by section 2-a of part W of chapter 58 of the laws of 2015, is
32 amended to read as follows:

33 11. "Restructuring bonds" means bonds or other evidences of indebt-
34 edness that are issued pursuant to an indenture or other agreement of
35 the restructuring bond issuer under a restructuring cost financing order
36 (a) the proceeds of which are used, directly or indirectly, to recover,
37 finance, or refinance approved restructuring costs, (b) that are direct-
38 ly or indirectly secured by, or payable from, restructuring property,
39 and (c) that have a term no longer than thirty years ~~[and (d) that have~~
40 ~~a final scheduled maturity date no later than the final scheduled matu-~~
41 ~~rity date of the authority bonds purchased, redeemed or defeased with~~
42 ~~the proceeds of such restructuring bonds]~~.

43 § 4. Section 2 of part B of chapter 173 of the laws of 2013 relating
44 to the issuance of securitized restructuring bonds to refinance the
45 outstanding debt of the Long Island power authority, is amended by
46 adding a new subdivision 17-a to read as follows:

47 17-a. "System resiliency costs" means, to the extent approved as such
48 under a restructuring cost financing order, costs of rebuilding, improv-
49 ing or constructing transmission and distribution system assets to
50 increase resiliency of such assets, better withstand changes in climate,
51 absorb impacts from outage-inducing events, and recover quickly from
52 outages including but not limited to, improvements to and replacement of
53 poles and wires, moving power lines underground, raising substations,
54 constructing flood barriers, and system automation and costs of purchas-
55 ing, redeeming or defeasing debt of the authority incurred to finance

1 such costs or reimbursing the authority for amounts already spent on
2 such costs.

3 § 5. Subdivision 1 of section 3 of part B of chapter 173 of the laws
4 of 2013 relating to the issuance of securitized restructuring bonds to
5 refinance the outstanding debt of the Long Island power authority, is
6 amended to read as follows:

7 1. Standard. The authority may, subject to approval of the state comp-
8 troller, in consultation with the department of public service, prepare
9 a restructuring cost financing order (a) for the purpose of issuing
10 restructuring bonds to refinance outstanding debt of the authority or
11 the restructuring bond issuer based on a finding that such bond issuance
12 is expected to result in savings to consumers of electric transmission
13 and distribution services in the service area on a net present value
14 basis; or (b) for the purpose of issuing restructuring bonds to finance
15 system resiliency costs based on a finding that funding of such system
16 resiliency costs by the issuer would result in lower costs to consumers
17 of electric transmission and distribution services in the service area
18 on a net present value basis than funding of such costs by the
19 authority.

20 § 6. Paragraph (a) of subdivision 1 of section 4 of part B of chapter
21 173 of the laws of 2013 relating to the issuance of securitized restruc-
22 turing bonds to refinance the outstanding debt of the Long Island power
23 authority, as amended by section 3 of part W of chapter 58 of the laws
24 of 2015, is amended to read as follows:

25 (a) For the purpose of effectuating the purposes declared in section
26 one of this act, there is hereby created a special purpose corporate
27 municipal instrumentality of the state to be known as "utility debt
28 securitization authority", which shall be a body corporate and politic,
29 a political subdivision of the state, and a public benefit corporation,
30 exercising essential governmental and public powers for the good of the
31 public. Such restructuring bond issuer shall not be created or organ-
32 ized, and its operations shall not be conducted, for the purpose of
33 making a profit. No part of the revenues or assets of such restructuring
34 bond issuer shall inure to the benefit of or be distributable to its
35 trustees or officers or any other private persons, except as herein
36 provided for actual services rendered. [~~The aggregate principal amount~~
37 ~~of restructuring bonds authorized to be issued by restructuring bond~~
38 ~~issuers created pursuant to this act shall not exceed] No more than four
39 billion five hundred million dollars aggregate principal amount of
40 restructuring bonds issued by restructuring bond issuers created pursu-
41 ant to this act shall be outstanding at any time. For the purposes of
42 this section, restructuring bonds shall not be deemed to be outstanding
43 if they have matured or if they have been paid or redeemed or provision
44 for payment or redemption of such bonds shall have been made.~~

45 § 7. Subparagraphs (i) and (iv) of paragraph (a) of subdivision 2 of
46 section 4 of part B of chapter 173 of the laws of 2013 relating to the
47 issuance of securitized restructuring bonds to refinance the
48 outstanding debt of the Long Island power authority, subparagraph (i) as
49 amended and subparagraph (iv) as added by section 4 of part W of chapter
50 58 of the laws of 2015, are amended to read as follows:

51 (i) issue the restructuring bonds contemplated by a restructuring cost
52 financing order, and use the proceeds thereof to purchase or acquire,
53 and to own, hold and use restructuring property or to pay or fund
54 upfront financing costs [~~provided, however, that the restructuring bond~~
55 ~~issuer shall not issue restructuring bonds for the purpose of refunding~~
56 ~~other restructuring bond~~];

1 (iv) [~~only~~] issue restructuring bonds of which the final scheduled
2 maturity date of any series of restructuring bonds shall be no later
3 than [~~the final scheduled maturity date of the authority bonds to be~~
4 ~~purchased, redeemed or defeased with the proceeds of such restructuring~~
5 ~~bonds~~] thirty years from the date of issuance of such restructuring
6 bonds.

7 § 7-a. Subdivision 2 of section 1020-cc of the public authorities law,
8 as added by section 11 of part A of chapter 173 of the laws of 2013, is
9 amended to read as follows:

10 2. The authority and service provider shall provide to the state comp-
11 troller on March thirty-first and September thirtieth of each year a
12 report documenting each contract in excess of two hundred fifty thousand
13 dollars per year entered into with a third party and related to manage-
14 ment and operation services associated with the authority's electric
15 transmission and distribution system, including the name of the third
16 party, the contract term and a description of services or goods to be
17 procured, and post such report on each of their websites. All contracts
18 entered into between the service provider and third parties are [~~not~~]
19 subject to the requirements of subdivision one of this section.

20 § 8. This act shall take effect immediately.

21 PART U

22 Section 1. Paragraph 4 of subdivision (c) of section 188-a of the
23 economic development law, as added by section 2 of part CC of chapter 60
24 of the laws of 2011, is amended to read as follows:

25 (4) The board may base its recommendation on which eligible applicants
26 it determines best meet the applicable criteria; provided, however, that
27 the board shall dedicate recharge New York power as follows: (i) at
28 least three hundred fifty megawatts for use at facilities located within
29 the service territories of the utility corporations that, prior to the
30 effective date of this section, purchased Niagara and Saint Lawrence
31 hydroelectric power for the benefit of their domestic and rural consum-
32 ers; (ii) at least two hundred megawatts for the purposes of attracting
33 new business to the state, creating new business within the state, or
34 encouraging the expansion of existing businesses within the state, that
35 create new jobs or leverage new capital investment; and (iii) an amount
36 not to exceed one hundred fifty megawatts for eligible small businesses
37 and eligible not-for-profit corporations.

38 § 2. This act shall take effect immediately.

39 PART V

40 Section 1. Subsections (e) and (g) of section 7002 of the insurance
41 law, as amended by chapter 188 of the laws of 2003, are amended to read
42 as follows:

43 (e) "Industrial insured" means an insured:

44 (1) whose net worth exceeds one hundred million dollars;

45 (2) who is a member of a holding company system whose net worth
46 exceeds one hundred million dollars;

47 (3) who is the metropolitan transportation authority and its statutory
48 subsidiaries. When filing an application to form a pure captive insur-
49 ance company the metropolitan transportation authority shall submit
50 written notice of such filing to the governor, the temporary president
51 of the senate and the speaker of the assembly; [~~or~~]

1 (4) who is the power authority of the state of New York and any statu-
2 tory subsidiary or affiliate thereof. When filing an application to form
3 a pure captive insurance company the power authority shall submit writ-
4 ten notice of such filing to the governor, the temporary president of
5 the senate and the speaker of the assembly; or

6 (5) who is a city with a population of one million or more. When
7 filing an application to form a pure captive insurance company, a city
8 with a population of one million or more shall submit written notice of
9 such filing to the governor, the temporary president of the senate and
10 the speaker of the assembly.

11 (g) "Industrial insured group" means any group of unaffiliated indus-
12 trial insureds that are engaged in similar or related businesses or
13 activities, however, the metropolitan transportation authority, the
14 power authority of the state of New York and any statutory subsidiary or
15 affiliate thereof and cities with a population of one million or more
16 shall not be a member of an industrial insured group, and that collec-
17 tively:

18 (1) own, control or hold with power to vote all of the outstanding
19 voting shares of stock of a group captive insurance company incorporated
20 as a stock insurer; or

21 (2) represent one hundred percent of the voting members of a group
22 captive insurance company organized as a mutual insurer.

23 § 2. Section 1005 of the public authorities law is amended by adding a
24 new subdivision 28 to read as follows:

25 28. The authority may establish a subsidiary corporation for the
26 purpose of forming a pure captive insurance company as provided in
27 section seven thousand two of the insurance law. The members of such
28 subsidiary corporation of the authority shall be the same persons hold-
29 ing the offices of members of the authority. Such subsidiary corporation
30 shall have all of the privileges, immunities, tax exemptions and other
31 exemptions of the authority and of the authority's property, functions
32 and activities. The subsidiary corporation of the authority shall be
33 subject to suit in accordance with section one thousand seventeen of
34 this title. The employees of any such subsidiary corporation, except
35 those who are also employees of the authority, shall not be deemed
36 employees of the authority.

37 § 3. Subdivision (a) of section 1500 of the tax law, as amended by
38 section 21 of part A of chapter 59 of the laws of 2014, is amended to
39 read as follows:

40 (a) The term "insurance corporation" includes a corporation, associ-
41 ation, joint stock company or association, person, society, aggregation
42 or partnership, by whatever name known, doing an insurance business,
43 and, notwithstanding the provisions of section fifteen hundred twelve of
44 this article, shall include (1) a risk retention group as defined in
45 subsection (n) of section five thousand nine hundred two of the insur-
46 ance law, (2) the state insurance fund and (3) a corporation, associ-
47 ation, joint stock company or association, person, society, aggregation
48 or partnership doing an insurance business as a member of the New York
49 insurance exchange described in section six thousand two hundred one of
50 the insurance law. The definition of the "state insurance fund"
51 contained in this subdivision shall be limited in its effect to the
52 provisions of this article and the related provisions of this chapter
53 and shall have no force and effect other than with respect to such
54 provisions. The term "insurance corporation" shall also include a
55 captive insurance company doing a captive insurance business, as defined
56 in subsections (c) and (b), respectively, of section seven thousand two

1 of the insurance law; provided, however, "insurance corporation" shall
2 not include the metropolitan transportation authority, the power author-
3 ity of New York or any statutory subsidiary or affiliate thereof, or a
4 public benefit corporation or not-for-profit corporation formed by a
5 city with a population of one million or more pursuant to subsection (a)
6 of section seven thousand five of the insurance law, each of which is
7 expressly exempt from the payment of fees, taxes or assessments, whether
8 state or local; and provided further "insurance corporation" does not
9 include any combinable captive insurance company. The term "insurance
10 corporation" shall also include an unauthorized insurer operating from
11 an office within the state, pursuant to paragraph five of subsection (b)
12 of section one thousand one hundred one and subsection (i) of section
13 two thousand one hundred seventeen of the insurance law. The term
14 "insurance corporation" also includes a health maintenance organization
15 required to obtain a certificate of authority under article forty-four
16 of the public health law.

17 § 4. Subdivision (a) of section 1502-b of the tax law, as amended by
18 section 22 of part A of chapter 59 of the laws of 2014, is amended to
19 read as follows:

20 (a) In lieu of the taxes and tax surcharge imposed by sections fifteen
21 hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen
22 hundred ten of this article, every captive insurance company licensed by
23 the superintendent of financial services pursuant to the provisions of
24 article seventy of the insurance law, other than the metropolitan trans-
25 portation authority, the power authority of New York or any statutory
26 subsidiary or affiliate thereof, and a public benefit corporation or
27 not-for-profit corporation formed by a city with a population of one
28 million or more pursuant to subsection (a) of section seven thousand
29 five of the insurance law, each of which is expressly exempt from the
30 payment of fees, taxes or assessments whether state or local, and other
31 than combinable captive insurance company, shall, for the privilege of
32 exercising its corporate franchise, pay a tax on (1) all gross direct
33 premiums, less return premiums thereon, written on risks located or
34 resident in this state and (2) all assumed reinsurance premiums, less
35 return premiums thereon, written on risks located or resident in this
36 state. The rate of the tax imposed on gross direct premiums shall be
37 four-tenths of one percent on all or any part of the first twenty
38 million dollars of premiums, three-tenths of one percent on all or any
39 part of the second twenty million dollars of premiums, two-tenths of one
40 percent on all or any part of the third twenty million dollars of premi-
41 ums, and seventy-five thousandths of one percent on each dollar of
42 premiums thereafter. The rate of the tax on assumed reinsurance premiums
43 shall be two hundred twenty-five thousandths of one percent on all or
44 any part of the first twenty million dollars of premiums, one hundred
45 and fifty thousandths of one percent on all or any part of the second
46 twenty million dollars of premiums, fifty thousandths of one percent on
47 all or any part of the third twenty million dollars of premiums and
48 twenty-five thousandths of one percent on each dollar of premiums there-
49 after. The tax imposed by this section shall be equal to the greater of
50 (i) the sum of the tax imposed on gross direct premiums and the tax
51 imposed on assumed reinsurance premiums or (ii) five thousand dollars.

52 § 5. This act shall take effect immediately.

1 Section 1. Expenditures of moneys by the New York state energy
2 research and development authority for services and expenses of the
3 energy research, development and demonstration program, including
4 grants, the energy policy and planning program, the zero emissions vehi-
5 cle and electric vehicle rebate program, and the Fuel NY program shall
6 be subject to the provisions of this section. Notwithstanding the
7 provisions of subdivision 4-a of section 18-a of the public service law,
8 all moneys committed or expended in an amount not to exceed \$22,700,000
9 shall be reimbursed by assessment against gas corporations, as defined
10 in subdivision 11 of section 2 of the public service law and electric
11 corporations as defined in subdivision 13 of section 2 of the public
12 service law, where such gas corporations and electric corporations have
13 gross revenues from intrastate utility operations in excess of \$500,000
14 in the preceding calendar year, and the total amount assessed shall be
15 allocated to each electric corporation and gas corporation in proportion
16 to its intrastate electricity and gas revenues in the calendar year
17 2019. Such amounts shall be excluded from the general assessment
18 provisions of subdivision 2 of section 18-a of the public service law.
19 The chair of the public service commission shall bill such gas and/or
20 electric corporations for such amounts on or before August 10, 2021 and
21 such amounts shall be paid to the New York state energy research and
22 development authority on or before September 10, 2021. Upon receipt, the
23 New York state energy research and development authority shall deposit
24 such funds in the energy research and development operating fund estab-
25 lished pursuant to section 1859 of the public authorities law. The New
26 York state energy research and development authority is authorized and
27 directed to: (1) transfer up to \$4 million to the state general fund for
28 climate change related services and expenses of the department of envi-
29 ronmental conservation, \$150,000 to the state general fund for services
30 and expenses of the department of agriculture and markets, and \$825,000
31 to the University of Rochester laboratory for laser energetics from the
32 funds received; and (2) commencing in 2016, provide to the chair of the
33 public service commission and the director of the budget and the chairs
34 and secretaries of the legislative fiscal committees, on or before
35 August first of each year, an itemized record, certified by the presi-
36 dent and chief executive officer of the authority, or his or her desig-
37 nee, detailing any and all expenditures and commitments ascribable to
38 moneys received as a result of this assessment by the chair of the
39 department of public service pursuant to section 18-a of the public
40 service law. This itemized record shall include an itemized breakdown
41 of the programs being funded by this section and the amount committed to
42 each program. The authority shall not commit for any expenditure, any
43 moneys derived from the assessment provided for in this section, until
44 the chair of such authority shall have submitted, and the director of
45 the budget shall have approved, a comprehensive financial plan encom-
46 passing all moneys available to and all anticipated commitments and
47 expenditures by such authority from any source for the operations of
48 such authority. Copies of the approved comprehensive financial plan
49 shall be immediately submitted by the chair to the chairs and secre-
50 taries of the legislative fiscal committees. Any such amount not commit-
51 ted by such authority to contracts or contracts to be awarded or other-
52 wise expended by the authority during the fiscal year shall be refunded
53 by such authority on a pro-rata basis to such gas and/or electric corpo-
54 rations, in a manner to be determined by the department of public
55 service, and any refund amounts must be explicitly lined out in the
56 itemized record described above.

1 § 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2021.

3 PART X

4 Section 1. Section 11-0701 of the environmental conservation law, as
5 amended by section 1-a of part R of chapter 58 of the laws of 2013,
6 paragraph a of subdivision 1 as amended by section 21 and subdivision 9
7 as amended by section 17 of part EE of chapter 55 of the laws of 2014,
8 is amended to read as follows:

9 § 11-0701. Definitions of licenses and privileges of licensees.

10 1. A hunting license[+
11 ~~a.~~] entitles a holder who is twelve [~~or~~], thirteen, fourteen or
12 fifteen years of age to hunt wildlife[, ~~except big game,~~] as provided in
13 title 9 of this article subject, specifically, to the provisions of
14 section 11-0929 of this article. It entitles such holder to possess
15 firearms as provided in section 265.05 of the penal law. [~~A holder who~~
16 ~~is twelve or thirteen years of age shall not hunt with a crossbow.~~
17 ~~b. entitles a holder who is fourteen or fifteen years of age to hunt~~
18 ~~wildlife, including wild deer and bear, as provided in title 9 of this~~
19 ~~article, subject, specifically, to the provisions of section 11-0929 of~~
20 ~~this article. It entitles such holder to possess firearms as provided in~~
21 ~~section 265.05 of the penal law.~~]

22 2. a. A hunting license entitles the holder to hunt wildlife subject
23 to the following:

24 (1) a holder who is eighteen years of age or older may hunt wildlife
25 as provided in title 9 of this article,

26 (2) a holder who is sixteen years of age or older may hunt wildlife,
27 except big game, as provided in title 9 of this article, [~~and~~]

28 (3) a holder who is between the ages of sixteen and eighteen may hunt
29 big game pursuant to the provisions of title 9 of this article while the
30 holder is accompanied by a parent, guardian or person over the age of
31 eighteen as required by section 11-0929 of this article[+
32 ~~A] , and~~

33 (4) a holder may take fish with a longbow as provided in titles 9 and
34 13 this article.

35 b. A special antlerless deer license is applicable to the hunting of
36 wild antlerless deer in a special open season fixed pursuant to subdivi-
37 sion 6 of section 11-0903 of this article in a tract within a Wilderness
38 Hunting Area and entitles the holder of a hunting license to hunt
39 antlerless deer in such special open season, as provided in title 9 of
40 this article if he or she has on his or her person while so hunting both
41 his or her hunting license and his or her special antlerless deer
42 license.

43 3. A bowhunting privilege when included on a hunting license entitles
44 a holder:

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

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

1 (3) who is sixteen or seventeen years of age to exercise the same
2 privileges subject to the provisions of section 11-0929 and subdivision
3 3 of section 11-0713 of this article.

4 4. A fishing license entitles the holder to take fish by angling,
5 spearing, hooking, longbow and tipups, to take frogs by spearing, catch-
6 ing with the hands or by use of a club or hook, and to take bait fish
7 for personal use, as provided in titles 9 and 13 of this article, except
8 that such license shall not entitle the holder to take migratory fish of
9 the sea or to take fish from the waters of the marine district.

10 5. A non-resident bear tag entitles a person who has not been a resi-
11 dent of the state for more than thirty days who also possesses a hunting
12 license to hunt bear during the regular open season therefor or in an
13 open season fixed by regulation pursuant to subdivision eight of section
14 11-0903 of this article. It entitles a non-resident holder who also
15 possesses a hunting license with bowhunting privilege to hunt bear with
16 a longbow or crossbow during the open bear season. It entitles a non-re-
17 sident holder who also possesses a hunting license with muzzle-loading
18 privilege to hunt bear with a muzzleloader during the open bear season.

19 6. A seven-day fishing license entitles the holder to exercise the
20 privileges of a fishing license for the seven consecutive days specified
21 in the license.

22 7. A one-day fishing license entitles the holder to exercise the priv-
23 ileges of a fishing license on the day specified on the license.

24 8. A trapping license entitles the holder to trap beaver, otter, fish-
25 er, mink, muskrat, skunk, raccoon, bobcat, coyote, fox, opossum, weasel,
26 pine marten and unprotected wildlife except birds, as provided in title
27 11, subject to the provisions of section 11-0713 of this article.

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

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

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

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

48 § 4. Paragraph c of subdivision 3 of section 11-0901 of the environ-
49 mental conservation law, as amended by section 19 of part EE of chapter
50 55 of the laws of 2014, is amended to read as follows:

51 c. Wild small game and wild upland game birds shall be taken only by
52 longbow, crossbow or gun, or by the use of raptors as provided in title
53 10 of this article, except that:

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

1 (2) frogs may also be taken by spearing, catching with the hands, or
2 by the use of a club or hook[~~and~~
3 ~~(3) crossbows may be used but only by licensees who are fourteen years~~
4 ~~of age or older~~].

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

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

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

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

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

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

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

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

45 § 9. Subdivision 10 of section 11-0907 of the environmental conserva-
46 tion law, as added by section 14 of part EE of chapter 55 of the laws of
47 2014, is amended to read as follows:

48 10. Notwithstanding any provision of this chapter, or any prior
49 notwithstanding language in this article, the department may, by regu-
50 lation, authorize the taking of big game by the use of a crossbow by any
51 licensed person in any big game season [~~in any area designated in items~~
52 ~~(a), (b), (c), (d), (e), (f), (i), (k) and (l) of paragraph a of subdi-~~
53 ~~vision two of this section in which a shotgun or muzzle loader is~~
54 ~~permitted provided however, that any crossbow use during an archery-only~~
55 ~~season shall only take place during the last fourteen consecutive days~~
56 ~~of such archery-only season in the southern zone provided that such~~

~~1 archery only season shall consist of not less than forty five days and
2 only during the last ten consecutive days of any archery only season in
3 the northern zone provided that such archery only season shall consist
4 of no less than twenty three days. Any muzzle loading season which
5 occurs at the same time as a special archery season may only occur
6 during times when crossbows are authorized to be used].~~

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

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

17 § 11. Subparagraph 5 of paragraph b of subdivision 2 of section
18 11-0929 of the environmental conservation law is REPEALED and subpara-
19 graph 6 of paragraph b of subdivision 2 is renumbered subparagraph 5.

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

23 § 11-0933. Taking small game by crossbow.

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

32 § 13. Subparagraph (i) of paragraph 4 of subdivision (a) of section 83
33 of the state finance law, as amended by section 1 of part AA of chapter
34 58 of the laws of 2015, is amended to read as follows:

35 (i) There is hereby created a special account within the conservation
36 fund to be known as the state fish and game trust account to consist of
37 all moneys received by the state from the sale of lifetime hunting,
38 fishing, and trapping licenses, and lifetime archery and muzzle-loading
39 privileges pursuant to section 11-0702 of the environmental conservation
40 law except those moneys deposited in the habitat conservation and access
41 account pursuant to section eighty-three-a of this chapter. The state
42 comptroller shall invest the moneys in such account in securities as
43 defined by section ninety-eight-a of this article or, within the
44 discretion of the comptroller to maximize income for the account, in
45 investments authorized by section one hundred seventy-seven of the
46 retirement and social security law or consistent with the provisions of
47 subdivision b of section thirteen of the retirement and social security
48 law. Any income earned by the investment of such moneys, except income
49 transferred to the conservation fund pursuant to subparagraph (iii) of
50 this paragraph, shall be added to and become a part of, and shall be
51 used for the purposes of such account.

52 § 14. This act shall take effect immediately.

53 PART Y

54 Intentionally Omitted

1 PART Z

2 Section 1. Part UU of chapter 58 of the laws of 2020, authorizing the
3 county of Nassau, to permanently and temporarily convey certain ease-
4 ments and to temporarily alienate certain parklands, is amended to read
5 as follows:

6 PART UU

7 Section 1. This act enacts into law components of legislation which
8 are necessary to implement legislation relating to the Bay Park Convey-
9 ance Project. Each component is wholly contained within a Subpart iden-
10 tified as Subparts A through C. The effective date for each particular
11 provision contained within such Subpart is set forth in the last section
12 of such Subpart. Any provision in any section contained within a
13 Subpart, including the effective date of the Subpart, which makes a
14 reference to a section "of this act", when used in connection with that
15 particular component, shall be deemed to mean and refer to the corre-
16 sponding section of the Subpart in which it is found. Section three of
17 this act sets forth the general effective date of this act.

18 SUBPART A

19 Section 1. Subject to the provisions of this act, the county of
20 Nassau, acting by and through the county legislature of such county, is
21 hereby authorized to (a) discontinue permanently the use as parkland the
22 subsurface lands described in sections [~~four, five, seven, eight, ten~~
23 four, six, seven and [~~eleven~~ ten] of this act and establish permanent
24 easements on such lands for the purpose of constructing, operating,
25 maintaining and repairing a subsurface sewer main, and (b) discontinue
26 temporarily the use as parkland the lands described in sections [~~three,~~
27 ~~six and nine~~] two, five and eight of this act and establish temporary
28 easements on such lands for the purpose of constructing a subsurface
29 sewer main. Authorization for the temporary easements described in
30 sections [~~three, six, and nine~~] two, three, five, eight, and ten of this
31 act shall cease upon the completion of the construction of such sewer
32 main, at which time the department of environmental conservation shall
33 restore the surface of the parklands disturbed and the parklands shall
34 continue to be used for park purposes as they were prior to the estab-
35 lishment of such temporary easements. Authorization for the permanent
36 easements described in sections [~~four, five, seven, eight, ten~~] four,
37 six, eight and [~~eleven~~] ten of this act shall require that the depart-
38 ment of environmental conservation restore the surface of the parklands
39 disturbed and the parklands shall continue to be used for park purposes
40 as they were prior to the establishment of the permanent easements.

41 [~~§ 2. The authorization provided in section one of this act shall be~~
42 ~~effective only upon the condition that the county of Nassau dedicate an~~
43 ~~amount equal to or greater than the fair market value of the parklands~~
44 ~~being discontinued to the acquisition of new parklands and/or capital~~
45 ~~improvements to existing park and recreational facilities.]~~

46 § [~~3~~] 2. TEMPORARY EASEMENT - Force main shaft construction area.
47 Parkland upon and under which a temporary easement may be established
48 pursuant to subdivision (b) of section one of this act is described as
49 all that certain plot, piece or parcel of land with buildings and
50 improvements thereon erected, situate, lying and being located at Bay
51 Park, Town of Hempstead, County of Nassau and State of New York being

1 more particularly bounded and described as follows: beginning at a point
 2 on the northerly line of the Nassau County Sewage Treatment Plant prop-
 3 erty, said Point of Beginning being South [~~68°00'~~ 68°06'12" East, as
 4 measured along northerly line of said sewage treatment plant, [~~543~~
 5 535.50 feet plus or minus, from the intersection of the northerly line
 6 Nassau County Sewage Treatment Plant with the westerly side of Compton
 7 Street; running thence South [~~68°00'~~ 68°06'12" East, along the norther-
 8 ly line of said sewage treatment plant, [~~247~~ 249.60 feet plus or minus;
 9 thence South [~~07°04'~~ 07°20'58" West [~~196~~ 198.58 feet plus or minus;
 10 thence North [~~78°37'~~ 78°30'32" West [~~33~~ 35.88 feet plus or minus;
 11 thence North [~~06°10'~~ 06°10'23" East [~~105~~ 89.20 feet plus or minus;
 12 thence North [~~30°53'~~ 33°17'21" West [~~56~~ 78.28 feet plus or minus;
 13 thence North [~~64°27'~~ 66°13'52" West [~~190~~ 173.72 feet plus or minus;
 14 thence North [~~20°21'~~ 19°56'50" East [~~49~~ 62.50 feet plus or minus, to
 15 the northerly line of the Nassau County Sewage Treatment Plant, at the
 16 Point of Beginning. Containing within said bounds [~~19,700~~ 23,089 square
 17 feet plus or minus. The above described temporary easement is for the
 18 construction of a [~~thirty-foot~~ fifty-foot diameter access shaft. The
 19 location of said temporary access shaft is more particularly described
 20 in section [~~four~~ three of this act. Said parcel being part of property
 21 designated as Section: 42 Block: A Lots: 50, 57 on the Nassau County
 22 Land and Tax Map.

23 § [~~4-~~ 3.] [~~PERMANENT~~ TEMPORARY] SUBSURFACE EASEMENT - Access shaft.
 24 Parkland upon and under which a [~~permanent~~ temporary] easement may be
 25 established pursuant to subdivision (a) of section one of this act is
 26 described as all that certain plot, piece or parcel of land with build-
 27 ings and improvements thereon erected, situate, lying and being located
 28 at Bay Park, Town of Hempstead, County of Nassau and State of New York
 29 being more particularly bounded and described as follows: a circular
 30 easement with a radius of [~~15~~ 25 feet, the center of said circle being
 31 the following three (3) courses from the intersection of the northerly
 32 line of the Nassau County Sewage Treatment Plant with the westerly side
 33 of Compton Street: [~~running thence~~] South [~~68°00'~~ 68°06'12" East, along
 34 the northerly line of said sewage treatment plant, [~~581~~ 573.10 feet
 35 plus or minus to the centerline of the permanent easement for a force
 36 main described in section five of this act; thence South [~~21°34'~~
 37 22°24'56" West, along said centerline, [~~17~~ 19.74 feet plus or minus;
 38 thence South [~~14°28'~~ 22°24'56" West, [~~continuing~~] along the production
 39 of said centerline, [~~1,439~~ 5.25 feet [~~plus or minus~~], to the center of
 40 the herein described circular easement. Containing within said bound
 41 [~~707~~ 1,963 square feet plus or minus. Said [~~permanent~~ temporary] ease-
 42 ment is for an access shaft that extends from the surface of the ground
 43 to an approximate depth of 70 feet. Any permanent surface improvements
 44 for cathodic protection, if necessary, would be flush with the ground
 45 surface or integrated into site landscaping. Said parcel being part of
 46 property designated as Section: 42 Block: A Lots: 50, 57 on the Nassau
 47 County Land and Tax Map.

48 § [~~5-~~ 4.] PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon
 49 and under which a permanent easement may be established pursuant to
 50 subdivision (a) of section one of this act is described as all that
 51 certain plot, piece or parcel of land with buildings and improvements
 52 thereon erected, situate, lying and being located at Bay Park, Town of
 53 Hempstead, County of Nassau and State of New York being a 20-foot wide
 54 strip of land more particularly bounded and described as follows:
 55 [~~beginning~~ Beginning] at a point on the northerly line of the Nassau
 56 County Sewage Treatment Plant property, said Point of Beginning being

1 South [~~68°00'~~ 68°06'12" East, as measured along northerly line of said
 2 sewage treatment plant, [~~571~~ 563.10 feet plus or minus, from the inter-
 3 section of the northerly line Nassau County Sewage Treatment Plant with
 4 the westerly side of Compton Street; running thence South [~~68°00'~~
 5 68°06'12" East, along the northerly line of said sewage treatment plant,
 6 20.00 feet plus or minus; thence South [~~21°34'~~ 22°24'56" West [~~17~~
 7 19.15 feet plus or minus; thence South [~~14°28'~~ 14°35'11" West [~~1,463~~
 8 1446.44 feet plus or minus; thence North [~~75°32'~~ 75°24'49" West 20.00
 9 feet plus or minus; thence North [~~14°28'~~ 14°35'11" East [~~1,464~~ 1447.81
 10 feet plus or minus; thence North [~~21°34'~~ 22°24'56" East [~~18~~ 20.34 feet
 11 plus or minus, to the northerly line of the Nassau County Sewage Treat-
 12 ment Plant, at the Point of Beginning. Containing within said bounds
 13 [~~29,600~~ 29,337 square feet. The above described permanent easement is
 14 for the construction and operation of a six-foot diameter force main at
 15 a minimum depth of fifteen feet below the ground surface. Said parcel
 16 being part of property designated as Section: 42 Block: A Lots: 50, 57
 17 on the Nassau County Land and Tax Map.

18 § [~~6-~~ 5. TEMPORARY EASEMENT - Force main shaft construction area.
 19 Parkland upon and under which a temporary easement may be established
 20 pursuant to subdivision (b) of section one of this act is described as
 21 all that certain plot, piece or parcel of land with buildings and
 22 improvements thereon erected, situate, lying and being located at the
 23 hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New
 24 York being more particularly bounded and described as follows: beginning
 25 at a point on the northwesterly line of the herein described temporary
 26 easement for the force main shaft construction area, said Point of
 27 Beginning being [~~more particularly described as commencing at the~~ North
 28 44°03'41" East 50.26 feet plus or minus, from the intersection of the
 29 [~~southerly side of Sunrise Highway Street~~ northerly line of lands
 30 licensed to the County of Nassau, as described in deed dated December 5,
 31 1977, recorded on January 13, 1978, at the Nassau County Clerk's Office
 32 in Liber 9088 of Deeds at page 567, and as shown on map entitled Depart-
 33 ment of Public Works Nassau County, N.Y., Map Showing Lands under the
 34 Jurisdiction of the Long Island State Park Commission in Wantagh State
 35 Park to be Licensed to the County of Nassau for Park and Recreational
 36 Purposes in the Vicinity of Wantagh, Town of Hempstead, dated September
 37 1976, and on file at the New York State Office of Parks, Recreation and
 38 Historic Preservation as Map No. 21R-1860-1, with the southeasterly side
 39 of Lakeview Road, formerly known as Old Mill Road; running thence
 40 [~~southerly~~ along the southeasterly side of Lakeview Road [~~243 feet plus~~
 41 ~~or minus, to the centerline of the~~], North 44°03'41" East 237.63 feet
 42 plus or minus; thence South 50°48'50" East 70.10 feet plus or minus;
 43 thence partly through the aforementioned lands licensed to the County of
 44 Nassau by the State of New York (Long Island State Park Commission),
 45 South 43°39'59" West 239.51 feet; thence partially through a permanent
 46 [~~subsurface~~ drainage easement [~~for force main described in section~~
 47 ~~eight of this act; thence South 60°06' East, along said centerline, 25~~
 48 ~~feet plus or minus, to the northwesterly line of the temporary easement~~]
 49 granted from the City of New York to the County of Nassau, as shown on
 50 Map of Real Property to be Acquired for the [~~force main shaft~~
 51 ~~construction area~~ Improvement of Bellmore Creek from Wilson Avenue to
 52 Lakeview Road, Filed February 8, 1979, at the Nassau County Clerk's
 53 Office as Map No. H-1841, and also through the aforementioned licensed
 54 lands, North 49°12'28" West 71.62 feet plus or minus; to the southeast-
 55 erly side of Lakeview Road, at the Point of Beginning. [~~Running thence~~
 56 ~~North 39°06' East 111 feet plus or minus, thence South 55°47' East 70~~

1 ~~feet plus or minus, thence South 38°42' West 240 feet plus or minus,~~
 2 ~~thence North 54°11' West 72 feet plus or minus, thence North 39°06' East~~
 3 ~~127 feet plus or minus, to the Point of Beginning.~~ Containing within
 4 said bounds [~~16,900~~] 16,864 square feet plus or minus. The above
 5 described temporary easement is for the construction of a [~~thirty-foot~~]
 6 forty-four-foot diameter permanent access shaft. The location of said
 7 permanent access shaft is more particularly described in section [~~seven~~]
 8 six of this act. Said parcel being part of property designated as
 9 Section: 56 Block: Y Lot: 259 on the Nassau County Land and Tax Map.

10 § [~~7~~] 6. PERMANENT SUBSURFACE EASEMENT - Access shaft. Parkland upon
 11 and under which a permanent easement may be established pursuant to
 12 subdivision (a) of section one of this act is described as all that
 13 certain plot, piece or parcel of land with buildings and improvements
 14 thereon erected, situate, lying and being located at Hamlet of Wantagh,
 15 Town of Hempstead, County of Nassau and State of New York being more
 16 particularly bounded and described as follows: [~~a circular easement with~~
 17 ~~a radius of 15 feet,~~] Beginning at a point on the [~~center~~] of southeast-
 18 erly side of Lakeview Road, said [~~circle~~] Point of Beginning being [~~the~~
 19 ~~following two (2) courses~~] North 44°03'41" East 170.39 feet plus or
 20 minus, from the intersection of the [~~southerly side of Sunrise Highway~~]
 21 northerly line of lands licensed to the County of Nassau, as described
 22 in deed dated December 5, 1977, recorded on January 13, 1978, at the
 23 Nassau County Clerk's Office in Liber 9088 of Deeds at page 567, and as
 24 shown on map entitled Department of Public Works Nassau County, N.Y.,
 25 Map Showing Lands under the Jurisdiction of the Long Island State Park
 26 Commission in Wantagh State Park to be Licensed to the County of Nassau
 27 for Park and Recreational Purposes in the Vicinity of Wantagh, Town of
 28 Hempstead, dated September 1976, and on file at the New York State
 29 Office of Parks, Recreation and Historic Preservation as Map No.
 30 21R-1860-1, with the southeasterly side of Lakeview Road[~~+~~ ~~Southerly~~],
 31 formerly known as Old Mill Road; running thence, along the southeasterly
 32 side of Lakeview Road [~~243 feet plus or minus, to the centerline of the~~
 33 ~~permanent subsurface easement for force main, described in section eight~~
 34 ~~of this act; South 60°06' East, along said centerline, 51~~], North
 35 44°03'41" East 25.04 feet plus or minus, to the [~~center of the herein~~
 36 ~~described circular easement.~~] beginning of a non-tangent curve; thence
 37 111.59 feet plus or minus along said non-tangent circular curve to the
 38 right that has a radius of 22.00 feet, subtends an angle of 290°37'31",
 39 and has a chord that bears South 44°03'41" West 25.04 feet, to the Point
 40 of Beginning. Containing within said bounds a surface area of [~~707~~]
 41 1,454 square feet plus or minus. Said permanent easement is for an
 42 access shaft that extends from the surface of the ground to an approxi-
 43 mate depth of 70 feet. The permanent easement allows vehicular and
 44 personnel access to the shaft and within the shaft for inspection, main-
 45 tenance, repair and reconstruction. Any permanent surface improvements
 46 for a manhole or for cathodic protection, if necessary, would be flush
 47 with the ground surface or integrated into site landscaping. Said parcel
 48 being part of property designated as Section: 56 Block: Y Lot: 259 on
 49 the Nassau County Land and Tax Map.

50 § [~~8~~] 7. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon
 51 and under which a permanent easement may be established pursuant to
 52 subdivision (a) of section one of this act is described as all that
 53 certain plot, piece or parcel of land with buildings and improvements
 54 thereon erected, situate, lying and being located at the Hamlet of
 55 Wantagh, Town of Hempstead, County of Nassau and State of New York being
 56 a 20-foot wide strip of land more particularly bounded and described as

1 follows: [~~beginning at a point on the southeasterly side of Lakeview~~
2 ~~Road, said Point of Beginning being southwesterly 222 feet plus or~~
3 ~~minus, as measured along the southeasterly side of Lakeview Road from~~
4 ~~the intersection of the southerly side of Sunrise Highway with the~~
5 ~~southeasterly side of Lakeview Road; thence South 60°06' East 49 feet~~
6 ~~plus or minus; thence South 32°15' East 1,759 feet plus or minus; thence~~
7 ~~South 16°16' West 53 feet plus or minus; thence North 32°15' West 1,785~~
8 ~~feet plus or minus; thence North 60°06' West 53 feet plus or minus, to~~
9 ~~the southeasterly side of Lakeview Road; thence North 48°13' East, along~~
10 ~~the southeasterly side of Lakeview Road, 42 feet plus or minus, to the~~
11 ~~Point of Beginning. Containing within said bounds 72,900 square feet~~
12 ~~plus or minus.] Beginning at the intersection of the southerly side of~~
13 the Wantagh State Parkway, also being the same as the southerly line of
14 a permanent easement granted by the State of New York (Long Island State
15 Park Commission) to the Town of Hempstead for Highway purposes shown as
16 Parcel E on Map No. 21R-1651, dated September 30, 1935 and on file at
17 the New York State Office of Parks, Recreation and Historic Preserva-
18 tion, with the easterly side of Linden Street, also being the westerly
19 side of Wantagh State Parkway; running thence South 87°54'31" West 16.42
20 feet plus or minus, along the southerly side of the Wantagh State Park-
21 way; thence through the aforementioned easement, North 49°40'30" West
22 172.07 feet plus or minus; thence partially through lands licensed to
23 the County of Nassau by the State of New York (Long Island State Park
24 Commission), as described in deed dated December 5, 1977, recorded on
25 January 13, 1978, at the Nassau County Clerk's Office in Liber 9088 of
26 Deeds at page 567, also as shown on map entitled Department of Public
27 Works Nassau County, N.Y., Map Showing Lands under the Jurisdiction of
28 the Long Island State Park Commission in Wantagh State Park to be
29 licensed to the County of Nassau for Park and Recreational Purposes in
30 the Vicinity of Wantagh, Town of Hempstead, dated September 1976, and on
31 file at the New York State Office of Parks, Recreation and Historic
32 Preservation as Map No. 21R-1860-1, North 32°14'44" West 1,935.06 feet;
33 thence North 60°00'15" West 18.68 feet plus or minus, to the southeast-
34 erly side of Lakeview Road; thence along the southeasterly side of Lake-
35 view Road, North 44°03'41" East 20.62 feet plus or minus; thence South
36 60°00'15" East 18.61 feet plus or minus; thence through the aforemen-
37 tioned licensed lands, South 32°14'44" East 1,936.94 feet; thence South
38 49°40'30" East 294.48 feet plus or minus, to the westerly side of the
39 Wantagh State Parkway, also being the same as the easterly side of
40 Linden Street; thence northwesterly along the westerly side of the
41 Wantagh State Parkway, being also the easterly side of Linden Street,
42 113.74 feet plus or minus along the arc of a non-tangent curve, bearing
43 to the left, having a radius of 1,233.00', a chord that bears North
44 54°10'34" West 113.70 feet plus or minus, to the southerly side of the
45 Wantagh State Parkway, at the Point of Beginning. Containing within
46 said bounds 43,088 square feet plus or minus. The above described perma-
47 nent easement is for the construction and operation of a six-foot diam-
48 eter force main at a minimum depth of fifteen feet below the ground
49 surface. Said parcel being part of property designated as Section: 56
50 Block: Y Lots: 259 on the Nassau County Land and Tax Map.

51 § ~~9~~ 8. TEMPORARY EASEMENT - Force main shaft construction area.
52 Parkland upon and under which a temporary easement may be established
53 pursuant to subdivision (b) of section one of this act is described as
54 all that certain plot, piece or parcel of land with buildings and
55 improvements thereon erected, situate, lying and being located at the
56 hamlet of Wantagh, Town of Hempstead, County of Nassau and State of New

1 York being more particularly bounded and described as follows: [~~begin-~~
 2 ~~ning~~] Beginning at a point on the northerly line of the herein described
 3 temporary easement for [~~the force main shaft~~] construction [~~area~~] stag-
 4 ing, said Point of Beginning being more particularly described as
 5 commencing at the intersection of the southerly side of Byron Street
 6 with the easterly side of Wantagh Parkway; running thence [~~southerly~~]
 7 South 02°05'40" East, along the easterly side of Wantagh Parkway [~~319~~],
 8 392.77 feet plus or minus, to the centerline of the permanent subsurface
 9 easement for force main, described in section [~~eleven~~] ten of this act;
 10 thence South [~~19°15'~~] 19°14'42" East, along said centerline, [~~257~~]
 11 166.40 feet plus or minus, to the northerly line of the temporary ease-
 12 ment for [~~the force main shaft~~] construction [~~area~~] staging, at the
 13 Point of Beginning. Running thence North [~~87°25'~~] 87°24'47" East 122.41
 14 feet plus or minus; thence [~~south 33°56'~~] South 33°56'04" East [~~68~~]
 15 67.89 feet plus or minus; thence South [~~04°43'~~] 04°43'16" East [~~54~~] 53.69
 16 feet plus or minus; thence South [~~86°38'~~] 86°37'33" West 78.30 feet plus
 17 or minus; thence South [~~02°20'~~] 02°20'25" East 83.22 feet plus or minus;
 18 thence South [~~47°04'~~] 47°03'34" West [~~103~~] 102.51 feet plus or minus;
 19 thence South [~~86°22'~~] 86°22'25" West [~~28~~] 27.76 feet plus or minus;
 20 thence North [~~08°39'~~] 07°01'12" West [~~264~~] 263.59 feet plus or minus;
 21 thence North [~~87°25'~~] 87°24'47" East [~~53~~] 45.17 feet plus or minus, to
 22 the Point of Beginning. Containing within said bounds [~~36,500~~] 35,505
 23 square feet plus or minus. The above described temporary easement is for
 24 the construction of a [~~thirty-foot~~] forty-four-foot diameter access
 25 shaft. The location of said temporary access shaft is more particularly
 26 described in section ten of this act. Said parcel being part of property
 27 designated as Section: 63 Block: 261 Lots: 765G, 765H, 818A (Part of
 28 Cedar Creek Park) on the Nassau County Land and Tax Map.

29 § [~~10.~~] 9. [~~PERMANENT~~] TEMPORARY SUBSURFACE EASEMENT - Access shaft.
 30 Parkland upon and under which a permanent easement may be established
 31 pursuant to subdivision (a) of section one of this act is described as
 32 all that certain plot, piece or parcel of land with buildings and
 33 improvements thereon erected, situate, lying and being located at Hamlet
 34 of Wantagh, Town of Hempstead, County of Nassau and State of New York
 35 being more particularly bounded and described as follows: a circular
 36 easement with a radius of [~~15~~] 22 feet, the center of said circle being
 37 the following two (2) courses from the intersection of the southerly
 38 side of Byron Street with the easterly side of Wantagh Parkway: [~~South-~~
 39 ~~erly~~] South 02°05'40" East along the easterly side of Wantagh Parkway
 40 [~~319~~], 392.77 feet plus or minus, to the centerline of the permanent
 41 subsurface easement for force main, described in section [~~eleven~~] ten of
 42 this act; thence South [~~19°15'~~] 19°14'42" East, along said centerline,
 43 [~~315~~] 224.60 feet plus or minus, to the center of the herein described
 44 circular easement. Containing within said bounds a surface area of [~~707~~]
 45 1,521 square feet plus or minus. Said [~~permanent~~] temporary easement is
 46 for an access shaft that extends from the surface of the ground to an
 47 approximate depth of 70 feet. Any permanent surface improvements for
 48 cathodic protection, if necessary, would be flush with the ground
 49 surface or integrated into site landscaping. Said parcel being part of
 50 property designated as Section: 63 Block: 261 Lots: 765G, 765H, 818A
 51 (Part of Cedar Creek Park) on the Nassau County Land and Tax Map.

52 § [~~11.~~] 10. PERMANENT SUBSURFACE EASEMENT - Force main. Parkland upon
 53 and under which a permanent easement may be established pursuant to
 54 subdivision (a) of section one of this act is described as all that
 55 certain plot, piece or parcel of land with buildings and improvements
 56 thereon erected, situate, lying and being located at the Hamlet of

1 Wantagh, Town of Hempstead, County of Nassau and State of New York being
 2 a 20-foot wide strip of land more particularly bounded and described as
 3 follows: beginning at a point on the easterly side of the Wantagh State
 4 Parkway, said Point of Beginning being [~~southerly 285~~] South 02°05'40"
 5 East 358.86 feet plus or minus[~~, as measured along the easterly side of~~
 6 ~~Wantagh Parkway~~] from the intersection of the southerly side of Byron
 7 Street with the easterly side of Wantagh Parkway; running thence South
 8 [~~19°15'~~] 19°14'42" East [~~349~~] 258.49 feet plus or minus; thence South
 9 [~~02°17'~~] 02°16'58" East [~~1,882~~] 1,725.93 feet plus or minus; thence
 10 [~~South 09°25'~~ ~~East 1,202~~] southwesterly 43.40 feet plus or minus[~~,~~
 11 ~~thence South 80°35'~~] along the arc of a curve to the left having a radi-
 12 us of 1,075.00 feet and a chord that bears South 25°09'48" West [~~20 feet~~
 13 ~~plus or minus; thence North 09°25'~~ ~~West 1,203~~] 43.39 feet plus or minus;
 14 thence North [~~02°17'~~] 02°16'58" West [~~1,880~~] 1,761.45 feet plus or
 15 minus; thence North [~~19°15'~~] 19°14'42" West [~~281~~] 190.70 feet plus or
 16 minus, to the easterly side of Wantagh Parkway; thence North [~~02°09'~~] 02°05'40"
 17 West, along the easterly side of Wantagh Parkway, [~~68~~] 67.82
 18 feet plus or minus, to the Point of Beginning. Containing within said
 19 bounds [~~68,000~~] 39,359 square feet plus or minus. The above described
 20 permanent easement is for the construction and operation of a six-foot
 21 diameter force main at a minimum depth of fifteen feet below the ground
 22 surface. Said parcel being part of property designated as Section: 63
 23 Block: 261 Lots: 765G, 818A (Part of Cedar Creek Park) on the Nassau
 24 County Land and Tax Map.

25 § [~~12.~~] 11. Should the lands described in sections [~~four, five, seven,~~
 26 ~~eight, ten~~] four, six, seven and [~~eleven~~] ten of this act cease to be
 27 used for the purposes described in section one of this act, the perma-
 28 nent easements established pursuant to section one of this act shall
 29 cease and such lands shall be restored and dedicated as parklands.

30 § [~~13.~~] 12. In the event that the county of Nassau received any fund-
 31 ing support or assistance from the federal government for the purchase,
 32 maintenance, or improvement of the parklands set forth in sections
 33 [~~three~~] two through [~~eleven~~] ten of this act, the discontinuance and
 34 alienation of such parklands authorized by the provisions of this act
 35 shall not occur until the county of Nassau has complied with any appli-
 36 cable federal requirements pertaining to the alienation or conversion of
 37 parklands, including satisfying the secretary of the interior that the
 38 alienation or conversion complies with all conditions which the secre-
 39 tary of the interior deems necessary to assure the substitution of other
 40 lands shall be equivalent in fair market value and usefulness to the
 41 lands being alienated or converted.

42 § [~~14.~~] 13. This act shall take effect immediately.

43

SUBPART B

44 Section 1. Subject to the provisions of this act, the village of East
 45 Rockaway, in the county of Nassau, acting by and through the village
 46 board of such village, is hereby authorized to (a) discontinue perma-
 47 nently the use as parkland the subsurface lands described in sections
 48 [~~four~~] three and [~~five~~] four of this act and to grant permanent ease-
 49 ments on such lands to the State of New York or county of Nassau for the
 50 purpose of constructing, operating, maintaining and repairing a subsur-
 51 face sewer main, and (b) discontinue temporarily the use as parkland the
 52 lands described in section [~~three~~] two of this act and grant temporary
 53 easements on such lands to the county of Nassau for the purpose of
 54 constructing a subsurface sewer main. Authorization for the temporary

1 easement described in section [~~three~~] two of this act shall cease upon
 2 the completion of the construction of the sewer main, at which time the
 3 department of environmental conservation shall restore the surface of
 4 the parklands disturbed and the parklands shall continue to be used for
 5 park purposes as they were prior to the grant of the temporary easement.
 6 Authorization for the permanent easements described in sections [~~four~~]
 7 three and [~~five~~] four of this act shall require that the department of
 8 environmental conservation restore the surface of the parklands
 9 disturbed and the parklands shall continue to be used for park purposes
 10 as they were prior to the establishment of the permanent easements.

11 [~~§ 2. The authorization provided in section one of this act shall be~~
 12 ~~effective only upon the condition that the village of East Rockaway~~
 13 ~~dedicate an amount equal to or greater than the fair market value of the~~
 14 ~~parklands being discontinued to the acquisition of new parklands and/or~~
 15 ~~capital improvements to existing park and recreational facilities.]~~

16 § [~~3.~~] 2. TEMPORARY EASEMENT - Force Main Shaft Construction Area.
 17 Parkland upon and under which a temporary easement may be granted pursu-
 18 ant to subdivision (b) of section one of this act is described as
 19 follows: all that certain plot, piece or parcel of land with buildings
 20 and improvements thereon erected, situate, lying and being located at
 21 Incorporated Village of East Rockaway, and the Hamlet of Oceanside, Town
 22 of Hempstead, County of Nassau and State of New York being more partic-
 23 ularly bounded and described as follows: [~~beginning~~] Beginning at a
 24 point on the westerly line of the herein described temporary easement
 25 for the force main shaft construction area, said Point of Beginning
 26 being more particularly described as commencing at the [~~intersection of~~
 27 ~~the northeasterly side of Long Island Railroad right of way with the~~
 28 ~~easterly side of Ocean Avenue, running thence North 12°34' East, along~~
 29 ~~the easterly side of Ocean Avenue, 92 feet plus or minus, to the north-~~
 30 ~~erly line~~] northeast corner of property [~~designated as Section 38 Block~~
 31 ~~E Lot 14, on the~~] described in deed dated September 16, 1964 from Mary
 32 T. Caretto to The Incorporated Village of East Rockaway, recorded
 33 September 18, 1964 at the Nassau County [Land and Tax Map,] Clerk's
 34 Office in Liber 7317 of Deeds at page 494, running thence South [74°46']
 35 76°23'40" East, [partly along said northerly line, 206] on the northerly
 36 property line produced, of property described in the aforesaid Liber
 37 7317 page 494, a distance of 53.41 feet plus or minus, to the westerly
 38 line of the herein described temporary easement[.] at the Point of
 39 Beginning. Running thence North [~~15°34'~~] 14°03'08" East [49] 42.21 feet
 40 plus or minus; thence South [~~67°33'~~] 67°25'43" East [238] 237.47 feet
 41 plus or minus; thence South [~~07°07'~~] 04°13'09" West [31] 35.58 feet plus
 42 or minus; thence South [~~86°06'~~] 86°58'21" West [161] 165.83 feet plus or
 43 minus; thence South [~~64°59'~~] 64°59'21" West [117] 106.15 feet [~~plus or~~
 44 ~~minus~~]; thence North [~~15°34'~~] 14°03'08" East [140] 143.63 feet plus or
 45 minus, to the Point of Beginning. Containing within said bounds
 46 [~~23,000~~] 23,103 square feet plus or minus. The above described temporary
 47 easement is for the construction of a [~~thirty-foot~~] forty-four-foot
 48 diameter access shaft. The location of said permanent access shaft is
 49 more particularly described in section [~~four~~] three of this act. Said
 50 parcel being part of property designated as Section: 38, Block: E, Lots:
 51 12, 14, 21A, 21B on the Nassau County Land and Tax Map.

52 § [~~4.~~] 3. PERMANENT SUBSURFACE EASEMENT - Access Shaft. Parkland upon
 53 and under which a permanent easement may be granted pursuant to subdivi-
 54 sion (a) of section one of this act is described as all that certain
 55 plot, piece or parcel of land with buildings and improvements thereon
 56 erected, situate, lying and being located at Incorporated Village of

1 East Rockaway, and the Hamlet of Oceanside, Town of Hempstead, County of
 2 Nassau and State of New York being more particularly bounded and
 3 described as follows: a circular easement with a radius of [~~15~~] 22 feet,
 4 the center of said circle being the following [~~three (3)~~] two (2) courses
 5 from the [~~intersection of the northeasterly side of Long Island Railroad~~
 6 ~~right of way with the easterly side of Ocean Avenue, North 12°34'~~
 7 ~~East, along the easterly side of Ocean Avenue, 92 feet plus or minus, to~~
 8 ~~the northerly line~~] northeast corner of property [~~designated as Section~~
 9 ~~38 Block E Lot 14 on the~~] described in deed dated September 16, 1964
 10 from Mary T. Caretto to The Incorporated Village of East Rockaway,
 11 recorded September 18, 1964 at the Nassau County [Land and Tax Map]
 12 Clerk's Office in Liber 7317 of Deeds at page 494; South [~~74°46'~~]
 13 76°23'40" East, [~~partly along~~] on the [said] northerly property line[~~7~~
 14 333] produced, of property described in the aforesaid Liber 7317 page
 15 494, a distance of 185.51 feet plus or minus[~~7~~]; to the centerline of
 16 the permanent subsurface easement for force main, described in section
 17 [~~five~~] four of this act; thence [~~South 19°04' West,~~] along said easement
 18 centerline[~~7~~], South 19°04'18" West 22.47 feet plus or minus, to the
 19 center of the herein described circular easement. Containing within said
 20 bounds a surface area of [~~707~~] 1,521 square feet plus or minus. Said
 21 permanent easement is for an access shaft that extends from the surface
 22 of the ground to an approximate depth of 70 feet. The permanent ease-
 23 ment allows vehicular and personnel access to the shaft and within the
 24 shaft for inspection, maintenance, repair and reconstruction. Any perma-
 25 nent surface improvements for a manhole or for cathodic protection, if
 26 necessary, would be flush with the ground surface or integrated into
 27 site landscaping. Said parcel being part of property designated as
 28 Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the Nassau County Land
 29 and Tax Map.

30 § [~~5~~] 4. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon
 31 and under which a permanent easement may be granted pursuant to subdivi-
 32 sion (a) of section one of this act is described as all that certain
 33 plot, piece or parcel of land with buildings and improvements thereon
 34 erected, situate, lying and being located at Incorporated Village of
 35 East Rockaway, and the Hamlet of Oceanside, County of Nassau and State
 36 of New York being a 20-foot wide strip of land more particularly bounded
 37 and described as follows: [~~beginning~~] Beginning at a point on the
 38 westerly line of the herein described permanent subsurface easement,
 39 said Point of Beginning being more particularly described as commencing
 40 at the [~~intersection of the northeasterly side of Long Island Railroad~~
 41 ~~right of way with the easterly side of Ocean Avenue, running thence~~
 42 ~~North 12°34' East, along the easterly side of Ocean Avenue, 92 feet plus~~
 43 ~~or minus, to the northerly line~~] northeast corner of property [~~desig-~~
 44 ~~nated as Section 38 Block E Lot 14 on the~~] described in deed dated
 45 September 16, 1964 from Mary T. Caretto to The Incorporated Village of
 46 East Rockaway, recorded September 18, 1964 at the Nassau County [Land
 47 and Tax Map, thence] Clerk's Office in Liber 7317 of Deeds at page 494;
 48 running thence South [~~74°46'~~] 76°23'40" East, [~~partly along~~] on the
 49 [said] northerly property line[~~7~~], 323] produced, of property described in
 50 the aforesaid Liber 7317 page 494, a distance of 175.47 feet plus or
 51 minus, to the westerly line of the herein described permanent easement,
 52 at the Point of Beginning. Running thence North [~~19°04'~~] 19°04'18" East
 53 [~~73~~] 31.11 feet plus or minus, to the [~~northerly line of property desig-~~
 54 ~~nated as Section 38 Block E Lot 21A on the Nassau County Land and Tax~~
 55 ~~Map~~] southerly side of Mill River; thence South [~~60°10'~~] 67°42'35" East,
 56 along [~~said northerly line~~] the southerly side of Mill River, [~~20~~] 20.03

1 feet plus or minus; thence South [~~19°04'~~] 19°04'18" West [~~82~~] 48.37 feet
 2 plus or minus; thence South [~~15°40'~~] 15°40'03" East [~~116~~] 55.00 feet
 3 plus or minus, to the [~~south line~~] northerly side of [~~property design-~~
 4 ~~ated as Section 38 Block E Lot 21A on the Nassau County Land and Tax~~
 5 ~~Map~~] Mill River; thence North [~~88°09'~~] 84°40'35" West [~~21~~], along the
 6 northerly side of Mill River, 20.33 feet plus or minus; thence North
 7 [~~15°40'~~] 15°40'03" West [~~116~~] 57.60 feet plus or minus; thence North
 8 [~~19°04'~~] 19°04'18" East [~~19~~] 24.64 feet plus or minus, to the Point of
 9 Beginning. Containing within said bounds [~~4,100~~] 2,167 square feet plus
 10 or minus. The above described permanent easement is for the construction
 11 and operation of a six-foot diameter force main at a minimum depth of
 12 fifteen feet below the ground surface. Said parcel being part of proper-
 13 ty designated as Section: 38, Block: E, Lots: 12, 14, 21A, 21B on the
 14 Nassau County Land and Tax Map.

15 § [~~6-~~] 5. Should the lands described in sections [~~four~~] three and
 16 [~~five~~] four of this act cease to be used for the purposes described in
 17 section one of this act, the permanent easements established pursuant to
 18 section one of this act shall cease and such lands shall be restored and
 19 dedicated as parklands.

20 § [~~7-~~] 6. In the event that the village of East Rockaway received any
 21 funding support or assistance from the federal government for the
 22 purchase, maintenance, or improvement of the parklands set forth in
 23 sections [~~three~~] two through [~~five~~] four of this act, the discontinuance
 24 and alienation of such parklands authorized by the provisions of this
 25 act shall not occur until the village of East Rockaway has complied with
 26 any applicable federal requirements pertaining to the alienation or
 27 conversion of parklands, including satisfying the secretary of the inte-
 28 rior that the alienation or conversion complies with all conditions
 29 which the secretary of the interior deems necessary to assure the
 30 substitution of other lands shall be equivalent in fair market value and
 31 usefulness to the lands being alienated or converted.

32 § [~~8-~~] 7. This act shall take effect immediately.

33

SUBPART C

34 Section 1. Subject to the provisions of this act, the village of Rock-
 35 ville Centre, in the county of Nassau, acting by and through the village
 36 board of such village, is hereby authorized to (a) discontinue perma-
 37 nently the use as parkland the subsurface lands described in sections
 38 [~~three, four~~] two and [~~six~~] five of this act and to grant permanent
 39 easements on such lands to the State of New York or county of Nassau for
 40 the purpose of constructing, operating, maintaining and repairing a
 41 subsurface sewer main, and (b) discontinue temporarily the use as park-
 42 land the lands described in sections [~~five~~] three, four and [~~seven~~] six
 43 of this act and grant temporary easements on such lands to the county of
 44 Nassau for the purpose of constructing a subsurface sewer main. Author-
 45 ization for the temporary easements described in sections [~~five~~] three,
 46 four and [~~seven~~] six of this act shall cease upon the completion of the
 47 construction of the sewer main, at which time the department of environ-
 48 mental conservation shall restore the surface of the parklands disturbed
 49 and the parklands shall continue to be used for park purposes as they
 50 were prior to the grant of the temporary easements. Authorization for
 51 the permanent easements described in sections [~~three, four~~] two and
 52 [~~six~~] five of this act shall require that the department of environ-
 53 mental conservation restore the surface of the parklands disturbed and

1 the parklands shall continue to be used for park purposes as they were
2 prior to the establishment of the permanent easements.

3 ~~§ 2. The authorization provided in section one of this act shall be~~
4 ~~effective only upon the condition that the village of Rockville Centre~~
5 ~~dedicate an amount equal to or greater than the fair market value of the~~
6 ~~parklands being discontinued to the acquisition of new parklands and/or~~
7 ~~capital improvements to existing park and recreational facilities.]~~

8 § ~~3.~~ 2. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon
9 and under which a permanent easement may be established pursuant to
10 subdivision (a) of section one of this act is described as all that
11 certain plot, piece or parcel of land with buildings and improvements
12 thereon erected, situate, lying and being located at Incorporated
13 Village of East Rockaway, and the Incorporated Village of Rockville
14 Centre, Town of Hempstead, County of Nassau and State of New York, being
15 a 20-foot wide strip of land more particularly bounded and described as
16 follows: [~~the~~] Beginning at a point on the northerly side of Mill River
17 Avenue, said Point of Beginning being [~~at~~] South 74°20'24" East, as
18 measured along the northerly side of Mill River Avenue, 60.73 feet plus
19 or minus from the intersection of the northerly side of Mill River
20 Avenue with the easterly side of Riverside Road; running thence [~~north-~~
21 ~~erly along the easterly side of Riverside Road 346 feet plus or minus,~~
22 ~~thence South 13°01' West 346~~] North 10°26'55" East 461.31 feet plus or
23 minus, to the [~~northerly~~] southerly side of [~~Mill River~~] South Park
24 Avenue; thence [~~westerly~~] along the [~~northerly~~] southerly side of [~~Mill~~
25 ~~River~~] South Park Avenue, [~~17~~] South 79°11'54" East 20.00 feet plus or
26 minus, thence South 10°26'55" West 463.01 feet plus or minus, to the
27 [~~easterly side of Riverside Road, at~~] northerly side of Mill River
28 Avenue, thence along the northerly side of Mill River Avenue, North
29 74°20'24" West 20.08 feet plus or minus, to the Point of Beginning.
30 Containing within said bounds [~~3,100~~] 9,243 square feet plus or minus.
31 The above described permanent easement is for the construction and oper-
32 ation of a six-foot diameter force main at a minimum depth of fifteen
33 feet below the ground surface. Said parcel being part of property desig-
34 nated as Section: 38 Block: 136 Lots: 231 on the Nassau County Land and
35 Tax Map.

36 § ~~4.~~ 3. [~~PERMANENT~~] TEMPORARY SUBSURFACE EASEMENT - Access Shaft.
37 Parkland upon and under which a [~~permanent~~] temporary easement may be
38 established pursuant to subdivision (a) of section one of this act is
39 described as all that certain plot, piece or parcel of land with build-
40 ings and improvements thereon erected, situate, lying and being located
41 at Incorporated Village of Rockville Centre, Incorporated Village of
42 East Rockaway, and Incorporated Village of Lynbrook, Town of Hempstead,
43 County of Nassau and State of New York being more particularly bounded
44 and described as a circular easement with a radius of [~~15~~] 22 feet, the
45 center of said circle being the following two (2) courses from the
46 intersection of the northerly side of South Park Avenue with the easterly
47 ly side of [~~Oxford~~] Chester Road: [~~Easterly~~] South 79°24'16" East, along
48 the northerly side of South Park Avenue, [~~203~~] 247.33 feet plus or
49 minus, to the centerline of the permanent subsurface easement for force
50 main described in section [~~six~~] five of this act; North [~~13°01'~~]
51 10°26'55" East, along said centerline, [~~953~~] 953.71 feet plus or minus,
52 to the center of the herein described circular easement. Containing
53 within said bounds a surface area of [~~707~~] 1,521 square feet plus or
54 minus. Said [~~permanent~~] temporary easement is for an access shaft that
55 extends from the surface of the ground to an approximate depth of 70
56 feet. Any permanent surface improvements for cathodic protection, if

1 necessary, would be flush with the ground surface or integrated into
 2 site landscaping. Said parcel being part of property designated as
 3 Section: 38 Block: F [~~Lots: 39-42, 50C,~~ Lot: 50F [~~and Section: 38,~~
 4 ~~Block: T, Lots: 50A, 50B, 50C~~] on the Nassau County Land and Tax Map.

5 § [~~5.~~] 4. TEMPORARY EASEMENT - Force Main Shaft Construction Area.
 6 Parkland upon and under which a temporary easement may be established
 7 pursuant to subdivision (b) of section one of this act is described as
 8 all that certain plot, piece or parcel of land with buildings and
 9 improvements thereon erected, situate, lying and being located at Incorporated
 10 Village of Rockville Centre, Incorporated Village of East Rocka-
 11 way, and Incorporated Village of Lynbrook, Town of Hempstead, County of
 12 Nassau and State of New York being more particularly bounded and
 13 described as follows: Beginning at a point on the southerly side of the
 14 herein described temporary easement for [~~the force main shaft~~]
 15 construction [~~area~~] staging, said Point of Beginning being more partic-
 16 ularly described as commencing at the intersection of the northerly side
 17 of South Park Avenue with the easterly side of [~~Oxford~~] Chester Road;
 18 running thence [~~easterly~~] South 79°24'16" East, along the northerly side
 19 of South Park Avenue, [~~203~~] 247.33 feet plus or minus, to the centerline
 20 of the permanent subsurface easement for force main described in section
 21 [~~six~~] five of this act; thence North [~~13°01'~~] 10°26'55" East, along said
 22 centerline, [~~920~~] 920.41 feet plus or minus, to the southerly line of
 23 the temporary easement, at the Point of Beginning. Running thence North
 24 [~~76°19'~~] 76°19'09" West [~~136 feet plus or minus, to the easterly termi-~~
 25 ~~nus of Merton Avenue (unopened), thence North 76°19' West, through the~~
 26 ~~unopened part of Merton Avenue, 48~~] 185.92 feet plus or minus; thence
 27 North [~~14°49'~~] 14°49'03" East [~~5' feet plus or minus, to the northerly~~
 28 ~~side of Merton Avenue, thence North 14°49' East 27'~~] 31.83 feet plus or
 29 minus; thence South [~~76°29'~~] 76°28'34" East [~~66~~] 65.98 feet plus or
 30 minus; thence North [~~36°47'~~] 36°46'43" East [~~61~~] 60.84 feet plus or
 31 minus; thence North [~~78°41'~~] 78°41'29" East [~~145~~] 145.19 feet plus or
 32 minus; thence South [~~65°54'~~] 65°54'19" East [~~46~~] 45.62 feet plus or
 33 minus; thence South [~~29°39'~~] 29°38'55" West 146.71 feet plus or minus;
 34 thence North 76°19'09" West [~~147 feet plus or minus, thence North 76°19'~~
 35 ~~West 42~~] 40.66 feet plus or minus, to the Point of Beginning. Containing
 36 within said bounds [~~22,800~~] 22,827 square feet plus or minus. The above
 37 described temporary easement is for the construction of a [~~thirty-foot~~]
 38 forty-four-foot diameter access shaft. The location of said temporary
 39 access shaft is more particularly described in section [~~four~~] three of
 40 this act. Said parcel being part of property designated as Section: 38
 41 Block: F [~~Lots: 39-42, 50C,~~ Lot: 50F and [~~Section: 38, Block: T, Lots:~~
 42 ~~50A, 50B, 50C~~] part of Merton Avenue (not open) on the Nassau County
 43 Land and Tax Map.

44 § [~~6.~~] 5. PERMANENT SUBSURFACE EASEMENT - Force Main. Parkland upon
 45 and under which a permanent easement may be established pursuant to
 46 subdivision (a) of section one of this act is described as all that
 47 certain plot, piece or parcel of land with buildings and improvements
 48 thereon erected, situate, lying and being located at Incorporated
 49 Village of Rockville Centre, Incorporated Village of East Rockaway, and
 50 Incorporated Village of Lynbrook, Town of Hempstead, County of Nassau
 51 and State of New York being a 20-foot wide strip of land more partic-
 52 ularly bounded and described as follows: [~~beginning~~] Beginning at a
 53 point on the northerly side of South Park Avenue, said [~~Point of Begin-~~
 54 ~~ning 193 feet plus or minus easterly, as measured~~] point being South
 55 79°24'16" East, along the northerly side of South Park Avenue, 237.33
 56 feet plus or minus, from the intersection of the northerly side of South

1 Park Avenue with the easterly side of [~~Oxford~~] Chester Road; running
 2 thence North [~~13°01'~~] 10°26'55" East [~~956~~] 956.35 feet plus or minus;
 3 thence North [~~44°00'~~] 40°12'27" East [~~446~~] 464.95 feet plus or minus, to
 4 the [~~northeasterly line of property designated as Section 38 Block F Lot~~
 5 ~~50F, on the Nassau County Land and Tax Map~~] westerly side of Mill River;
 6 thence [~~South 53°10'~~ ~~East,~~] along [~~said northeasterly line,~~ ~~20~~] the
 7 westerly side of Mill River the following five (5) courses South
 8 10°54'32" East 4.49 feet plus or minus; South 08°32'16" West 6.44 feet
 9 plus or minus; South 17°55'44 West 8.24 feet plus or minus; South
 10 10°55'50" West 4.90 feet plus or minus; South 07°44'20" West 14.16 feet
 11 plus or minus; thence South [44°00'] 40°12'27" West [443] 427.49 feet
 12 plus or minus; thence South [13°01'] 10°26'55" West [950] 951.08 feet
 13 plus or minus[~~r~~] to the northerly side of South Park Avenue; thence
 14 North [79°36'] 79°24'16" West, along [said] the northerly side of South
 15 Park Avenue, [20] 20.00 feet plus or minus, to the Point of Beginning[~~r~~
 16 containing]. Containing within said bounds [~~28,000~~] 28,014 square feet
 17 plus or minus. The above described permanent easement is for the
 18 construction and operation of a six-foot diameter force main at a mini-
 19 mum depth of fifteen feet below the ground surface. Said parcel being
 20 part of property designated as Section: 38 Block: F [~~Lots: 39-42, 50C,~~]
 21 Lot: 50F and Section: 38, Block: T, [~~Lots~~] Lot: 50A[~~r~~, 50B, 50C] on the
 22 Nassau County Land and Tax Map.

23 § [~~7-~~] 6. TEMPORARY EASEMENT - Force Main Shaft Construction Area.
 24 Parkland upon and under which a temporary easement may be established
 25 pursuant to subdivision (b) of section one of this act is described as
 26 all that certain plot, piece or parcel of land with buildings and
 27 improvements thereon erected, situate, lying and being located at Incor-
 28 porated Village of Rockville Centre, Town of Hempstead, County of Nassau
 29 and State of New York being more particularly bounded and described as
 30 follows: [~~beginning~~] Beginning at a point on the northerly side of
 31 Sunrise Highway (New York State Route [~~27A~~] 27), said [~~Point of Begin-~~
 32 ~~ning~~] point being distant [~~254~~] 82.57 feet [~~plus or minus~~] westerly [~~as~~
 33 ~~measured~~] along the northerly side of Sunrise Highway from the [~~inter-~~
 34 ~~section-of~~] extreme westerly and of an arc of a curve connecting the
 35 northerly side of Sunrise Highway with the westerly side of North Forest
 36 Avenue[~~r~~, ~~running~~]. Running thence [~~North 86°15'~~ ~~West,~~] along the north-
 37 erly side of Sunrise Highway the following three (3) courses: Southwes-
 38 terly 250.24 feet plus or minus along the arc of a curve bearing to the
 39 left having a radius of 862.00 feet and a chord that bears South
 40 77°03'07" West 249.36 feet plus or minus, [~~175 feet plus or minus,~~
 41 thence] South [~~68°26'~~] 68°43'30" West[~~r~~, ~~continuing along the northerly~~
 42 ~~side of Sunrise Highway,~~ ~~111~~] 161.85 feet plus or minus; Southwesterly
 43 20.44 feet plus or minus along the arc of a curve bearing to the right
 44 having a radius of 592.00 feet and a chord that bears South 69°00'05"
 45 West 20.44 feet plus or minus; thence North [14°47'] 14°30'46" West
 46 [~~162~~] 215.45 feet plus or minus, to the southerly side of [~~the~~] Long
 47 Island Rail Road [~~right-of-way~~]; thence [~~South 86°59'~~ ~~East,~~] along the
 48 southerly side of the Long Island Rail Road, [~~479~~] South 87°41'41" East
 49 469.93 feet plus or minus; thence South [~~01°59'~~] 02°13'26" West [~~75~~]
 50 67.80 feet plus or minus, to the northerly side of [~~the travelled way~~
 51 ~~of~~] Sunrise Highway, [~~then 160 feet plus or minus along the arc or a~~
 52 ~~circular curve to the left that has a radius of 850 feet and a chord~~
 53 ~~that bears South 80°03'~~ ~~West 160 feet plus or minus to~~] at the Point of
 54 Beginning. Containing within said bounds [~~50,300~~] 57,506 square feet
 55 plus or minus. The above described temporary easement is necessary for
 56 the construction of temporary access to the aqueduct below Sunrise High-

1 way area. Said parcel being part of property designated as Section: 38
2 Block: 291 Lot: 17 on the Nassau County Land and Tax Map.

3 § [~~8~~] 7. Should the lands described in sections [~~three, four~~] two and
4 [~~six~~] five of this act cease to be used for the purposes described in
5 section one of this act, the permanent easements established pursuant to
6 section one of this act shall cease and such lands shall be restored and
7 dedicated as parklands.

8 § [~~9~~] 8. In the event that the village of Rockville Centre received
9 any funding support or assistance from the federal government for the
10 purchase, maintenance, or improvement of the parklands set forth in
11 sections [~~three~~] two through [~~seven~~] six of this act, the discontinuance
12 and alienation of such parklands authorized by the provisions of this
13 act shall not occur until the village of Rockville Centre has complied
14 with any applicable federal requirements pertaining to the alienation or
15 conversion of parklands, including satisfying the secretary of the inte-
16 rior that the alienation or conversion complies with all conditions
17 which the secretary of the interior deems necessary to assure the
18 substitution of other lands shall be equivalent in fair market value and
19 usefulness to the lands being alienated or converted.

20 § [~~10~~] 9. This act shall take effect immediately.

21 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
22 sion, section, subpart or part of this act shall be adjudged by a court
23 of competent jurisdiction to be invalid, such judgment shall not affect,
24 impair, or invalidate the remainder thereof, but shall be confined in
25 its operation to the clause, sentence, paragraph, subdivision, section,
26 subpart or part thereof directly involved in the controversy in which
27 such judgment shall have been rendered. It is hereby declared to be the
28 intent of the legislature that this act would have been enacted even if
29 such invalid provisions had not been included herein.

30 § 3. This act shall take effect immediately, provided, however, that
31 the applicable effective date of Subparts A through C of this act shall
32 be as specifically set forth in the last section of such Subparts.

33 § 2. This act shall take effect immediately.

34

PART AA

35 Section 1. Subparagraph (i) of paragraph 3 of subdivision (a) of
36 section 21 of the tax law, as amended by section 17 of part BB of chap-
37 ter 56 of the laws of 2015, is amended to read as follows:

38 (i) The tangible property credit component shall be equal to the
39 applicable percentage of the cost or other basis for federal income tax
40 purposes of tangible personal property and other tangible property,
41 including buildings and structural components of buildings, which
42 constitute qualified tangible property and may include any related party
43 service fee paid; provided that in determining the cost or other basis
44 of such property, the taxpayer shall exclude the acquisition cost of any
45 item of property with respect to which a credit under this section was
46 allowable to another taxpayer. A related party service fee shall be
47 allowed only in the calculation of the tangible property credit compo-
48 nent and shall not be allowed in the calculation of the site preparation
49 credit component or the on-site groundwater remediation credit compo-
50 nent. The portion of the tangible property credit component which is
51 attributable to related party service fees shall be allowed only as
52 follows: (A) in the taxable year in which the qualified tangible proper-
53 ty described in subparagraph (iii) of this paragraph is placed in
54 service, for that portion of the related party service fees which have

1 been earned and actually paid to the related party on or before the last
2 day of such taxable year; and (B) with respect to any other taxable year
3 for which the tangible property credit component may be claimed under
4 this subparagraph and in which the amount of any additional related
5 party service fees are actually paid by the taxpayer to the related
6 party, the tangible property credit component for such amount shall be
7 allowed in such taxable year. The credit component amount so determined
8 shall be allowed for the taxable year in which such qualified tangible
9 property is first placed in service on a qualified site with respect to
10 which a certificate of completion has been issued to the taxpayer, or
11 for the taxable year in which the certificate of completion is issued if
12 the qualified tangible property is placed in service prior to the issu-
13 ance of the certificate of completion. This credit component shall only
14 be allowed for up to one hundred twenty months after the date of the
15 issuance of such certificate of completion, provided, however, that for
16 qualified sites to which a certificate of completion is issued on or
17 after March twentieth, two thousand ten, but prior to January first, two
18 thousand twelve, the credit component shall be allowed for up to one
19 hundred forty-four months after the date of such issuance.

20 § 2. This act shall take effect immediately.

21

PART BB

22 Section 1. Notwithstanding the contrary provisions of section 9-0501
23 of the environmental conservation law and the contrary provisions of the
24 public lands law, the department of environmental conservation is
25 authorized to grant easements for buried cables on real property within
26 the Farmersville State Forest, Lost Nation State Forest, and Swift Hill
27 State Forest, which meet the following conditions:

28 (a) The easements are for buried electric cables which are part of a
29 wind powered electric generation project located in the towns of Rush-
30 ford, Farmersville, Arcade, Centerville, Freedom, and Machias.

31 (b) The easements are for a portion of the property within Farmers-
32 ville State Forest, Lost Nation State Forest, and Swift Hill State
33 Forest owned by the state and managed by the department of environmental
34 conservation. The buried cables shall be:

35 (1) located underground for approximately 500 feet between turbines
36 101 and 102 (which are sited on private land), and passing below a
37 section of Farmersville State Forest in Cattaraugus County;

38 (2) located underground for approximately 1,600 feet on the south side
39 of Hess Road along the Farmersville State Forest boundary in Cattaraugus
40 County, turning southwest to follow an existing track for approximately
41 420 feet, and continuing west along the northern parcel boundary for
42 approximately 1,300 feet to the property line, to connect turbines 100
43 and 104 (both sited on private land);

44 (3) located underground for approximately 2,950 feet along the west
45 side of North Hill Road in Lost Nation State Forest in Allegany County
46 to connect turbines 73, 75, 76, and 77 (all sited on private land) to
47 the rest of the project; and

48 (4) located underground for approximately 1,150 feet on the east side
49 of Rushford Road, along the western edge of Swift Hill State Forest in
50 Allegany County to connect turbines 124 and 125 (both sited on private
51 land) to the rest of the project.

52 (c) The easements will be conveyed by the department of environmental
53 conservation and take effect only in the event the underground cables
54 proposed to be on such easement lands are certified and approved as part

1 of a wind powered electric generation facility pursuant to article 10 of
2 the public service law.

3 (d) The easements shall terminate when the associated wind powered
4 electric generation project ceases to operate for 18 months as set forth
5 in the easements and the easements shall then revert to the state to be
6 managed by the department of environmental conservation as state forest
7 land.

8 (e) The use of chemicals/herbicides for clearing said easements is
9 prohibited unless prior approval for the same is granted by the depart-
10 ment of environmental conservation, division of lands and forests.

11 § 2. (a) In entering into the easements described in section one of
12 this act, the department of environmental conservation is authorized to
13 grant such easements for fair market value plus twenty percent of the
14 value of the easements plus one hundred thousand dollars upon applica-
15 tion by Alle-Catt Wind Energy LLC.

16 (b) An amount, not less than fair market value plus twenty percent of
17 the value of the easements plus one hundred thousand dollars shall be
18 used to obtain for the state an interest in real property for open space
19 purposes in region 9 of the department of environmental conservation
20 from the regional priority conservation projects list in region 9 as
21 part of this state's open space conservation plan. The total payment for
22 such acquisition or acquisitions shall not be less than the value of the
23 easements to be conveyed by the state plus twenty percent of the value
24 of such easements plus one hundred thousand dollars.

25 (c) Any monies received by the department of environmental conserva-
26 tion from Alle-Catt Wind Energy LLC in consideration of these easements
27 shall be deposited into the state environmental protection fund, as
28 established in section 92-s of the state finance law, until such time as
29 they can be used towards the purchase of the real property as contem-
30 plated in subdivision (b) of this section.

31 (d) The description of the easements to be conveyed by this act is not
32 intended to be a legal description, but is intended to identify the
33 easements to be conveyed. As a condition of conveyance Alle-Catt Wind
34 Energy LLC shall submit to the commissioner of environmental conserva-
35 tion for his or her approval an accurate survey and description of lands
36 generally described in this section which may be used in the conveyance
37 thereof.

38 (e) The grant of the easements is conditioned on the issuance of
39 certificates of environmental compatibility and public need pursuant to
40 the provisions of article 10 of the public service law.

41 (f) Compensation for the stumpage value of trees to be felled by the
42 entity shall be deposited in the same manner as in subdivision (b) of
43 this section with the felled trees to become the property of Invenergy
44 LLC. Stumpage value is to be determined by the department of environ-
45 mental conservation forester based on the most recent department of
46 environmental conservation stumpage price report at the time the trees
47 are felled.

48 § 3. The commissioner of environmental conservation may prescribe
49 additional terms for such exchange of real property. Such contract shall
50 not become binding upon the state until approved by the state comp-
51 troller. Title to the land to the people of the state of New York pursu-
52 ant to the provisions of such contract shall be approved by the attorney
53 general, and the deed to the state shall be approved by him or her as to
54 form and manner of execution and recordability before such deed shall be
55 accepted on behalf of the state. Notwithstanding the contrary provisions
56 of the public lands law, the conveyance of the state-owned easements

1 pursuant to such contract shall be without reservation or exception,
2 except as provided for in such contract. Upon certification by the
3 commissioner of environmental conservation to the commissioner of gener-
4 al services of a copy of the contract, and certification that Alle-Catt
5 Wind Energy LLC has complied with all terms and conditions of the
6 contract upon their part to be kept and performed, together with a
7 description of any of the easements to be exchanged, conveyed and/or
8 payments to be made, the commissioner of general services shall convey
9 the easements described in section one of this act in accordance with
10 the provisions of the contract.

11 § 4. This act shall take effect immediately, and shall expire and be
12 deemed repealed five years after such date; provided, however, should
13 the easements be granted within the five years, the term of the ease-
14 ments will establish the end date of the easements. At such time the
15 land will revert back to the state of New York for state forest
16 purposes.

17 PART CC

18 Section 1. Section 12 of part F of chapter 58 of the laws of 2013
19 amending the environmental conservation law and the state finance law
20 relating to the "Cleaner, Greener NY Act of 2013", as amended by chapter
21 65 of the laws of 2019, is amended to read as follows:

22 § 12. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2013[
24 ~~provided, however, that the amendments to subdivision 5-a of section~~
25 ~~27-1015 of the environmental conservation law, as added by section nine~~
26 ~~of this act, shall expire and be deemed repealed on April 1, 2021].~~

27 § 2. This act shall take effect immediately.

28 PART DD

29 Section 1. This act shall be known and may be cited as the "rail
30 advantaged housing act".

31 § 2. Legislative findings and statement of purpose. The legislature
32 hereby finds, determines and declares:

33 (a) Chapter 106 of the laws of 2019 enacted the New York state climate
34 leadership and community protection act (the "CLCPA"). The CLCPA
35 directed the department of environmental conservation to establish a
36 statewide greenhouse gas emissions limit for 2030 equal to 60% of 1990
37 emissions, and a statewide greenhouse gas emissions limit for 2050 equal
38 to 15% of 1990 emissions (the "CLCPA limits").

39 (b) Transportation currently accounts for 36% of the greenhouse gas
40 emissions in New York. New York has an obligation to reduce greenhouse
41 gas emissions in every sector, including transportation.

42 (c) The CLCPA recognizes the need to encourage and facilitate land use
43 and transportation planning strategies to reduce greenhouse gas emis-
44 sions from the transportation sector.

45 (d) In 1946, the legislature declared a housing emergency in New York
46 City. The emergency has continued through the present day. Housing
47 production throughout the New York City metropolitan area has been
48 insufficient to address this emergency for decades.

49 (e) Creating housing in close proximity to commuter rail stations
50 promotes both the goals of the CLCPA and helps to address the housing
51 emergency in New York City.

1 (f) A public policy purpose would be served and the interests of the
2 people of the state would be advanced by expediting the regulatory
3 review of local zoning changes that will lead to the production of hous-
4 ing in close proximity to commuter rail stations.

5 § 3. Definitions.

6 (a) [~~"Commissioner"~~] "Secretary" shall mean the [~~commissioner of envi-~~
7 ~~ronmental conservation or the commissioner's~~] secretary of state or the
8 secretary's designee.

9 (b) "Commuter rail station" shall mean a rail station, other than a
10 rail station located in New York City, on any rail line operated by
11 either the Long Island Rail Road or the Metro-North Railroad.

12 (c) "Commuter rail station area" shall mean the area within one-half
13 mile of any commuter rail station.

14 (d) "Incremental parking decrease" shall mean, with respect to a rail
15 advantaged housing rezoning proposal, the percentage decrease in public-
16 ly accessible vehicle parking proximate to a commuter rail station that
17 such rezoning proposal would cause, if effective.

18 (e) "Incremental population increase" shall mean, with respect to a
19 rail advantaged housing rezoning proposal, the percentage by which the
20 population of a local jurisdiction including the property subject to
21 such rezoning proposal would increase if: (1) such rezoning proposal
22 were to become effective; (2) all of the housing permitted to be built
23 as a result of such rezoning proposal were to be built; and (3) all of
24 such housing were to be fully occupied.

25 (f) "Local jurisdiction" shall mean any city, county, town, village or
26 other political subdivision of the state.

27 (g) "Local agency zoning mitigation account" shall mean an account
28 established by a local agency solely for the purpose of mitigating envi-
29 ronmental impacts due to any rezoning.

30 (h) "Local agency" means any governing body of a local jurisdiction.

31 (i) "Rail advantaged housing" shall mean any housing or residential
32 building located within one-half mile of a commuter rail station.

33 (j) "Rail advantaged housing envelope" shall mean the total square
34 feet of residential space permitted to be built in a commuter rail
35 station area under the zoning regulations applicable to such commuter
36 rail station area.

37 (k) "Rail advantaged housing rezoning proposal" shall mean a proposal
38 for rezoning which, if effective, (1) would increase the rail advantaged
39 housing envelope in the area proposed for rezoning, and (2) would not
40 affect zoning regulations applicable outside a commuter rail station
41 area.

42 (l) "Rezoning" shall mean an action undertaken by a local agency to
43 modify zoning regulations.

44 (m) "Rezoning entity" shall mean a local agency authorized to modify
45 zoning regulations.

46 § 4. Uniform standards and conditions.

47 (a) The [~~commissioner~~] secretary shall establish a set of uniform
48 standards and conditions for rail advantaged housing rezoning proposals
49 that are common for all rail advantaged housing rezoning proposals or
50 for particular classes and categories of rail advantaged housing rezon-
51 ing proposals.

52 (b) The uniform standards and conditions established under paragraph
53 (a) of this section shall include:

54 1. A standard establishing a maximum incremental population increase
55 the exceedance of which by a rail advantaged housing rezoning proposal

1 would cause such rezoning proposal to be deemed to have an environmental
2 impact;

3 2. A standard establishing a maximum incremental parking decrease the
4 exceedance of which by a rail advantaged housing rezoning proposal would
5 cause such rezoning proposal to be deemed to have an environmental
6 impact;

7 3. A formula to determine, by reference to any, all, or any combina-
8 tion of the following factors, the amount which, if paid to a local
9 agency zoning mitigation account, would mitigate the impact of housing
10 construction on the quality of a jurisdiction's environment and on a
11 local agency's ability to provide essential public services: such local
12 agency's expenses for public education; such local agency's expenses for
13 maintenance and improvement of roads, bicycle paths, pedestrian walkways
14 and parks; such local agency's expenses to provide drinking water and to
15 manage water quality; and other factors determined by the [~~commissioner~~
16 secretary] to be relevant; and

17 4. Any other standards and conditions determined by the [~~commissioner~~
18 secretary].

19 § 5. Expedited zoning review. Whenever a county legislature has
20 adopted a local law to permit rail advantaged housing as defined in
21 section three of this act, the uniform standards established pursuant to
22 section four of this act shall apply to such project if the project is
23 approved. Approval by a rezoning entity of a rail advantaged housing
24 rezoning proposal is contingent upon the approval of the chief executive
25 officer of any town, village or city and shall be deemed to not have a
26 significant effect on the environment under subparagraph (ii) of para-
27 graph (c) of subdivision 2 of section 8-0113 of the environmental
28 conservation law if prior to such approval:

29 (a) the chief executive officer of any town, village or city which
30 includes property subject to such rezoning has certified that such rail
31 advantaged housing rezoning proposal:

32 1. does not exceed the population increase standard established under
33 paragraph 1 of subdivision (b) of section four of this act;

34 2. does not exceed the parking decrease standard established under
35 paragraph 2 of subdivision (b) of section four of this act;

36 3. requires that any person who builds housing pursuant to such rezon-
37 ing proposal must pay to any applicable local agency's local agency
38 rezoning mitigation account an amount not less than the amount deter-
39 mined in accordance with the formula established under paragraph 3 of
40 subdivision (b) of section four of this act to be sufficient to mitigate
41 any impacts caused by such housing; and

42 (b) such rezoning entity has conducted at least one public hearing on
43 such rail advantaged rezoning proposal.

44 § 6. This act shall take effect immediately.

45 PART EE

46 Section 1. Subdivisions 4 and 5 of section 1902 of the public authori-
47 ties law, as added by section 6 of part JJJ of chapter 58 of the laws of
48 2020, are amended to read as follows:

49 4. Undertake all work and secure such permits as the authority deems
50 necessary or convenient to facilitate the process of establishing build-
51 ready sites and for the transfer of the build-ready sites to developers
52 selected pursuant to a publicly noticed, competitive bidding process
53 authorized by law, provided that any construction, excavation, demoli-
54 tion, rehabilitation, renovation, alteration, improvement, repair or

1 remediation site work performed by the authority or a third party,
2 including but not limited to a single purpose project holding company
3 established pursuant to subdivision five of this section, acting on its
4 behalf, shall be considered public work and subject to all sections of
5 article eight of the labor law, including but not limited to section two
6 hundred twenty;

7 5. Notwithstanding title five-A of article nine of this chapter, or
8 any law to the contrary, establish a build-ready program, including
9 eligibility and other criteria, pursuant to which the authority would,
10 through a competitive and transparent bidding process, and using single
11 purpose project holding companies established by or on behalf of the
12 authority and having no separate and independent operational control,
13 acquire, sell and transfer rights and other interests in build-ready
14 sites and development rights to developers for the purpose of facilitat-
15 ing the development of renewable energy facilities on such build-ready
16 sites. Such transactions may include the transfer of rights, interests
17 and obligations existing under agreements providing for host community
18 benefits negotiated by the authority pursuant to programs established
19 pursuant to subdivision six of this section on such terms and conditions
20 as the authority deems appropriate;

21 § 2. This act shall take effect immediately; provided however, that
22 the amendments to section 1902 of the public authorities law made by
23 section one of this act shall not affect the repeal of such section and
24 shall be deemed repealed therewith.

25 PART FF

26 Section 1. Subdivision (p) of section 406 of chapter 166 of the laws
27 of 1991, amending the tax law and other laws relating to taxes, as
28 amended by section 12 of part A of chapter 55 of the laws of 2020, is
29 amended to read as follows:

30 (p) The amendments to section 1809 of the vehicle and traffic law made
31 by sections three hundred thirty-seven and three hundred thirty-eight of
32 this act shall not apply to any offense committed prior to such effec-
33 tive date; provided, further, that section three hundred forty-one of
34 this act shall take effect immediately and shall expire November 1, 1993
35 at which time it shall be deemed repealed; sections three hundred
36 forty-five and three hundred forty-six of this act shall take effect
37 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
38 six, three hundred fifty-seven and three hundred fifty-nine of this act
39 shall take effect immediately and shall expire June 30, 1995 and shall
40 revert to and be read as if this act had not been enacted; section three
41 hundred fifty-eight of this act shall take effect immediately and shall
42 expire June 30, 1998 and shall revert to and be read as if this act had
43 not been enacted; section three hundred sixty-four through three hundred
44 sixty-seven of this act shall apply to claims filed on or after such
45 effective date; sections three hundred sixty-nine, three hundred seven-
46 ty-two, three hundred seventy-three, three hundred seventy-four, three
47 hundred seventy-five and three hundred seventy-six of this act shall
48 remain in effect until September 1, [~~2021~~ 2022], at which time they
49 shall be deemed repealed; provided, however, that the mandatory
50 surcharge provided in section three hundred seventy-four of this act
51 shall apply to parking violations occurring on or after said effective
52 date; and provided further that the amendments made to section 235 of
53 the vehicle and traffic law by section three hundred seventy-two of this
54 act, the amendments made to section 1809 of the vehicle and traffic law

1 by sections three hundred thirty-seven and three hundred thirty-eight of
2 this act and the amendments made to section 215-a of the labor law by
3 section three hundred seventy-five of this act shall expire on September
4 1, [~~2021~~] 2022 and upon such date the provisions of such subdivisions
5 and sections shall revert to and be read as if the provisions of this
6 act had not been enacted; the amendments to subdivisions 2 and 3 of
7 section 400.05 of the penal law made by sections three hundred seventy-
8 seven and three hundred seventy-eight of this act shall expire on July
9 1, 1992 and upon such date the provisions of such subdivisions shall
10 revert and shall be read as if the provisions of this act had not been
11 enacted; the state board of law examiners shall take such action as is
12 necessary to assure that all applicants for examination for admission to
13 practice as an attorney and counsellor at law shall pay the increased
14 examination fee provided for by the amendment made to section 465 of the
15 judiciary law by section three hundred eighty of this act for any exam-
16 ination given on or after the effective date of this act notwithstanding
17 that an applicant for such examination may have prepaid a lesser fee for
18 such examination as required by the provisions of such section 465 as of
19 the date prior to the effective date of this act; the provisions of
20 section 306-a of the civil practice law and rules as added by section
21 three hundred eighty-one of this act shall apply to all actions pending
22 on or commenced on or after September 1, 1991, provided, however, that
23 for the purposes of this section service of such summons made prior to
24 such date shall be deemed to have been completed on September 1, 1991;
25 the provisions of section three hundred eighty-three of this act shall
26 apply to all money deposited in connection with a cash bail or a
27 partially secured bail bond on or after such effective date; and the
28 provisions of sections three hundred eighty-four and three hundred
29 eighty-five of this act shall apply only to jury service commenced
30 during a judicial term beginning on or after the effective date of this
31 act; provided, however, that nothing contained herein shall be deemed to
32 affect the application, qualification, expiration or repeal of any
33 provision of law amended by any section of this act and such provisions
34 shall be applied or qualified or shall expire or be deemed repealed in
35 the same manner, to the same extent and on the same date as the case may
36 be as otherwise provided by law;

37 § 2. Subdivision 8 of section 1809 of the vehicle and traffic law, as
38 amended by section 13 of part A of chapter 55 of the laws of 2020, is
39 amended to read as follows:

40 8. The provisions of this section shall only apply to offenses commit-
41 ted on or before September first, two thousand [~~twenty-one~~] twenty-two.

42 § 3. This act shall take effect immediately.

43

PART GG

44 Section 1. Intentionally omitted.

45 § 1-a. Legislative findings. The Legislature finds that automated
46 vehicle technology offers widely anticipated and revolutionary potential
47 for the transportation sector. Among the unprecedented opportunities
48 offered by this technology are inclusive mobility options to benefit
49 disadvantaged, disabled and elderly residents; congestion and emissions
50 mitigation; improved livable land use, and better road usage. Further,
51 the legislature has amended section 2 of part FF of chapter 55 of the
52 laws of 2017, relating to motor vehicles equipped with autonomous vehi-
53 cle technology, as amended by section 2 of part H of chapter 58 of the
54 laws of 2018, as amended by section 1 of part M of chapter 58 of the

1 laws of 2019, to allow for a two-year testing program for automobile
2 manufacturers and technology leaders to test and demonstrate automated
3 vehicle technology in New York, which will expire and be deemed repealed
4 April 1, 2021. Consequently, the legislature finds that there is a
5 pressing need for policymakers to study automated vehicle technology and
6 formulate comprehensive laws and regulations to ensure the state is
7 prepared for the safe deployment of automobiles equipped with this tech-
8 nology and to help prepare the state for a future where automated vehi-
9 cle technology plays a role in shaping our roadways, economy, education
10 system, and society.

11 To this end, it is in the public interest to establish an automated
12 vehicle task force to study, evaluate and develop recommendations relat-
13 ing to specific actionable measures that address how automated vehicle
14 technology will transform the state's roadways, economy, education
15 system, and society.

16 § 1-b. Automated vehicle task force. The New York task force on auto-
17 mated vehicle technology is hereby established to study and assess the
18 future of automated vehicle technology. For purposes of this act, "auto-
19 mated vehicle" shall mean a motor vehicle that has the capability to
20 drive the vehicle without the active control or monitoring of a human
21 operator including any automation level at or above SAE J3016 level 3.
22 Such task force shall consist of seventeen members with demonstrated
23 expertise in issues relating to the work of the task force. The members
24 of the task force shall be appointed as follows:

25 (a) five members shall be appointed by the governor, such members'
26 expertise shall encompass, but not be limited to, the areas of transpor-
27 tation, research and development, education, education for or assisting
28 people with disabilities; one of these members shall be the commissioner
29 of the department of motor vehicles and shall serve as chairperson of
30 the task force; and one member shall be the commissioner of the depart-
31 ment of transportation and shall serve as vice chair;

32 (b) four members shall be appointed by the temporary president of the
33 senate, one of whom shall be appointed from an association representing
34 the manufacturers of the majority of new car and light trucks sold in
35 the United States and shall represent a different original equipment
36 manufacturer than the speaker of the assembly's appointment, and one of
37 whom shall be appointed from a state federation of affiliated public
38 sector, private sector, and building trades labor organizations;

39 (c) four members shall be appointed by the speaker of the assembly,
40 one of whom shall be appointed from an association representing the
41 manufacturers of the majority of new car and light trucks sold in the
42 United States and shall represent a different original equipment
43 manufacturer than the temporary president's appointment, and one of whom
44 shall be appointed from a statewide business advocacy organization
45 representing large and small member companies and local chambers of
46 commerce and professional and trade associations;

47 (d) one member shall be appointed by the senate minority leader;

48 (e) one member shall be appointed by the assembly minority leader;

49 (f) one member shall be appointed by the chancellor of the state
50 university of New York; such member shall be a member of a research
51 faculty of an engineering department at a state university of New York
52 campus; and

53 (g) one member shall be appointed by the commission on independent
54 colleges and universities from a New York private university research
55 faculty of an engineering department.

1 § 1-c. All appointments shall be made no later than the thirtieth day
2 after the effective date of this section. Vacancies in the membership of
3 the task force shall be filled in the same manner provided for by the
4 original appointments. The task force shall organize as soon as practi-
5 cable following the appointment of its members. The chairperson shall
6 appoint a secretary who shall not be a member of the task force. The
7 members of the task force shall receive no compensation for their
8 services.

9 § 1-d. The task force shall study, evaluate and develop recommenda-
10 tions relating to specific actionable measures that address how auto-
11 mated vehicle technology will transform the state's roadways, economy,
12 education system and society. The automated vehicle task force shall
13 study how to support the safe testing, deployment and operation of auto-
14 mated vehicle technology on public highways. It shall take all of the
15 following into consideration: (a) the measures necessary to successfully
16 implement automated vehicles, including necessary legislative and regu-
17 latory or administrative changes; (b) the difficulties and liabilities
18 that could arise by allowing automated vehicles on public highways and
19 proper mechanisms to manage risks and ensure adequate risk coverage; (c)
20 how automated vehicle technology can promote research and development in
21 this state; (d) potential considerations and resource needs for law
22 enforcement; (e) potential infrastructure changes needed and capital
23 planning considerations; and (f) any other issue the committee deems
24 relevant.

25 § 1-e. The task force shall be entitled to request and receive, and
26 shall utilize such facilities, resources and data of any court, depart-
27 ment, division, board, bureau, commission or agency of the state or any
28 political subdivision thereof as it may reasonably request to properly
29 carry out its powers and duties.

30 § 1-f. In carrying out its functions, the task force shall hold five
31 public hearings around the state to foster discussions in accordance
32 with article seven of the public officers law, and formal public hear-
33 ings to solicit input and recommendations from statewide and regional
34 stakeholder interests.

35 § 1-g. The task force shall report its findings and recommendations to
36 the governor, the temporary president of the senate and the speaker of
37 the assembly on or before April first, two thousand twenty-three.

38 § 2. Intentionally omitted.

39 § 3. Section 3 of part FF of chapter 55 of the laws of 2017, relating
40 to motor vehicles equipped with autonomous vehicle technology, as
41 amended by section 2 of part M of chapter 58 of the laws of 2019, is
42 amended to read as follows:

43 § 3. This act shall take effect April 1, 2017; provided, however, that
44 section one of this act shall expire and be deemed repealed [~~April~~ June
45 1, 2021.

46 § 4. Intentionally omitted.

47 § 5. This act shall take effect immediately, provided, however, that
48 sections one-a, one-b, one-c, one-d, one-e, one-f and one-g of this act
49 shall expire and be deemed repealed 2 years after such date.

50 PART HH

51 Intentionally Omitted

52 PART II

1 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012
2 amending the public authorities law, relating to authorizing the dormi-
3 tory authority to enter into certain design and construction management
4 agreements, as amended by section 1 of part B of chapter 58 of the laws
5 of 2019, is amended to read as follows:

6 § 2. This act shall take effect immediately and shall expire and be
7 deemed repealed April 1, [~~2021~~] 2023.

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

24 § 3. This act shall take effect immediately and shall be deemed to
25 have been in full force and effect on and after April 1, 2021.

26 PART JJ

27 Section 1. Intentionally omitted.

28 § 2. Intentionally omitted.

29 § 3. The superintendent of financial services shall convene a motor
30 vehicle insurance task force, to examine alternatives to the no-fault
31 insurance system as well as other legislative or regulatory initiatives
32 to reduce the cost of motor vehicle insurance. The task force shall
33 issue a report to the governor, the temporary president of the senate,
34 the speaker of the assembly, the chair of the senate insurance committee
35 and the chair of the assembly insurance committee on its recommendations
36 no later than December 31, 2021. The task force shall be comprised of
37 eight members including the superintendent of financial services who
38 shall serve as the chair. The remaining members shall be appointed as
39 follows: three shall be appointed by the governor, two shall be
40 appointed by the temporary president of the senate, and two shall be
41 appointed by the speaker of the assembly. Members of the task force
42 shall be representative of consumers, health insurers, trial attorneys,
43 healthcare providers, or insurers. The members of the task force shall
44 receive no compensation for their services, but shall be allowed their
45 actual and necessary expenses incurred in the performance of their
46 duties.

47 § 4. This act shall take effect immediately.

48 PART KK

49 Intentionally Omitted

50 PART LL

1 Intentionally Omitted

2 PART MM

3 Intentionally Omitted

4 PART NN

5 Section 1. Section 1 of subpart H of part C of chapter 20 of the laws
6 of 2015, appropriating money for certain municipal corporations and
7 school districts, as amended by section 1 of part AAA of chapter 59 of
8 the laws of 2018, is amended to read as follows:

9 Section 1. Contingent upon available funding, and not to exceed
10 [~~\$69,000,000~~] \$140,000,000 moneys from the urban development corporation
11 shall be available for a local government entity, which for the purposes
12 of this section shall mean a county, city, town, village, school
13 district or special district, where (i) on or after June 25, 2015, an
14 electric generating facility located within such local government entity
15 has ceased operations, and (ii) the closing of such facility has caused
16 a reduction in the real property tax collections or payments in lieu of
17 taxes of at least twenty percent owed by such electric generating facil-
18 ity. Such moneys attributable to the cessation of operations, shall be
19 paid annually on a first come, first served basis by the urban develop-
20 ment corporation to such local government entity within a reasonable
21 time upon confirmation from the state office of real property tax
22 services or the local industrial development authority established
23 pursuant to titles eleven and fifteen of article eight of the public
24 authorities law, or the local industrial development agency established
25 pursuant to article eighteen-A of the general municipal law that such
26 cessation has resulted in a reduction in the real property tax
27 collections or payments in lieu of taxes, provided, however, that the
28 urban development corporation shall not provide assistance to such local
29 government entity for more than seven years, and shall award payments
30 reflecting the loss of revenues due to the cessation of operations as
31 follows:

32	Award Year	Maximum Potential Award
33	1	no more than eighty percent of loss of revenues
34	2	no more than seventy percent of loss of revenues
35	3	no more than sixty percent of loss of revenues
36	4	no more than fifty percent of loss of revenues
37	5	no more than forty percent of loss of revenues
38	6	no more than thirty percent of loss of revenues
39	7	no more than twenty percent of loss of revenues

40 A local government entity shall be eligible for only one payment of
41 funds hereunder per year. A local government entity may seek assistance
42 under the electric generation facility cessation mitigation fund once a
43 generator has submitted its notice to the federally designated electric
44 bulk system operator (BSO) serving the state of New York of its intent
45 to retire the facility or of its intent to voluntarily remove the facil-
46 ity from service subject to any return-to-service provisions of any
47 tariff, and that the facility also is ineligible to participate in the
48 markets operated by the BSO. The date of submission of a local govern-

1 ment entity's application for assistance shall establish the order in
2 which assistance is paid to program applicants, except that in no event
3 shall assistance be paid to a local government entity until such time
4 that an electric generating facility has retired or become ineligible to
5 participate in the markets operated by the BSO. For purposes of this
6 section, any local government entity seeking assistance under the elec-
7 tric generation facility cessation mitigation fund must submit an attes-
8 tation to the department of public service that a facility is no longer
9 producing electricity and is no longer participating in markets operated
10 by the BSO. After receipt of such attestation, the department of public
11 service shall confirm such information with the BSO. In the case that
12 the BSO confirms to the department of public service that the facility
13 is no longer producing electricity and participating in markets operated
14 by such BSO, it shall be deemed that the electric generating facility
15 located within the local government entity has ceased operation. The
16 department of public service shall provide such confirmation to the
17 urban development corporation upon receipt. The determination of the
18 amount of such annual payment shall be determined by the president of
19 the urban development corporation based on the amount of the differen-
20 tial between the annual real property taxes and payments in lieu of
21 taxes imposed upon the facility, exclusive of interest and penalties,
22 during the last year of operations and the current real property taxes
23 and payments in lieu of taxes imposed upon the facility, exclusive of
24 interest and penalties. The total amount awarded from this program shall
25 not exceed [~~\$69,000,000~~] \$140,000,000.

26 § 2. This act shall take effect immediately; provided, however, that
27 the amendments to section 1 of subpart H of part C of chapter 20 of the
28 laws of 2015 made by section one of this act shall not affect the repeal
29 of such subpart and shall be deemed repealed therewith.

30 PART OO

31 Intentionally Omitted

32 PART PP

33 Section 1. The general obligations law is amended by adding a new
34 article 18-C to read as follows:

35 ARTICLE 18-C

36 LIBOR DISCONTINUANCE

37 Section 18-400. Definitions.

38 18-401. Effect of LIBOR discontinuance on agreements.

39 18-402. Continuity of contract and safe harbor.

40 18-403. Severability.

41 § 18-400. Definitions. As used in this article the following terms
42 shall have the following meanings:

43 1. "LIBOR" shall mean, for purposes of the application of this article
44 to any particular contract, security or instrument, U.S. dollar LIBOR
45 (formerly known as the London interbank offered rate) as administered by
46 ICE Benchmark Administration Limited (or any predecessor or successor
47 thereof), or any tenor thereof, as applicable, that is used in making
48 any calculation or determination thereunder.

49 2. "LIBOR discontinuance event" shall mean the earliest to occur of
50 any of the following:

1 a. a public statement or publication of information by or on behalf of
2 the administrator of LIBOR announcing that such administrator has ceased
3 or will cease to provide LIBOR, permanently or indefinitely, provided
4 that, at the time of the statement or publication, there is no successor
5 administrator that will continue to provide LIBOR;

6 b. a public statement or publication of information by the regulatory
7 supervisor for the administrator of LIBOR, the United States Federal
8 Reserve System, an insolvency official with jurisdiction over the admin-
9 istrator for LIBOR, a resolution authority with jurisdiction over the
10 administrator for LIBOR or a court or an entity with similar insolvency
11 or resolution authority over the administrator for LIBOR, which states
12 that the administrator of LIBOR has ceased or will cease to provide
13 LIBOR permanently or indefinitely, provided that, at the time of the
14 statement or publication, there is no successor administrator that will
15 continue to provide LIBOR; or

16 c. a public statement or publication of information by the regulatory
17 supervisor for the administrator of LIBOR announcing that LIBOR is no
18 longer representative. For purposes of this subdivision two, a public
19 statement or publication of information that affects one or more tenors
20 of LIBOR shall not constitute a LIBOR discontinuance event with respect
21 to any contract, security or instrument that (i) provides for only one
22 tenor of LIBOR, if such contract, security or instrument requires
23 interpolation and such tenor can be interpolated from LIBOR tenors that
24 are not so affected, or (ii) permits a party to choose from more than
25 one tenor of LIBOR and any of such tenors (A) is not so affected or (B)
26 if such contract, security or instrument requires interpolation, can be
27 interpolated from LIBOR tenors that are not so affected.

28 3. "LIBOR replacement date" shall mean:

29 a. in the case of a LIBOR discontinuance event described in paragraph
30 a or b of subdivision two of this section, the later of (i) the date of
31 the public statement or publication of information referenced therein;
32 and (ii) the date on which the administrator of LIBOR permanently or
33 indefinitely ceases to provide LIBOR; and

34 b. in the case of a LIBOR discontinuance event described in paragraph
35 c of subdivision two of this section, the date of the public statement
36 or publication of information referenced therein. For purposes of this
37 subdivision three, a date that affects one or more tenors of LIBOR shall
38 not constitute a LIBOR replacement date with respect to any contract,
39 security or instrument that (i) provides for only one tenor of LIBOR, if
40 such contract, security or instrument requires interpolation and such
41 tenor can be interpolated from LIBOR tenors that are not so affected, or
42 (ii) permits a party to choose from more than one tenor of LIBOR and any
43 of such tenors (A) is not so affected or (B) if such contract, security
44 or instrument requires interpolation, can be interpolated from LIBOR
45 tenors that are not so affected.

46 4. "Fallback provisions" shall mean terms in a contract, security or
47 instrument that set forth a methodology or procedure for determining a
48 benchmark replacement, including any terms relating to the date on which
49 the benchmark replacement becomes effective, without regard to whether a
50 benchmark replacement can be determined in accordance with such method-
51 ology or procedure.

52 5. "Benchmark" shall mean an index of interest rates or dividend rates
53 that is used, in whole or in part, as the basis of or as a reference for
54 calculating or determining any valuation, payment or other measurement
55 under or in respect of a contract, security or instrument.

1 6. "Benchmark replacement" shall mean a benchmark, or an interest rate
2 or dividend rate (which may or may not be based in whole or in part on a
3 prior setting of LIBOR), to replace LIBOR or any interest rate or divi-
4 dend rate based on LIBOR, whether on a temporary, permanent or indefi-
5 nite basis, under or in respect of a contract, security or instrument.

6 7. "Recommended benchmark replacement" shall mean, with respect to any
7 particular type of contract, security or instrument, a benchmark
8 replacement based on SOFR, which shall include any recommended spread
9 adjustment and any benchmark replacement conforming changes, that shall
10 have been selected or recommended by a relevant recommending body with
11 respect to such type of contract, security or instrument.

12 8. "Recommended spread adjustment" shall mean a spread adjustment, or
13 method for calculating or determining such spread adjustment, (which may
14 be a positive or negative value or zero) that shall have been selected
15 or recommended by a relevant recommending body for a recommended bench-
16 mark replacement for a particular type of contract, security or instru-
17 ment and for a particular term to account for the effects of the transi-
18 tion or change from LIBOR to a recommended benchmark replacement.

19 9. "Benchmark replacement conforming changes" shall mean, with respect
20 to any type of contract, security or instrument, any technical, adminis-
21 trative or operational changes, alterations or modifications that are
22 associated with and reasonably necessary to the use, adoption, calcu-
23 lation or implementation of a recommended benchmark replacement and
24 that:

25 a. have been selected or recommended by a relevant recommending body;
26 and

27 b. if, in the reasonable judgment of the calculating person, the
28 benchmark replacement conforming changes selected or recommended pursu-
29 ant to paragraph a of this subdivision do not apply to such contract,
30 security or instrument or are insufficient to permit administration and
31 calculation of the recommended benchmark replacement, then benchmark
32 replacement conforming changes shall include such other changes, alter-
33 ations or modifications that, in the reasonable judgment of the calcu-
34 lating person:

35 (i) are necessary to permit administration and calculation of the
36 recommended benchmark replacement under or in respect of such contract,
37 security or instrument in a manner consistent with market practice for
38 substantially similar contracts, securities or instruments and, to the
39 extent practicable, the manner in which such contract, security or
40 instrument was administered immediately prior to the LIBOR replacement
41 date; and

42 (ii) would not result in a disposition of such contract, security or
43 instrument for U.S. federal income tax purposes.

44 10. "Determining person" shall mean, with respect to any contract,
45 security or instrument, in the following order of priority:

46 a. any person specified as a "determining person"; or

47 b. any person with the authority, right or obligation to:

48 (i) determine the benchmark replacement that will take effect on the
49 LIBOR replacement date,

50 (ii) calculate or determine a valuation, payment or other measurement
51 based on a benchmark, or

52 (iii) notify other persons of the occurrence of a LIBOR discontinuance
53 event, a LIBOR replacement date or a benchmark replacement.

54 11. "Relevant recommending body" shall mean the Federal Reserve Board,
55 the Federal Reserve Bank of New York, or the Alternative Reference Rates
56 Committee, or any successor to any of them.

1 12. "SOFR" shall mean, with respect to any day, the secured overnight
2 financing rate published for such day by the Federal Reserve Bank of New
3 York, as the administrator of the benchmark (or a successor administra-
4 tor), on the Federal Reserve Bank of New York's website.

5 13. "Calculating person" shall mean, with respect to any contract,
6 security or instrument, any person (which may be the determining person)
7 responsible for calculating or determining any valuation, payment or
8 other measurement based on a benchmark.

9 14. "Contract, security, or instrument" shall include, without limita-
10 tion, any contract, agreement, mortgage, deed of trust, lease, security
11 (whether representing debt or equity, and including any interest in a
12 corporation, a partnership or a limited liability company), instrument,
13 or other obligation.

14 § 18-401. Effect of LIBOR discontinuance on agreements. 1. On the
15 LIBOR replacement date, the recommended benchmark replacement shall, by
16 operation of law, be the benchmark replacement for any contract, securi-
17 ty or instrument that uses LIBOR as a benchmark and:

18 a. contains no fallback provisions; or

19 b. contains fallback provisions that result in a benchmark replace-
20 ment, other than a recommended benchmark replacement, that is based in
21 any way on any LIBOR value.

22 2. Following the occurrence of a LIBOR discontinuance event, any fall-
23 back provisions in a contract, security, or instrument that provide for
24 a benchmark replacement based on or otherwise involving a poll, survey
25 or inquiries for quotes or information concerning interbank lending
26 rates or any interest rate or dividend rate based on LIBOR shall be
27 disregarded as if not included in such contract, security or instrument
28 and shall be deemed null and void and without any force or effect.

29 3. This subdivision shall apply to any contract, security, or instru-
30 ment that uses LIBOR as a benchmark and contains fallback provisions
31 that permit or require the selection of a benchmark replacement that is:

32 a. based in any way on any LIBOR value; or

33 b. the substantive equivalent of paragraph (a), (b) or (c) of subdivi-
34 sion one of section 18-402 of this article.

35 A determining person shall have the authority under this article, but
36 shall not be required, to select on or after the occurrence of a LIBOR
37 discontinuance event the recommended benchmark replacement as the bench-
38 mark replacement. Such selection of the recommended benchmark replace-
39 ment shall be:

40 (i) irrevocable;

41 (ii) made by the earlier of either the LIBOR replacement date, or the
42 latest date for selecting a benchmark replacement according to such
43 contract, security, or instrument; and

44 (iii) used in any determinations of the benchmark under or with
45 respect to such contract, security or instrument occurring on and after
46 the LIBOR replacement date.

47 4. If a recommended benchmark replacement becomes the benchmark
48 replacement for any contract, security, or instrument pursuant to subdi-
49 vision one or subdivision three of this section, then all benchmark
50 replacement conforming changes that are applicable (in accordance with
51 the definition of benchmark replacement conforming changes) to such
52 recommended benchmark replacement shall become an integral part of such
53 contract, security, or instrument by operation of law.

54 5. The provisions of this article shall not alter or impair:

55 a. any written agreement by all requisite parties that, retrospective-
56 ly or prospectively, a contract, security, or instrument shall not be

1 subject to this article without necessarily referring specifically to
2 this article. For purposes of this subdivision, "requisite parties"
3 means all parties required to amend the terms and provisions of a
4 contract, security, or instrument that would otherwise be altered or
5 affected by this article;

6 b. any contract, security or instrument that contains fallback
7 provisions that would result in a benchmark replacement that is not
8 based on LIBOR, including, but not limited to, the prime rate or the
9 federal funds rate, except that such contract, security or instrument
10 shall be subject to subdivision two of this section;

11 c. any contract, security, or instrument subject to subdivision three
12 of this section as to which a determining person does not elect to use a
13 recommended benchmark replacement pursuant to subdivision three of this
14 section or as to which a determining person elects to use a recommended
15 benchmark replacement prior to the occurrence of a LIBOR discontinuance
16 event, except that such contract, security, or instrument shall be
17 subject to subdivision two of this section; or

18 d. the application to a recommended benchmark replacement of any cap,
19 floor, modifier, or spread adjustment to which LIBOR had been subject
20 pursuant to the terms of a contract, security, or instrument.

21 6. Notwithstanding the uniform commercial code or any other law of
22 this state, this title shall apply to all contracts, securities and
23 instruments, including contracts, with respect to commercial trans-
24 actions, and shall not be deemed to be displaced by any other law of
25 this state.

26 § 18-402. Continuity of contract and safe harbor. 1. The selection or
27 use of a recommended benchmark replacement as a benchmark replacement
28 under or in respect of a contract, security or instrument by operation
29 of section 18-401 of this section shall constitute:

30 a. a commercially reasonable replacement for and a commercially
31 substantial equivalent to LIBOR;

32 b. a reasonable, comparable or analogous term for LIBOR under or in
33 respect of such contract, security or instrument;

34 c. a replacement that is based on a methodology or information that is
35 similar or comparable to LIBOR; and

36 d. substantial performance by any person of any right or obligation
37 relating to or based on LIBOR under or in respect of a contract, securi-
38 ty or instrument.

39 2. None of: a. a LIBOR discontinuance event or a LIBOR replacement
40 date, b. the selection or use of a recommended benchmark replacement as
41 a benchmark replacement; or c. the determination, implementation or
42 performance of benchmark replacement conforming changes, in each case,
43 by operation of section 18-401 of this article, shall:

44 (i) be deemed to impair or affect the right of any person to receive a
45 payment, or affect the amount or timing of such payment, under any
46 contract, security, or instrument; or

47 (ii) have the effect of (A) discharging or excusing performance under
48 any contract, security or instrument for any reason, claim or defense,
49 including, but not limited to, any force majeure or other provision in
50 any contract, security or instrument; (B) giving any person the right to
51 unilaterally terminate or suspend performance under any contract, secu-
52 rity or instrument; (C) constituting a breach of a contract, security or
53 instrument; or (D) voiding or nullifying any contract, security or
54 instrument.

55 3. No person shall have any liability for damages to any person or be
56 subject to any claim or request for equitable relief arising out of or

1 related to the selection or use of a recommended benchmark replacement
2 or the determination, implementation or performance of benchmark
3 replacement conforming changes, in each case, by operation of section
4 18-401 of this article, and such selection or use of the recommended
5 benchmark replacement or such determination implementation or perform-
6 ance of benchmark replacement conforming changes shall not give rise to
7 any claim or cause of action by any person in law or in equity.

8 4. The selection or use of a recommended benchmark replacement or the
9 determination, implementation, or performance of benchmark replacement
10 conforming changes, by operation of section 18-401 of this article,
11 shall be deemed to:

12 a. not be an amendment or modification of any contract, security or
13 instrument; and

14 b. not prejudice, impair or affect any person's rights, interests or
15 obligations under or in respect of any contract, security or instrument.

16 5. Except as provided in either subdivision one or subdivision three
17 of section 18-401 of this article, the provisions of this article shall
18 not be interpreted as creating any negative inference or negative
19 presumption regarding the validity or enforceability of:

20 a. any benchmark replacement that is not a recommended replacement
21 benchmark;

22 b. any spread adjustment, or method for calculating or determining a
23 spread adjustment, that is not a recommended spread adjustment; or

24 c. any changes, alterations or modifications to or in respect of a
25 contract, security or instrument that are not benchmark replacement
26 conforming changes.

27 § 18-403. Severability. If any provision of this article or applica-
28 tion thereof to any person or circumstance is held invalid, the invalid-
29 ity shall not affect other provisions or applications of this article
30 that can be given effect without the invalid provision or application,
31 and to this end the provisions of this article shall be severable.

32 § 2. This act shall take effect immediately.

33 PART QQ

34 Intentionally Omitted

35 PART RR

36 Intentionally Omitted

37 PART SS

38 Section 1. Paragraph (b) of subdivision 1 of section 7 of section 1 of
 39 chapter 392 of the laws of 1973 constituting the New York State Medical
 40 Care Facilities Finance Agency act, as amended by chapter 183 of the
 41 laws of 2018, is amended to read as follows:

42 (b) The agency shall not issue hospital and nursing home project bonds
 43 and hospital and nursing home project notes in an aggregate principal
 44 amount exceeding [~~sixteen~~] **seventeen** billion [~~six~~] **four** hundred million
 45 dollars, excluding hospital and nursing home project bonds and hospital
 46 and nursing home project notes issued to refund outstanding hospital and
 47 nursing home projects bonds and hospital and nursing home project notes;
 48 provided, however, that upon any such refunding or repayment the total

1 aggregate principal amount of outstanding bonds, notes or other obli-
 2 gations may be greater than [~~sixteen~~] seventeen billion [~~six~~] four
 3 hundred million dollars only if the present value of the aggregate debt
 4 service of the refunding or repayment bonds, notes or other obligations
 5 to be issued shall not exceed the present value of the aggregate debt
 6 service of the bonds, notes or other obligations so to be refunded or
 7 repaid. For purposes hereof, the present values of the aggregate debt
 8 service of the refunding or repayment bonds, notes or other obligations
 9 and of the aggregate debt service of the bonds, notes or other obli-
 10 gations so refunded or repaid, shall be calculated by utilizing the
 11 effective interest rate of the refunding or repayment bonds, notes or
 12 other obligations, which shall be that rate arrived at by doubling the
 13 semi-annual interest rate (compounded semi-annually) necessary to
 14 discount the debt service payments on the refunding or repayment bonds,
 15 notes or other obligations from the payment dates thereof to the date of
 16 issue of the refunding or repayment bonds, notes or other obligations
 17 and to the price bid including estimated accrued interest or proceeds
 18 received by the agency including estimated accrued interest from the
 19 sale thereof. The agency shall not issue hospital and nursing home
 20 project bonds at any time secured by the hospital and nursing home capi-
 21 tal reserve fund if upon issuance, the amount in the hospital and nurs-
 22 ing home capital reserve fund will be less than the hospital and nursing
 23 home capital reserve fund requirement, unless the agency, at the time of
 24 issuance of such bonds, shall deposit in such reserve fund from the
 25 proceeds of the bonds so to be issued, or otherwise, an amount which
 26 together with the amount then in such reserve fund, will be not less
 27 than the hospital and nursing home capital reserve fund requirement.
 28 § 2. This act shall take effect immediately.

29 PART TT

30 Section 1. This act enacts into law components of legislation relating
 31 to the pandemic recovery and restart program. Each component is wholly
 32 contained within a Subpart identified as Subparts A through C. The
 33 effective date for each particular provision contained within such
 34 Subpart is set forth in the last section of such Subpart. Any provision
 35 in any section contained within a Subpart, including the effective date
 36 of the Subpart, which makes reference to a section "of this act", when
 37 used in connection with that particular component, shall be deemed to
 38 mean and refer to the corresponding section of the Subpart in which it
 39 is found. Section three of this act sets forth the general effective
 40 date of this act.

41 SUBPART A

42 Section 1. The economic development law is amended by adding a new
 43 article 24 to read as follows:

44 ARTICLE 24

45 SMALL BUSINESS RETURN-TO-WORK TAX CREDIT PROGRAM

46 Section 460. Short title.

47 461. Statement of legislative findings and declaration.

48 462. Definitions.

49 463. Eligibility criteria.

50 464. Application and approval process.

51 465. Small business return-to-work tax credit.

52 466. Powers and duties of the commissioner.

1 467. Maintenance of records.

2 468. Reporting.

3 469. Cap on tax credit.

4 § 460. Short title. This article shall be known and may be cited as
5 the "small business return-to-work tax credit program act".

6 § 461. Statement of legislative findings and declaration. It is hereby
7 found and declared that New York state needs, as a matter of public
8 policy, to create financial incentives for small businesses in indus-
9 tries that have suffered economic harm as a result of the COVID-19
10 pandemic to expeditiously rehire workers and increase total small busi-
11 ness employment. The small business return-to-work tax credit program is
12 created to provide financial incentives to economically harmed small
13 businesses to offer relief, expedite their hiring efforts, and reduce
14 the duration and severity of the current economic difficulties.

15 § 462. Definitions. For the purposes of this article:

16 1. "Accommodation sector" means establishments that provide lodging or
17 short-term accommodations for travelers, vacationers, and others.

18 2. "Arts, entertainment, and recreation sector" means establishments
19 that operate facilities or provide services to meet varied cultural,
20 entertainment, and recreational interests of their patrons. This sector
21 comprises: (a) establishments that are involved in producing, promoting,
22 or participating in live performances, events, or exhibits intended for
23 public viewing; (b) establishments that preserve and exhibit objects and
24 sites of historical, cultural, or educational interest; and (c) estab-
25 lishments that operate facilities or provide services that enable
26 patrons to participate in recreational activities or pursue amusement,
27 hobby, and leisure-time interests.

28 3. "Average full-time employment" shall mean the average number of
29 full-time equivalent positions employed by a business entity in an
30 eligible industry during a given period.

31 4. "Average starting full-time employment" shall be calculated as the
32 average number of full-time equivalent positions employed by a business
33 entity in an eligible industry between January first, two thousand twen-
34 ty-one, and March thirty-first, two thousand twenty-one.

35 5. "Average ending full-time employment" shall be calculated as the
36 average number of full-time equivalent positions employed by a business
37 entity in an eligible industry between April first, two thousand twen-
38 ty-one, and December thirty-first, two thousand twenty-one.

39 6. "Certificate of tax credit" means the document issued to a business
40 entity by the department after the department has verified that the
41 business entity has met all applicable eligibility criteria in this
42 article. The certificate shall specify the exact amount of the tax cred-
43 it under this article that a business entity may claim, pursuant to
44 section four hundred sixty-five of this article.

45 7. "Commissioner" shall mean the commissioner of the department of
46 economic development.

47 8. "Department" shall mean the department of economic development.

48 9. "Eligible industry" means a business entity operating predominantly
49 in one of the following business sectors:

50 (a) accommodations; or

51 (b) arts, entertainment, and recreation.

52 10. "Net employee increase" means an increase of at least one full-
53 time equivalent employee between the average starting full-time employ-
54 ment and the average ending full-time employment of a business entity.

1 § 463. Eligibility criteria. 1. To be eligible for a tax credit under
2 the small business return-to-work tax credit program, a business entity
3 must:

4 (a) be a small business as defined in section one hundred thirty-one
5 of this chapter and have fewer than one hundred full-time job equiv-
6 alents in New York state as of April first, two thousand twenty-one;

7 (b) operate a business location in New York state that charges admis-
8 sion and/or accepts payment for goods and/or services from in-person
9 customers;

10 (c) operate predominantly in an eligible industry as defined in subdi-
11 vision nine of section four hundred sixty-two of this article; provided,
12 however, that the department, in its regulations promulgated pursuant to
13 this article, shall have the authority to list certain sectors of those
14 industries as ineligible;

15 (d) have experienced economic harm as a result of the COVID-19 emer-
16 gency as evidenced by a year-to-year decrease of at least forty percent
17 in New York state between the second quarter of two thousand nineteen
18 and the second quarter of two thousand twenty or the third quarter of
19 two thousand nineteen and the third quarter of two thousand twenty for
20 one or both of: (i) gross receipts or (ii) average full-time employment;
21 and

22 (e) have demonstrated a net employee increase.

23 2. A business entity must be in substantial compliance with any emer-
24 gency restrictions or public health orders impacting the industry sector
25 or other laws and regulations as determined by the commissioner. In
26 addition, a business entity may not owe past due state taxes or local
27 property taxes unless the business entity is making payments and comply-
28 ing with an approved binding payment agreement entered into with the
29 taxing authority.

30 § 464. Application and approval process. 1. A business entity must
31 submit a complete application as prescribed by the commissioner.

32 2. The commissioner shall establish procedures and a timeframe for
33 business entities to submit applications. As part of the application,
34 each business entity must:

35 (a) provide evidence in a form and manner prescribed by the commis-
36 sioner of their business eligibility;

37 (b) agree to allow the department of taxation and finance to share the
38 business entity's tax information with the department. However, any
39 information shared as a result of this program shall not be available
40 for disclosure or inspection under the state freedom of information law;

41 (c) agree to allow the department of labor to share its tax and
42 employer information with the department. However, any information
43 shared as a result of this program shall not be available for disclosure
44 or inspection under the state freedom of information law;

45 (d) allow the department and its agents access to any and all books
46 and records the department may require to monitor compliance;

47 (e) certify, under penalty of perjury, that it is in substantial
48 compliance with all emergency orders or public health regulations
49 currently required of such entity, and local, and state tax laws; and

50 (f) agree to provide any additional information required by the
51 department relevant to this article.

52 3. After reviewing a business entity's completed final application and
53 determining that the business entity meets the eligibility criteria as
54 set forth in this article, the department may issue to that business
55 entity a certificate of tax credit. A business entity may claim the tax

1 credit in the taxable year that includes December thirty-first, two
2 thousand twenty-one.

3 § 465. Small business return-to-work tax credit. 1. A business entity
4 in the small business return-to-work tax credit program that meets the
5 eligibility requirements of section four hundred sixty-three of this
6 article may be eligible to claim a credit equal to five thousand dollars
7 per each full-time equivalent net employee increase as defined in subdivi-
8 vision ten of section four hundred sixty-two of this article.

9 2. A business entity, including a partnership, limited liability
10 company and subchapter S corporation, may not receive in excess of fifty
11 thousand dollars in tax credits under this program.

12 3. The credit shall be allowed as provided in section forty-five,
13 subdivision fifty-five of section two hundred ten-B and subsection (kkk)
14 of section six hundred six of the tax law.

15 § 466. Powers and duties of the commissioner. 1. The commissioner may
16 promulgate regulations establishing an application process and eligibil-
17 ity criteria, that will be applied consistent with the purposes of this
18 article, so as not to exceed the annual cap on tax credits set forth in
19 section four hundred sixty-nine of this article which, notwithstanding
20 any provisions to the contrary in the state administrative procedure
21 act, may be adopted on an emergency basis.

22 2. The commissioner shall, in consultation with the department of
23 taxation and finance, develop a certificate of tax credit that shall be
24 issued by the commissioner to eligible businesses. Such certificate
25 shall contain such information as required by the department of taxation
26 and finance.

27 3. The commissioner shall solely determine the eligibility of any
28 applicant applying for entry into the program and shall remove any busi-
29 ness entity from the program for failing to meet any of the requirements
30 set forth in section four hundred sixty-three of this article, or for
31 failing to meet the requirements set forth in subdivision one of section
32 four hundred sixty-four of this article.

33 § 467. Maintenance of records. Each business entity participating in
34 the program shall keep all relevant records for their duration of
35 program participation for at least three years.

36 § 468. Reporting. Each business entity participating in this program
37 must submit a performance report to the department at a time prescribed
38 in regulations by the commissioner.

39 § 469. Cap on tax credit. The total amount of tax credits listed on
40 certificates of tax credit issued by the commissioner pursuant to this
41 article may not exceed fifty million dollars.

42 § 2. The tax law is amended by adding a new section 45 to read as
43 follows:

44 § 45. Small business return-to-work tax credit. (a) Allowance of cred-
45 it. A taxpayer subject to tax under article nine-A or twenty-two of this
46 chapter shall be allowed a credit against such tax, pursuant to the
47 provisions referenced in subdivision (f) of this section. The amount of
48 the credit is equal to the amount determined pursuant to section four
49 hundred sixty-five of the economic development law. No cost or expense
50 paid or incurred by the taxpayer which is included as part of the calcu-
51 lation of this credit shall be the basis of any other tax credit allowed
52 under this chapter.

53 (b) Eligibility. To be eligible for the small business return-to-work
54 tax credit, the taxpayer shall have been issued a certificate of tax
55 credit by the department of economic development pursuant to subdivision
56 two of section four hundred sixty-four of the economic development law,

1 which certificate shall set forth the amount of the credit that may be
2 claimed for the taxable year. The taxpayer shall be allowed to claim
3 only the amount listed on the certificate of tax credit for that taxable
4 year. A taxpayer that is a partner in a partnership, member of a limited
5 liability company or shareholder in a subchapter S corporation that has
6 received a certificate of tax credit shall be allowed its pro rata share
7 of the credit earned by the partnership, limited liability company or
8 subchapter S corporation.

9 (c) Tax return requirement. The taxpayer shall be required to attach
10 to its tax return, in the form prescribed by the commissioner, proof of
11 receipt of its certificate of tax credit issued by the commissioner of
12 the department of economic development.

13 (d) Information sharing. Notwithstanding any provision of this chap-
14 ter, employees of the department of economic development and the depart-
15 ment shall be allowed and are directed to share and exchange:

16 (1) information derived from tax returns or reports that is relevant
17 to a taxpayer's eligibility to participate in the small business
18 return-to-work tax credit program;

19 (2) information regarding the credit applied for, allowed or claimed
20 pursuant to this section and taxpayers that are applying for the credit
21 or that are claiming the credit; and

22 (3) information contained in or derived from credit claim forms
23 submitted to the department and applications for admission into the
24 small business return-to-work tax credit program. Except as provided in
25 paragraph two of this subdivision, all information exchanged between the
26 department of economic development and the department shall not be
27 subject to disclosure or inspection under the state's freedom of infor-
28 mation law.

29 (e) Credit recapture. If a certificate of tax credit issued by the
30 department of economic development under article twenty-four of the
31 economic development law is revoked by such department, the amount of
32 credit described in this section and claimed by the taxpayer prior to
33 that revocation shall be added back to tax in the taxable year in which
34 any such revocation becomes final.

35 (f) Cross references. For application of the credit provided for in
36 this section, see the following provisions of this chapter:

37 (1) article 9-A: section 210-B, subdivision 55;

38 (2) article 22: section 606, subsection (kkk).

39 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
40 sion 55 to read as follows:

41 55. Small business return-to-work tax credit. (a) Allowance of credit.
42 A taxpayer shall be allowed a credit, to be computed as provided in
43 section forty-five of this chapter, against the taxes imposed by this
44 article.

45 (b) Application of credit. The credit allowed under this subdivision
46 for the taxable year shall not reduce the tax due for such year to less
47 than the amount prescribed in paragraph (d) of subdivision one of
48 section two hundred ten of this article. However, if the amount of
49 credit allowed under this subdivision for the taxable year reduces the
50 tax to such amount or if the taxpayer otherwise pays tax based on the
51 fixed dollar minimum amount, any amount of credit thus not deductible in
52 such taxable year shall be treated as an overpayment of tax to be cred-
53 ited or refunded in accordance with the provisions of section one thou-
54 sand eighty-six of this chapter. Provided, however, the provisions of
55 subsection (c) of section one thousand eighty-eight of this chapter
56 notwithstanding, no interest will be paid thereon.

1 § 4. Section 606 of the tax law is amended by adding a new subsection
2 (kkk) to read as follows:

3 (kkk) Small business return-to-work tax credit. (1) Allowance of cred-
4 it. A taxpayer shall be allowed a credit, to be computed as provided in
5 section forty-five of this chapter, against the tax imposed by this
6 article.

7 (2) Application of credit. If the amount of the credit allowed under
8 this subsection for the taxable year exceeds the taxpayer's tax for such
9 year, the excess shall be treated as an overpayment of tax to be credit-
10 ed or refunded in accordance with the provisions of section six hundred
11 eighty-six of this article, provided, however, that no interest will be
12 paid thereon.

13 § 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
14 of the tax law is amended by adding a new clause (xlvi) to read as
15 follows:

16 <u>(xlvi) Small business</u>	<u>Amount of credit under</u>
17 <u>return-to-work tax</u>	<u>subdivision fifty-five</u>
18 <u>credit under subsection (kkk)</u>	<u>of section two hundred ten-B</u>

19 § 6. This act shall take effect immediately.

20 SUBPART B

21 Section 1. The economic development law is amended by adding a new
22 article 25 to read as follows:

23 ARTICLE 25

24 RESTAURANT RETURN-TO-WORK TAX CREDIT PROGRAM

25 Section 470. Short title.

26 471. Statement of legislative findings and declaration.

27 472. Definitions.

28 473. Eligibility criteria.

29 474. Application and approval process.

30 475. Restaurant return-to-work tax credit.

31 476. Powers and duties of the commissioner.

32 477. Maintenance of records.

33 478. Reporting.

34 479. Cap on tax credit.

35 § 470. Short title. This article shall be known and may be cited as
36 the "restaurant return-to-work tax credit program act".

37 § 471. Statement of legislative findings and declaration. It is hereby
38 found and declared that New York state needs, as a matter of public
39 policy, to create financial incentives for restaurants that have
40 suffered economic harm as a result of the COVID-19 pandemic to expe-
41 ditiously rehire workers and increase total employment. The restaurant
42 return-to-work tax credit program is created to provide financial incen-
43 tives to economically harmed restaurants to offer relief, expedite their
44 hiring efforts, and reduce the duration and severity of the current
45 economic difficulties.

46 § 472. Definitions. For the purposes of this article:

47 1. "Average full-time employment" shall mean the average number of
48 full-time equivalent positions employed by a business entity in an
49 eligible industry during a given period.

50 2. "Average starting full-time employment" shall be calculated as the
51 average number of full-time equivalent positions employed by a business
52 entity in an eligible industry between January first, two thousand twen-
53 ty-one, and March thirty-first, two thousand twenty-one.

1 3. "Average ending full-time employment" shall be calculated as the
2 average number of full-time equivalent positions employed by a business
3 entity in an eligible industry between April first, two thousand twenty-
4 one, and either August thirty-first, two thousand twenty-one, or
5 December thirty-first, two thousand twenty-one, whichever date the busi-
6 ness entity chooses to use.

7 4. "Certificate of tax credit" means the document issued to a business
8 entity by the department after the department has verified that the
9 business entity has met all applicable eligibility criteria in this
10 article. The certificate shall specify the exact amount of the tax cred-
11 it under this article that a business entity may claim, pursuant to
12 section four hundred seventy-five of this article.

13 5. "Commissioner" shall mean commissioner of the department of econom-
14 ic development.

15 6. "Department" shall mean the department of economic development.

16 7. "Eligible industry" means a business entity operating predominantly
17 in the COVID-19 impacted food services sector.

18 8. "Net employee increase" means an increase of at least one full-time
19 equivalent employee between the average starting full-time employment
20 and the average ending full-time employment of a business entity.

21 9. "COVID-19 impacted food services sector" means:

22 (a) independently owned establishments that are located inside the
23 city of New York and have been subjected to a ban on indoor dining for
24 over six months and are primarily organized to prepare and provide
25 meals, and/or beverages to customers for consumption, including for
26 immediate indoor on-premises consumption, as further defined in regu-
27 lations pursuant to this article; and

28 (b) independently owned establishments that are located outside of the
29 city of New York in an area which has been and/or remains designated by
30 the department of health as either an orange zone or red zone pursuant
31 to Executive Order 202.68 as amended, and for which such designation was
32 or has been in effect and resulted in additional restrictions on indoor
33 dining for at least thirty consecutive days, and are primarily organized
34 to prepare and provide meals, and/or beverages to customers for consump-
35 tion, including for immediate indoor on-premises consumption, as further
36 defined in regulations pursuant to this article.

37 § 473. Eligibility criteria. 1. To be eligible for a tax credit under
38 the restaurant return-to-work tax credit program, a business entity
39 must:

40 (a) be a small business as defined in section one hundred thirty-one
41 of this chapter and have fewer than one hundred full-time job equiv-
42 alents in New York state as of April first, two thousand twenty-one;

43 (b) operate a business location in New York state that is primarily
44 organized to accept payment for meals and/or beverages including from
45 in-person customers;

46 (c) operate predominantly in the COVID-19 impacted food services
47 sector; provided, however, that the department, in its regulations
48 promulgated pursuant to this article, shall have the authority to list
49 certain types of establishments as ineligible;

50 (d) have experienced economic harm as a result of the COVID-19 emer-
51 gency as evidenced by a year-to-year decrease of at least forty percent
52 in New York state between the second quarter of two thousand nineteen
53 and the second quarter of two thousand twenty or the third quarter of
54 two thousand nineteen and the third quarter of two thousand twenty for
55 one or both of: (i) gross receipts or (ii) average full-time employment;
56 and

1 (e) have demonstrated a net employee increase.

2 2. A business entity must be in substantial compliance with any public
3 health or other emergency orders or regulations related to the entity's
4 sector or other laws and regulations as determined by the commissioner.
5 In addition, a business entity may not owe past due state taxes or local
6 property taxes unless the business entity is making payments and comply-
7 ing with an approved binding payment agreement entered into with the
8 taxing authority.

9 § 474. Application and approval process. 1. A business entity must
10 submit a complete application as prescribed by the commissioner.

11 2. The commissioner shall establish procedures and a timeframe for
12 business entities to submit applications. As part of the application,
13 each business entity must:

14 (a) provide evidence in a form and manner prescribed by the commis-
15 sioner of their business eligibility;

16 (b) agree to allow the department of taxation and finance to share the
17 business entity's tax information with the department. However, any
18 information shared as a result of this program shall not be available
19 for disclosure or inspection under the state freedom of information law;

20 (c) agree to allow the department of labor to share its tax and
21 employer information with the department. However, any information
22 shared as a result of this program shall not be available for disclosure
23 or inspection under the state freedom of information law;

24 (d) allow the department and its agents access to any and all books
25 and records the department may require to monitor compliance;

26 (e) certify, under penalty of perjury, that it is in substantial
27 compliance with all emergency orders or public health regulations
28 currently required of such entity, and local, and state tax laws; and

29 (f) agree to provide any additional information required by the
30 department relevant to this article.

31 3. After reviewing a business entity's completed final application and
32 determining that the business entity meets the eligibility criteria as
33 set forth in this article, the department may issue to that business
34 entity a certificate of tax credit. A business entity may claim the tax
35 credit in the taxable year that includes December thirty-first, two
36 thousand twenty-one.

37 § 475. Restaurant return-to-work tax credit. 1. A business entity in
38 the restaurant return-to-work tax credit program that meets the eligi-
39 bility requirements of section four hundred seventy-three of this arti-
40 cle may be eligible to claim a credit equal to five thousand dollars per
41 each full-time equivalent net employee increase as defined in subdivi-
42 sion eight of section four hundred seventy-two of this article.

43 2. A business entity, including a partnership, limited liability
44 company and subchapter S corporation, may not receive in excess of fifty
45 thousand dollars in tax credits under this program.

46 3. The credit shall be allowed as provided in sections forty-six,
47 subdivision fifty-six of section two hundred ten-B and subsection (11)
48 of section six hundred six of the tax law.

49 § 476. Powers and duties of the commissioner. 1. The commissioner may
50 promulgate regulations establishing an application process and eligibil-
51 ity criteria, that will be applied consistent with the purposes of this
52 article, so as not to exceed the annual cap on tax credits set forth in
53 section four hundred seventy-nine of this article which, notwithstanding
54 any provisions to the contrary in the state administrative procedure
55 act, may be adopted on an emergency basis.

1 2. The commissioner shall, in consultation with the department of
2 taxation and finance, develop a certificate of tax credit that shall be
3 issued by the commissioner to eligible businesses. Such certificate
4 shall contain such information as required by the department of taxation
5 and finance.

6 3. The commissioner shall solely determine the eligibility of any
7 applicant applying for entry into the program and shall remove any busi-
8 ness entity from the program for failing to meet any of the requirements
9 set forth in section four hundred seventy-three of this article, or for
10 failing to meet the requirements set forth in subdivision one of section
11 four hundred seventy-four of this article.

12 § 477. Maintenance of records. Each business entity participating in
13 the program shall keep all relevant records for their duration of
14 program participation for at least three years.

15 § 478. Reporting. Each business entity participating in this program
16 must submit a performance report to the department at a time prescribed
17 in regulations by the commissioner.

18 § 479. Cap on tax credit. The total amount of tax credits listed on
19 certificates of tax credit issued by the commissioner pursuant to this
20 article may not exceed fifty million dollars.

21 § 2. The tax law is amended by adding a new section 46 to read as
22 follows:

23 § 46. Restaurant return-to-work tax credit. (a) Allowance of credit. A
24 taxpayer subject to tax under article nine-A or twenty-two of this chap-
25 ter shall be allowed a credit against such tax, pursuant to the
26 provisions referenced in subdivision (f) of this section. The amount of
27 the credit is equal to the amount determined pursuant to section four
28 hundred seventy-five of the economic development law. No cost or expense
29 paid or incurred by the taxpayer which is included as part of the calcu-
30 lation of this credit shall be the basis of any other tax credit allowed
31 under this chapter.

32 (b) Eligibility. To be eligible for the restaurant return-to-work tax
33 credit, the taxpayer shall have been issued a certificate of tax credit
34 by the department of economic development pursuant to subdivision two of
35 section four hundred seventy-four of the economic development law, which
36 certificate shall set forth the amount of the credit that may be claimed
37 for the taxable year. The taxpayer shall be allowed to claim only the
38 amount listed on the certificate of tax credit for that taxable year. A
39 taxpayer that is a partner in a partnership, member of a limited liabil-
40 ity company or shareholder in a subchapter S corporation that has
41 received a certificate of tax credit shall be allowed its pro rata share
42 of the credit earned by the partnership, limited liability company or
43 subchapter S corporation.

44 (c) Tax return requirement and advance payment option. (1) The taxpay-
45 er shall be required to attach to its tax return in the form prescribed
46 by the commissioner, proof of receipt of its certificate of tax credit
47 issued by the commissioner of the department of economic development.

48 (2) Taxpayers who choose to use August thirty-first, two thousand
49 twenty-one as the last date to calculate their average ending full-time
50 employment and have received their certificate of tax credit by November
51 fifteenth, two thousand twenty-one shall have the option to request an
52 advance payment of the amount of tax credit they are allowed under this
53 section. A taxpayer must submit such request to the department in the
54 manner prescribed by the commissioner after it has been issued a certif-
55 icate of tax credit by the department of economic development pursuant
56 to subdivision two of section four hundred seventy-four of the economic

1 development law (or such certificate has been issued to a partnership,
2 limited liability company or subchapter S corporation in which it is a
3 partner, member or shareholder, respectively), but such request must be
4 submitted no later than November fifteenth, two thousand twenty-one. For
5 those taxpayers who have requested an advance payment and for whom the
6 commissioner has determined eligible for this credit, the commissioner
7 shall advance a payment of the tax credit allowed to the taxpayer.
8 However, in the case of a taxpayer subject to article nine-A of this
9 chapter, such payment shall be equal to the amount of credit allowed to
10 the taxpayer less twenty-five dollars. Such twenty-five dollars shall
11 represent a partial payment of tax owed by the taxpayer under article
12 nine-A, including any fixed dollar minimum owed under paragraph (d) of
13 subdivision one of section two hundred ten of this chapter. When a
14 taxpayer files its return for the taxable year, such taxpayer shall
15 properly reconcile the advance payment and any partial payment of fixed
16 dollar minimum tax, if applicable, on the taxpayer's return.

17 (d) Information sharing. Notwithstanding any provision of this chap-
18 ter, employees of the department of economic development and the depart-
19 ment shall be allowed and are directed to share and exchange:

20 (1) information derived from tax returns or reports that is relevant
21 to a taxpayer's eligibility to participate in the restaurant return-to-
22 work tax credit program;

23 (2) information regarding the credit applied for, allowed or claimed
24 pursuant to this section and taxpayers that are applying for the credit
25 or that are claiming the credit; and

26 (3) information contained in or derived from credit claim forms
27 submitted to the department and applications for admission into the
28 restaurant return-to-work tax credit program. Except as provided in
29 paragraph two of this subdivision, all information exchanged between the
30 department of economic development and the department shall not be
31 subject to disclosure or inspection under the state's freedom of infor-
32 mation law.

33 (e) Credit recapture. If a certificate of tax credit issued by the
34 department of economic development under article twenty-five of the
35 economic development law is revoked by such department, the amount of
36 credit described in this section and claimed by the taxpayer prior to
37 that revocation shall be added back to tax in the taxable year in which
38 any such revocation becomes final.

39 (f) Cross references. For application of the credit provided for in
40 this section, see the following provisions of this chapter:

41 (1) article 9-A: section 210-B, subdivision 56;

42 (2) article 22: section 606, subsection (111).

43 § 3. Section 210-B of the tax law is amended by adding a new subdivi-
44 sion 56 to read as follows:

45 56. Restaurant return-to-work tax credit. (a) Allowance of credit. A
46 taxpayer shall be allowed a credit, to be computed as provided in
47 section forty-six of this chapter, against the taxes imposed by this
48 article.

49 (b) Application of credit. The credit allowed under this subdivision
50 for the taxable year shall not reduce the tax due for such year to less
51 than the amount prescribed in paragraph (d) of subdivision one of
52 section two hundred ten of this article. However, if the amount of
53 credit allowed under this subdivision for the taxable year reduces the
54 tax to such amount or if the taxpayer otherwise pays tax based on the
55 fixed dollar minimum amount, any amount of credit thus not deductible in
56 such taxable year shall be treated as an overpayment of tax to be cred-

1 ited or refunded in accordance with the provisions of section one thou-
 2 sand eighty-six of this chapter. Provided, however, the provisions of
 3 subsection (c) of section one thousand eighty-eight of this chapter
 4 notwithstanding, no interest will be paid thereon.

5 § 4. Section 606 of the tax law is amended by adding a new subsection
 6 (111) to read as follows:

7 (111) Restaurant return-to-work tax credit. (1) Allowance of credit.
 8 A taxpayer shall be allowed a credit, to be computed as provided in
 9 section forty-six of this chapter, against the tax imposed by this arti-
 10 cle.

11 (2) Application of credit. If the amount of the credit allowed under
 12 this subsection for the taxable year exceeds the taxpayer's tax for such
 13 year, the excess shall be treated as an overpayment of tax to be credit-
 14 ed or refunded in accordance with the provisions of section six hundred
 15 eighty-six of this article, provided, however, that no interest will be
 16 paid thereon.

17 § 5. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 18 of the tax law is amended by adding a new clause (xlvii) to read as
 19 follows:

20 <u>(xlvii) Restaurant return-to-work</u>	<u>Amount of credit under</u>
21 <u>tax credit under</u>	<u>subdivision fifty-six of</u>
22 <u>subsection (111)</u>	<u>section two hundred ten-B</u>

23 § 6. This act shall take effect immediately.

24 SUBPART C

25 Section 1. The tax law is amended by adding a new section 24-c to read
 26 as follows:

27 § 24-c. New York city musical and theatrical production tax credit.
 28 (a) Allowance of credit. (1) A taxpayer that is a qualified New York
 29 city musical and theatrical production company, or is a sole proprietor
 30 of or a member of a partnership that is a qualified New York city
 31 musical and theatrical production company, and that is subject to tax
 32 under article nine-A or twenty-two of this chapter, shall be allowed a
 33 credit against such tax, pursuant to the provisions referred to in
 34 subdivision (d) of this section, and to be computed as provided in this
 35 section.

36 (2) The amount of the credit shall be the product (or pro rata share
 37 of the product, in the case of a member of a partnership) of twenty-five
 38 percent and the sum of the qualified production expenditures. Provided
 39 however that the amount of the credit cannot exceed five million dollars
 40 per qualified New York city musical and theatrical production.

41 (3) No qualified production expenditures used by a taxpayer either as
 42 the basis for the allowance of the credit provided pursuant to this
 43 section or used in the calculation of the credit provided pursuant to
 44 this section shall be used by such taxpayer to claim any other credit
 45 allowed pursuant to this chapter.

46 (4) No qualified production expenditure reimbursed through a federal
 47 grant under section three hundred twenty-four of the federal consol-
 48 idated appropriations act of two thousand twenty-one, referred to as
 49 save our stages, shall be used as the basis for the allowance of the
 50 credit provided pursuant to this section or used in the calculation of
 51 the credit provided pursuant to this section.

52 (b) Definitions. As used in this section, the following terms shall
 53 have the following meanings:

1 (1) "Qualified New York city musical and theatrical production" means
2 a for-profit live, dramatic stage presentation that, in its original or
3 adaptive version, is performed in a qualified New York city production
4 facility, whether or not such production was performed in a qualified
5 New York city production facility prior to March twelfth, two thousand
6 twenty.

7 (2) "Qualified production expenditure" means any costs for tangible
8 property used and services performed directly and predominantly in the
9 production of a qualified New York city musical and theatrical
10 production, including: (i) expenditures for design, construction and
11 operation, including sets, special and visual effects, costumes,
12 wardrobes, make-up, accessories and costs associated with sound, light-
13 ing, and staging; (ii) all salaries, wages, fees, and other compensation
14 including related benefits for services performed; (iii) technical and
15 crew production costs, such as expenditures for a qualified New York
16 city production facility, or any part thereof, physical production stor-
17 age spaces, rehearsal spaces, props, make-up, wardrobe, costumes, equip-
18 ment used for special and visual effects, sound recording, set
19 construction, and lighting; (iv) costs directly attributable to adver-
20 tising, marketing and publicity; (v) expenditures incurred on or before
21 the end of the twelfth week of public performances occurring after Janu-
22 ary, two thousand twenty-one; (vi) expenses in connection with hygiene
23 and safety measures related to COVID-19 prevention; and (vii) all
24 expenditures pursuant to this paragraph that were incurred after Febru-
25 ary, two thousand twenty in connection with a closing, ongoing suspen-
26 sion, remounting, and public performances of a production that closed in
27 March, two thousand twenty due to COVID-19 and which reopens after Janu-
28 ary, two thousand twenty-one.

29 (3) "Qualified New York city production facility" means a facility
30 located within the city of New York (i) in which live theatrical
31 productions are or are intended to be primarily presented, (ii) that
32 contains at least one stage, a seating capacity of five hundred or more
33 seats, and dressing rooms, storage areas, and other ancillary amenities
34 necessary for the qualified New York city musical and theatrical
35 production, and (iii) for which receipts attributable to ticket sales
36 constitute seventy-five percent or more of gross receipts of the facili-
37 ty.

38 (4) "Qualified New York city musical and theatrical production compa-
39 ny" is a corporation, partnership, limited partnership, or other entity
40 or individual which is or who is principally engaged in the production
41 of a qualified New York city musical or theatrical production that is to
42 be performed in a qualified New York city production facility.

43 (c) Cross-references. For application of the credit provided for in
44 this section, see the following provisions of this chapter:

45 (1) article 9-A: section 210-B: subdivision 57;

46 (2) article 22: section 606: subsection (mmm).

47 (d) Notwithstanding any provision of this chapter, (i) employees and
48 officers of the department of economic development and the department
49 shall be allowed and are directed to share and exchange information
50 regarding the credits applied for, allowed, or claimed pursuant to this
51 section and taxpayers who are applying for credits or who are claiming
52 credits, including information contained in or derived from credit claim
53 forms submitted to the department and applications for certification
54 submitted to the department of economic development, and (ii) the
55 commissioner and the commissioner of the department of economic develop-
56 ment may release the names and addresses of any qualified New York city

1 musical and theatrical production company entitled to claim this credit
2 and the amount of the credit earned by such company.

3 (e) Maximum amount of credits. (1) The aggregate amount of tax credits
4 allowed under this section, subdivision fifty-seven of section two
5 hundred ten-B and subsection (mmm) of section six hundred six of this
6 chapter in any calendar year shall be fifty million dollars. Such aggre-
7 gate amount of credits shall be allocated by the department of economic
8 development among taxpayers in order of priority based upon the date of
9 filing an application for allocation of the New York city musical and
10 theatrical production tax credit with such department. If the total
11 amount of allocated credits applied for in any particular calendar year
12 exceeds the aggregate amount of tax credits allowed for such year under
13 this section, such excess shall be treated as having been applied for on
14 the first day of the subsequent calendar year.

15 (2) The commissioner of economic development, after consulting with
16 the commissioner, shall promulgate regulations to establish procedures
17 for the allocation of tax credits as required by this section. Such
18 rules and regulations shall include provisions describing the applica-
19 tion process, the due dates for such applications, the standards that
20 will be used to evaluate the applications, the documentation that will
21 be provided by applicants to substantiate to the department the amount
22 of qualified production expenditures of such applicants, and such other
23 provisions as deemed necessary and appropriate. Notwithstanding any
24 other provisions to the contrary in the state administrative procedure
25 act, such rules and regulations may be adopted on an emergency basis.

26 (f) Additions to the maximum amount of credits. If applications for
27 the New York city musical and theatrical production tax credit do not
28 exceed the aggregate amount of credits allowed in a given calendar year,
29 such remaining amounts shall be added to the amount of credits allowed
30 in paragraph one of subdivision (e) of this section for the immediately
31 following calendar year.

32 (g) Any qualified New York city musical and theatrical production
33 company that performs in a qualified New York city production facility
34 and applies to receive a credit under this section shall be required to:

35 (1) participate in a New York state diversity and arts job training
36 program, which may include the Broadway League's diversity and inclusion
37 fellowship program; (2) create and implement a plan to ensure that their
38 production is available and accessible for low or no-cost to low income
39 New Yorkers; and (3) contribute to the New York state arts and cultural
40 programs fund an amount up to fifty percent of the total credits
41 received if such production company earns revenue prospectively after
42 receipt of the credit that is at least equal to two hundred percent of
43 its production costs, with such amount payable from twenty-five percent
44 of net operating profits, such amounts payable on a monthly basis, up
45 until such fifty percent of the total credit amount is reached. Any
46 funds deposited pursuant to this subdivision shall be used for arts and
47 cultural educational and workforce development programs in-school and
48 community-based organizations.

49 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
50 sion 57 to read as follows:

51 57. New York city musical and theatrical production tax credit. (a)
52 Allowance of credit. A taxpayer shall be allowed a credit, to be
53 computed as provided in section twenty-four-c of this chapter, against
54 the taxes imposed by this article.

55 (b) Application of credit. The credit allowed under this subdivision
56 for the taxable year shall not reduce the tax due for such year to less

1 than the amount prescribed in paragraph (d) of subdivision one of
 2 section two hundred ten of this article. However, if the amount of cred-
 3 it allowed under this subdivision for the taxable year reduces the tax
 4 to such amount or if the taxpayer otherwise pays tax based on the fixed
 5 dollar minimum amount, any amount of credit thus not deductible in such
 6 taxable year shall be treated as an overpayment of tax to be credited or
 7 refunded in accordance with the provisions of section one thousand
 8 eighty-six of this chapter. Provided, however, the provisions of
 9 subsection (c) of section one thousand eighty-eight of this chapter
 10 notwithstanding, no interest shall be paid thereon.

11 § 3. Section 606 of the tax law is amended by adding a new subsection
 12 (mmm) to read as follows:

13 (mmm) New York city musical and theatrical production tax credit. (1)
 14 Allowance of credit. A taxpayer shall be allowed a credit, to be
 15 computed as provided in section twenty-four-c of this chapter, against
 16 the tax imposed by this article.

17 (2) Application of credit. If the amount of the credit allowed under
 18 this subsection for the taxable year exceeds the taxpayer's tax for such
 19 year, the excess shall be treated as an overpayment of tax to be credit-
 20 ed or refunded in accordance with the provisions of section six hundred
 21 eighty-six of this article, provided, however, that no interest shall be
 22 paid thereon.

23 § 4. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 24 of the tax law is amended by adding a new clause (xlviii) to read as
 25 follows:

26 <u>(xlviii) New York city musical</u>	<u>Amount of credit under</u>
27 <u>and theatrical production</u>	<u>subdivision fifty-seven of</u>
28 <u>tax credit under subsection (mmm)</u>	<u>section two hundred ten-B</u>

29 § 5. The state finance law is amended by adding a new section 99-ii
 30 to read as follows:

31 § 99-ii. New York state arts and cultural programs fund. 1. There is
 32 hereby established in the joint custody of the state comptroller and
 33 commissioner of taxation and finance a special fund to be known as the
 34 "New York state arts and cultural programs fund".

35 2. Such fund shall consist of all revenues received by the state,
 36 pursuant to the provisions of section twenty-four-c of the tax law and
 37 all other moneys appropriated thereto from any other fund or source
 38 pursuant to law. Nothing contained in this section shall prevent the
 39 state from receiving grants, gifts or bequests for the purposes of the
 40 fund as defined in this section and depositing them into the fund
 41 according to law.

42 3. On or before the first day of February two thousand twenty-four,
 43 the commissioner of education shall provide a written report to the
 44 temporary president of the senate, the speaker of the assembly, the
 45 chair of the senate finance committee, the chair of the assembly ways
 46 and means committee, the chair of the senate committee on health, the
 47 chair of the assembly health committee, the state comptroller and the
 48 public. Such report shall include how the monies of the fund were
 49 utilized during the preceding calendar year, and shall include:

50 (a) the amount of money disbursed from the fund and the award process
 51 used for such disbursements;

52 (b) recipients of awards from the fund;

53 (c) the amount awarded to each;

54 (d) the purposes for which such awards were granted; and

55 (e) a summary financial plan for such monies which shall include esti-
 56 mates of all receipts and all disbursements for the current and succeed-

1 ing fiscal years, along with the actual results from the prior fiscal
2 year.

3 4. Moneys shall be payable from the fund on the audit and warrant of
4 the comptroller on vouchers approved and certified by the commissioner
5 of education.

6 5. The moneys in such fund shall be expended for the purpose of
7 supplementing art and cultural programs for secondary and elementary
8 children, including programs that increase access to art and cultural
9 programs and events for children in underserved communities.

10 § 6. This act shall take effect immediately and shall apply to taxable
11 years beginning on or after January 1, 2021, provided, however, that
12 this act shall expire and be deemed repealed 8 years after such effec-
13 tive date.

14 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
15 sion, section or part of this act shall be adjudged by any court of
16 competent jurisdiction to be invalid, such judgment shall not affect,
17 impair, or invalidate the remainder thereof, but shall be confined in
18 its operation to the clause, sentence, paragraph, subdivision, section
19 or part thereof directly involved in the controversy in which such judg-
20 ment shall have been rendered. It is hereby declared to be the intent of
21 the legislature that this act would have been enacted even if such
22 invalid provisions had not been included herein.

23 § 3. This act shall take effect immediately provided, however, that
24 the applicable effective date of Subparts A through C of this act shall
25 be as specifically set forth in the last section of such Subparts.

26 PART UU

27 Intentionally Omitted

28 PART VV

29 Intentionally Omitted

30 PART WW

31 Section 1. Expenditures of moneys appropriated in a chapter of the
32 laws of 2021 to the department of agriculture and markets from the
33 special revenue funds-other/state operations, miscellaneous special
34 revenue fund-339, public service account shall be subject to the
35 provisions of this section. Notwithstanding any other provision of law
36 to the contrary, direct and indirect expenses relating to the department
37 of agriculture and markets' participation in general ratemaking
38 proceedings pursuant to section 65 of the public service law or certif-
39 ication proceedings pursuant to article 7 or 10 of the public service
40 law, shall be deemed expenses of the department of public service within
41 the meaning of section 18-a of the public service law. No later than
42 August 15, 2022, the commissioner of the department of agriculture and
43 markets shall submit an accounting of such expenses, including, but not
44 limited to, expenses in the 2021-2022 state fiscal year for personal and
45 non-personal services and fringe benefits, to the chair of the public
46 service commission for the chair's review pursuant to the provisions of
47 section 18-a of the public service law.

1 § 2. Expenditures of moneys appropriated in a chapter of the laws of
2 2021 to the department of state from the special revenue funds-
3 other/state operations, miscellaneous special revenue fund-339, public
4 service account shall be subject to the provisions of this section.
5 Notwithstanding any other provision of law to the contrary, direct and
6 indirect expenses relating to the activities of the department of
7 state's utility intervention unit pursuant to subdivision 4 of section
8 94-a of the executive law, including, but not limited to participation
9 in general ratemaking proceedings pursuant to section 65 of the public
10 service law or certification proceedings pursuant to article 7 or 10 of
11 the public service law, and expenses related to the activities of the
12 major renewable energy development program established by section 94-c
13 of the executive law, shall be deemed expenses of the department of
14 public service within the meaning of section 18-a of the public service
15 law. No later than August 15, 2022, the secretary of state shall submit
16 an accounting of such expenses, including, but not limited to, expenses
17 in the 2021-2022 state fiscal year for personal and non-personal
18 services and fringe benefits, to the chair of the public service commis-
19 sion for the chair's review pursuant to the provisions of section 18-a
20 of the public service law.

21 § 3. Expenditures of moneys appropriated in a chapter of the laws of
22 2021 to the office of parks, recreation and historic preservation from
23 the special revenue funds-other/state operations, miscellaneous special
24 revenue fund-339, public service account shall be subject to the
25 provisions of this section. Notwithstanding any other provision of law
26 to the contrary, direct and indirect expenses relating to the office of
27 parks, recreation and historic preservation's participation in general
28 ratemaking proceedings pursuant to section 65 of the public service law
29 or certification proceedings pursuant to article 7 or 10 of the public
30 service law, shall be deemed expenses of the department of public
31 service within the meaning of section 18-a of the public service law. No
32 later than August 15, 2022, the commissioner of the office of parks,
33 recreation and historic preservation shall submit an accounting of such
34 expenses, including, but not limited to, expenses in the 2021-2022 state
35 fiscal year for personal and non-personal services and fringe benefits,
36 to the chair of the public service commission for the chair's review
37 pursuant to the provisions of section 18-a of the public service law.

38 § 4. Expenditures of moneys appropriated in a chapter of the laws of
39 2021 to the department of environmental conservation from the special
40 revenue funds-other/state operations, environmental conservation special
41 revenue fund-301, utility environmental regulation account shall be
42 subject to the provisions of this section. Notwithstanding any other
43 provision of law to the contrary, direct and indirect expenses relating
44 to the department of environmental conservation's participation in state
45 energy policy proceedings, or certification proceedings pursuant to
46 article 7 or 10 of the public service law, shall be deemed expenses of
47 the department of public service within the meaning of section 18-a of
48 the public service law. No later than August 15, 2022, the commissioner
49 of the department of environmental conservation shall submit an account-
50 ing of such expenses, including, but not limited to, expenses in the
51 2021-2022 state fiscal year for personal and non-personal services and
52 fringe benefits, to the chair of the public service commission for the
53 chair's review pursuant to the provisions of section 18-a of the public
54 service law.

55 § 5. Notwithstanding any other law, rule or regulation to the contra-
56 ry, expenses of the department of health public service education

1 program incurred pursuant to appropriations from the cable television
2 account of the state miscellaneous special revenue funds shall be deemed
3 expenses of the department of public service. No later than August 15,
4 2022, the commissioner of the department of health shall submit an
5 accounting of expenses in the 2021-2022 state fiscal year to the chair
6 of the public service commission for the chair's review pursuant to the
7 provisions of section 217 of the public service law.

8 § 6. Any expense deemed to be expenses of the department of public
9 service pursuant to sections one through four of this act shall not be
10 recovered through assessments imposed upon telephone corporations as
11 defined in subdivision 17 of section 2 of the public service law.

12 § 7. This act shall take effect immediately and shall be deemed to
13 have been in full force and effect on and after April 1, 2021 and shall
14 expire and be deemed repealed April 1, 2022.

15 PART XX

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

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

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

44 The commissioner of transportation and any city named in this article,
45 acting through the mayor or other administrative head thereof, pursuant
46 to a resolution of the governing body of such city except the city of
47 New York, are authorized to enter into a written agreement for the main-
48 tenance and repair, under the supervision and subject to the approval of
49 the commissioner, of any public street, main route or thoroughfare or
50 portion thereof, exclusive of service roads and pavement on intersecting
51 street bridges, which is within the boundaries of such city and which is
52 now or which shall hereafter be designated in this article and which has
53 been constructed or which shall have been constructed as authorized by
54 [~~articles~~] this article and article four [~~and twelve-B~~] of this chapter

1 and with grants made available by the federal government pursuant to the
 2 federal aid highway act of nineteen hundred forty-four, being public law
 3 five hundred twenty-one of the seventy-eighth congress, chapter six
 4 hundred twenty-six, second session, as approved on the twentieth day of
 5 December, nineteen hundred forty-four. Such agreement may provide that
 6 the state shall pay annually to such city a sum to be computed at the
 7 rate of (a) not more than [~~eighty-five~~] one dollar and eighty-seven
 8 cents per square yard of the pavement area that is included in the state
 9 highway system according to the provisions of this section, and (b) an
 10 additional [~~ten~~] twenty cents per square yard of such pavement area
 11 where such pavement area is located on any elevated bridge, such rate
 12 shall be increased in each year of the agreement by the percentage
 13 change in the consumer price index for all urban consumers (CPI-U), New
 14 York-Northern New Jersey-Long Island, NY-NJ-CT-PA, as published by the
 15 United States department of labor bureau of labor statistics, over the
 16 prior five years.

17 § 3. This act shall take effect on the first of April next succeeding
 18 the date on which it shall have become a law.

19 PART YY

20 Section 1. Short title. This act shall be known and may be cited as
 21 the "housing our neighbors with dignity act".

22 § 2. The private housing finance law is amended by adding a new arti-
 23 cle 31 to read as follows:

24 ARTICLE XXXI

25 HOUSING OUR NEIGHBORS WITH DIGNITY PROGRAM

26 Section 1280. Legislative findings and purpose.

27 1281. Definitions.

28 1282. Housing our neighbors with dignity program.

29 § 1280. Legislative findings and purpose. The state of New York,
 30 through the division of housing and community renewal, is empowered to
 31 purchase and convert distressed hotels and commercial properties, in
 32 cities with a population of one million or more, for use as affordable
 33 permanent housing that meets standards established to ensure safety,
 34 habitability, quality, and access to supportive services as appropriate,
 35 to be made available to low-income households and people experiencing
 36 homelessness immediately prior to entering such housing. These proper-
 37 ties will be managed by appropriate nonprofit organizations, either
 38 through transfer of ownership or long-term net lease by the New York
 39 governmental entity that acquired the property.

40 The acquired properties may be converted into housing models as deemed
 41 necessary by the state or appropriate nonprofit authority for the
 42 purposes of creating supportive and/or affordable housing units;
 43 provided that the housing remains affordable as defined by the term
 44 affordable housing included in this article.

45 § 1281. Definitions. For the purposes of this article, the following
 46 terms shall have the following meanings:

47 1. "Appropriate nonprofit organization" shall mean a nonprofit organ-
 48 ization that:

49 (a) Has one of such organization's primary purposes:

50 (i) The provision of housing that is affordable to low-income fami-
 51 lies; or

52 (ii) The provision of services or housing for individuals or families
 53 experiencing homelessness; or

1 (b) Is otherwise considered by the state as a suitable housing manage-
2 ment organization.

3 2. "Affordable housing" shall mean housing that is affordable to a
4 low-income household with income at or below fifty percent of the area
5 median income for the county in which the property is located as calcu-
6 lated by the United States department of housing and urban development.

7 3. "Distressed" shall mean an asset that is:

8 (a) Listed for sale; and

9 (b) In a financially distressing condition, as determined by the
10 state.

11 4. "Experiencing homelessness" shall refer to those individuals resid-
12 ing in shelters, transitional housing, and other types of emergency
13 housing.

14 5. "Rent stabilized" shall mean collectively, the rent stabilization
15 law of nineteen hundred sixty-nine, the rent stabilization code, and the
16 emergency tenant protection act of nineteen seventy-four, all as in
17 effect as of the effective date of the chapter of the laws of two thou-
18 sand twenty-one that added this subdivision or as amended thereafter,
19 together with any successor statutes or regulations addressing substan-
20 tially the same subject matter.

21 § 1282. Housing our neighbors with dignity program. 1. Establishment.
22 The commissioner, in conjunction with the division of housing and commu-
23 nity renewal, shall develop a housing our neighbors with dignity program
24 (hereinafter referred to as "the program"), which shall provide a mech-
25 anism for the state to purchase, acquire and hold distressed commercial
26 real estate and other commercial properties for the purpose of maintain-
27 ing or increasing affordable housing in cities with a population of one
28 million or more. Such program shall actively acquire such properties
29 for two years following the effective date of this article; provided,
30 however, that all affordable housing properties produced through this
31 program shall remain permanently affordable, pursuant to this article.

32 2. Purpose. The purpose of the housing our neighbors with dignity
33 program shall be to:

34 (a) Acquire distressed commercial real estate property for the purpose
35 of stabilizing communities and the housing market;

36 (b) Convert and rehabilitate the physical condition of acquired prop-
37 erty in order to enhance the value and condition of such property for
38 future occupants, for the environmental sustainability of such property,
39 and for the economic and social conditions of the surrounding community;

40 (c) Sell or otherwise transfer acquired property to entities that will
41 use such property to guarantee affordable, habitable and environmentally
42 sustainable housing to asset-limited, low-income individuals and fami-
43 lies;

44 (d) Finance the transfer of acquired property to such entities; and

45 (e) Provide an appropriate and expedient manner for owners of
46 distressed properties to transfer ownership or long-term net lease.

47 3. Powers. (a) The state may purchase, acquire, and hold distressed
48 hotel real estate assets, and may take such actions as may be necessary
49 to identify such distressed real estate and other commercial properties,
50 and acquire such properties, for the purpose of maintaining or increas-
51 ing the stock of affordable, stable, quality housing in cities with a
52 population of one million or more.

53 (b) Hotel real estate assets shall only include hotels with fewer than
54 one hundred fifty units, and those that are located in any borough
55 outside of Manhattan, or within Manhattan excluding the following area
56 in the borough of Manhattan: beginning at the intersection of the United

1 States pierhead line in the Hudson river and the center line of Chambers
2 street, extended, thence easterly to the center line of Chambers street
3 and continuing along the center line of Chambers street to the center
4 line of Centre street, thence southerly along the center line of Centre
5 street to the center line of the Brooklyn Bridge to the intersection of
6 the Brooklyn Bridge and the United States pierhead line in the East
7 river, thence northerly along the United States pierhead line in the
8 East river to the intersection of the United States pierhead line in the
9 East river and the center line of One Hundred Tenth street extended,
10 thence westerly to the center line of One Hundred Tenth street and
11 continuing along the center line of One Hundred Tenth street to its
12 westerly terminus, thence westerly to the intersection of the center
13 line of One Hundred Tenth street extended and the United States pierhead
14 line in the Hudson river, thence southerly along the United States pier-
15 head line in the Hudson river to the point of beginning.

16 4. Converted properties. All properties converted to affordable hous-
17 ing pursuant to this section shall meet the minimum standards of habita-
18 bility, safety and quality of life for all established housing. Tenants
19 shall pay no more than thirty percent of their income toward rent. Addi-
20 tional operating expenses shall be met through any combination of subsi-
21 dies, vouchers, commercial rents, or other sources of income available
22 to the housing provider under the model the non-profit chooses to
23 pursue. All units shall be rent stabilized as defined in this article.
24 At least fifty percent of all converted properties shall be set aside
25 for individuals and families who were experiencing homelessness imme-
26 diately prior to entering such converted affordable housing.

27 5. Restrictions. The state shall not, in any case, sell or transfer
28 property unless the state has:

29 (a) Taken all actions necessary to bring the property into compliance
30 with applicable building, safety, health and habitability codes and
31 requirements; or

32 (b) Entered into such agreements with the purchaser or transferee to
33 ensure that any actions necessary to bring the property into compliance
34 with applicable building, safety, health and habitability codes and
35 requirements will be taken before such property is occupied.

36 6. Tenant protections. Tenants residing in properties converted to
37 affordable housing pursuant to this section shall have full tenancy
38 rights, including all the tenant protections pursuant to rent stabiliza-
39 tion as defined in this article. Tenancy in such affordable housing
40 shall not be restricted on the basis of sexual identity or orientation,
41 gender identity or expression, conviction or arrest record, credit
42 history, or immigration status.

43 § 3. The state finance law is amended by adding a new section 99-ii to
44 read as follows:

45 § 99-ii. Distressed property conversion fund. 1. There is hereby
46 established in the joint custody of the commissioner of housing and
47 community renewal and the comptroller, a special fund to be known as the
48 "distressed property conversion fund".

49 2. The distressed property conversion fund shall consist of monetary
50 grants, gifts or bequests received by the state for the purposes of the
51 fund, and all other moneys credited or transferred thereto from any
52 other fund or source. Moneys of such fund shall be expended only to
53 carry out the provisions of the housing our neighbors with dignity
54 program pursuant to article thirty-one of the private housing finance
55 law. Nothing in this section shall prevent the state from soliciting and

1 receiving grants, gifts or bequests for the purposes of such fund and
2 depositing them into the fund according to law.

3 3. Moneys in such fund shall be kept separate from and shall not be
4 commingled with any other moneys in the custody of the comptroller or
5 the commissioner of taxation and finance. Any moneys of the fund not
6 required for immediate use may, at the discretion of the comptroller, in
7 consultation with the director of the budget, be invested by the comp-
8 troller in obligations of the United States or the state, or in obli-
9 gations the principal and interest on which are guaranteed by the United
10 States or by the state. Any income earned by the investment of such
11 moneys shall be added to and become a part of and shall be used for the
12 purposes of such fund.

13 § 4. This act shall take effect on the sixtieth day after it shall
14 have become a law. Effective immediately, the addition, amendment
15 and/or repeal of any rule or regulation necessary for the implementation
16 of this act on its effective date are authorized to be made and
17 completed on or before such effective date.

18 PART ZZ

19 Section 1. Section 2878-a of the public authorities law is amended by
20 adding a new subdivision 3 to read as follows:

21 3. A transportation authority established under this chapter may, by
22 resolution approved by a two-thirds vote of its members then in office,
23 or by a declaration that competitive bidding is impractical or inappro-
24 priate with respect to electric-powered omnibuses, rolling stock, vehi-
25 cles or other related equipment because the item is available through an
26 existing contract between a vendor and (a) another public authority
27 provided that such other authority utilized a process of competitive
28 bidding or a process of competitive requests for proposals to award such
29 contracts, or (b) the state of New York, or (c) a political subdivision
30 of the state of New York, provided that in any case when under this
31 subdivision the authority determines that obtaining such item thereby
32 would be in the public interest and sets forth the reasons for such
33 determination. The authority shall accept sole responsibility for any
34 payment due the vendor as a result of the authority's order. In each
35 case where the authority declares competitive bidding impractical or
36 inappropriate, it shall state the reason therefor in writing and summa-
37 rize any negotiations that have been conducted. The authority shall not
38 award any contract pursuant to this subdivision earlier than thirty days
39 from the date on which the authority declares that competitive bidding
40 is impractical or inappropriate. All procurements approved pursuant to
41 this subdivision shall be subject to audit and inspection by the depart-
42 ment of audit and control or any successor agencies. For purposes of
43 this subdivision, "transportation authority" shall not include transpor-
44 tation authorities governed under titles nine, nine-a, and eleven of
45 article five of this chapter or title three of article three of this
46 chapter.

47 § 2. Section 104 of the general municipal law is amended by adding a
48 new subdivision 3 to read as follows:

49 3. Notwithstanding the provisions of section one hundred three of this
50 article or of any other general, special or local law, any chief execu-
51 tive officer of a political subdivision or agency which operates a
52 public transportation system is authorized to make purchases of elec-
53 tric-powered omnibuses or other related equipment upon a resolution
54 approved by a two-thirds vote of its board then in office because the

1 item is available through an existing contract between a vendor and (a)
2 a public authority of the state provided that such other authority
3 utilized a process of competitive bidding or a process of competitive
4 requests for proposals to award such contracts, or (b) the state of New
5 York, or (c) a political subdivision of the state of New York, provided
6 that in any case when under this subdivision the political subdivision
7 determines that obtaining such item thereby would be in the public
8 interest and sets forth the reasons for such determination. The poli-
9 tical subdivision shall not award any contract pursuant to this subdivi-
10 sion earlier than thirty days from the date on which the political
11 subdivision declares that competitive bidding is impractical or inappro-
12 priate. All purchases shall be subject to audit and inspection by the
13 political subdivision for which made, in addition to the department of
14 audit and control of New York state. For purposes of this subdivision,
15 "political subdivision or agency which operates a public transportation
16 system" shall not include transportation authorities governed under
17 titles nine, nine-a, and eleven of article five of the public authori-
18 ties law or title three of article three of the public authorities law.

19 § 3. Section 104 of the general municipal law, as amended by section
20 27 of part L of chapter 55 of the laws of 2012, is amended to read as
21 follows:

22 § 104. Purchase through office of general services. 1. Notwithstanding
23 the provisions of section one hundred three of this article or of any
24 other general, special or local law, any officer, board or agency of a
25 political subdivision, of a district therein, of a fire company or of a
26 voluntary ambulance service is authorized to make purchases of commod-
27 ities and services available pursuant to section one hundred sixty-three
28 of the state finance law, may make such purchases through the office of
29 general services subject to such rules as may be established from time
30 to time pursuant to section one hundred sixty-three of the state finance
31 law or through the general services administration pursuant to section
32 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355;
33 provided that any such purchase shall exceed five hundred dollars and
34 that the political subdivision, district, fire company or voluntary
35 ambulance service for which such officer, board or agency acts shall
36 accept sole responsibility for any payment due the vendor. All purchases
37 shall be subject to audit and inspection by the political subdivision,
38 district, fire company or voluntary ambulance service for which made. No
39 officer, board or agency of a political subdivision, or a district ther-
40 ein, of a fire company or of a voluntary ambulance service shall make
41 any purchase through such office when bids have been received for such
42 purchase by such officer, board or agency, unless such purchase may be
43 made upon the same terms, conditions and specifications at a lower price
44 through such office. Two or more fire companies or voluntary ambulance
45 services may join in making purchases pursuant to this section, and for
46 the purposes of this section such groups shall be deemed "fire companies
47 or voluntary ambulance services."

48 2. Notwithstanding the provisions of section one hundred three of this
49 article or of any other general, special or local law, any chief execu-
50 tive officer of a political subdivision or agency which operates a
51 public transportation system is authorized to make purchases of elec-
52 tric-powered omnibuses or other related equipment upon a resolution
53 approved by a two-thirds vote of its board then in office because the
54 item is available through an existing contract between a vendor and (a)
55 a public authority of the state provided that such other authority
56 utilized a process of competitive bidding or a process of competitive

requests for proposals to award such contracts, or (b) the state of New York, or (c) a political subdivision of the state of New York, provided that in any case when under this subdivision the political subdivision determines that obtaining such item thereby would be in the public interest and sets forth the reasons for such determination. The political subdivision shall not award any contract pursuant to this subdivision earlier than thirty days from the date on which the political subdivision declares that competitive bidding is impractical or inappropriate. All purchases shall be subject to audit and inspection by the political subdivision for which made, in addition to the department of audit and control of New York state. For purposes of this subdivision, "political subdivision or agency which operates a public transportation system" shall not include transportation authorities governed under titles nine, nine-a, and eleven of article five of the public authorities law or title three of article three of the public authorities law.

§ 4. This act shall take effect immediately, provided, however, that the amendments to section 104 of the general municipal law made by section two of this act shall be subject to the expiration and reversion of such section pursuant to section 9 of subpart A of part C of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section three of this act shall take effect.

PART AAA

Section 1. The clean water, green jobs, green New York bond act is enacted to read as follows:

ENVIRONMENTAL BOND ACT OF 2021

"CLEAN WATER, GREEN JOBS, GREEN NEW YORK"

Section 1. Short title.

2. Creation of state debt.
3. Bonds of the state.
4. Use of moneys received.

§ 1. Short title. This act shall be known and may be cited as the "environmental bond act of 2021 clean water, green jobs, green New York".

§ 2. Creation of state debt. The creation of state debt in an amount not exceeding in the aggregate three billion dollars (\$3,000,000,000) is hereby authorized to provide moneys for the single purpose of making environmental improvements that preserve, enhance, and restore New York's natural resources and reduce the impact of climate change by funding capital projects for: restoration and flood risk reduction not less than one billion dollars (\$1,000,000,000); open space land conservation and recreation up to five hundred fifty million dollars (\$550,000,000); climate change mitigation up to seven hundred million dollars (\$700,000,000); and, water quality improvement and resilient infrastructure not less than five hundred fifty million dollars (\$550,000,000).

§ 3. Bonds of the state. The state comptroller is hereby authorized and empowered to issue and sell bonds of the state up to the aggregate amount of three billion dollars (\$3,000,000,000) for the purposes of this act, subject to the provisions of article 5 of the state finance law. The aggregate principal amount of such bonds shall not exceed three billion dollars (\$3,000,000,000) excluding bonds issued to refund or otherwise repay bonds heretofore issued for such purpose; provided, however, that upon any such refunding or repayment, the total aggregate principal amount of outstanding bonds may be greater than three billion

1 dollars (\$3,000,000,000) only if the present value of the aggregate debt
2 service of the refunding or repayment bonds to be issued shall not
3 exceed the present value of the aggregate debt service of the bonds to
4 be refunded or repaid. The method for calculating present value shall be
5 determined by law.

6 § 4. Use of moneys received. The moneys received by the state from the
7 sale of bonds sold pursuant to this act shall be expended pursuant to
8 appropriations for capital projects related to design, planning, site
9 acquisition, demolition, construction, reconstruction, and rehabili-
10 tation projects specified in section two of this act.

11 § 2. This act shall take effect immediately, provided that the
12 provisions of section one of this act shall not take effect unless and
13 until this act shall have been submitted to the people at the general
14 election to be held in November 2021 and shall have been approved by a
15 majority of all votes cast for and against it at such election. Upon
16 approval by the people, section one of this act shall take effect imme-
17 diately. The ballots to be furnished for the use of voters upon
18 submission of this act shall be in the form prescribed by the election
19 law and the proposition or question to be submitted shall be printed
20 thereon in the following form, namely "To address and combat the impact
21 of climate change and damage to the environment, the Environmental Bond
22 Act of 2021 "Clean Water, Green Jobs, Green New York" authorizes the
23 sale of state bonds up to three billion dollars to fund environmental
24 protection, natural restoration, resiliency, and clean energy projects.
25 Shall the Environmental Bond Act of 2021 be approved?".

26 PART BBB

27 Section 1. The environmental conservation law is amended by adding a
28 new article 58 to read as follows:

29 ARTICLE 58

30 IMPLEMENTATION OF THE ENVIRONMENTAL BOND ACT OF 2021

31 "CLEAN WATER, GREEN JOBS, GREEN NEW YORK"

32 Title 1. General Provisions.

33 3. Restoration and flood risk reduction.

34 5. Open space land conservation and recreation.

35 7. Climate change mitigation.

36 9. Water quality improvement and resilient infrastructure.

37 11. Environmental justice and reporting.

38 TITLE 1

39 GENERAL PROVISIONS

40 Section 58-0101. Definitions.

41 58-0103. Allocation of moneys.

42 58-0105. Powers and duties.

43 58-0107. Powers and duties of a municipality.

44 58-0109. Consistency with federal tax laws.

45 58-0111. Compliance with other law.

46 § 58-0101. Definitions.

47 As used in this article the following terms shall mean and include:

48 1. "Bonds" shall mean general obligation bonds issued pursuant to the
49 environmental bond act of 2021 "clean water, green jobs, green New York"
50 in accordance with article VII of the New York state constitution and
51 article five of the state finance law.

1 2. "Cost" means the expense of an approved project, which shall
2 include but not be limited to appraisal, surveying, planning, engineer-
3 ing and architectural services, plans and specifications, consultant and
4 legal services, site preparation, demolition, construction and other
5 direct expenses incident to such project.

6 3. "Department" shall mean the department of environmental conserva-
7 tion.

8 4. "Endangered or threatened species project" means a project to
9 restore, recover, or reintroduce an endangered, threatened, or species
10 of special concern pursuant to a recovery plan or restoration plan
11 prepared and adopted by the department, including but not limited to the
12 state's wildlife action plan.

13 5. "Environmental justice community" means a minority or low-income
14 community that may bear a disproportionate share of the negative envi-
15 ronmental consequences resulting from industrial, municipal, and commer-
16 cial operations or the execution of federal, state, local, and tribal
17 programs and policies.

18 6. "Flood risk reduction project" means projects that use nature-based
19 solutions where possible to reduce erosion or flooding, and projects
20 which mitigate or adapt to flood conditions.

21 7. "Green buildings project" means (i) installing, upgrading, or modi-
22 ifying a renewable energy source at a state-owned building or for the
23 purpose of converting or connecting a state-owned building, or portion
24 thereof, to a renewable energy source; (ii) reducing energy use or
25 improving energy efficiency or occupant health at a state-owned build-
26 ing; (iii) installing a green roof at a state-owned building; and (iv)
27 emission reduction projects.

28 8. "Municipality" means a local public authority or public benefit
29 corporation, a county, city, town, village, school district, supervisory
30 district, district corporation, improvement district within a county,
31 city, town or village, or Indian nation or tribe recognized by the state
32 or the United States with a reservation wholly or partly within the
33 boundaries of New York state, or any combination thereof.

34 9. "Nature-based solution" means projects that are supported or
35 inspired by nature or natural processes and functions and that may also
36 offer environmental, economic, and social benefits, while increasing
37 resilience. Nature-based solutions include both green and natural
38 infrastructure.

39 10. "Open space land conservation project" means purchase of fee title
40 or conservation easements for the purpose of protecting lands or waters
41 and/or providing recreational opportunities for the public that (i)
42 possess ecological, habitat, recreational or scenic values; (ii) protect
43 the quality of a drinking water supply; (iii) provide flood control or
44 flood mitigation values; (iv) constitute a floodplain; (v) provide or
45 have the potential to provide important habitat connectivity; (vi)
46 provide open space for the use and enjoyment of the public; or (vii)
47 provide community gardens in urban areas.

48 11. "Recreational infrastructure project" means the development or
49 improvement of state and municipal parks, campgrounds, nature centers,
50 fish hatcheries, and infrastructure associated with open space land
51 conservation projects.

52 12. "State assistance payment" means payment of the state share of the
53 cost of projects authorized by this article to preserve, enhance,
54 restore and improve the quality of the state's environment.

55 13. "State entity" means any state department, division, agency,
56 office, public authority, or public benefit corporation.

1 14. "Water quality improvement project" for the purposes of this
2 title, means projects designed to improve the quality of drinking and
3 surface waters.

4 15. "Wetland and stream restoration project" means activities designed
5 to restore freshwater and tidal wetlands, and streams of the state, for
6 the purpose of enhancing habitat, increasing connectivity, improving
7 water quality, and flood risk reduction.

8 § 58-0103. Allocation of moneys.

9 The moneys received by the state from the sale of bonds pursuant to
10 the environmental bond act of 2021 shall be disbursed in the following
11 amounts pursuant to appropriations as specifically provided for in
12 titles three, five, seven, and nine of this article:

13 1. Not less than one billion dollars (\$1,000,000,000) for restoration
14 and flood risk reduction as set forth in title three of this article.

15 2. Up to five hundred fifty million dollars (\$550,000,000) for open
16 space land conservation and recreation as set forth in title five of
17 this article.

18 3. Up to seven hundred million dollars (\$700,000,000) for climate
19 change mitigation as set forth in title seven of this article.

20 4. Not less than five hundred fifty million dollars (\$550,000,000) for
21 water quality improvement and resilient infrastructure as set forth in
22 title nine of this article.

23 § 58-0105. Powers and duties.

24 In implementing the provisions of this article the department is here-
25 by authorized to:

26 1. Administer funds generated pursuant to the environmental bond act
27 of 2021 "clean water, green jobs, green New York".

28 2. In the name of the state, as further provided within this article,
29 contract to make, within the limitations of appropriations available
30 therefor, state assistance payments toward the cost of a project
31 approved, and to be undertaken pursuant to this article.

32 3. Approve vouchers for the payments pursuant to an approved contract.

33 4. Enter into contracts with any person, firm, corporation, not-for-
34 profit corporation, agency or other entity, private or governmental, for
35 the purpose of effectuating the provisions of this article.

36 5. Promulgate such rules and regulations and to develop such forms and
37 procedures necessary to effectuate the provisions of this article,
38 including but not limited to requirements for the form, content, and
39 submission of applications by municipalities for state financial assist-
40 ance.

41 6. Delegate to, or cooperate with, any other state entity in the
42 administration of this article.

43 7. Perform such other and further acts as may be necessary, proper or
44 desirable to carry out the provisions of this article.

45 § 58-0107. Powers and duties of a municipality.

46 A municipality shall have the power and authority to:

47 1. Undertake and carry out any project for which state assistance
48 payments pursuant to contract are received or are to be received pursu-
49 ant to this article and maintain and operate such project.

50 2. Expend money received from the state pursuant to this article for
51 costs incurred in conjunction with the approved project.

52 3. Apply for and receive moneys from the state for the purpose of
53 accomplishing projects undertaken or to be undertaken pursuant to this
54 article.

1 4. Perform such other and further acts as may be necessary, proper or
2 desirable to carry out a project or obligation, duty or function related
3 thereto.

4 § 58-0109. Consistency with federal tax law.

5 All actions undertaken pursuant to this article shall be reviewed for
6 consistency with provisions of the federal internal revenue code and
7 regulations thereunder, in accordance with procedures established in
8 connection with the issuance of any tax exempt bonds pursuant to this
9 article, to preserve the tax exempt status of such bonds.

10 § 58-0111. Compliance with other law.

11 Every recipient of funds to be made available pursuant to this article
12 shall comply with all applicable state, federal and local laws.

13 TITLE 3

14 RESTORATION AND FLOOD RISK REDUCTION

15 Section 58-0301. Allocation of moneys.

16 58-0303. Programs, plans and projects.

17 § 58-0301. Allocation of moneys.

18 Of the moneys received by the state from the sale of bonds pursuant to
19 the environmental bond act of 2021, not less than one billion dollars
20 (\$1,000,000,000) shall be available for disbursements for restoration
21 and flood risk reduction projects developed pursuant to section 58-0303
22 of this title. Not more than two hundred fifty million dollars
23 (\$250,000,000) of this amount shall be available for projects pursuant
24 to subdivision two of section 58-0303 of this title and not less than
25 one hundred million dollars (\$100,000,000) each shall be available for
26 coastal rehabilitation and shoreline restoration projects and projects
27 which address inland flooding, pursuant to paragraph a of subdivision
28 one of section 58-0303 of this title.

29 § 58-0303. Programs, plans and projects.

30 1. Eligible restoration and flood risk reduction projects include, but
31 are not limited to costs associated with:

32 a. (1) projects identified in state and regional management and resto-
33 ration programs and plans including but not limited to the Great Lakes
34 Action Agenda, Mohawk River Basin Action Agenda, Ocean Action Plan,
35 Hudson River Estuary Action Agenda, Long Island Sound Comprehensive
36 Conservation and Management Plan, South Shore Estuary Reserve Comprehen-
37 sive Management Plan, Peconic Estuary Comprehensive Conservation and
38 Management Plan, Delaware Action Plan, Susquehanna Action Plan, forest
39 management framework for New York City and New York/New Jersey Harbor
40 Estuary Plan;

41 (2) local waterfront revitalization plans prepared pursuant to article
42 forty-two of the executive law; and

43 (3) coastal rehabilitation and shoreline restoration projects, includ-
44 ing nature-based solutions;

45 b. flood risk reduction projects including but not limited to: acqui-
46 sition of real property; moving, lifting or raising of existing flood-
47 prone infrastructure or structures; relocation, repair, or raising of
48 flood-prone or repeatedly flooded roadways; and projects to remove,
49 alter, or right-size dams, bridges, and culverts, but shall not include
50 routine construction or maintenance undertaken by the state and munici-
51 palities which does not provide flood risk reduction benefits; and

52 c. restoration projects including but not limited to: floodplain,
53 wetland and stream restoration projects; forest conservation; endangered
54 and threatened species projects; and habitat restoration projects,
55 including acquisition of fee title and easements, intended to improve
56 the lands and waters of the state of ecological significance or any part

1 thereof, including, but not limited to forests, ponds, bogs, wetlands,
2 bays, sounds, streams, rivers, or lakes and shorelines thereof, to
3 support a spawning, nursery, wintering, migratory, nesting, breeding,
4 feeding, or foraging environment for fish and wildlife and other biota.

5 2. The commissioner and the commissioner of the division of housing
6 and community renewal are authorized pursuant to paragraph b of subdivi-
7 sion one of this section to purchase private real property identified as
8 at-risk to flooding, from willing sellers. The commissioner of the divi-
9 sion of housing and community renewal shall be authorized to transfer to
10 any state agency or public authority any real property in order to carry
11 out the purposes of this article. In connection therewith, the housing
12 trust fund corporation shall be authorized to create a subsidiary corpo-
13 ration to carry out the program authorized under this subdivision. Such
14 subsidiary corporation shall have all the privileges, immunities, tax
15 exemption and other exemptions of the agency to the extent the same are
16 not inconsistent with this section.

17 a. The commissioner and the commissioner of the division of housing
18 and community renewal or any other department or state agency that has
19 received funds suballocated pursuant to this section may enter into
20 agreements with municipalities, and not-for-profit corporations for the
21 purpose of implementing a program pursuant to this section.

22 b. The department and the division of housing and community renewal
23 shall prioritize projects in communities based on past flood risk or
24 those that participate in the federal emergency management agency's
25 (FEMA) community rating system.

26 c. Any state agency or authority, municipality, or not-for-profit
27 corporation purchasing private real property may expend costs associated
28 with:

29 (1) the acquisition of real property, based upon the pre-flood fair
30 market value of the subject property;

31 (2) the demolition and removal of structures and/or infrastructure on
32 the property; and

33 (3) the restoration of natural resources to facilitate beneficial open
34 space, flood mitigation, and/or shoreline stabilization.

35 d. Notwithstanding any provision of law to the contrary, any structure
36 which is located on real property purchased pursuant to this program
37 shall be demolished or removed, provided that it does not serve a use or
38 purpose consistent with paragraph f of this subdivision.

39 e. Notwithstanding any provision of law to the contrary, real property
40 purchased with funding pursuant to this program shall be property of the
41 state, municipality, or a not-for-profit corporation.

42 f. Notwithstanding any provision of law to the contrary, real property
43 purchased with funding pursuant to this program shall be restored and
44 maintained in perpetuity in a manner that, aims to increase ecosystem
45 function, provide additional flood damage mitigation for surrounding
46 properties, protect wildlife habitat, and wherever practicable and safe,
47 allow for passive and/or recreational community use. Municipal flood
48 mitigation plans, resilience, waterfront revitalization plans or hazard
49 mitigation plans, when applicable, shall be consulted to identify the
50 appropriate restoration and end-use of the property.

51 g. All or a portion of the appropriation in this section may be
52 provided to the department or the division of housing and community
53 renewal or suballocated to any other department, state agency or state
54 authority.

55 h. Private real property identified as at-risk to flooding should
56 generally be limited to those: (1) identified as being within the one

1 hundred-year floodplain on the most recent FEMA flood insurance maps;
2 (2) flooded structures that would qualify for buyout under criteria
3 generally applicable to FEMA post-emergency acquisitions; (3) structures
4 identified in a state, federal, local or regional technical study as
5 suitable for the location of a flood risk management or abatement
6 project in areas immediately proximate to inland or coastal waterways;
7 or (4) structures located in coastal or riparian areas that have been
8 determined by a state, federal, local or regional technical study to
9 significantly exacerbate flooding in other locations.

10 3. The department, the office of parks, recreation, and historic pres-
11 ervation and the department of state are authorized to provide state
12 assistance payments or grants to municipalities and not-for-profit
13 corporations and undertake projects pursuant to paragraph a of subdivi-
14 sion one of this section.

15 4. The department and the office of parks, recreation, and historic
16 preservation are authorized to provide state assistance payments or
17 grants to municipalities and not-for-profit corporations and undertake
18 projects pursuant to paragraph b of subdivision one of this section.
19 Culvert and bridge projects shall be in compliance with the department's
20 stream crossing guidelines and best management practices, and engineered
21 for structural integrity and appropriate hydraulic capacity including,
22 where available, projects flows based on flood modeling that incorpo-
23 rates climate change projections and shall not include routine
24 construction or maintenance undertaken by the state or municipalities.

25 5. The department and the office of parks, recreation, and historic
26 preservation are authorized to provide state assistance payments or
27 grants to municipalities and not-for-profit corporations and undertake
28 projects pursuant to paragraph c of subdivision one of this section.

29 6. Provided that for the purposes of selecting projects for funding
30 under paragraphs b and c of subdivision one of this section, the rele-
31 vant agencies shall develop eligibility guidelines and post information
32 on the department's website in the environmental notice bulletin provid-
33 ing for a thirty-day public comment period and upon adoption post such
34 eligibility guidelines on the relevant agency's website.

TITLE 5

OPEN SPACE LAND CONSERVATION AND RECREATION

37 Section 58-0501. Allocation of moneys.

38 58-0503. Programs, plans and projects.

39 § 58-0501. Allocation of moneys.

40 Of the moneys received by the state from the sale of bonds pursuant to
41 the environmental bond act of 2021 to be used for open space land
42 conservation and recreation projects, up to five hundred fifty million
43 dollars (\$550,000,000) shall be available for programs, plans, and
44 projects developed pursuant to section 58-0503 of this title, however,
45 not more than seventy-five million dollars (\$75,000,000) shall be made
46 available for the creation of a fish hatchery, or the improvement,
47 expansion, repair or maintenance of existing fish hatcheries, not less
48 than two hundred million dollars (\$200,000,000) shall be made available
49 for open space land conservation projects pursuant to paragraph a of
50 subdivision one of section 58-0503 of this title and not less than one
51 hundred million dollars (\$100,000,000) shall be made available for farm-
52 land protection pursuant to paragraph b of subdivision one of section
53 58-0503 of this title.

54 § 58-0503. Programs, plans and projects.

55 1. Eligible open space working lands conservation and recreation
56 projects include, but are not limited to:

1 a. costs associated with open space land conservation projects;
2 b. costs associated with purchasing conservation easements to protect
3 farmland pursuant to article twenty-five-aaa of the agriculture and
4 markets law; and

5 c. costs associated with recreational infrastructure projects.

6 2. The department or the office of parks, recreation and historic
7 preservation are authorized to undertake open space land conservation
8 projects, in cooperation with willing sellers pursuant to subdivision
9 one of this section and may enter into an agreement for purchase of real
10 property or conservation easements on real property by a municipality or
11 a not-for-profit corporation. Any such agreement shall contain such
12 provisions as shall be necessary to ensure that the purchase is consist-
13 ent with, and in furtherance of, this title and shall be subject to the
14 approval of the comptroller and, as to form, the attorney general. In
15 undertaking such projects, such commissioners shall consider the state
16 land acquisition plan prepared pursuant to section 49-0207 of this chap-
17 ter. Further, the department or the office of parks, recreation and
18 historic preservation are authorized to provide state assistance
19 payments to municipalities for eligible projects consistent with para-
20 graphs a and c of subdivision one of this section.

21 3. The cost of an open space land conservation project shall include
22 the cost of preparing a management plan for the preservation and benefi-
23 cial public enjoyment of the land acquired pursuant to this section
24 except where such a management plan already exists for the acquired
25 land.

26 4. The department and the department of agriculture and markets are
27 authorized to provide, pursuant to paragraph b of subdivision one of
28 this section, farmland preservation implementation grants to county
29 agricultural and farmland protection boards pursuant to article twenty-
30 five-aaa of the agriculture and markets law, or to municipalities, soil
31 and water conservation districts or not-for-profit corporations for
32 implementation of projects.

33 5. The department is authorized to expend moneys to purchase equip-
34 ment, devices, and other necessary materials and to acquire fee title or
35 conservation easements in lands for monitoring, restoration, recovery,
36 or reintroduction projects for species listed as endangered or threat-
37 ened or listed as a species of special concern pursuant to section
38 11-0535 of this chapter.

39 6. The department or the office of parks, recreation and historic
40 preservation are authorized to expend moneys for the planning, design,
41 and construction of projects to develop and improve parks, campgrounds,
42 nature centers, fish hatcheries, and other recreational facilities.

43 7. The commissioner and a not-for-profit corporation may enter into a
44 contract for the undertaking by the not-for-profit corporation of an
45 open space land acquisition project.

46 8. Real property acquired, developed, improved, restored or rehabili-
47 tated by or through a municipality pursuant to paragraph a of subdivi-
48 sion one of this section or undertaken by or on behalf of a municipality
49 with funds made available pursuant to this title shall not be sold,
50 leased, exchanged, donated or otherwise disposed of or used for other
51 than public park purposes without the express authority of an act of the
52 legislature, which shall provide for the substitution of other lands of
53 equal environmental value and fair market value and reasonably equiv-
54 alent usefulness and location to those to be discontinued, sold or
55 disposed of, and such other requirements as shall be approved by the
56 commissioner.

1 9. Provided that for the purposes of selecting projects for funding
2 under paragraphs a and b of subdivision one of this section, the rele-
3 vant agencies shall develop eligibility guidelines and post information
4 on the department's website in the environmental notice bulletin provid-
5 ing for a thirty day public comment period and upon adoption post such
6 eligibility guidelines on the relevant agency's website.

7 TITLE 7

8 CLIMATE CHANGE MITIGATION

9 Section 58-0701. Allocation of moneys.

10 58-0703. Programs, plans and projects.

11 § 58-0701. Allocation of moneys.

12 Of the moneys received by the state from the sale of bonds pursuant to
13 the environmental bond act of 2021, up to seven hundred million dollars
14 (\$700,000,000) shall be made available for disbursements for climate
15 change mitigation projects developed pursuant to section 58-0703 of this
16 title. Not less than three hundred fifty million dollars (\$350,000,000)
17 of this amount shall be available for green buildings projects.

18 § 58-0703. Programs, plans and projects.

19 1. Eligible climate change mitigation projects include, but are not
20 limited to:

21 a. costs associated with green building projects, projects that
22 increase energy efficiency or the use or siting of renewable energy on
23 state-owned buildings or properties including buildings owned by the
24 state university of the state of New York, city university of the state
25 of New York, and community colleges;

26 b. costs associated with projects that utilize natural and working
27 lands to sequester carbon and mitigate methane emissions from agricul-
28 tural sources, such as manure storage through cover and methane
29 reduction technologies;

30 c. costs associated with implementing climate adaptation and miti-
31 gation projects pursuant to section 54-1523 of this chapter;

32 d. costs associated with urban forestry projects such as forest and
33 habitat restoration, for purchase and planting of street trees and for
34 projects to expand the existing tree canopy and bolster community
35 health;

36 e. costs associated with projects that reduce urban heat island
37 effect, such as installation of green roofs, open space protection,
38 community gardens, cool pavement projects, projects that create or
39 upgrade community cooling centers, and the installation of reflective
40 roofs where installation of green roofs is not possible;

41 f. costs associated with projects to reduce or eliminate air pollution
42 from stationary or mobile sources of air pollution affecting an environ-
43 mental justice community; and

44 g. costs associated with projects which would reduce or eliminate
45 water pollution, whether from point or non-point discharges, affecting
46 an environmental justice community.

47 2. The department, the department of agriculture and markets, the
48 office of parks, recreation and historic preservation, the New York
49 state energy research and development authority and the office of gener-
50 al services are authorized to provide state assistance payments or
51 grants to municipalities and not-for-profit corporations or undertake
52 projects pursuant to this section.

53 3. Provided that for the purposes of selecting projects for funding
54 under this section, the relevant agencies shall develop eligibility
55 guidelines and post information on the department's website in the envi-
56 ronmental notice bulletin providing for a thirty-day public comment

1 period and upon adoption post such eligibility guidelines on the rele-
2 vant agency's website.

3 TITLE 9

4 WATER QUALITY IMPROVEMENT AND RESILIENT INFRASTRUCTURE

5 Section 58-0901. Allocation of moneys.

6 58-0903. Programs, plans and projects.

7 § 58-0901. Allocation of moneys.

8 Of the moneys received by the state from the sale of bonds pursuant to
9 the environmental bond act of 2021 for disbursements for state assist-
10 ance for water quality improvement projects as defined by title one of
11 this article, not less than five hundred fifty million dollars
12 (\$550,000,000) shall be available for water quality improvement projects
13 developed pursuant to section 58-0903 of this title. Not less than two
14 hundred million dollars (\$200,000,000) of this amount shall be available
15 for wastewater infrastructure projects undertaken pursuant to the New
16 York state water infrastructure improvement act of 2017 pursuant to
17 paragraph e of subdivision one of section 58-0903 of this title, and not
18 less than one hundred million dollars (\$100,000,000) shall be available
19 for municipal stormwater projects pursuant to paragraph a of subdivision
20 one of section 58-0903 of this title.

21 § 58-0903. Programs, plans and projects.

22 1. Eligible water quality improvement project costs include, but are
23 not limited to:

24 a. costs associated with grants to municipalities for projects that
25 reduce or control storm water runoff, using green infrastructure where
26 practicable;

27 b. costs associated with projects that reduce agricultural nutrient
28 runoff and promote soil health such as projects which implement compre-
29 hensive nutrient management plans, other agricultural nutrient manage-
30 ment projects, and non-point source abatement and control programs
31 including projects developed pursuant to sections eleven-a and eleven-b
32 of the soil and water conservation districts;

33 c. costs associated with projects that address harmful algal blooms
34 such as abatement projects and projects focused on addressing nutrient
35 reduction in freshwater and marine waters, wastewater infrastructure
36 systems that treat nitrogen and phosphorus, and lake treatment systems;

37 d. costs associated with wastewater infrastructure projects including
38 but not limited to extending or establishing sewer lines to replace
39 failing septic systems or cesspools and projects as provided by section
40 twelve hundred eighty-five-u of the public authorities law;

41 e. costs associated with projects to reduce, avoid or eliminate point
42 and non-point source discharges to water including projects authorized
43 by the New York state water improvement infrastructure act of 2017 and
44 section twelve hundred eighty-five-s of the public authorities law;

45 f. costs associated with the establishment of riparian buffers to
46 provide distance between farm fields and streams or abate erosion during
47 high flow events; and

48 g. costs associated with lead service line replacement pursuant to
49 section eleven hundred fourteen of the public health law.

50 2. The department and the New York state environmental facilities
51 corporation are authorized to provide state assistance payments or
52 grants to municipalities for projects authorized pursuant to paragraphs
53 a, b, and d of subdivision one of this section.

54 3. The department of agriculture and markets shall be authorized to
55 make state assistance payments to soil and water conservation districts
56 for the cost of implementing agricultural environmental management

1 plans, including purchase of equipment for measuring and monitoring soil
 2 health and soil conditions.

3 4. The department is authorized to make grants available to not-for-
 4 profits and academic institutions for paragraphs b, c, and f of subdivi-
 5 sion one of this section, and make state assistance payments to munici-
 6 palities and undertake projects pursuant to this section.

7 5. Provided that for the purposes of selecting projects for funding of
 8 this section, the relevant agencies shall develop eligibility guidelines
 9 and post information on the department's website in the environmental
 10 notice bulletin providing for a thirty-day public comment period and
 11 upon adoption post such eligibility guidelines on the relevant agency's
 12 website.

13 TITLE 11

14 ENVIRONMENTAL JUSTICE AND REPORTING

15 Section 58-1101. Benefits of funds.

16 58-1103. Reporting.

17 § 58-1101. Benefits of funds.

18 The department shall make every effort practicable to ensure that
 19 thirty-five percent of the funds pursuant to this article benefit envi-
 20 ronmental justice communities.

21 § 58-1103. Reporting.

22 1. No later than sixty days following the end of each fiscal year,
 23 each department, agency, public benefit corporation, and public authori-
 24 ty receiving an allocation or allocations of appropriation financed from
 25 the clean water, green jobs, green New York environmental bond act of
 26 2021 shall submit to the commissioner in a manner and form prescribed by
 27 the department, the following information as of March thirty-first of
 28 such fiscal year, within each category listed in this title: the total
 29 appropriation; total commitments; year-to-date disbursements; remaining
 30 uncommitted balances; and a description of each project.

31 2. No later than one hundred twenty days following the end of each
 32 fiscal year, the department shall submit to the governor, the temporary
 33 president of the senate, and the speaker of the assembly a report that
 34 includes the information received. A copy of the report shall be posted
 35 on the department's website.

36 § 2. The state finance law is amended by adding a new section 97-tttt
 37 to read as follows:

38 § 97-tttt. Clean water, green jobs, green New York bond fund. 1. There
 39 is hereby established in the joint custody of the state comptroller and
 40 the commissioner of taxation and finance a special fund to be known as
 41 the "clean water, green jobs, green New York bond fund".

42 2. The state comptroller shall deposit into the clean water, green
 43 jobs, green New York bond fund all moneys received by the state from the
 44 sale of bonds and/or notes for uses eligible pursuant to section four of
 45 the environmental bond act of 2021 "clean water, green jobs, green New
 46 York".

47 3. Moneys in the clean water, green jobs, green New York bond fund,
 48 following appropriation by the legislature and allocation by the direc-
 49 tor of the budget, shall be available only for reimbursement of expendi-
 50 tures made from appropriations from the capital projects fund for the
 51 purpose of the clean water, green jobs, green New York bond fund, as set
 52 forth in the environmental bond act of 2021 "clean water, green jobs,
 53 green New York".

54 4. No moneys received by the state from the sale of bonds and/or notes
 55 sold pursuant to the environmental bond act of 2021 "clean water, green
 56 jobs, green New York" shall be expended for any project until funds

1 therefor have been allocated pursuant to the provisions of this section
2 and copies of the appropriate certificates of approval filed with the
3 chair of the senate finance committee, the chair of the assembly ways
4 and means committee and the state comptroller.

5 § 3. Section 61 of the state finance law is amended by adding a new
6 subdivision 32 to read as follows:

7 32. Thirty years. For the payment of "clean water, green jobs, green
8 New York" projects, as defined in article fifty-eight of the environ-
9 mental conservation law and undertaken pursuant to a chapter of the laws
10 of two thousand twenty-one, enacting and constituting the environmental
11 bond act of 2021 "clean water, green jobs, green New York". Thirty
12 years for flood control infrastructure, other environmental infrastruc-
13 ture, wetland and other habitat restoration, water quality projects,
14 acquisition of land, including acquisition of real property, and renewa-
15 ble energy projects. Notwithstanding the foregoing, for the purposes of
16 calculating annual debt service, the state comptroller shall apply a
17 weighted average period of probable life of clean water, green jobs,
18 green New York projects, including any other works or purposes to be
19 financed with state debt. Weighted average period of probable life shall
20 be determined by computing the sum of the products derived from multi-
21 plying the dollar value of the portion of the debt contracted for each
22 work or purpose (or class of works or purposes) by the probable life of
23 such work or purpose (or class of works or purposes) and dividing the
24 resulting sum by the dollar value of the entire debt after taking into
25 consideration any original issue premium or discount.

26 § 4. If any clause, sentence, paragraph, section or part of this act
27 shall be adjudged by any court of competent jurisdiction to be invalid,
28 such judgment shall not affect, impair or invalidate the remainder ther-
29 eof, but shall be confined in its operation to the clause, sentence,
30 paragraph, section or part thereof directly involved in the controversy
31 in which such judgment shall have been rendered.

32 § 5. This act shall take effect only in the event that section 1 of
33 part AAA of the chapter of the laws of 2021 enacting the environmental
34 bond act of 2021 "clean water, green jobs, green New York" is submitted
35 to the people at the general election to be held in November 2021 and is
36 approved by a majority of all votes cast for and against it at such
37 election. Upon such approval, this act shall take effect immediately;
38 provided that the commissioner of environmental conservation shall noti-
39 fy the legislative bill drafting commission upon the occurrence of the
40 enactment of section 1 of part AAA of the chapter of the laws of 2021
41 enacting the environmental bond act of 2021 "clean water, green jobs,
42 green New York", in order that the commission may maintain an accurate
43 and timely effective data base of the official text of the laws of the
44 state of New York in furtherance of effectuating the provisions of
45 section 44 of the legislative law and section 70-b of the public offi-
46 cers law. Effective immediately, the addition, amendment, and/or repeal
47 of any rule or regulation necessary for the implementation of the fore-
48 going sections of this act are authorized and directed to be made and
49 completed on or before such effective date.

50

PART CCC

51 Section 1. Legislative intent. The legislature finds the amount of
52 waste generated in New York is a threat to the environment. The legisla-
53 ture further finds and declares that it is in the public interest of the
54 state of New York for covered material and product producers to under-

1 take the responsibility for the development and implementation of strat-
2 egies to promote reduction, reuse, recovery, and recycling of covered
3 materials and products through investments in the end-of-product-life
4 management of products, printed paper, and product packaging.

5 § 2. Article 27 of the environmental conservation law is amended by
6 adding a new title 33 to read as follows:

7 TITLE 33

8 EXTENDED PRODUCER RESPONSIBILITY ACT

9 Section 27-3301. Definitions.

10 27-3303. Producer Responsibility advisory board.

11 27-3305. Producer responsibilities.

12 27-3307. Funding mechanism.

13 27-3309. Producer responsibility plan and needs assessment.

14 27-3311. Producer responsibility plan approval.

15 27-3313. Collection and convenience.

16 27-3315. Outreach and education.

17 27-3317. Reporting requirements and audits.

18 27-3319. Antitrust protections.

19 27-3321. Penalties.

20 27-3323. State preemption.

21 27-3325. Authority to promulgate rules and regulations.

22 27-3327. Other assistance programs.

23 27-3329. Severability.

24 § 27-3301. Definitions.

25 As used in this title:

26 1. "Covered materials and products" shall mean any part of a package
27 or container, regardless of recyclability, that includes material that
28 is used for the containment, protection, handling, delivery, and presen-
29 tation of goods that are sold, offered for sale, or distributed to
30 consumers, via retail commerce, in the state, including through an
31 internet transaction. Covered materials and products include, but are
32 not limited to, the following classes of materials:

33 (a) Containers and packaging: this class includes all flexible, foam,
34 or rigid material, including but not limited to paper, carton, plastic,
35 glass, or metal, and any combination of such materials that:

36 (i) is intended to contain, protect, wrap, present, or deliver
37 products from the responsible party to the ultimate user or consumer,
38 including tertiary packaging used for transportation or distribution
39 directly to a consumer;

40 (ii) is intended for single or short-term use and designed to contain,
41 protect or wrap products, including secondary packaging intended for the
42 consumer market; or

43 (iii) does not include packaging used for the long-term protection or
44 storage of a product or with a life of not less than five years.

45 (b) Paper products: this class includes:

46 (i) paper and other cellulosic fibers, whether or not they are used as
47 a medium for text or images and materials in the newspapers class of
48 materials;

49 (ii) containers or packaging used to deliver printed matter directly
50 to the ultimate consumer or recipient;

51 (iii) paper of any description, including but not limited to:

52 (1) flyers;

53 (2) brochures;

54 (3) booklets;

55 (4) catalogs;

56 (5) telephone directories;

- 1 (6) newspapers;
2 (7) magazines;
3 (8) paper fiber; and
4 (9) paper used for writing or any other purpose.

5 (c) Plastics: this class includes plastic products as determined by
6 the department that frequent the residential waste stream or are plastic
7 products that have the effect of severely disrupting recycling proc-
8 esses, including, but not limited to, single use plastic items such as
9 straws, utensils, cups, plates, and plastic bags.

10 (d) For the purpose of this title, the products covered designation
11 does not include the following:

12 (i) covered materials or products that could become unsafe or unsani-
13 tary to recycle by virtue of their anticipated use;

14 (ii) literary, text, and reference bound books;

15 (iii) beverage containers as defined in section 27-1003 of this arti-
16 cle on which a deposit is required to be initiated;

17 (iv) architectural paint containers collected and managed pursuant to
18 title twenty of this article;

19 (v) medical devices and covered materials and products regulated as a
20 drug, medical device or dietary supplement by the U.S. Food and Drug
21 Administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C.
22 321 et seq., sec. 3.2(e) of 21 U.S. Code of Federal Regulations or the
23 Dietary Supplement Health and Education Act;

24 (vi) Covered materials used to contain toxic or hazardous materials,
25 or regulated by the federal insecticide, fungicide, and rodenticide act,
26 7 U.S.C. SEC.136 ET SEQ. or other applicable federal law, rule or regu-
27 lation.

28 2. "Curbside recycling" means a recycling program that serves residen-
29 tial units, or schools, state or local agencies, or institutions where
30 such schools, state or local agencies, or institutions were served by a
31 municipality or a private sector hauler as of the effective date of this
32 title, and such recycling program is operated by a municipality or
33 pursuant to a contract with the municipality, private sector hauler, or
34 other public agency or through approved local solid waste management
35 plans.

36 3. "Post-consumer material" means only those covered products or mate-
37 rials generated by a business or consumer which have served their
38 intended end use as consumer items and which have been separated or
39 diverted from the waste stream for the purposes of collection and recy-
40 cling as a secondary material feedstock, but shall not include waste
41 material generated during or after the completion of a manufacturing or
42 converting process.

43 4. "Post-consumer recycled content" means the content of a product
44 made from post-consumer recycled materials or feedstock.

45 5. "Producer" means, in descending order of priority for assigning
46 responsibility to meet the requirements of this title: (a) the person
47 who manufactures the covered material or product under such person's own
48 name or brand and who sells or offers for sale the covered material or
49 product in the state;

50 (b) if paragraph (a) of this subdivision does not apply, the person
51 or company who imports the covered material or product as the owner or
52 licensee of a trademark or brand under which the covered material or
53 product is sold or distributed in the state;

54 (c) if paragraphs (a) and (b) of this subdivision do not apply, the
55 person or company that offers for sale, sells, or distributes the
56 covered material or product in the state.

1 A producer shall not include a municipality or a local government
2 planning unit, or a registered 501(c)(3) charitable organization or
3 501(c)(4) social welfare organization.

4 6. "Producer responsibility organization" means a not-for-profit
5 organization designated by a group of producers to act as an agent on
6 behalf of each producer to develop and implement a producer responsibil-
7 ity plan, or a registered 501(c)(3) charitable organization. To the
8 extent applicable, a producer responsibility organization shall have a
9 governing board that represents the diversity of producers and the
10 covered materials and product types and such board shall include non-
11 voting members representing a diversity of material trade associations.

12 7. "Readily-recyclable" means covered materials or products included
13 in the minimum recyclables list pursuant to subdivision 5 of section
14 27-3313 of this title. Readily-recyclable does not include materials
15 that contain toxic substances, as defined in this title.

16 8. "Recovery" means the diversion of covered materials or products
17 that might be disposed of or become waste.

18 9. "Recovery rate" means the amount of covered materials or products
19 recovered over a program year divided by the amount of product produced,
20 expressed as a percentage.

21 10. "Recycling" means reprocessing, by means of a manufacturing proc-
22 ess, of a used material into a product, a component incorporated into a
23 product, or a secondary (recycled) raw material. "Recycling", for
24 purposes of this title, does not include energy recovery or energy
25 generation by means of combustion, use as a fuel, or landfill disposal
26 of discarded covered materials or products or discarded product compo-
27 nent materials or chemical conversion processes, as determined by the
28 department.

29 11. "Recycling rate" means the percentage of discarded covered materi-
30 als or products that is managed through recycling or reuse, as defined
31 by this title, and is computed by dividing the amount of discarded
32 covered products recycled or reused by the total amount of discarded
33 covered products collected over a program year.

34 12. "Reuse" means selling a discarded covered product back into the
35 market for its original intended use, when the discarded covered product
36 retains its original performance characteristics and can be used for its
37 original purpose or covered materials or products that are intended to
38 be refilled for the same or similar purpose by the producer.

39 13. "Retailer" means a person who sells or offers for sale a product
40 to a consumer, including sales made through an internet transaction to
41 be delivered to a consumer in the state.

42 14. "Toxic substance" means a chemical or chemical class of concern
43 identified by a state agency, federal agency, international intergovern-
44 mental agency, accredited research university, or other scientific
45 evidence. The department may reference existing toxic or hazardous
46 substances lists it creates or those created by other state agencies,
47 the Interstate Chemicals Clearinghouse, or chemicals classified by the
48 European Union as carcinogens, mutagens, or reproductive toxicants
49 pursuant to Category 1A or 1B in Annex VI to Regulation (EC) 1272/2008
50 in the promulgation of a toxic substance list.

51 § 27-3303. Producer responsibility advisory board.

52 1. There is hereby established within the department a producer
53 responsibility advisory board, hereinafter the advisory board, to
54 receive and review the producer responsibility plans required under this
55 title and to make recommendations to the department regarding the plan's
56 approval.

1 2. (a) The advisory board shall be composed of an odd number of
2 members and the commissioner shall appoint at least one member from each
3 of the following: a municipality association or municipal recycling
4 program, including an additional municipal representative from cities
5 with a population of one million or more residents; a statewide environ-
6 mental organization; a representative of environmental justice communi-
7 ties or organizations; a statewide waste disposal association; a materi-
8 als recovery facility located within the state of New York; a recycling
9 collection provider; a manufacturer of packaging materials utilizing
10 post-consumer recycled content; a manufacturer of paper materials
11 utilizing post-consumer recycled content; a consumer advocate; and a
12 retailer.

13 (b) The member representing the producer or producer responsibility
14 organization shall be a non-voting member.

15 (c) Appointments to the advisory board shall be made no later than six
16 months after the effective date of this title.

17 3. The advisory board shall meet at least once a year by the call of
18 the chair or by request of more than half the voting members.

19 4. (a) Each producer responsibility plan prepared by a producer or
20 producer responsibility organization pursuant to this title shall be
21 submitted to the advisory board, which shall consider whether the plan
22 meets the criteria and objectives of this title.

23 (b) The advisory board shall, within ninety days of the submission of
24 the producer responsibility plan, either: (i) forward the plan to the
25 commissioner with its recommendation for approval; or (ii) forward the
26 plan to the commissioner with its disapproval and stated reasons there-
27 for, including any recommended changes to the plan necessary for
28 approval.

29 (c) A producer responsibility organization may resubmit a producer
30 responsibility plan for approval at any time. Upon such resubmission,
31 the advisory board shall, within ninety days, forward the plan to the
32 commissioner with its recommendation for approval or disapproval.

33 5. The advisory board shall review the submitted annual reports and
34 make such recommendations to the department and the producer responsi-
35 bility organization for improving the plan.

36 6. The decisions of the advisory board shall be by vote of the majori-
37 ty of its membership.

38 § 27-3305. Producer responsibilities.

39 1. Within four years after the effective date of this title, no
40 producer shall sell, offer for sale, or distribute covered materials or
41 products for use in New York unless the producer, or a producer respon-
42 sibility organization acting as their designated agent, has a producer
43 responsibility plan approved by the department, upon the recommendation
44 of the advisory board. Producers may satisfy participation obligations
45 individually or jointly with other producers or through a producer
46 responsibility organization.

47 2. Producers or a producer responsibility organization shall meet
48 jointly with the advisory board at least annually.

49 3. The producer, or a producer responsibility organization shall be
50 responsible for producers' compliance with the requirements of this
51 title, including the preparation and implementation of a producer
52 responsibility plan, the preparation and submission of annual audits,
53 and the annual reports to the department.

54 4. Within the first four years after the department approves a produc-
55 er responsibility plan, producers shall be required to report, on an
56 annual basis, progress reports describing in detail progress towards

1 meeting or exceeding the recovery, recycling, and post-consumer recycled
2 content rates by material type. Such progress reports shall also include
3 an evaluation of whether they are on target to meet the approved recov-
4 ery, recycling, and post-consumer recycled content rates by material
5 type. If a producer or producer responsibility organization is not on
6 target to meet the required rates, the department, in consultation with
7 the advisory board, shall either require an approved producer responsi-
8 bility plan to be amended or require the producer to implement addi-
9 tional measures. Within five years after the department approves the
10 producer responsibility plan, producers shall be required to meet the
11 minimum recovery, recycling and post-consumer recycled material content
12 rate for a covered material or product as approved by the department in
13 the producer responsibility plan or face penalties pursuant to section
14 27-3321 of this title.

15 5. A producer shall be exempt from the requirements of this title if
16 the producer:

17 (a) Generates less than one million dollars in annual revenues;

18 (b) Generates less than one ton of covered materials or products
19 supplied to New York state residents per year; or

20 (c) Operates as a single point of retail sale and is not supplied or
21 operated as part of a franchise.

22 6. Retailers that are not producers are exempt from the requirements
23 of this title.

24 7. Producers may comply individually or may form a producer responsi-
25 bility organization and discharge their responsibilities to such organ-
26 ization.

27 8. The department shall establish regulations to allow voluntary
28 agreements to be made between responsible parties to permit a responsi-
29 ble party to convey a different order of responsibility than defined in
30 subdivision 4 of section 27-3301 of this title as long as both parties
31 agree to the change in the hierarchy of responsibility.

32 § 27-3307. Funding mechanism.

33 1. A producer or producer responsibility organization acting as their
34 agent shall establish program participation charges for producers
35 through the producer responsibility plan pursuant to section 27-3309 of
36 this title which shall be sufficient to ensure the obligations of the
37 statewide needs assessment and the producer responsibility plan are met.
38 Provided, however, that covered materials in the newspaper or magazine
39 class may satisfy their obligations hereunder by providing advertisement
40 or publication in their newspapers, magazines, and/or on their websites
41 in lieu of program participation charges so long as the value of the
42 advertisement is equivalent to the financial obligations required under
43 an approved producer responsibility plan.

44 2. A producer responsibility organization shall structure program
45 charges to provide producers with financial incentives, to reward waste
46 and source reduction and recycling compatibility innovations and prac-
47 tices, and to disincentivize designs or practices that increase costs of
48 managing the products or which contain toxic substances. The producer
49 responsibility organization may adjust charges to be paid by participat-
50 ing producers based on factors that affect system costs. At a minimum,
51 charges shall be variable based on:

52 (a) Costs to provide curbside collection or other level of residential
53 service that is, at minimum, as convenient as curbside collection or as
54 convenient as the previous recycling collection plan in the particular
55 jurisdiction or as convenient as the previous refuse collection plan in
56 the particular jurisdiction should recycling collection not be provided;

1 (b) Costs to process a producer's covered materials or products for
2 acceptance by secondary material markets;

3 (c) Whether the covered material or product would typically be readi-
4 ly-recyclable except that as a consequence of the product's design, the
5 product has the effect of disrupting recycling processes or the product
6 includes labels, inks, and adhesives containing heavy metals or other
7 toxic substances as defined by the department in regulations that would
8 contaminate the recycling process;

9 (d) Whether the covered materials or product is specifically designed
10 to be reusable or refillable and has high reuse or refill rate;

11 (e) the commodity value of a covered material or product.

12 3. The charges shall be adjusted, or the producers may be provided a
13 credit, based upon the percentage of post-consumer recycled material
14 content and such percentage of post-consumer recycled content shall be
15 verified by the producer responsibility organization or through an inde-
16 pendent third party approved to perform verification services to ensure
17 that such percentage exceeds the minimum requirements in the covered
18 material, as long as the recycled content does not disrupt the potential
19 for future recycling.

20 4. In addition to the annual schedule of fees approved in the producer
21 responsibility plan, the producer responsibility organization fee sched-
22 ule may include a special assessment on specific categories of covered
23 materials or products at the request of responsible entities represent-
24 ing and approved by the advisory board if the nature of the covered
25 material or product imposes unusual costs in collection or processing or
26 requires special actions to address effective access to recycling or
27 successful processing in municipal recycling facilities. The revenue
28 from the special assessment shall be used to make system improvements
29 for the specific covered materials or products on which the special
30 assessment was applied.

31 5. A producer responsibility organization shall be responsible for
32 calculating and dispersing funding at a reasonable recycling program
33 funding rate, as approved by the department, and such reasonable rate
34 may be varied based on population density rates, for municipal services
35 utilized by a producer responsibility organization if the municipality
36 elects to be compensated by the producer responsibility organization in
37 the recovery, recycling, and processing of covered materials and
38 products, whether such services are provided directly by the munici-
39 pality or through a contracted service provider. If a municipality does
40 not elect to provide service, the producer responsibility organization
41 shall be responsible for contracting with a private entity for services
42 and shall be responsible for calculating and disbursing funding at a
43 reasonable recycling program rate for collection, recycling, recovery,
44 and processing services provided by the private sector entity contracted
45 to provide such services. The program funding mechanism shall be based
46 on the cost of residential curbside collection, including the cost of
47 curbside containers where relevant, as well as processing cost for each
48 readily-recyclable material, cost of handling non-readily recyclable
49 material types collected as part of a recycling operation, transporta-
50 tion cost of recycling for each material type, and any other cost
51 factors as determined by the department. To facilitate the producer
52 responsibility organization's determination of the cost of recycling,
53 participating municipalities and private sector haulers contracting with
54 producer responsibility organizations shall report data related to their
55 costs and the value of materials to the producer responsibility organ-

1 ization. Cost calculations shall take into consideration revenue gener-
2 ated from recyclable materials.

3 6. Any funds directly collected pursuant to this title shall not be
4 used to carry out lobbying activities on behalf of the producer respon-
5 sibility organization.

6 7. No retailer may charge a point-of-sale or other fee to consumers to
7 facilitate a producer to recoup the costs associated with meeting the
8 obligations under this title.

9 8. Nothing in this title shall require a municipality to participate
10 in a producer responsibility program.

11 9. The department shall make such rules and regulations which may be
12 necessary for a producer responsibility organization to develop and
13 manage a funding mechanism.

14 § 27-3309. Producer responsibility plan and needs assessment.

15 1. A statewide needs assessment shall be conducted prior to the
16 approval of a producer responsibility plan. The statewide needs assess-
17 ment shall be funded by the producers or producer responsibility organ-
18 ization, and shall be conducted by an independent third party approved
19 by the department and shall include an evaluation of the capacity,
20 costs, gaps, and needs for the following factors:

21 (a) Current funding needs impacting recycling access and availability;

22 (b) Existing state statutory provisions and funding sources for recy-
23 cling, reuse, reduction, and recovery;

24 (c) The collection and hauling system for recyclable materials in the
25 state;

26 (d) The processing capacity and infrastructure for recyclable materi-
27 als in the state and regionally and identifying necessary capital
28 investments to existing and future reuse and recycling infrastructure;

29 (e) The market conditions and opportunities for recyclable materials
30 in the state and regionally;

31 (f) Consumer education needs for recycling, reuse, and reduction of
32 covered materials and products.

33 2. Producers, or a producer responsibility organization acting as
34 their designated agent, shall develop and submit a producer responsibil-
35 ity plan to the advisory board. Such plan shall cover five years and
36 shall be reviewed by the advisory board and updated every five years
37 following the approval of the original plan. The department shall have
38 the discretion to require the plan to be reviewed or revised prior to
39 the five year period if the department has cause to believe the minimum
40 post-consumer recycled material content rates, minimum recovery or recy-
41 cling rates, or other factors of the plan are not being met or followed
42 by the producer, or producer responsibility organization, or if there
43 has been a change in circumstances that warrants revision of the plan.
44 The advisory board shall also have the discretion to recommend revision
45 of the plan to the department. The submitted plan shall include, but not
46 be limited to:

47 (a) contact information of the producer responsibility organization
48 and the producer or producers covered under the plan;

49 (b) a description of how comments of stakeholders were considered and,
50 if applicable, addressed in the development of the plan;

51 (c) a comprehensive list of the covered materials or products for
52 which the producer or producer responsibility organization is responsi-
53 ble for, which shall be included in the minimum recyclable lists pursu-
54 ant to section 27-3313 of this title;

55 (d) a funding mechanism that allocates the costs to the producers to
56 meet the requirements of this title and is sufficient to cover the cost

1 of registering, operating and updating the plan, and maintaining a
2 financial reserve sufficient to operate the program in a fiscally
3 prudent and responsible manner;

4 (e) a strategic capital investment plan and a mechanism to disperse
5 funds for existing and future infrastructure;

6 (f) a description of the process for participating municipalities to
7 recoup reasonable costs, both operational and capital, from the producer
8 or producer responsibility organization, including, as applicable, any
9 administrative, sorting, collection, transportation, public education,
10 or processing costs, if the producer responsibility organization uses
11 existing services through a municipality or obtains such services from a
12 private sector hauler;

13 (g) a detailed description of how the producer or the producer respon-
14 sibility organization, consulted with the advisory board in the develop-
15 ment of the plan prior to its submission to the department, and to what
16 extent the producers or the producer responsibility organization specif-
17 ically incorporated the advisory board's input into the plan. Producers
18 or the producer responsibility organization shall also provide the advi-
19 sory board an opportunity to review and comment upon the draft plan
20 prior to its submission to the department. Producers or the producer
21 responsibility organization shall make an assessment of comments
22 received and shall provide a summary and an analysis of the issues
23 raised by the advisory board and significant changes suggested by any
24 such comments, a statement of the reasons why any significant changes
25 were not incorporated into the plan, and a description of any changes
26 made to the plan as a result of such comments;

27 (h) a proposed minimum post-consumer recycled material content rate
28 requirement, minimum recovery, and minimum recycling rate for covered
29 materials and products. The minimum rates shall be varied for each
30 covered recycled material and shall include paper products, glass,
31 metal, and plastic;

32 (i) a description of a public education program pursuant to section
33 27-3313 of this title;

34 (j) how the producers, or the producer responsibility organization,
35 will work with existing waste haulers, material recovery facilities,
36 recyclers, and municipalities to operate or expand current collection
37 programs to address material collection methods;

38 (k) a description of how producers or the producer responsibility
39 organization will use open, competitive, and fair procurement practices
40 should they directly enter into contractual agreements with service
41 providers, including municipalities and private entities;

42 (l) a description of how a municipality will participate, on a volun-
43 tary basis, with collection and how existing municipal recycling proc-
44 essing and collection infrastructure will be used;

45 (m) a description of how the producer, or producer responsibility
46 organization, plans to meet the convenience requirements set forth in
47 this title;

48 (n) a description of how the producer, or producer responsibility
49 organization, will meet or exceed the minimum rates required under this
50 title for covered materials or product;

51 (o) a description of the process for end-of-life management, including
52 recycling and disposal of residuals collected for recycling, using envi-
53 ronmentally sound management practices;

54 (p) a description of how the producer responsibility organization
55 shall provide the option to purchase recycled materials from processors

1 on behalf of producer members interested in obtaining recycled feedstock
2 in order to achieve post-consumer recycled content objectives;

3 (q) a description of how a producer responsibility organization will
4 work with producers to reduce packaging through product design, systems
5 for reusable packaging, and program innovations;

6 (r) a description of how a producer responsibility organization will
7 invest in existing and future reuse and recycling infrastructure and
8 market development in the state, including, but not limited to, install-
9 ing or upgrading equipment to improve sorting of covered materials and
10 products or mitigating the impacts of covered materials and products to
11 other commodities at existing sorting and processing facilities, and
12 capital expenditures for new technology, equipment, and facilities;

13 (s) a process to address concerns and questions from customers and
14 residents; and

15 (t) any other information as specified by the department through regu-
16 lations.

17 3. The department shall promulgate a registration fee schedule to
18 cover administrative costs, including a schedule for re-evaluating the
19 fee structure on an annual basis and shall consider if fees should be
20 adjusted to incentivize performance. Such fees collected by the depart-
21 ment shall only be used for the implementation, operation, and enforce-
22 ment of this title, including approved costs associated with the advi-
23 sory panel.

24 § 27-3311. Producer responsibility plan approval.

25 1. Before rejection or approval of a producer responsibility plan can
26 be made in accordance with this title, the producer or producer respon-
27 sibility organization shall submit the plan to the producer responsibil-
28 ity advisory board.

29 2. Within sixty days of the advisory board making a recommendation to
30 the department, the department shall make a determination to approve the
31 plan as submitted; approve the plan with conditions; or deny the plan,
32 with reasons for the denial. The advisory board in recommending, and the
33 department in approving a plan, shall consider the following in whether
34 to approve a plan:

35 (a) the plan adequately addresses all elements described in section
36 27-3309 of this title with sufficient detail to demonstrate that the
37 objective of the plan will be met;

38 (b) the producer has undertaken satisfactory consultation with the
39 advisory board, has provided an opportunity for the advisory board's
40 input in the implementation and operation of the plan prior to
41 submission of the plan, and has thoroughly described how the the advi-
42 sory board's input will be addressed by and incorporated into the plan
43 pursuant to paragraph (f) of subdivision 1 of section 27-3309 of this
44 title;

45 (c) the plan adequately provides for: (i) the producer collecting and
46 funding the costs of collecting and processing products covered by the
47 plan or reimbursing a municipality; (ii) the funding mechanism to cover
48 the entire cost of the program; (iii) convenient and free consumer
49 access to collection facilities or collection services; (iv) a formulaic
50 system for equitable distribution of funds; (v) comprehensive public
51 education and outreach; and (vi) an evaluation system for the fee struc-
52 ture, which shall be evaluated on an annual basis by the producer
53 responsibility organization and re-submitted to the department annually;

54 (d) the plan takes into consideration a post-consumer content rate and
55 recovery and recycling rates that will create or enhance markets for
56 recycled materials, there is a plan to adjust the minimum rates on an

1 annual basis, and the plan incentives waste prevention and reduction.
2 Such post-consumer content rates, and such adjustments to the rates,
3 shall take into consideration: (i) changes in market conditions,
4 including supply and demand for post-consumer recycled plastics, recov-
5 ery rates, and bale availability both domestically and globally; (ii)
6 recycling rates; (iii) the availability of recycled materials suitable
7 to meet the minimum recycled content goals, including the availability
8 of high-quality recycled materials, and food-grade recycled materials;
9 (iv) the capacity of recycling or processing infrastructure; (v) utili-
10 zation rates of the material; and (vi) the progress made by producers in
11 meeting the post-consumer recycled targets by material type;

12 (e) the plan creates a convenient system for consumers to recycle that
13 is, at minimum, as convenient as curbside collection or as convenient as
14 the previous waste collection schema in the particular jurisdiction;

15 (f) the plan adequately considers the state's solid waste management
16 policy set forth in section 27-0106 of this article;

17 (g) The department may establish additional plan requirements in addi-
18 tion to those identified herein to fulfill the intent of this title;
19 provided, however, that any additional requirements shall be established
20 one year prior to a required submission of a plan unless such additional
21 requirements are in relation to the power granted to the department in
22 subdivision 4 of section 27-3305 of this title.

23 3. No later than six months after the date the plan is approved, the
24 producer, or producer responsibility organization, shall implement the
25 approved plan. The department may rescind the approval of an approved
26 plan at any time with cause and documented justification.

27 § 27-3313. Collection and convenience.

28 A producer or producer responsibility organization shall provide for
29 widespread, convenient, and equitable access to collection opportunities
30 for the covered materials and products identified under the producer or
31 producer responsibility organization's plan at no additional cost to
32 residents. Such opportunities shall be provided to all residents of New
33 York in a manner that is as convenient as the collection of municipal
34 solid waste. A producer responsibility organization shall ensure
35 services continue for curbside recycling programs that a municipality
36 serves as of the effective date of this article, either directly or
37 through a contract to provide services, and that such services are
38 continued through the plan. A producer responsibility plan may not
39 restrict a jurisdiction's resident's ability to contract directly with
40 third parties to obtain recycling collection services if residents have
41 the option to enter into such contracts as of the effective date of this
42 title, as long as the resident still voluntarily chooses to contract
43 directly with the third party. A producer responsibility organization
44 may rely on a range of means to collect various categories of covered
45 materials or products including, but not limited to, curbside
46 collection, depot drop-off, and retailer take-back so long as covered
47 materials and products collection options include curbside recycling
48 collection services provided by municipal programs, municipal contracted
49 programs, solid waste collection companies, or other approved entities
50 as identified by the department if:

51 1. The category of covered materials and products is suitable for
52 residential curbside recycling collection and can be effectively sorted
53 by the facilities receiving the curbside collected material;

54 2. The recycling facility providing processing and sorting service
55 agrees to include the category of covered materials and products as an
56 accepted material;

1 3. The covered materials and products category is not handled through
2 a deposit and return scheme or buy back system that relies on a
3 collection system other than curbside or multi-family collection; and

4 4. The provider of the residential curbside recycling service agrees
5 to the producer responsibility organization service provider costs
6 arrangement.

7 5. (a) The producer or producer responsibility organization shall
8 adopt a list of minimum types of readily recyclable materials and
9 products based on available collection and processing infrastructure and
10 recycling markets for covered materials and products. The producer or
11 producer responsibility organization shall update and adopt the list on
12 an annual basis, in consultation with the advisory board, in response to
13 collection and processing improvements and changes in recycling end
14 markets. If there are multiple lists, the department shall compile the
15 lists and shall publish a compiled list to the public. Such lists may
16 vary by geographic region depending on regional markets and regional
17 collection and processing infrastructure.

18 (b) All municipalities or private recycling service providers shall
19 provide for the collection and recycling of all identified materials and
20 products contained on the list of minimum recyclables, based on
21 geographic regions, in order to be eligible for reimbursement; provided,
22 however, nothing shall penalize a municipality or private recycling
23 service for recovering and recycling materials that are generated in the
24 municipality or geographic region that are not included on the list of
25 minimum types of recyclable covered materials or products as long as it
26 can be demonstrated that such materials have a market. Reimbursement
27 shall cover recycling of all covered materials and products so long as
28 the program includes at least the minimum recyclable list.

29 (c) The department may grant an exception of the requirements in para-
30 graph (b) of this subdivision upon a written showing by the municipality
31 or private recycling service that compliance with the requirement is not
32 practicable for a specific identified product or material and if the
33 department finds it is in the best interest of the intent of this title
34 to grant them an extension; provided, however, that the extension grant-
35 ed by the department shall not exceed twelve months.

36 § 27-3315. Outreach and education.

37 1. The producer, or producer responsibility organization, shall
38 provide effective outreach, education, and communications to consumers
39 throughout New York state regarding:

40 (a) proper end-of-life management of covered products and materials;

41 (b) the location and availability of curbside recycling and additional
42 drop-off collection opportunities;

43 (c) how to prevent litter of covered materials and products in the
44 process of collection; and

45 (d) recycling and composting instructions that are: consistent state-
46 wide, except as necessary to take into account differences among local
47 laws and processing capabilities; easy to understand; and easily acces-
48 sible.

49 2. The outreach and education required pursuant to subdivision 1 of
50 this section shall:

51 (a) be designed to achieve the management goals of covered products
52 under this title, including the prevention of contamination of covered
53 products;

54 (b) incorporate, at a minimum, electronic, print, web-based, and
55 social media elements that municipalities could utilize at their
56 discretion;

1 (c) be coordinated across programs to avoid confusion for consumers;
2 (d) include, at a minimum: consulting on education, outreach, and
3 communications with local governments and other stakeholders; coordinat-
4 ing with and assisting local municipal programs, municipal contracted
5 programs, solid waste collection companies, and other entities providing
6 services; and developing and providing outreach and education to the
7 diverse ethnic populations in the state; and

8 (e) a plan to work with participating producers to label covered
9 products, in accordance with reasonable labeling standards, with infor-
10 mation to assist consumers in responsibly managing and recycling covered
11 materials and products.

12 3. The producer or producer responsibility organization shall consult
13 with municipalities on the development of educational materials and may
14 coordinate with municipalities on outreach and communication.

15 4. The department shall determine the effectiveness of outreach and
16 education efforts under this section to determine whether changes are
17 necessary to improve those outreach and education efforts and develop
18 information that may be used to improve outreach and education efforts
19 under this section.

20 5. The producer responsibility organization shall undertake outreach,
21 education, and communications that assist in attaining or exceeding the
22 recovery and recycling rates.

23 § 27-3317. Reporting requirements and audits.

24 1. One year after a producer or producer responsibility organization's
25 first plan is approved, and annually thereafter, each producer, or
26 producer responsibility organization acting as their designated agent,
27 shall submit a report to the department that details the performance for
28 the prior year's program. The report shall be posted on the department's
29 website and on the website of the producer, or producer responsibility
30 organization acting as their designated agent. Such annual report shall
31 include:

32 (a) a detailed description of the methods used to collect, transport
33 and process covered materials and products including detailing
34 collection methods made available to consumers and an evaluation of the
35 program's collection convenience;

36 (b) a description of the status of achieving the recovery and recycl-
37 ing rates as set forth in the plan pursuant to this title and what
38 efforts are proposed in the event of failing to achieve such rates;

39 (c) a description on the status of achieving the post-consumer recy-
40 cled content rates as set forth in the plan pursuant to this title, and
41 what efforts are proposed in the event of failing to achieve such rates;

42 (d) the amount of covered materials and products collected in the
43 state by material type;

44 (e) the amount and type of covered materials and products collected in
45 the state by the method of disposition by material type;

46 (f) the total cost of implementing the program, as determined by an
47 independent financial audit, as performed by an independent auditor;

48 (g) information regarding the independently audited financial state-
49 ments detailing all payments received and issued by the producers
50 covered by the approved plan;

51 (h) a copy of the independent audit;

52 (i) a detailed description of whether the program compensates munici-
53 palities, solid waste collection, sorting and processing facilities, and
54 other approved entities for their recycling efforts and other related
55 services provided by the above entities;

1 (j) samples of all educational materials provided to consumers or
2 other entities;

3 (k) a detailed list of efforts undertaken and an evaluation of the
4 methods used to disseminate such materials including recommendations, if
5 any, for how the educational component of the program can be improved;
6 and

7 (1) A detailed description of investments made in reuse and recycling
8 infrastructure and market development.

9 2. The department shall not require public reporting of any confiden-
10 tial information that the department finds to be protected proprietary
11 information. For purposes of this title, protected proprietary informa-
12 tion shall mean information that, if made public, would divulge compet-
13 itive business information, methods or processes entitled to protection
14 as trade secrets of such producer or producer responsibility organiza-
15 tion or information that would reasonably hinder the producer or produc-
16 er responsibility organization's competitive advantage in the market-
17 place.

18 § 27-3319. Antitrust protections.

19 A producer or producer responsibility organization that organizes the
20 collection, transportation, and procession of covered materials and
21 products, in accordance with a producer responsibility plan approved
22 under this title, shall not be liable for any claim of a violation of
23 antitrust, restraint of trade, or unfair trade practice arising from
24 conduct undertaken in accordance with the program pursuant to this
25 title; provided, however, this section shall not apply to any agreement
26 establishing or affecting the price of a covered material, product, or
27 the output or production of any agreement restricting the geographic
28 area or customers to which a covered material or product will be sold.

29 § 27-3321. Penalties.

30 1. Except as otherwise provided in this section, any person or entity
31 that violates any provision of or fails to perform any duty imposed
32 pursuant to this title or any rule or regulation promulgated pursuant
33 thereto, or any term or condition of any registration or permit issued
34 pursuant thereto, or any final determination or order of the commis-
35 sioner made pursuant to this article or article 71 of this chapter shall be
36 liable for a civil penalty not to exceed five hundred dollars for each
37 violation and an additional penalty of not more than five hundred
38 dollars for each day during which such violation continues.

39 2. (a) Any producer or producer responsibility organization who
40 violates any provision of or fails to perform any duty imposed pursuant
41 to this title or any rule or regulation promulgated pursuant thereto,
42 including compliance with requirements related to the producer responsi-
43 bility plan, or any term or condition of any registration or permit
44 issued pursuant thereto, or any final determination or order of the
45 commissioner made pursuant to this article or article 71 of this chapter
46 shall be liable for a civil penalty not to exceed five thousand dollars
47 for each violation and an additional penalty of not more than one thou-
48 sand five hundred dollars for each day during which such violation
49 continues. For a second violation committed within twelve months of a
50 prior violation, the producer or producer responsibility organization
51 shall be liable for a civil penalty not to exceed ten thousand dollars
52 and an additional penalty of not more than three thousand dollars for
53 each day during which such violation continues. For a third or subse-
54 quent violation committed within twelve months of any prior violation,
55 the producer or producer responsibility organization shall be liable for
56 a civil penalty not to exceed twenty thousand dollars and an additional

1 penalty of six thousand dollars for each day during which such violation
2 continues.

3 (b) All producers participating in a producer responsibility organiza-
4 tion shall be jointly and severally liable for any penalties assessed
5 against the producer responsibility organization pursuant to this title
6 and article 71 of this chapter.

7 3. Civil penalties under this section shall be assessed by the depart-
8 ment after an opportunity to be heard pursuant to the provisions of
9 section 71-1709 of this chapter, or by the court in any action or
10 proceeding pursuant to section 71-2727 of this chapter, and in addition
11 thereto, such person or entity may by similar process be enjoined from
12 continuing such violation and any permit, registration or other approval
13 issued by the department may be revoked or suspended or a pending
14 renewal denied.

15 4. The department and the attorney general are hereby authorized to
16 enforce the provisions of this title and all monies collected shall be
17 deposited to the credit of the environmental protection fund established
18 pursuant to section 92-s of the state finance law.

19 § 27-3323. State preemption.

20 Jurisdiction in all matters pertaining to costs and funding mechanisms
21 of producer responsibility organizations relating to the recovery of
22 covered materials by this title, vested exclusively in the state;
23 provided, however, that (i) nothing in this section shall preclude any
24 city, town, village or other local planning units, which already has in
25 place on the effective date of this title any local law, ordinance or
26 regulation governing a municipally-operated recycling program or
27 collection program operated on behalf of such municipality, from deter-
28 mining what materials shall be included for recycling in such municipal
29 recycling collection program, or shall preclude any such local law,
30 ordinance or regulation which provides environmental protection equal to
31 or greater than the provisions of this title or rules promulgated here-
32 under, and (ii) that nothing in this section shall preclude a person
33 from coordinating, for recycling or reuse, the collection of covered
34 materials and products.

35 § 27-3325. Authority to promulgate rules and regulations.

36 The commissioner shall have the power to promulgate rules and regu-
37 lations necessary and appropriate for the administration of this title.

38 § 27-3327. Other assistance programs.

39 Nothing in this title shall impact an entity's eligibility for any
40 state or local incentive or assistance program to which they are other-
41 wise eligible.

42 § 27-3329. Severability.

43 The provisions of this title shall be severable and if any phrase,
44 clause, sentence or provision of this title or the applicability thereof
45 to any person or circumstance shall be held invalid, the remainder of
46 this title and the application thereof shall not be affected thereby.

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

49 PART DDD

50 Section 1. The agriculture and markets law is amended by adding a new
51 article 27 to read as follows:

52 ARTICLE 27

53 NOURISH NEW YORK

54 Section 450. Declaration of legislative findings and intent.

1 451. Definitions.

2 452. Nourish New York program.

3 § 450. Declaration of legislative findings and intent. While the Nourish
4 ish New York program was developed in response to disrupted food supply
5 chains due to the COVID-19 pandemic, it has emerged as an important
6 innovation, significantly supporting the state's farms while providing
7 nourishing fresh foods to people experiencing food insecurity. The
8 COVID-19 crisis unveiled the weaknesses in our state's food supply
9 system and has caused serious economic hardships for the state's farms
10 and agribusinesses. But, in the ten months since its inception, Nourish
11 New York has already strengthened the state's food supply network and
12 expanded markets for New York farm products. The local food movement has
13 also gained significant momentum during the pandemic, with increasing
14 numbers of New Yorkers wanting to know where their food is sourced.
15 This presents the state with a major opportunity to support our local
16 economies and create greater equity in our food system by providing
17 greater access to local, healthy options in food insecure areas through
18 making the Nourish New York program permanent.

19 § 451. Definitions. 1. "Food relief organization" means a religious
20 organization or other not-for-profit that provides food for free to
21 persons experiencing food insecurity, including but not limited to a
22 food pantry, food bank, or soup kitchen or community-based organization
23 that provides food for free to persons experiencing food insecurity.

24 2. "Surplus agricultural products" means consumable or edible agricul-
25 tural products grown in New York but shall not include condiments,
26 sweeteners or beverages containing alcohol.

27 § 452. Nourish New York program. 1. The commissioner shall, to the
28 extent permitted by state or federal appropriations for such purpose,
29 facilitate programming that ensures surplus agricultural products are
30 provided to food relief organizations at competitive wholesale prices.

31 2. The commissioner shall provide technical assistance and information
32 about the program to food relief organizations, producers of surplus
33 agricultural products and the public, including, but not limited to,
34 information posted on the department's website.

35 3. The commissioner shall provide means, which may include posting on
36 the department's website, for producers to make available surplus agri-
37 cultural products and for food relief organizations to access surplus
38 agricultural products.

39 4. The commissioner, in consultation with the department of health,
40 shall review the current funding structure, funding adequacy and current
41 service levels of the hunger prevention nutrition assistance program in
42 all regions of the state. Review of current service levels shall take
43 into account the size of the service area, the population in need of
44 such hunger prevention nutrition assistance program and the need for
45 additional facilities within a region in order to address increasing
46 food insecurity and hunger. Following such review, the commissioner
47 shall make and report any recommendations, including but not limited to,
48 increasing the maximum amount of money each food pantry may be allocated
49 by such program, whether such program funding should be indexed for
50 inflation annually, and any structural and funding adequacy changes
51 deemed necessary.

52 5. The commissioner shall review and report on the need to establish a
53 grant program to fund the purchase of cold storage equipment for
54 regional food banks, food pantries and other emergency food organiza-
55 tions. Such grant program shall prioritize regions of the state that
56 have the highest demand for emergency food and regions of the state

1 where regional food banks and pantries have determined the need for more
2 capacity to safely store perishable food before such food is distrib-
3 uted. Such report shall be completed and submitted to the governor and
4 the legislature no later than February first, two thousand twenty-two.

5 § 2. This act shall take effect immediately.

6 PART EEE

7 Section 1. Short title. This act shall be known and may be cited as
8 the "comprehensive broadband connectivity act".

9 § 2. Legislative findings. The legislature hereby finds and declares
10 that more granular and adequate broadband mapping is an essential next
11 step in continuing the progress of expanding access to high-quality,
12 affordable broadband access in New York State. The New York Broadband
13 Program has helped expand broadband service to hundreds of thousands of
14 previously underserved New Yorkers. However, many still lack access.
15 Due to a lack of comprehensive data, measuring the true extent of this
16 problem has been hampered by the limitations of federal data on broad-
17 band access. More accurate and comprehensive data is necessary to
18 complete the State's work in ensuring truly universal broadband access.

19 § 3. The public service law is amended by adding a new section 224-c
20 to read as follows:

21 § 224-c. Broadband and fiber optic services. 1. For the purposes of
22 this section:

23 (a) The term "served" means any location with at least two internet
24 service providers and at least one such provider offers high-speed
25 internet service.

26 (b) The term "underserved" means any location which has fewer than two
27 internet service providers, or has internet speeds of at least 25 mega-
28 bits per second (mbps) download but less than 100 mbps download avail-
29 able.

30 (c) The term "unserved" means any location which has no fixed wireless
31 service or wired service with speeds of 25 mbps download or less avail-
32 able.

33 (d) The term "high-speed internet service" means internet service of
34 at least 100 mbps download and at least 10 mbps upload.

35 (e) The term "broadband service" shall mean a mass-market retail
36 service that provides the capability to transmit data to and receive
37 data from all or substantially all internet endpoints, including any
38 capabilities that are incidental to and enable the operation of the
39 communications service, but shall not include dial-up service.

40 (f) The term "location" shall mean a geographic area smaller than a
41 census tract.

42 (g) The term "internet service provider" shall mean any person, busi-
43 ness or organization qualified to do business in this state that
44 provides individuals, corporations, or other entities with the ability
45 to connect to the internet.

46 2. The commission shall study the availability, affordability and
47 reliability of high-speed internet and broadband services in New York
48 state. The commission shall, with the assistance of the New York state
49 energy research and development authority, to the extent practicable
50 under New York state law:

51 (a) assess the efficacy and make recommendations regarding levels of
52 competition among providers, as well as any regulatory and statutory
53 barriers, in order to deliver comprehensive statewide access to high-
54 speed internet;

1 (b) review available technology to identify solutions that best
2 support high-speed internet service in underserved or unserved areas,
3 and make recommendations on ensuring deployment of such technology in
4 underserved and unserved areas;

5 (c) identify instances where local franchise agreements and legal
6 settlements related to internet access have not been complied with;

7 (d) identify locations where insufficient access to high-speed inter-
8 net and/or broadband service, and/or persistent digital divide, is caus-
9 ing negative social or economic impact on the community;

10 (e) identify locations where the commission believes fiber optic
11 service is necessary for the successful implementation of commission's
12 policies on competition, affordability, and adequate service;

13 (f) examine any other telecommunications deficiencies affecting broad-
14 band service it deems necessary to further the economic and social goals
15 of the state; and

16 (g) produce, maintain and publish on its website, a detailed internet
17 access map of the state, indicating access to internet service by
18 location. Such map shall include, but not be limited to, the following
19 information for each location:

20 (i) download and upload speeds advertised and experienced;

21 (ii) the consistency and reliability of download and upload speeds
22 including latency;

23 (iii) the types of internet service and technologies available includ-
24 ing but not limited to dial-up, broadband, wireless, fiber, coax, or
25 satellite;

26 (iv) the number of internet service providers available, the price of
27 internet service available; and

28 (v) any other factors the commission may deem relevant.

29 3. The commission shall submit a report of its findings and recommen-
30 dations from the study required in subdivision two of this section, to
31 the governor, the temporary president of the senate and the speaker of
32 the assembly no later than one year after the effective date of this
33 section, and an updated report annually thereafter. Such report shall
34 include, but not be limited to, the following:

35 (a) the overall number of residences with access to high-speed inter-
36 net identifying which areas are served, unserved and underserved;

37 (b) a regional survey of internet service prices in comparison to
38 county-level median income;

39 (c) an analysis of the affordability of high-speed internet service in
40 New York state;

41 (d) any relevant usage statistics;

42 (e) any other metrics or analyses the commission deems necessary in
43 order to assess the availability, affordability and reliability of
44 internet service in New York state; and

45 (f) the map maintained pursuant to paragraph (g) of subdivision two of
46 this section.

47 4. The commission shall hold at least four regional public hearings
48 within one year of the effective date of this section, to solicit input
49 from the public and other stakeholders including but not limited to
50 internet service providers, telecommunications concerns, labor organiza-
51 tions, public safety organizations, healthcare, education, agricultural
52 and other businesses or organizations.

53 5. The commission shall work with internet service providers in the
54 state to prioritize access to broadband and fiber optic services for the
55 communities determined to have experienced negative economic and social

1 impacts due to absent, insufficient, or inadequate broadband or fiber
2 optic service pursuant to subdivision one of this section.

3 6. To effectuate the purposes of this section, the commission may
4 request and shall receive from any department, division, board, bureau,
5 commission or other agency of the state or any state public authority
6 such assistance, information and data as will enable the commission to
7 carry out its powers and duties under this section.

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

10

PART FFF

11 Section 1. Short title. This act shall be known and may be cited as
12 the "E-Let's Expand Access to Remote Now (E-LEARN) Act".

13 § 2. Legislative intent. The legislature hereby finds and declares
14 that the COVID-19 pandemic has plagued the health, economy and education
15 systems throughout New York and impacted the livelihood of every resi-
16 dent of the state with an extensive, protracted and disproportionate
17 impact on students in every region.

18 The legislature further finds the unprecedented closure of school
19 buildings for the last quarter of the 2019-20 school year coupled with
20 increasing COVID-19 public health and safety concerns throughout the
21 summer and into the beginning of the 2020-21 school year have continued
22 to present logistical challenges for the delivery of education and
23 support services especially for students who are living in poverty.

24 The legislature further finds Article XI of the New York state Consti-
25 tution which stipulates 'The Legislature shall provide for the mainte-
26 nance and support of a system of free common schools, wherein all the
27 children of the state may be educated' must be continuously upheld even
28 throughout the ensuing pandemic period.

29 The legislature further finds schools across the state had to quickly
30 implement technological programs and devices to deliver remote learning
31 options to students during the closed down period and many schools are
32 required to, or are requested to, continue distance learning modality as
33 an instructional delivery model.

34 The legislature further finds lack of high-quality internet access has
35 had and continues to have a disequalizing impact on children who are
36 poor, homeless and without the resources to support their educational
37 needs.

38 The Legislature further finds it is a state imperative to ensure all
39 children have access to the delivery of technology through high-quality
40 broadband internet connectivity in order to meet the State's constitu-
41 tional requirement and maintain a system of free common schools.

42 The legislature further finds that high-speed internet access, common-
43 ly referred to as broadband internet, can be achieved through utiliza-
44 tion of a variety of technologies, including wired infrastructure via
45 fiber optic cable, and through wireless technologies such as fixed wire-
46 less internet and satellite internet, and that taking advantage of all
47 available and evolving technologies can enable communities currently
48 without wired infrastructure to nonetheless improve access to high qual-
49 ity internet until such time as wired infrastructure is made universally
50 available.

51 The legislature further finds that almost every sector of New York's
52 economy, democracy, and society depends on widespread, high-quality
53 internet access that supports vital functions regulated under the police
54 power of the state.

1 The legislature further finds that while the internet is an interstate
2 resource, the essential support it provides for innumerable municipal
3 and state operations, vital business and community service, delivery of
4 educational programs and services and daily interactions between the
5 people of New York and their governments are of state concern.

6 The legislature further finds that while the operations of telecommu-
7 nication service providers must be subject to state oversight, they also
8 must be protected from undue restraint and regulation so as to assure
9 optimum technology and maximum availability in this state as rapidly as
10 economically and technically feasible.

11 The legislature further finds that telecommunication service provid-
12 ers, notwithstanding their unique attributes, are part of an increasing-
13 ly integrated telecommunications industry, the soundness of which is
14 essential, not only to education, but also to the state's economic
15 growth and general welfare, and portions of whose business are wholly
16 intrastate.

17 The legislature further finds that there is a need for one or more
18 state agencies to determine state internet access policy as it relates
19 to the education of the state's students during the COVID-19 pandemic,
20 ensure that telecommunication service providers provide adequate,
21 economical and efficient service to students and schools, and oversee,
22 consonant with federal regulations and statutes, the availability of
23 high-quality internet access during the COVID-19 pandemic in support of
24 the constitutional education obligations of the state.

25 The legislature further finds that it is necessary to establish a
26 competitively-neutral funding mechanism to provide the resources neces-
27 sary to assure and maintain satisfaction of the constitutional education
28 obligations of the state.

29 Therefore, be it resolved, that, the legislature hereby approves the
30 use of the police power inherent in the state of New York to protect and
31 promote the safety, life, public health, public convenience, general
32 prosperity, and well-being of society, and the welfare of the state's
33 population and economy, as necessary to satisfy the provisions of Arti-
34 cle XI of the New York state Constitution to provide a free public
35 education pursuant to the E-Let's Expand Access to Remote Now (E-LEARN)
36 act, as defined in this act.

37 § 3. The education law is amended by adding a new article 9-A to read
38 as follows:

39 ARTICLE 9-A
40 E-LEARN PROGRAM

41 Section 430. Definitions.

42 431. Application for allocation from the E-LEARN fund.

43 432. Allocation of E-LEARN funds.

44 433. Grant of permission for use of information.

45 434. Provision of high-quality internet access to eligible
46 students.

47 435. Provision of high-quality internet access to eligible
48 schools.

49 436. Payment of costs and expenses.

50 437. Collaboration.

51 438. Cooperation of third parties.

52 439. Requirements.

53 § 430. Definitions. For the purposes of this article:

54 1. "Broadband internet access service" means a service provided by
55 wire or radio in New York state that provides the capability to transmit
56 data to, and receive data from, all or substantially all internet

1 endpoints, including any capabilities that are incidental to and enable
2 the operation of the communications service, but excluding dial-up
3 internet access service. Broadband internet access service also encom-
4 passes any service provided in New York that provides a functional
5 equivalent of that service or that is used to evade the provisions set
6 forth in this article.

7 2. "Chancellor" means the chancellor of the New York city department
8 of education.

9 3. "Department" means the education department of the state of New
10 York.

11 4. "Eligible school" means a public school including a school operated
12 by a board of cooperative educational services, non-public school, char-
13 ter school, special act school, approved private school serving students
14 with disabilities subject to article eighty-one or eighty-nine of this
15 chapter, state supported school subject to article eighty-five of this
16 chapter, or state operated school subject to article eighty-seven or
17 eighty-eight of this chapter, in each case serving students between five
18 and twenty-one years of age.

19 5. "Eligible student" means a student who is a resident of the state
20 between five and twenty-one years of age who is enrolled in an eligible
21 school or who is provided home instruction in compliance with part one
22 of article sixty-five of this chapter and applicable regulations.

23 6. "High-quality internet access" means, with respect to broadband
24 internet access service provided to an eligible student, uninterrupted
25 broadband internet access service which is not limited to one or more
26 particular devices and which provides actual and stable download speeds
27 of at least 25 megabits per second (Mbps) and upload speeds of at least
28 3 Mbps at all times throughout the applicable school year, and, with
29 respect to broadband internet access service provided to an eligible
30 school, actual and stable download speeds of at least 1 Mbps per
31 enrolled student and upload speeds of at least 1 Mbps per enrolled
32 student at all times throughout the applicable school year.

33 7. "Telecommunication service provider" means a business that provides
34 broadband internet access service in the state.

35 § 431. Application for allocation from the E-LEARN fund. 1. Each
36 public school district with respect to eligible schools under the juris-
37 isdiction of such public school district, board of cooperative educational
38 services with respect to eligible schools under the jurisdiction of such
39 board of cooperative educational services, non-public school, charter
40 school, approved private school serving students with disabilities
41 subject to article eighty-one or eighty-nine of this chapter, state
42 supported school subject to article eighty-five of this chapter, or
43 state operated school subject to article eighty-seven or eighty-eight of
44 this chapter is hereby directed to submit documentation to the depart-
45 ment of the requirements necessary to satisfy the provisions of sections
46 four hundred thirty-four and four hundred thirty-five of this article.
47 Each such public school district, board of cooperative educational
48 services or school, as applicable, shall make application within forty-
49 five days of the effective date of this article to the department
50 setting forth such requirements, and annually thereafter before August
51 first.

52 2. The chancellor is hereby directed to submit documentation to the
53 department of the requirements necessary to satisfy the provisions of
54 sections four hundred thirty-four and four hundred thirty-five of this
55 article with respect to eligible schools under the jurisdiction of the
56 New York city department of education and eligible students enrolled in

1 such eligible schools. The chancellor shall make application to the
2 department within ninety days of the effective date of this article
3 setting forth such requirements of such eligible schools, and annually
4 thereafter before August first.

5 3. The person in parental relation to each eligible student who is
6 providing home instruction in compliance with part one of article
7 sixty-five of this chapter and applicable regulations is hereby directed
8 to submit documentation to the department of the requirements necessary
9 to satisfy the provisions of sections four hundred thirty-four and four
10 hundred thirty-five of this article with respect to such eligible
11 students. Such person in parental relation shall make application to the
12 department within forty-five days of the effective date of this article
13 setting forth such requirements of such eligible school, and annually
14 thereafter before August first.

15 § 432. Allocation of E-LEARN funds. The commissioner shall determine
16 criteria for allocation of moneys from the E-LEARN fund to public school
17 districts, boards of cooperative educational services, the New York city
18 department of education, non-public schools, charter schools, special
19 act schools, approved private schools serving students with disabilities
20 subject to article eighty-one or eighty-nine of this chapter, state
21 supported school subject to article eighty-five of this chapter, state
22 operated school subject to article eighty-seven or eighty-eight of this
23 chapter, and persons in parental relation to eligible students who are
24 providing home instruction in compliance with part one of article
25 sixty-five of this chapter and applicable regulations for achieving
26 equitable access to remote learning resources for eligible students and
27 eligible schools pursuant to sections four hundred thirty-four and four
28 hundred thirty-five of this article. Such criteria shall include but not
29 be limited to the number of eligible students at each eligible school,
30 the degree to which multiple eligible students are members of the same
31 household and reside at the same residence, the response rate of grants
32 of permission pursuant to section four hundred thirty-three of this
33 article, the degree of need of each eligible school and their respective
34 classrooms, and, subject to section four hundred thirty-seven of this
35 article, the different regional factors affecting the provision of high-
36 quality internet access.

37 § 433. Grant of permission for use of information. Notwithstanding
38 section two-d of this chapter, public school districts, boards of coop-
39 erative education, the chancellor, charter schools, non-public schools,
40 approved private schools serving students with disabilities subject to
41 article eighty-one or eighty-nine of this chapter, state supported
42 schools subject to article eighty-five of this chapter, or state oper-
43 ated schools subject to article eighty-seven or eighty-eight of this
44 chapter, shall provide to eligible students or their families, as appro-
45 priate, a form requesting information as to whether the eligible student
46 had high-quality internet access as of the effective date of this
47 section and continues to have high-quality internet access, and if such
48 student had high-quality internet access as of such date and continues
49 to have high-quality internet access, the name of the current provider
50 of such high-quality internet service, and in either case requesting
51 permission for the use of names and contact information of such students
52 or families, as appropriate, for purposes of entering into agreements to
53 provide such eligible students with high-quality internet access in
54 accordance with this article or for purposes of the reduction in costs
55 pursuant to subdivision three of section two hundred twenty-four-c of
56 the public service law. Such form of request shall be in a form, and

1 distributed and collected, in such manner as the applicable public
2 school district, board of cooperative educational services, the chancel-
3 lor, or eligible school, as applicable, may deem appropriate; provided,
4 however, that use of information provided shall be limited to use of
5 only such personally identifiable information as shall be necessary to
6 satisfy the requirements of this article and subdivision three of
7 section two hundred twenty-four-c of the public service law. Such form
8 of request shall be provided to eligible students, or their families, as
9 appropriate, no later than fifteen days after the effective date of this
10 article, and shall be translated in the predominant languages other than
11 English of eligible students and their families served by such eligible
12 schools.

13 § 434. Provision of high-quality internet access to eligible students.

14 1. (a) Upon approval of the allocations of the E-LEARN fund pursuant to
15 section four hundred thirty-two of this article each public school
16 district with respect to eligible schools under the jurisdiction of such
17 public school district, board of cooperative educational services with
18 respect to eligible schools under the jurisdiction of such board of
19 cooperative educational services, non-public school, charter school,
20 approved private school serving students with disabilities subject to
21 article eighty-one or eighty-nine of this chapter, state supported
22 school subject to article eighty-five of this chapter, and state oper-
23 ated school subject to article eighty-seven or eighty-eight of this
24 chapter shall be authorized to enter into agreements to provide each
25 eligible student enrolled at an eligible school who did not have high-
26 quality internet access as of the effective date of this article and
27 continues to lack high-quality internet access, and for whom a grant of
28 permission has been returned pursuant to this section, with high-quality
29 internet access on a continual basis at the residence of such eligible
30 student, whether such residence is temporary or permanent, in such
31 manner as shall be deemed appropriate by such public school district,
32 board of cooperative educational services, or eligible school, as appro-
33 priate; and

34 (b) The chancellor shall be authorized to enter into agreements to
35 provide each eligible student enrolled at an eligible school under the
36 jurisdiction of the New York city department of education who did not
37 have high-quality internet access as of the effectiveness of this arti-
38 cle and continues to lack high-quality internet access, and for whom a
39 grant of permission has been returned pursuant to this section, with
40 high-quality internet access on a continual basis at the residence of
41 such eligible student, whether such residence is temporary or permanent,
42 in such manner as shall be deemed appropriate by the chancellor.

43 2. In satisfying the requirements of subdivision one of this section,
44 public school districts, boards of cooperative educational services, the
45 chancellor and the eligible schools set forth in subdivision one of this
46 section are authorized and directed to coordinate the provision of high-
47 quality internet access in collaboration with community-based organiza-
48 tions, the office for people with developmental disabilities, the office
49 of children and family services, the state university of New York, the
50 department of corrections and community supervision, the office of
51 temporary and disability assistance, the department of health, and such
52 other persons or entities as may be appropriate, including parties with
53 an interest in the residence of an eligible student, such as homeless
54 shelters, landlords, and manufactured home parks.

1 § 435. Provision of high-quality internet access to eligible schools.
2 Upon approval of the allocation of the E-LEARN fund pursuant to section
3 four hundred thirty-two of this article:

4 1. Each public school district shall contract for high-quality inter-
5 net access on a continual basis at each school district building and for
6 all eligible schools under such public school district's jurisdiction
7 sufficient to support all instructional and administrative operations of
8 such public school district and such eligible schools to the extent that
9 such buildings and eligible schools did not have high-quality internet
10 access as of the effective date of this article and continue to lack
11 high-quality internet access;

12 2. Each board of cooperative educational services shall contract for
13 high-quality internet access on a continual basis at each such board of
14 cooperative educational services building and for all eligible schools
15 under such board of cooperative educational services' jurisdiction
16 sufficient to support all instructional and administrative operations of
17 such board of cooperative educational services and such eligible schools
18 to the extent that such buildings and eligible schools did not have
19 high-quality internet access as of the effective date of this article
20 and continue to lack high-quality internet access;

21 3. The chancellor shall contract for high-quality internet access on a
22 continual basis at each New York city department of education building
23 and for all eligible schools under the jurisdiction of the New York city
24 department of education sufficient to support all instructional and
25 administrative operations of the New York city department of education
26 and such eligible schools to the extent that such buildings and eligible
27 schools did not have high-quality internet access as of the effective
28 date of this article and continue to lack high-quality internet access;
29 and

30 4. Each non-public school, charter school, approved private school
31 servicing students with disabilities subject to article eighty-one or
32 eighty-nine of this chapter, state supported school subject to article
33 eighty-five of this chapter, or state operated school subject to article
34 eighty-seven or eighty-eight of this chapter which is an eligible school
35 shall contract for high-quality internet access on a continual basis at
36 such eligible school sufficient to support all instructional and admin-
37 istrative operations of such eligible school to the extent that such
38 buildings and eligible schools did not have high-quality internet access
39 as of the effective date of this article and continue to lack high-qual-
40 ity internet access.

41 § 436. Payment of costs and expenses. 1. Public school districts,
42 boards of cooperative educational services, the New York city department
43 of education, non-public schools, charter schools, approved private
44 schools servicing students with disabilities subject to article eighty-one
45 or eighty-nine of this chapter, state supported schools subject to arti-
46 cle eighty-five of this chapter, state operated schools subject to arti-
47 cle eighty-seven or eighty-eight of this chapter, and persons in
48 parental relation to eligible students who are providing home instruc-
49 tion in compliance with part one of article sixty-five of this chapter
50 and applicable regulations shall submit to the department:

51 (a) for reimbursement, such receipts and other appropriate evidence of
52 costs and expenses incurred in satisfying the requirements of sections
53 four hundred thirty-four and four hundred thirty-five of this article;
54 and

55 (b) for direct payment out of amounts in the E-LEARN fund established
56 in section ninety-five-j of the state finance law, evidence of unpaid

1 costs and related payment instructions, for goods or services obtained
2 in satisfying the requirements of sections four hundred thirty-four and
3 four hundred thirty-five of this article.

4 2. The department shall submit such documentation necessary for the
5 comptroller to make such reimbursements and payments out of the E-LEARN
6 fund.

7 § 437. Collaboration. The department, public school districts, boards
8 of cooperative educational services, the chancellor, and eligible
9 schools, as appropriate, in fulfilling the obligations set forth in
10 sections four hundred thirty-four and four hundred thirty-five of this
11 article, shall make reasonable efforts to collaborate with community-
12 based organizations with expertise in internet access to facilitate the
13 provision of high-quality internet access to eligible students and
14 eligible schools, including eligible students residing in non-tradition-
15 al places of residence.

16 § 438. Cooperation of third parties. Every telecommunication service
17 provider, landlord, building manager, or any other individual having
18 responsibility for the care and control of a premises which is a resi-
19 dence or domicile of any eligible student, whether such residence or
20 domicile is temporary or permanent, shall cooperate with the efforts of
21 public school districts, boards of cooperative education, the chancel-
22 lor, eligible schools, and eligible students and their families to
23 satisfy the requirements of section four hundred thirty-four of this
24 article by, where appropriate, being available at reasonable times to
25 communicate regarding provision of high-quality internet access, provid-
26 ing reasonable access to buildings or other structures, facilitating
27 installation of technologies necessary to provide high-quality internet
28 access and taking such other cooperative measures as may reasonably be
29 requested.

30 § 439. Requirements. The requirements of this article shall not be
31 qualified by the difficulty or cost of providing high-quality internet
32 access to any particular eligible student or eligible school, nor shall
33 any eligible student or eligible school be prioritized over any other
34 eligible student or eligible school by reason of any such difficulty or
35 cost.

36 § 4. The tax law is amended by adding a new section 186-h to read as
37 follows:

38 § 186-h. Duties of the department under the E-LEARN program. 1. Defi-
39 nitions. For the purposes of this section:

40 (a) "Telecommunication service provider" means a business that
41 provides broadband internet access service in the state.

42 (b) "E-LEARN fund" shall mean the fund established in section ninety-
43 five-j of the state finance law.

44 (c) "Assessment rate" means the percentage rate which when multiplied
45 by each telecommunication service provider's total gross intrastate
46 telecommunication revenue for the prior calendar year, or if such reven-
47 ue is unavailable, the most recent calendar year for which such revenue
48 is available, which determines that provider's annual contribution to
49 the E-LEARN fund, determined by the department in consultation with the
50 state education department to be sufficient in amount to provide for
51 acquisition of high-quality internet access pursuant to article nine-A
52 of the education law, taking into account for any school year subsequent
53 to the two thousand twenty--two thousand twenty-one school year any
54 excess amounts remaining in the E-LEARN fund from the prior year pursu-
55 ant to subdivision five of section ninety-five-j of the state finance
56 law.

1 2. Contribution. All telecommunication service providers operating in
2 the state shall contribute to the preservation and advancement of the
3 E-LEARN fund in the manner set forth in this section. Any such contrib-
4 ution shall not be passed through in whole or in part as a fee, charge,
5 increased service cost, or by any other means by a telecommunication
6 service provider to any person or customer that contracts with such
7 telecommunication service provider for service.

8 3. Annual charge. (a) The department shall assess an annual charge on
9 each telecommunication service provider in an amount equal to the
10 assessment rate multiplied by the telecommunication service provider's
11 total gross intrastate telecommunication revenue for the prior calendar
12 year, or if such revenue is unavailable, the most recent calendar year
13 for which such revenue is available. The department shall collect and
14 deposit such amounts into a segregated account which shall subsequently
15 be transferred to E-LEARN fund established in section ninety-five-j of
16 the state finance law. All such amounts shall be kept separate and shall
17 not be commingled with any other moneys collected by the department.

18 (b) Such annual charge shall be assessed on and collected from all
19 telecommunication service providers operating in the state as of April
20 first, July first, October first, and January first of each year,
21 provided that the initial annual charge for fiscal year two thousand
22 twenty shall be assessed and collected as of December thirty-first, two
23 thousand twenty.

24 (c) Amounts collected from telecommunication service providers shall
25 be transferred by the department of taxation and finance to the state
26 comptroller to be deposited in the E-LEARN fund within thirty days after
27 each collection deadline.

28 (d) Failure of a telecommunication service provider to make timely
29 payment under this section will result in the levy of a late payment
30 charge of one and one-half percent per month pro rata per diem on the
31 delinquent contribution.

32 (e) If a telecommunication service provider's contribution to the
33 E-LEARN fund in a given fiscal year is less than one hundred fifty
34 dollars such telecommunication service provider will not be required to
35 pay a contribution for such year.

36 4. Requirements. The requirements of this section, including with
37 respect to determinations of the assessment rate, shall not be qualified
38 by the difficulty or cost of providing high-quality internet access to
39 any particular eligible student or eligible school, as such terms are
40 defined in section four hundred thirty of the education law, nor shall
41 any eligible student or eligible school be prioritized over any other
42 eligible student or eligible school by reason of any such difficulty or
43 cost.

44 § 5. The state finance law is amended by adding a new section 95-j to
45 read as follows:

46 § 95-j. E-LEARN fund. 1. There is hereby established in the joint
47 custody of the comptroller and the commissioner of taxation and finance
48 the E-LEARN fund to ensure the provision of high-quality internet access
49 to eligible schools and eligible students in the state through the
50 program set forth in article nine-A of the education law.

51 2. The E-LEARN fund shall consist of all moneys required to be depos-
52 ited in the E-LEARN fund pursuant to the provisions of section one
53 hundred eighty-six-h of the tax law.

54 3. The moneys in the E-LEARN fund shall be kept separate and shall not
55 be commingled with any other moneys in the custody of the state comp-
56 troller.

1 4. The moneys in the E-LEARN fund shall be disbursed, upon proper
2 application made to the state commissioner of education by public school
3 districts, boards of cooperative educational services, the New York city
4 department of education, non-public schools, charter schools, special
5 act schools, approved private schools serving students with disabilities
6 subject to article eighty-one or eighty-nine of the education law, state
7 supported schools subject to article eighty-five of the education law,
8 state operated schools subject to article eighty-seven or eighty-eight
9 of the education law, and persons in parental relation to eligible
10 students who are providing home instruction in compliance with part one
11 of article sixty-five of the education law and section 100.10 of the
12 NYCRR, as applicable, for the purposes of providing cost-free high-quality
13 internet access to eligible students and eligible schools in accordance
14 with article nine-A of the education law and for costs of the
15 department of education, the department of taxation and finance and the
16 comptroller's office to administer the E-LEARN fund and implement the
17 E-LEARN program.

18 5. To the extent amounts received from telecommunication service
19 providers in any given fiscal year exceed an amount equal to the aggregate
20 disbursements from the E-LEARN fund required to be made pursuant to
21 article nine-A of the education law plus the cost of administering the
22 E-LEARN fund and implementing the E-LEARN program, the excess amounts
23 shall remain in the E-LEARN fund for use in the subsequent fiscal year.

24 6. The requirements of this section shall not be qualified by the
25 difficulty or cost of providing high-quality internet access to any
26 particular eligible student or eligible school, nor shall any eligible
27 student or eligible school be prioritized over any other eligible
28 student or eligible school by reason of any such difficulty or cost.

29 § 6. The article heading of article 11 of the public service law, as
30 added by chapter 83 of the laws of 1995, is amended to read as follows:

31 PROVISIONS RELATING TO CABLE TELEVISION COMPANIES

32 AND TELECOMMUNICATION SERVICE PROVIDERS

33 § 7. The public service law is amended by adding a new section 224-c
34 to read as follows:

35 § 224-c. Reimbursement by telecommunication service providers of
36 eligible students and eligible schools with current high-quality internet
37 access. 1. For the purposes of this section: (a) "Broadband internet
38 access service" means a service provided by wire or radio in New
39 York state that provides the capability to transmit data to, and receive
40 data from, all or substantially all internet endpoints, including any
41 capabilities that are incidental to and enable the operation of the
42 communications service, but excluding dial-up internet access service.
43 Broadband internet access service also encompasses any service provided
44 in New York state that provides a functional equivalent of that service
45 or that is used to evade the provisions set forth in this section.

46 (b) "Eligible school" means a public school, non-public school, charter
47 school, special act school, approved private school serving students
48 with disabilities subject to article eighty-one or eighty-nine of the
49 education law, state supported school subject to article eighty-five of
50 the education law, or state operated school subject to article eighty-
51 seven or eighty-eight of the education law, in each case serving
52 students between five and twenty-one years of age.

53 (c) "Eligible student" means a student who is a resident of the state
54 between five and twenty-one years of age who is enrolled in an eligible
55 school or who is provided home instruction in compliance with part one
56 of article sixty-five of the education law and applicable regulations.

1 (d) "High-quality internet access" means, with respect to broadband
2 internet access service provided to an eligible student, uninterrupted
3 broadband internet access service which is not limited to one or more
4 particular devices and which provides actual and stable download speeds
5 of at least 25 megabits per second (Mbps) and upload speeds of at least
6 3 Mbps at all times, and, with respect to broadband internet access
7 service provided to an eligible school, actual and stable download
8 speeds of at least 1 Mbps per enrolled student and upload speeds of at
9 least 1 Mbps per enrolled student at all times.

10 (e) "State education department" means the education department of the
11 state of New York.

12 (f) "Telecommunication service provider" means a business that
13 provides broadband internet access service in this state.

14 2. In fulfilling the requirements of the E-LEARN fund application
15 process pursuant to article nine-A of the education law, the state
16 education department shall:

17 (a) provide information obtained pursuant to section four hundred
18 thirty-three of the education law regarding those eligible students
19 already receiving high-quality internet access as of the effective date
20 of this section to the department of public service for purposes of
21 subdivision four of this section; and

22 (b) coordinate with public school districts, boards of cooperative
23 educational services, the New York city department of education, nonpub-
24 lic schools, charter schools, special act schools, approved private
25 schools serving students with disabilities subject to article eighty-one
26 or eighty-nine of the education law, state supported schools subject to
27 article eighty-five of the education law, and state operated schools
28 subject to article eighty-seven or eighty-eight of the education law as
29 applicable to identify those eligible schools and school buildings
30 already receiving high-quality internet access as of the effective date
31 of this section, and provide such information to the department of
32 public service for purposes of subdivision five of this section.

33 3. The department shall provide information regarding eligible
34 students and eligible schools obtained from the state education depart-
35 ment pursuant to subdivision two of this section to the appropriate
36 telecommunication service providers providing high-quality internet
37 access to the applicable eligible students and eligible schools for
38 purposes fulfilling the requirements of subdivisions four and five of
39 this section.

40 4. With respect to each eligible student who was receiving high-quali-
41 ty internet access as of the effective date of this section and for whom
42 a grant of permission has been returned pursuant to subdivision one of
43 section four hundred thirty-three of the education law, the telecommuni-
44 cation service provider under contract to provide such high-quality
45 internet access shall, in good faith, continue to provide such same
46 service under such same contract, subject to those terms of such same
47 contract which do not abrogate the provisions of this section. The costs
48 for such high-quality internet access shall be reduced by the applicable
49 telecommunication service provider (but not below zero) by an amount
50 equal to the average expense per eligible student of providing eligible
51 students with high-quality internet access pursuant to section four
52 hundred thirty-four of the education law.

53 5. With respect to each eligible school which was receiving high-qual-
54 ity internet access as of the effective date of this section, the tele-
55 communication service provider under contract to provide such high-qual-
56 ity internet access shall continue to provide such same service under

1 such same contract, subject to those terms of such same contract which
 2 do not abrogate the provisions of this section. The costs for such high-
 3 quality internet access shall be reduced by the applicable telecommuni-
 4 cation service provider (but not below zero) by an amount equal to the
 5 average expense per eligible school of providing eligible schools with
 6 high-quality internet access pursuant to section four hundred thirty-
 7 five of the education law.

8 6. No telecommunication service provider may pass through in whole or
 9 in part as a fee, charge, increased service cost, or by any other means
 10 to any person or customer that contracts with such telecommunication
 11 service provider any cost incurred by such telecommunication service
 12 provider in fulfilling the requirements of subdivision four or five of
 13 this section.

14 7. No telecommunication service provider may discriminate or otherwise
 15 confer advantage or disadvantage in respect of its obligations under
 16 this section on the basis of whether an eligible student or eligible
 17 school has failed to timely make any payments under a contract with such
 18 telecommunication service provider.

19 8. The requirements of this section shall not be qualified by the
 20 difficulty or cost of reducing the costs of any particular eligible
 21 student or eligible school or the difficulty or cost of providing high-
 22 quality internet access to any particular eligible student or eligible
 23 school, nor shall any eligible student or eligible school be prioritized
 24 over any other eligible student or eligible school by reason of any such
 25 difficulty or cost.

26 § 8. Severability. If any clause, sentence, paragraph, section or part
 27 of this act shall be adjudged by any court of competent jurisdiction to
 28 be invalid, after exhaustion of all further judicial review, the judg-
 29 ment shall not affect, impair or invalidate the remainder thereof, but
 30 shall be confined in its operation to the clause, sentence, paragraph,
 31 section or part of this act directly involved in the controversy in
 32 which the judgment shall have been rendered.

33 § 9. This act shall take effect immediately, and shall expire and be
 34 deemed repealed on the last day of the school year in which the state of
 35 emergency declared pursuant to executive order 202 of 2020 terminates.

36 PART GGG

37 Section 1. Sections 15-a and 15-b of part F of chapter 60 of the laws
 38 of 2015, as added by section 5 of part DD of chapter 58 of the laws of
 39 2020, are amended to read as follows:

40 § 15-a. Any contract awarded pursuant to this act shall be deemed to
 41 be awarded pursuant to a competitive procurement for purposes of section
 42 2879 of the public authorities law, provided that all contracts awarded
 43 shall require a public employee or public employees, as defined by para-
 44 graph (a) of subdivision 7 of section 201 of the civil service law and
 45 who are employed by authorized entities as defined by paragraph (i) of
 46 subdivision (a) of section two of this act, to be on the site of the
 47 project for the duration of such project to the extent deemed appropri-
 48 ate by such public employee or employees. Such requirement shall not
 49 limit contractors' obligations under design-build contracts to issue
 50 their own initial certifications of substantial completion and final
 51 completion or any other obligations under the design-build contracts.

52 § 15-b. Public employees as defined by paragraph (a) of subdivision 7
 53 of section 201 of the civil service law and who are employed by author-
 54 ized entities as defined in paragraph (i) of subdivision (a) of section

1 two of this act shall examine [~~and~~], review [~~certifications provided by~~
2 ~~contractors for conformance with~~], and determine whether the work
3 performed by contractors is acceptable and has been performed in accord-
4 ance with the applicable design-build contracts. Such examination,
5 review, and determination shall include, but not be limited to material
6 source testing, certifications testing, surveying, monitoring of envi-
7 ronmental compliance, independent quality control testing and inspection
8 and quality assurance audits. Such public employees may accept contrac-
9 tors' substantial or final completion of the public works as applicable.

10 Performance by authorized entities of any review described in this
11 subdivision shall not be construed to modify or limit contractors' obli-
12 gations to perform work in strict accordance with the applicable
13 design-build contracts or the contractors' or any subcontractors' obli-
14 gations or liabilities under any law.

15 § 2. This act shall take effect immediately; provided, however, that
16 the amendments to part F of chapter 60 of the laws of 2015 made by
17 section one of this act shall not affect the repeal of such part and
18 shall be deemed repealed therewith.

19 PART HHH

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

23 § 16-bb. New York small business grant program. 1. There is hereby
24 established a New York state small business grant program under the
25 purview of the empire state development corporation. Such program shall
26 not expend more than one hundred million dollars and shall provide small
27 businesses, as defined in section 131 of the economic development law,
28 with grants in order to assist such businesses recovering from the
29 COVID-19 pandemic.

30 2. The assistance provided under this section shall be funded by any
31 available federal relief funds available to the state up to one hundred
32 million dollars.

33 3. Grants made pursuant to this section shall, as far as practicable,
34 be equitably distributed among all regions of the state, reflective of
35 the economic impact on each region due to the closure or limitation of
36 business operations due to any executive order issued by the governor
37 related to the state disaster emergency declared pursuant to executive
38 order 202 of 2020.

39 4. The empire state development corporation shall create an applica-
40 tion process for such grants, and shall promulgate rules and regulations
41 for awarding and distributing grants pursuant to this section; provided,
42 however, that preference is given to small businesses that were forced
43 to close during phase three or phase four of the state's reopening plan
44 in the county or region in which the business is located.

45 § 2. This act shall take effect on the thirtieth day after it shall
46 have become a law. Effective immediately, the addition, amendment and/or
47 repeal of any rule or regulation necessary for the implementation of
48 this act on its effective date are authorized to be made and completed
49 on or before such effective date.

50 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
51 sion, section or part of this act shall be adjudged by any court of
52 competent jurisdiction to be invalid, such judgment shall not affect,
53 impair, or invalidate the remainder thereof, but shall be confined in
54 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-
2 ment shall have been rendered. It is hereby declared to be the intent of
3 the legislature that this act would have been enacted even if such
4 invalid provisions had not been included herein.

5 § 3. This act shall take effect immediately provided, however, that
6 the applicable effective date of Parts A through HHH of this act shall
7 be as specifically set forth in the last section of such Parts.