STATE OF NEW YORK

S. 8308--A A. 8808--A

SENATE - ASSEMBLY

January 17, 2024

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

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

AN ACT to amend part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part A); to amend the public authorities law, in relation to implementing blue ribbon panel recommendations regarding fare and toll evasion (Part B); to amend the penal law, in relation to including the intentional use of any toll highway, parkway, road, bridge or tunnel or any entry into or remaining in a tolled central business district without payment of the lawful toll or charge as a theft of service; to amend the vehicle and traffic law, in relation to obstructed or obscured license plates and the penalty imposed upon the operator of a vehicle with an intentionally altered or obscured license plate while on a toll highway, bridge or tunnel or in a tolled central business district; to amend the vehicle and traffic law, in relation to authorizing law enforcement to confiscate license plate coverings; to amend the vehicle and traffic law, in relation to allowing the commissioner of motor vehicles to restrict registration transactions for vehicles with suspended or pending suspended registrations for failure to pay tolls unless sold to a bona fide purchaser; to amend the vehicle and traffic law, in relation to authorizing vehicle registration suspension for failure to comply with the removal of materials or substances altering or obscuring a license plate; and to amend the public authorities law in relation to authorizing public authorities with bridges, tunnels or highways under their jurisdiction to enter judgments for unpaid liabilities for a violation of toll collection regulations and enforce

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

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such judgments without court proceedings (Part C); to amend the vehicle and traffic law and the public authorities law, in relation to deterring fraud in connection with any eligibility process for or use of toll credits, discounts, or exemptions related to any entry into or remaining in the tolled central business district or any Triborough bridge and tunnel authority toll bridge or tunnel (Part D); to amend part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, in relation to the amount of payments in the Capital District Transportation District and adding Warren County to such District (Part E); to amend chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, in relation to the effectiveness thereof (Part F); to amend part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, in relation to the effectiveness thereof; and to amend part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, in relation to the effectiveness thereof (Part G); to amend the vehicle and traffic law, in relation to establishing an online insurance verification system for motor vehicle insurance; and to repeal certain provisions of such law relating to motor vehicle insurance and funds for a certain pilot database system (Part H); to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people (Part I); 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 (Part J); to amend the transportation law and the vehicle and traffic law, in relation to enacting the stretch limousine passenger safety act; and providing for the repeal of certain provisions upon expiration thereof (Part K); to amend the executive law, the criminal procedure law, the retirement and social security law and the tax law, in relation to creating the Waterfront Commission Act; and to repeal chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation (Part L); to amend part DDD of chapter 55 of the laws of 2021 amending the public authorities law relating to the clean energy resources development and incentives program, in relation to the effectiveness thereof (Part M); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations (Part N); to amend the public service law, the eminent domain procedure law, the energy law, the environmental conservation law, the public authorities law, and the education law, in relation to transferring the functions of the office of renewable energy siting to the department of public service and accelerating the permitting of electric utility transmission facilities; and to repeal certain provisions of the executive law and the public service law relating thereto (Part O); to amend the public service law and the transportation corporations law, in relation to aligning utility regulation with state greenhouse gas emission reduction targets; and to repeal section 66-b of the public service law relating to continuation of gas service (Part P); 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 Q); to amend the agriculture and markets law, in relation to application fees for the licensing of weighmasters (Part R); to amend the environmental conservation law, in relation to authorizing state assistance payments toward climate smart community projects of up to eighty percent to municipalities that meet criteria relating to financial hardship or disadvantaged communities (Part S); to amend the environmental conservation law, in relation to air quality control program fees; and to repeal certain provisions of the environmental conservation law and the state finance law relating thereto (Part T); to amend the public authorities law and the facilities development corporation act, in relation to authorizing the dormitory authority to provide additional services to state agencies and local governments for certain projects (Part U); to amend chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, in relation to the effectiveness thereof (Part V); to amend the public authorities law, in relation to the Battery Park city authority (Part W); to amend the economic development law, in relation to increasing the cap on grants to entrepreneurship assistance centers (Part X); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof (Part Y); to amend the New York state 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 Z); 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 AA); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part BB); to amend the banking law, in relation to the regulation of buy-now-pay-later lenders (Part CC); to amend the insurance law, in relation to supplemental spousal liability insurance (Part DD); to amend the insurance law, in relation to cost sharing for covered prescription insulin drugs (Part EE); to amend the insurance law, in relation to affordable housing (Part FF); to amend the general business law, in relation to prohibiting the sale of batteries for micromobility devices (Part GG); to amend the insurance law, in relation to certain penalties (Part HH); to amend the general business law, the banking law, and the social services law, in relation to protecting eligible adults from financial exploitation (Part II); to amend the general business law, in relation to enacting the "Consumer Protection Act" (Part JJ); to amend chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, in relation to extending the provisions thereof (Part KK); to amend the insurance law, in relation to reinsurance, distribution for life insurers, and assessments; and to amend the tax law, in relation to the credit relating to life and health insurance guaranty

corporation assessments (Part LL); to amend the civil rights law, in relation to privacy rights involving digitization (Subpart A); to amend the penal law, in relation to defining the crime of unlawful dissemination or publication of a fabricated photographic, videographic, or audio record, and updating the definition of certain crimes to include digitization (Subpart B); and to amend the election law, in relation to digitization in political communications (Subpart C)(Part MM); and to amend the insurance law, in relation to rates for livery insurance (Part NN);

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

Section 1. This act enacts into law major components of legislation necessary to implement the state transportation, economic development and environmental conservation budget for the 2024-2025 state fiscal year. Each component is wholly contained within a Part identified as Parts A through NN. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part C of chapter 58 of the laws of 2023, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, [~~2024~~] **2034**, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately.

PART B

Section 1. Subdivision 5-a of section 1204 of the public authorities law, as amended by chapter 931 of the laws of 1984, is amended to read as follows:

5-a. To make, amend and repeal rules governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction, including without limitation rules relating to the protection or maintenance of such facilities, the conduct and safety of the public, the payment of fares or other lawful charges for the use of such facilities, the presentation or display of documentation permitting free passage, reduced fare passage or full fare passage on such facilities and the protection of the revenue of the authority. Violations of such rules

shall be an offense punishable by a fine of not exceeding twenty-five dollars or by imprisonment for not longer than ten days, or both, or may be punishable by the imposition by the transit adjudication bureau established pursuant to the provisions of this title of a civil penalty in an amount for each violation not to exceed [~~one~~] two hundred dollars (exclusive of supplemental penalties, interest or costs assessed thereon), in accordance with a schedule of such penalties as may from time to time be established by rules of the authority. If a violation of the rules of the authority relating to the payment of fares is the first such violation by an individual, the violation may be punishable by an official written warning issued according to and governed by the rules of the authority in all respects, provided that such a warning issued to an individual shall not be used for any purpose other than as a predicate to the imposition by the transit adjudication bureau of a civil penalty on such individual pursuant to this subdivision in the event of a subsequent violation. Such schedule of penalties may provide for the imposition of [~~additional~~] supplemental penalties, not to exceed a total of fifty dollars for each violation, upon the failure of a respondent in any proceeding commenced with respect to any such violation to make timely response to or appearance in connection with a notice of violation of such rule or to any subsequent notice or order issued by the authority in such proceeding. There shall be no penalty or increment in fine by virtue of a respondent's timely exercise of his right to a hearing or appeal. The rules may provide, in addition to any other sanctions, for the confiscation of tokens, tickets, cards or other fare media that have been forged, counterfeit, improperly altered or transferred, or otherwise used in a manner inconsistent with such rules.

§ 2. Subdivisions 2, 3, 4, 5, 6, 7 and 10 of section 1209-a of the public authorities law, subdivisions 2, 4, 5, 6, 7 and 10 as amended by chapter 379 of the laws of 1992, subdivision 3 and paragraphs b and i of subdivision 4 as amended by chapter 460 of the laws of 2015, are amended to read as follows:

2. Hearing officers. The president of the authority shall appoint hearing officers who shall preside at hearings for the adjudication of charges of transit or railroad infractions, as hereinafter defined and the adjudication of allegations of liability for violations of the rules and regulations of the triborough bridge and tunnel authority in accordance with section two thousand nine hundred eighty-five of this chapter, and who, as provided below, may be designated to serve on the appeals board of the bureau. Every hearing officer shall have been admitted to the practice of law in this state for a period of at least three years, and shall be compensated for his or her services on a per diem basis determined by the bureau.

3. Jurisdiction. The bureau shall have, with respect to acts or incidents in or on the transit or railroad facilities of the authority or the metropolitan transportation authority or a subsidiary thereof committed by or involving persons who are sixteen years of age or over, [~~or with respect to acts or incidents occurring on omnibuses owned or operated by the metropolitan transportation authority or a subsidiary thereof,~~] and with respect to violation of toll collection regulations of the triborough bridge and tunnel authority as described in section twenty-nine hundred eighty-five of this chapter, non-exclusive jurisdiction over violations of: (a) the rules which may from time to time be established by the authority under subdivision five-a of section twelve hundred four of this chapter; (b) article one hundred thirty-nine of the health code of the city of New York, as it may be amended from time to

time, relating to public transportation facilities; (c) article four of the noise control code of the city of New York, as it may be amended from time to time, insofar as it pertains to sound reproduction devices; (d) the rules and regulations which may from time to time be established by the triborough bridge and tunnel authority in accordance with the provisions of section twenty-nine hundred eighty-five of this chapter; and (e) rules and regulations which may from time to time be established by the metropolitan transportation authority or a subsidiary thereof in accordance with the provisions of section twelve hundred sixty-six of this chapter. Matters within the jurisdiction of the bureau except violations of the rules and regulations of the triborough bridge and tunnel authority shall be known for purposes of this section as transit **or railroad** infractions**, as applicable**. Nothing herein shall be construed to divest jurisdiction from any court now having jurisdiction over any criminal charge or traffic infraction relating to any act committed in a transit or toll facility, or to impair the ability of a police officer to conduct a lawful search of a person in a transit **or railroad** facility. The criminal court of the city of New York shall continue to have jurisdiction over any criminal charge or traffic infraction brought for violation of the rules of the authority, the triborough bridge and tunnel authority or the metropolitan transportation authority or a subsidiary thereof, as well as jurisdiction relating to any act which may constitute a crime or an offense under any law of the state of New York or any municipality or political subdivision thereof and which may also constitute a violation of such rules. The bureau shall have concurrent jurisdiction with the environmental control board and the administrative tribunal of the department of health over the aforesaid provisions of the health code and noise control code of the city of New York.

4. General powers. The bureau shall have the following functions, powers and duties:

a. To accept pleas (whether made in person or by mail) to, and to hear and determine, charges of transit **and railroad** infractions and allegations of civil liability pursuant to section two thousand nine hundred eighty-five of this chapter within its jurisdiction;

b. To impose civil penalties not to exceed a total of [~~one~~] **two** hundred [~~fifty~~] dollars for any transit **or railroad** infraction within its jurisdiction, in accordance with a penalty schedule established by the authority or the metropolitan transportation authority or a subsidiary thereof, as applicable[~~, except that~~] **(exclusive of supplemental penalties, interest or costs assessed thereon). If a violation of the rules of the authority or the metropolitan transportation authority or a subsidiary relating to the payment of fares is the first such violation by an individual, the violation may be punishable by an official written warning issued according to and governed by the rules of the authority or the metropolitan transportation authority or a subsidiary thereof in all respects, provided that the purpose, effect and dissemination of records of such warnings shall be limited as set forth in subdivision five-a of section twelve hundred four of this title and subdivision four of section twelve hundred sixty-six of this article. Such schedule of penalties may provide for the imposition of supplemental penalties, not to exceed a total of fifty dollars for each violation, upon the failure of a respondent in any proceeding commenced with respect to any such infraction to make timely response to or appearance in connection with a notice of violation of such rule or to any subsequent notice or order issued by the authority or the metropolitan transportation authority or**

a subsidiary thereof in such proceeding. Notwithstanding the foregoing, penalties for violations of the health code of the city of New York shall be in accordance with the penalties established for such violations by the board of health of the city of New York, and penalties for violations of the noise code of the city of New York shall be in accordance with the penalties established for such violations by law, and civil penalties for violations of the rules and regulations of the triborough bridge and tunnel authority shall be in accordance with the penalties established for such violations by section twenty-nine hundred eighty-five of this chapter;

c. In its sole discretion, to suspend or forgive penalties or any portion of penalties imposed on the condition that the respondent voluntarily agrees to perform and actually does satisfactorily perform unpaid services on transit or railroad facilities as assigned by the authority, such as, without limitation, cleaning of rolling stock;

d. To adopt, amend and rescind rules and regulations not inconsistent with any applicable provision of law to carry out the purposes of this section, including but not limited to rules and regulations prescribing the internal procedures and organization of the bureau, the manner and time of entering pleas, the conduct of hearings, and the amount and manner of payment of penalties;

e. To enter judgments and enforce them, without court proceedings, in the same manner as the enforcement of money judgments in civil actions, as provided below;

f. To compile and maintain complete and accurate records relating to all warnings, charges and dispositions, which records shall be deemed exempt from disclosure under the freedom of information law as records compiled for law enforcement purposes, and provided that, in the absence of an additional violation, records of a warning issued to an individual as described in paragraph (b) of this subdivision shall be sealed or expunged as of the date that is five years after the date that such warning was issued;

g. To apply to a court of competent jurisdiction for enforcement of any decision or order issued by such bureau or of any subpoena issued by a hearing officer as provided in paragraph d of subdivision seven of this section;

h. To enter into contracts with other government agencies, with private organizations, or with individuals to undertake on its behalf such functions as data processing, debt collections, mailing, and general administration, as the executive director deems appropriate, except that the conduct by hearing officers of hearings and of appeals may not be performed by outside contractors;

i. To accept payment of penalties and to remit same to the authority or the metropolitan transportation authority or a subsidiary thereof, as applicable; [~~and~~]

j. To adjudicate the liability of motor vehicle owners for violations of rules and regulations established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter[~~.~~];

k. In its sole discretion, to forgive penalties or any portion of penalties imposed on a respondent for a violation of the rules of the authority or of a metropolitan transportation authority bus relating to the payment of fares on the condition that the respondent enrolls in the fair fares program administered by the city of New York and provides proof of such enrollment; and

l. In its sole discretion, to issue a farecard to a respondent for use on transit facilities in an amount not to exceed one-half of the penalty

amount if the penalty was imposed on the respondent for a violation of the rules of the authority or a metropolitan transportation authority bus relating to the payment of fares and the violation is the second such violation by the respondent, provided that the respondent shall have paid the penalty in full by the date due for such payment.

5. Notices of violation. The bureau shall prepare and distribute notices of violation in blank to the transit police and any other person empowered by law, rule and regulation to serve such notices. The form and wording of the notice of violation shall be prescribed by the executive director, and it may be the same as any other notice of violation or summons form already in use if said form meets the requirements hereof. The notice of violation may include provisions to record information which will facilitate the identification and location of respondents, including but not limited to name, address, telephone numbers, date of birth, social security number if otherwise permitted by law, place of employment or school, and name and address of parents or guardian if a minor. Notices of violation shall be issued only to persons who are sixteen years of age or over, and shall be served by delivering the notice within the state to the person to be served. A copy of each notice of violation served hereunder shall be filed and retained by said bureau, and shall be deemed a record kept in the ordinary course of business, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. Said notice of violation shall contain information advising the person charged of the manner and the time within which such person may either admit or deny the offense charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and within the time stated in the notice may result in a default decision and order being entered against such person, and the imposition of supplemental penalties as provided in subdivision five-a of section twelve hundred four **or subdivision four of section twelve hundred sixty-six** of this chapter. A notice of violation shall not be deemed to be a notice of liability issued pursuant to section two thousand nine hundred eighty-five of this chapter.

6. Defaults. Where a respondent has failed to plead to a notice of violation or to a notice of liability issued pursuant to section two thousand nine hundred eighty-five of this chapter within the time allowed by the rules of said bureau or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in such amount as may be prescribed by the authority **or the metropolitan transport authority or a subsidiary thereof**.

7. Hearings. a. (1) A person charged with a transit **or railroad** infraction returnable to the bureau or a person alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter who contests such allegation shall be advised of the date on or by which he or she must appear to answer the charge at a hearing. Notification of such hearing date shall be given either in the notice of violation or in a form, the content of which shall be prescribed by the executive director or in a manner prescribed in section two thousand nine hundred eighty-five of this chapter. Any such notification shall contain a warning to advise the person charged that failure to appear on or by the date designated, or any subsequent rescheduled or adjourned date, shall be deemed for all purposes, an

admission of liability, and that a default judgment may be rendered and penalties may be imposed. Where notification is given in a manner other than in the notice of violation, the bureau shall deliver such notice to the person charged, either personally or by registered or certified mail.

(2) Whenever a person charged with a transit **or railroad** infraction or alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter returnable to the bureau requests an alternate hearing date and is not then in default as defined in subdivision six of this section, the bureau shall advise such person personally, or by registered or certified mail, of the alternate hearing date on or by which he or she must appear to answer the charge or allegation at a hearing. The form and content of such notice of hearing shall be prescribed by the executive director, and shall contain a warning to advise the person charged or alleged to be liable that failure to appear on or by the alternate designated hearing date, or any subsequent rescheduled or adjourned date, shall be deemed for all purposes an admission of liability, and that a default judgment may be rendered and penalties may be imposed.

(3) Whenever a person charged with a transit **or railroad** infraction or alleged to be liable in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter returnable to the bureau appears at a hearing and obtains an adjournment of the hearing pursuant to the rules of the bureau, the bureau shall advise such person personally, or by registered or certified mail, of the adjourned date on which he or she must appear to answer the charge or allegation at a continued hearing. The form and content of such notice of a continued hearing shall be prescribed by the executive director, and shall contain a warning to advise the person charged or alleged to be liable that failure to appear on the adjourned hearing date shall be deemed for all purposes an admission of liability, and that a default judgment may be rendered and penalties may be imposed.

b. Every hearing for the adjudication of a charge of a transit **or railroad** infraction or an allegation of liability under section two thousand nine hundred eighty-five of this chapter hereunder shall be held before a hearing officer in accordance with the rules and regulations promulgated by the bureau.

c. The hearing officer shall not be bound by the rules of evidence in the conduct of the hearing, except rules relating to privileged communications.

d. The hearing officer may, in his or her discretion, or at the request of the person charged or alleged to be liable on a showing of good cause and need therefor, issue subpoenas to compel the appearance of any person to give testimony, and issue subpoenas duces tecum to compel the production for examination or introduction into evidence of any book, paper or other thing relevant to the charges.

e. In the case of a refusal to obey a subpoena, the bureau may make application to the supreme court pursuant to section twenty-three hundred eight of the civil practice law and rules, for an order requiring such appearance, testimony or production of materials.

f. The bureau shall make and maintain a sound recording or other record of every hearing.

g. After due consideration of the evidence and arguments, the hearing officer shall determine whether the charges or allegations have been established. No charge may be established except upon proof by clear and convincing evidence except allegations of civil liability for violations

of triborough bridge and tunnel authority rules and regulations will be established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter. Where the charges have not been established, an order dismissing the charges or allegations shall be entered. Where a determination is made that a charge or allegation has been established or if an answer admitting the charge or allegation has been received, the hearing officer shall set a penalty in accordance with the penalty schedule established by the authority **or the metropolitan transportation authority or its subsidiaries**, or for allegations of civil liability in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter and an appropriate order shall be entered in the records of the bureau. The respondent shall be given notice of such entry in person or by certified mail. This order shall constitute the final determination of the hearing officer, and for purposes of review it shall be deemed to incorporate any intermediate determinations made by said officer in the course of the proceeding. When no appeal is filed this order shall be the final order of the bureau.

10. Funds. All penalties collected pursuant to the provisions of this section shall be paid to the authority to the credit of a transit crime fund which the authority shall establish. Any sums in this fund shall be used to pay for programs selected by the board of the **metropolitan transportation** authority, in its discretion, to reduce the incidence of crimes and infractions on transit **and railroad** facilities, or to improve the enforcement of laws against such crimes and infractions. Such funds shall be in addition to and not in substitution for any funds provided by the state or the city of New York for such purposes.

§ 3. Subdivision 4 of section 1266 of the public authorities law, as amended by chapter 460 of the laws of 2015, is amended to read as follows:

4. The authority may establish and, in the case of joint service arrangements, join with others in the establishment of such schedules and standards of operations and such other rules and regulations including but not limited to rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of any transportation facility and related services operated by the authority or under contract, lease or other arrangement, including joint service arrangements, with the authority. Such rules and regulations governing the conduct and safety of the public shall be filed with the department of state in the manner provided by section one hundred two of the executive law. In the case of any conflict between any such rule or regulation of the authority governing the conduct or the safety of the public and any local law, ordinance, rule or regulation, such rule or regulation of the authority shall prevail. Violation of any such rule or regulation of the authority **or any of its subsidiaries** governing the conduct or the safety of the public in or upon any facility of the authority **or any of its subsidiaries** shall constitute an offense [~~and shall be~~] punishable by a fine not exceeding fifty dollars or imprisonment for not more than thirty days or both or may be punishable by the imposition of a civil penalty by the transit adjudication bureau established pursuant to the provisions of title nine of this article **in an amount for each violation not to exceed two hundred dollars (exclusive of supplemental penalties, interest or costs assessed thereon), in accordance with a schedule of such penalties as may from time to time be established by rules of the authority or its subsidiaries. If a violation of rules of the authority**

or a subsidiary relating to the payment of fares is the first such violation by an individual, the violation may be punishable by an official written warning issued according to and governed by the rules of the authority or a subsidiary in all respects, provided that such a warning issued to an individual shall not be used for any purpose other than as a predicate to the imposition by the transit adjudication bureau of a civil penalty on such individual pursuant to this subdivision in the event of a subsequent violation. Such schedule of penalties may provide for the imposition of supplemental penalties, not to exceed a total of fifty dollars for each violation, upon the failure of a respondent in any proceeding commenced with respect to any such violation to make timely response to or appearance in connection with a notice of violation of such rule or to any subsequent notice or order issued by the authority or a subsidiary in such proceeding. There shall be no penalty or increment in fine by virtue of a respondent's timely exercise of their right to a hearing or appeal. The rules may provide, in addition to any other sanctions, for the confiscation of tokens, tickets, cards or other fare media that have been forged, counterfeit, improperly altered or transferred, or otherwise used in a manner inconsistent with such rules.

§ 4. This act shall take effect immediately.

PART C

Section 1. Subdivision 3 of section 165.15 of the penal law is amended to read as follows:

3. With intent to obtain railroad, subway, bus, air, taxi or any other public transportation service or to use any toll highway, parkway, road, bridge or tunnel or enter into or remain in a tolled central business district without payment of the lawful charge or toll therefor, or to avoid payment of the lawful charge or toll for such transportation service which has been rendered to him or her or for such use of any toll highway, parkway, road, bridge or tunnel or for such entry into or remaining in a tolled central business district, he or she obtains or attempts to obtain such service or to use any toll highway, parkway, road, bridge or tunnel or enter into or remain in a tolled central business district or avoids or attempts to avoid payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay; or

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

(c) Notwithstanding any other provision of this subdivision, it shall be unlawful for any person to operate, drive or park a motor vehicle on a toll highway, bridge and/or tunnel facility or enter into or remain in the tolled central business district described in section seventeen hundred four of this chapter, under the jurisdiction of the tolling authority, if such number plates are covered by glass or any plastic material, or covered or coated with any artificial or synthetic material or substance that conceals or obscures such number plates or that distorts a recorded or photographic image of such number plates. The view of such number plates shall not be obstructed by any part of the vehicle or by anything carried thereon, except for a receiver-transmitter issued by a publicly owned tolling authority in connection with electronic toll collection when such receiver-transmitter is affixed to the exterior of a vehicle in accordance with mounting instructions provided by the tolling authority. For purposes of this paragraph,

"tolling authority" shall mean every public authority which operates a toll highway, bridge and/or tunnel or a central business district tolling program, as well as the port authority of New York and New Jersey, a bi-state agency created by compact set forth in chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, as amended.

§ 3. Subdivision 7 of section 402 of the vehicle and traffic law, as added by chapter 648 of the laws of 2006, is amended to read as follows:

7. It shall be unlawful for any person, firm, partnership, association, limited liability company or corporation to sell, offer for sale or distribute any:

(a) artificial or synthetic material or substance for the purpose of application to a number plate that will, upon application to a number plate, distort a recorded or photographic image of such number plate; or

(b) plate cover, material or device that will, upon installation on, near or around a number plate, obstruct or obscure all or any part of the identification matter of such number plate.

§ 4. Subdivision 8 of section 402 of the vehicle and traffic law, as amended by chapter 451 of the laws of 2021, is amended to read as follows:

8. A violation of this section shall be punishable by a fine of not less than twenty-five nor more than two hundred dollars, except that:

(a) a violation of subparagraph (ii) or subparagraph (iii) of paragraph (b) of subdivision one of this section shall be punishable by a fine of not less than fifty nor more than three hundred dollars; and

(b) a violation of paragraph (c) of subdivision one of this section shall be punishable by a fine of not less than one hundred nor more than five hundred dollars.

A police officer as defined in section one hundred thirty-two of this chapter issuing a notice of violation pursuant to this section shall be authorized to seize and confiscate any covering affixed over the number plates which obscures the ability to easily read such number plates, except that in the event of such seizure and confiscation a violation of paragraph (b) or (c) of subdivision one of this section shall be punishable by a fine of not less than two hundred fifty dollars and the owner of the vehicle to whom such number plates were issued shall have one week from the date such violation is issued to remove, if not done by a police officer pursuant to this section, any artificial or synthetic material or substance that conceals or obscures such number plates or to purchase new number plates. Where a police officer seizes or confiscates a covering affixed to a numbered plate pursuant to this section, such seizure shall be recorded on the notice of violation.

§ 5. Subdivision 5-a of section 401 of the vehicle and traffic law is amended by adding a new paragraph d to read as follows:

d. It shall be unlawful for any person other than a bona fide purchaser of the vehicle in an arms-length transaction, as determined in accordance with the procedure below, to register, reregister, renew, replace or transfer the registration, change the name, address or other information of the registered owner, or change the registration classification of any vehicle whose vehicle identification number is associated with a vehicle whose registration has been suspended, or is subject to a pending request from a tolling authority to suspend the registration, under paragraph d of subdivision three of section five hundred ten of this chapter and 15 NYCRR 127.14. The commissioner or the commissioner's agent may impose a vehicle identification number block and deny the registration, reregistration, renewal, replacement or transfer of the registration for such vehicle and vehicle identification number until

the tolling authority advises, in such form and manner as the commissioner shall prescribe, that notices of violation have been responded to and any unpaid tolls, fees or other charges associated with the vehicle and the vehicle identification number have been paid to the tolling authority. Where an application is denied pursuant to this paragraph, the commissioner may, in the commissioner's discretion, deny a registration, reregistration, renewal, replacement or transfer of the registration for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner has reasonable grounds to believe that such registration, reregistration, renewal, replacement or transfer of registration will have the effect of defeating the purposes of this paragraph. Such vehicle identification number block and denial shall only remain in effect until the tolling authority advises, in such form and manner as the commissioner shall prescribe, that notices of violation have been responded to and any unpaid tolls, fees or other charges associated with the vehicle and the vehicle identification number have been paid to the tolling authority. A bona fide purchaser in an arms-length transaction, for purposes of this paragraph, is a vehicle registration applicant who provides a copy of the signed bill of sale or other such contract document covering such vehicle to the commissioner or the commissioner's agent, with the name and address of the seller and purchaser, the purchase date, and the purchase price, clearly legible. Where the vehicle registration applicant complies with the provisions of this paragraph, that applicant shall be deemed to be the bona fide purchaser of such vehicle in an arms-length transaction for purposes of this paragraph, which vehicle transaction shall not be subject to the discretionary vehicle identification number block and discretionary registration application denial otherwise provided herein.

§ 6. Section 510 of the vehicle and traffic law is amended by adding a new subdivision 4-h to read as follows:

4-h. Suspension of registration for failure to comply with removing any artificial or synthetic material or substance that conceals or obscures number plates or the purchase of new number plates. Upon the receipt of a notification from a court or an administrative tribunal that an owner of a motor vehicle failed to comply with subdivision eight of section four hundred two of this chapter, the commissioner or his or her agent may suspend the registration of the vehicle involved in the violation and such suspension shall remain in effect until such time as the commissioner is advised that the owner of such vehicle has satisfied the requirements of such subdivision.

§ 7. Subdivision 8 of section 2985 of the public authorities law, as added by chapter 379 of the laws of 1992, is amended to read as follows:

8. Adjudication of the liability imposed upon owners by this section shall be by the entity having jurisdiction over violations of the rules and regulations of the public authority serving the notice of liability or where authorized by an administrative tribunal and all violations shall be heard and determined in the county in which the violation is alleged to have occurred, or in New York city and upon the consent of both parties, in any county within New York city in which the public authority operates or maintains a facility, and in the same manner as charges of other regulatory violations of such public authority or pursuant to the rules and regulations of such administrative tribunal as the case may be. A public authority with bridges, tunnels or highways under its jurisdiction shall have the power to enter judgments for

unpaid liabilities for a violation of toll collection regulations and enforce such judgments, without court proceedings, in the same manner as the enforcement of money judgments in civil actions in any court of competent jurisdiction or any other place provided for the entry of civil judgment within the state of New York.

§ 8. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.

PART D

Section 1. Section 1704-a of the vehicle and traffic law is amended by adding a new subdivision 5 to read as follows:

5. (a) Any person who, in connection with any eligibility process for or use of toll credits, discounts, or exemptions, knowingly makes a false statement or falsifies or permits to be falsified any record or records for the purpose of fraudulently obtaining a credit, discount, or exemption from a central business district toll, shall be guilty of a class A misdemeanor.

(b) Any person who violates paragraph (a) of this subdivision and as a result receives credits, discounts, and/or exemptions from central business district tolls with a total value in excess of one thousand dollars shall be guilty of a class E felony.

(c) Any person who violates paragraph (a) of this subdivision and as a result receives credits, discounts, and/or exemptions from central business district tolls with a total value in excess of three thousand dollars shall be guilty of a class D felony.

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

§ 553-l. Fraudulently obtaining credit, discount, or exemption from a toll. 1. Notwithstanding any inconsistent provision of law, any person who, in connection with any eligibility process for or use of toll credits, discounts, or exemptions, knowingly makes a false statement or falsifies or permits to be falsified any record or records for the purpose of fraudulently obtaining a credit, discount, or exemption from a toll charged by the Triborough bridge and tunnel authority shall be guilty of a class A misdemeanor.

2. Any person who violates subdivision one of this section and, as a result, receives credits, discounts, and/or exemptions from tolls with a total value in excess of one thousand dollars shall be guilty of a class E felony.

3. Any person who violates subdivision one of this section and, as a result, receives credit, discounts, and/or exemptions from tolls with a total value in excess of three thousand dollars shall be guilty of a class D felony.

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

PART E

Section 1. Section 1 of part I of chapter 413 of the laws of 1999, relating to providing for mass transportation payments, as amended by

section 1 of part E of chapter 58 of the laws of 2022, is amended to read as follows:

Section 1. Notwithstanding any other law, rule or regulation to the contrary, payment of mass transportation operating assistance pursuant to section 18-b of the transportation law shall be subject to the provisions contained herein and the amounts made available therefor by appropriation.

In establishing service and usage formulas for distribution of mass transportation operating assistance, the commissioner of transportation may combine and/or take into consideration those formulas used to distribute mass transportation operating assistance payments authorized by separate appropriations in order to facilitate program administration and to ensure an orderly distribution of such funds.

To improve the predictability in the level of funding for those systems receiving operating assistance payments under service and usage formulas, the commissioner of transportation is authorized with the approval of the director of the budget, to provide service payments based on service and usage statistics of the preceding year.

In the case of a service payment made, pursuant to section 18-b of the transportation law, to a regional transportation authority on account of mass transportation services provided to more than one county (considering the city of New York to be one county), the respective shares of the matching payments required to be made by a county to any such authority shall be as follows:

Local Jurisdiction	Percentage of Matching Payment	
In the Metropolitan Commuter Transportation District:		
New York City	6.40	
Dutchess	1.30	
Nassau	39.60	
Orange	0.50	
Putnam	1.30	
Rockland	0.10	
Suffolk	25.70	
Westchester	25.10	
In the Capital District Transportation District:		
Albany	[~~55.27~~]	**54.05**
Rensselaer	[~~22.96~~]	**22.45**
Saratoga	[~~4.04~~]	**3.95**
Schenectady	[~~16.26~~]	**15.90**
Montgomery	[~~1.47~~]	**1.44**
Warren	**2.21**	
In the Central New York Regional Transportation District:		
Cayuga	5.11	
Onondaga	75.83	
Oswego	2.85	
Oneida	16.21	
In the Rochester-Genesee Regional Transportation Dis-		

trict:		
Genesee	1.36	
Livingston	.90	
Monroe	90.14	
Wayne	.98	
Wyoming	.51	
Seneca	.64	
Orleans	.77	
Ontario	4.69	
In the Niagara Frontier Transportation District: Erie		89.20
Niagara	10.80	

Notwithstanding any other inconsistent provisions of section 18-b of the transportation law or any other law, any moneys provided to a public benefit corporation constituting a transportation authority or to other public transportation systems in payment of state operating assistance or such lesser amount as the authority or public transportation system shall make application for, shall be paid by the commissioner of transportation to such authority or public transportation system in lieu, and in full satisfaction, of any amounts which the authority would otherwise be entitled to receive under section 18-b of the transportation law.

Notwithstanding the reporting date provision of section 17-a of the transportation law, the reports of each regional transportation authority and other major public transportation systems receiving mass transportation operating assistance shall be submitted on or before July 15 of each year in the format prescribed by the commissioner of transportation. Copies of such reports shall also be filed with the chairpersons of the senate finance committee and the assembly ways and means committee and the director of the budget. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such reports.

Payments may be made in quarterly installments as provided in subdivision 2 of section 18-b of the transportation law or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget, may provide; and where payment is not made in the manner provided by such subdivision 2, the matching payments required of any city, county, Indian tribe or intercity bus company shall be made within 30 days of the payment of state operating assistance pursuant to this section or on such other basis as may be agreed upon by the commissioner of transportation, the director of the budget, and the chief executive officer of such city, county, Indian tribe or intercity bus company.

The commissioner of transportation shall be required to annually evaluate the operating and financial performance of each major public transportation system. Where the commissioner's evaluation process has identified a problem related to system performance, the commissioner may request the system to develop plans to address the performance deficiencies. The commissioner of transportation may withhold future state operating assistance payments to public transportation systems or private operators that do not provide such operating, financial, or other information as may be required by the commissioner to conduct the evaluation process.

Payments shall be made contingent upon compliance with regulations deemed necessary and appropriate, as prescribed by the commissioner of transportation and approved by the director of the budget, which shall

promote the economy, efficiency, utility, effectiveness, and coordinated service delivery of public transportation systems. The chief executive officer of each public transportation system receiving a payment shall certify to the commissioner of transportation, in addition to information required by section 18-b of the transportation law, such other information as the commissioner of transportation shall determine is necessary to determine compliance and carry out the purposes herein.

Counties, municipalities or Indian tribes that propose to allocate service payments to operators on a basis other than the amount earned by the service payment formula shall be required to describe the proposed method of distributing governmental operating aid and submit it one month prior to the start of the operator's fiscal year to the commissioner of transportation in writing for review and approval prior to the distribution of state aid. The commissioner of transportation shall only approve alternate distribution methods which are consistent with the transportation needs of the people to be served and ensure that the system of private operators does not exceed established maximum service payment limits. Copies of such approvals shall be submitted to the chairpersons of the senate finance and assembly ways and means committees.

Notwithstanding the provisions of subdivision 4 of section 18-b of the transportation law, the commissioner of transportation is authorized to continue to use prior quarter statistics to determine current quarter payment amounts, as initiated in the April to June quarter of 1981. In the event that actual revenue passengers and actual total number of vehicle, nautical or car miles are not available for the preceding quarter, estimated statistics may be used as the basis of payment upon approval by the commissioner of transportation. In such event, the succeeding payment shall be adjusted to reflect the difference between the actual and estimated total number of revenue passengers and vehicle, nautical or car miles used as the basis of the estimated payment. The chief executive officer may apply for less aid than the system is eligible to receive. Each quarterly payment shall be attributable to operating expenses incurred during the quarter in which it is received, unless otherwise specified by such commissioner. In the event that a public transportation system ceases to participate in the program, operating assistance due for the final quarter that service is provided shall be based upon the actual total number of revenue passengers and the actual total number of vehicle, nautical or car miles carried during that quarter.

Payments shall be contingent on compliance with audit requirements determined by the commissioner of transportation.

In the event that an audit of a public transportation system or private operator receiving funds discloses the existence of an overpayment of state operating assistance, regardless of whether such an overpayment results from an audit of revenue passengers and the actual number of revenue vehicle miles statistics, or an audit of private operators in cases where more than a reasonable return based on equity or operating revenues and expenses has resulted, the commissioner of transportation, in addition to recovering the amount of state operating assistance overpaid, shall also recover interest, as defined by the department of taxation and finance, on the amount of the overpayment.

Notwithstanding any other law, rule or regulation to the contrary, whenever the commissioner of transportation is notified by the comptroller that the amount of revenues available for payment from an account is less than the total amount of money for which the public mass

transportation systems are eligible pursuant to the provisions of section 88-a of the state finance law and any appropriations enacted for these purposes, the commissioner of transportation shall establish a maximum payment limit which is proportionally lower than the amounts set forth in appropriations.

Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a of the state finance law and any other general or special law, payments may be made in quarterly installments or in such other manner and at such other times as the commissioner of transportation, with the approval of the director of the budget may prescribe.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART F

Section 1. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 1 of part O of chapter 58 of the laws of 2022, is amended to read as follows:

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed April 1, [~~2024~~] **2026**; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

§ 2. This act shall take effect immediately.

PART G

Section 1. Section 13 of part U1 of chapter 62 of the laws of 2003, amending the vehicle and traffic law and other laws relating to increasing certain motor vehicle transaction fees, as amended by section 1 of part P of chapter 58 of the laws of 2022, is amended to read as follows:

§ 13. This act shall take effect immediately; provided however that sections one through seven of this act, the amendments to subdivision 2 of section 205 of the tax law made by section eight of this act, and section nine of this act shall expire and be deemed repealed on April 1, [~~2024~~] **2026**; provided further, however, that the provisions of section eleven of this act shall take effect April 1, 2004 and shall expire and be deemed repealed on April 1, [~~2024~~] **2026**.

§ 2. Section 2 of part B of chapter 84 of the laws of 2002, amending the state finance law relating to the costs of the department of motor vehicles, as amended by section 2 of part P of chapter 58 of the laws of 2022, is amended to read as follows:

§ 2. This act shall take effect April 1, 2002; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2002; provided further, however, that this act shall expire and be deemed repealed on April 1, [~~2024~~] **2026**.

§ 3. This act shall take effect immediately.

PART H

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

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

§ 2. The vehicle and traffic law is amended by adding a new section 312-b to read as follows:

§ 312-b. Online insurance verification system of motor vehicle insurance. 1. The commissioner may establish a system for the online verification of insurance. Information available in the online insurance verification system shall be provided by motor vehicle insurers pursuant to rules and regulations promulgated by the commissioner, if he or she determines establishment of such system would further the purposes of this article as set forth in subdivision two of section three hundred ten of this article.

2. The online insurance verification system shall include, at a minimum, the ability to:

(a) send requests to insurers for verification of evidence of insurance via web services, through the internet, or a similar proprietary or common carrier electronic system, as well as receive from insurers verification of evidence of insurance in a form and manner as determined by the commissioner;

(b) include appropriate provisions to secure data against unauthorized access;

(c) be utilized for verification of the evidence of mandatory liability insurance coverage as prescribed by the laws of the state and shall be accessible to authorized personnel of the department, the courts, law enforcement and other entities authorized by the state as permitted by any state or federal privacy laws, and the online insurance verification system shall be interfaced, wherever appropriate, with existing or future state systems, in a form and manner as determined by the commissioner;

(d) include information which shall enable the department to make inquiries to insurers for evidence of insurance including but not limited to vehicle identification numbers and policy numbers; and

(e) respond to each request for insurance information within an amount of time determined by the commissioner.

The online insurance verification system shall be capable of responding within the time established.

3. The commissioner, in conjunction with the superintendent of state police and local law enforcement officials, shall formulate a means to allow the online insurance verification system to be easily accessible to on-duty law enforcement personnel in the performance of their official duties for the purpose of verifying whether an operator of a motor vehicle maintains proper insurance coverage and to increase compliance with the motor vehicle financial security laws under this article and article eight of this title.

4. Nothing in this section shall prohibit the commissioner from contracting with a private sector provider or providers to implement the requirements of this section or to assist in establishing and maintaining such system in the state.

5. If implemented, the online insurance verification system shall undergo an appropriate testing and pilot period of not less than one year, after which the commissioner may certify that such system is fully operational.

§ 3. The vehicle and traffic law is amended by adding a new section 312-c to read as follows:

§ 312-c. Insurer responsibilities for the online insurance verification system. 1. Insurers shall provide access to motor vehicle insurance policy status information as provided by, and consistent with any time frames established by, any rules and regulations promulgated by the commissioner.

2. Every insurer that is licensed to issue motor vehicle insurance policies or is authorized to do business in the state shall comply with this section and section three hundred twelve-b of this article for verification of evidence of vehicle insurance for every vehicle insured by that insurer in the state as required by the rules and regulations promulgated by the commissioner.

§ 4. Subdivision 2 and paragraphs (a), (b), (c), (d), (f), (g), (h), and (i) of subdivision 4 of section 313 of the vehicle and traffic law are REPEALED.

§ 5. The opening paragraph and paragraph (e) of subdivision 4 of section 313 of the vehicle and traffic law, as amended by chapter 509 of the laws of 1998, are amended to read as follows:

Notwithstanding any other provision of this article to the contrary, the commissioner shall establish a pilot program to maintain an up-to-date insured vehicle identification database to assist in identifying uninsured motor vehicles. Such databases shall be implemented by the department pursuant to standards prescribed by the commissioner or an agent designated by the commissioner which shall seek technical assistance from affected insurers and the New York Automobile Insurance Plan. This program shall utilize all information collected pursuant to this section and shall also include the following elements:

[~~(e)(1)~~] **(a)** Either simultaneously or after the up-dated database system has been established, the commissioner shall develop a computer indicator that can be imprinted on a vehicle registration sticker or on a sticker to be affixed to the insured's license plate. Such indicator system shall enable law enforcement personnel and other authorized persons when acting in the course of their official duties to access the department's database so that such persons can ascertain whether a vehicle is properly insured or not insured;

[~~(2)~~] **(b)** Such computer indicator system shall enable authorized persons in the performance of their official duties to access information such as the registrant's name, vehicle identification number, name of insurer, current status of insurance, vehicle registration number and other information that the commissioner deems necessary to implement the provisions of this section. The commissioner in developing such computer indicator system shall enable authorized persons in the performance of their official duties to access only such information that is necessary to detect uninsured motor vehicles or accomplish other goals clearly established and authorized by law. Such computer indicator system shall be designed to protect the personal privacy interests of motorists;

§ 6. Subdivision 3 of section 313 of the vehicle and traffic law, as amended by chapter 781 of the laws of 1983, is amended to read as follows:

3. A cancellation or termination for which notice is required to be filed with the commissioner [~~pursuant to subdivision two of this section~~] shall not be effective with respect to persons other than the named insured and members of the insured's household until the insurer has filed a notice thereof with the commissioner or until another insurance policy covering the same risk has been procured, except that a

notice filed with the commissioner, in the format prescribed by the commissioner[~~, within the period prescribed in subdivision two of this section~~] shall be effective as of the date certified therein, regardless of whether a suspension order is issued pursuant to section three hundred eighteen of this article. A receipt from the department stating that a notice of termination has been filed shall be deemed conclusive evidence of such filing. An insurer shall cooperate with the commissioner in attempting to identify persons not in compliance with this article in cases where the information reported by the insurer does not correspond with records maintained by the department.

§ 7. Paragraph (d) of subdivision 3 of section 317 of the vehicle and traffic law is REPEALED.

§ 8. This act shall take effect immediately; provided, however, sections one, four, six, and seven of this act shall take effect if and when the online insurance verification system is installed and fully operational pursuant to subdivision 5 of section 312-b of the vehicle and traffic law, as added by section two of this act, as certified by the Commissioner of the Department of Motor Vehicles. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

PART I

Section 1. Paragraphs 26 and 27 of subdivision (a) of section 1642 of the vehicle and traffic law, paragraph 26 as added and paragraph 27 as amended by chapter 248 of the laws of 2014, are amended to read as follows:

26. (a) With respect to highways (which term for the purposes of this paragraph shall include private roads open to public motor vehicle traffic) in such city, other than state highways maintained by the state on which the department of transportation shall have established higher or lower speed limits than the statutory fifty-five miles per hour speed limit as provided in section sixteen hundred twenty of this title, or on which the department of transportation shall have designated that such city shall not establish any maximum speed limit as provided in section sixteen hundred twenty-four of this title, subject to the limitations imposed by section sixteen hundred eighty-four of this title, establishment of maximum speed limits at which vehicles may proceed within such city or within designated areas of such city higher or lower than the fifty-five miles per hour maximum statutory limit. No such speed limit applicable throughout such city or within designated areas of such city shall be established at less than [~~twenty-five~~] **twenty** miles per hour, except that school speed limits may be established at no less than [~~fifteen~~] **ten** miles per hour [~~pursuant to~~] **notwithstanding** the provisions of section sixteen hundred forty-three of this article.

(b) A city shall not lower **or raise** a speed limit by more than five miles per hour pursuant to this paragraph unless such city provides written notice and an opportunity to comment to the community board or community boards established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which the lower **or higher** speed limit shall apply. Such notice may be provided by electronic mail and shall be provided sixty days prior to the establishment of such lower **or higher** speed limit.

27. (a) Establishment of maximum speed limits below [~~twenty-five~~] **twenty** miles per hour at which motor vehicles may proceed on or along

designated highways within such city for the explicit purpose of implementing traffic calming measures as such term is defined herein; provided, however, that no speed limit shall be set below [~~fifteen~~] **ten** miles per hour nor shall such speed limit be established where the traffic calming measure to be implemented consists solely of a traffic control sign. Establishment of such a speed limit shall, where applicable, be in compliance with the provisions of sections sixteen hundred twenty-four and sixteen hundred eighty-four of this [~~chapter~~] **title**. Nothing contained herein shall be deemed to alter or affect the establishment of school speed limits pursuant to the provisions of section sixteen hundred forty-three of this article**, provided that the school speed limit set forth in paragraph twenty-six of this subdivision shall apply in any city to which this section is applicable**. For the purposes of this paragraph, "traffic calming measures" shall mean any physical engineering measure or measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users such as pedestrians and bicyclists.

(b) Any city establishing maximum speed limits below [~~twenty-five~~] **twenty** miles per hour pursuant to clause (i) of this subparagraph shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly on or before March first, two thousand fifteen and biannually thereafter on the results of using traffic calming measures and speed limits lower than [~~twenty-five~~] **twenty** miles per hour as authorized by this paragraph. This report shall also be made available to the public by such city on its website. Such report shall include, but not be limited to the following:

(i) a description of the designated highways where traffic calming measures and a lower speed limit were established [~~and~~]**;**

(ii) a description of the specific traffic calming measures used and the maximum speed limit established**;** and

(iii) a comparison of the aggregate type, number, and severity of accidents reported on streets on which street calming measures and lower speed limits were implemented in the year preceding the implementation of such measures and policies and the year following the implementation of such measures and policies, to the extent this information is maintained by any agency of the state or the city.

§ 2. This act shall take effect immediately.

PART J

Section 1. Section 3 of part FF of chapter 55 of the laws of 2017, relating to motor vehicles equipped with autonomous vehicle technology, as amended by section 1 of part J of chapter 58 of the laws of 2023, is amended to read as follows:

§ 3. This act shall take effect April 1, 2017; provided, however, that section one of this act shall expire and be deemed repealed April 1, [~~2024~~] **2026**.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART K

Section 1. Short title. This act shall be known and may be cited as the "stretch limousine passenger safety act".

§ 2. Subdivision 9 of section 138 of the transportation law, as amended by chapter 12 of the laws of 2020, is amended to read as follows:

9. To maintain and annually update its website to provide information with regard to each bus operator or motor carrier under subparagraphs (ii) and (vi) of paragraph a of subdivision two of section one hundred forty of this article requiring department operating authority that includes the bus operator's or motor carrier's name, number of inspections, number of out of service orders, operator identification number, location and region of operation including place of address, percentile to which an operator or motor carrier falls with respect to out of service defects, the number or percentage of out of service defects where pursuant to the commissioner's regulations no inspection certificate shall be issued until the defect is repaired and a re-inspection is conducted, and the number of serious physical injury or fatal crashes involving a for-hire vehicle requiring operating authority pursuant to this article**, and any additional publicly available information provided in accordance with the safety fitness standards established pursuant to part three hundred eighty-five of title forty-nine of the code of federal regulations**.

§ 3. Subparagraph (iii) of paragraph (b) of subdivision 10 of section 138 of the transportation law, as added by chapter 5 of the laws of 2020, is amended to read as follows:

(iii) In consultation and cooperation with the commissioner of motor vehicles, the commissioner shall report on safety issues reported to such website, and toll-free hotline and related investigations summarizing (A) the total number of safety issue reports received and the type of safety issues reported; (B) the total number of safety issue reports received and the type of safety issues reported where the commissioner or the commissioner of motor vehicles, as applicable, verified the information provided; (C) enforcement actions and other responses taken by the commissioner or the commissioner of motor vehicles, as applicable, to safety issue reports received where the commissioner or the commissioner of motor vehicles, as applicable, has verified such information; and (D) the length of time between the receipt of safety issue reports from such website, or hotline and enforcement action or other response by the commissioner or the commissioner of motor vehicles, as applicable. Such report shall be made publicly available on the department's website in a searchable format, [~~and~~] shall be published no less than once annually**, and shall compare the previous three years of report data to the extent applicable**. Such report may also be included within the department's annual report submitted pursuant to subdivision thirteen of section fourteen of this chapter.

§ 4. Paragraph b of subdivision 9 of section 140 of the transportation law, as amended by chapter 9 of the laws of 2020, is amended to read as follows:

b. (i) Whenever [~~an altered motor vehicle commonly referred to as a "stretch limousine"~~] **one of the motor vehicles enumerated in paragraph a of subdivision two of this section** has failed an inspection and been placed out-of-service, the commissioner may direct a police officer or his or her agent to immediately secure possession of the number plates of such vehicle and return the same to the commissioner of motor vehicles. The commissioner shall notify the commissioner of motor vehicles to that effect, and the commissioner of motor vehicles shall thereupon suspend the registration of such vehicle until such time as the commissioner gives notice that the out-of-service defect has been satisfac-

torily adjusted. Provided, however, that the commissioner shall give notice and an opportunity to be heard within not more than thirty days of the suspension. Failure of the holder or of any person possessing such plates to deliver to the commissioner or his or her agent who requests the same pursuant to this paragraph shall be a misdemeanor. The commissioner of motor vehicles shall have the authority to deny a registration or renewal application to any other person for the same vehicle where it has been determined that such registrant's intent has been to evade the purposes of this paragraph and where the commissioner of motor vehicles has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this paragraph. The procedure on any such suspension shall be the same as in the case of a suspension under the vehicle and traffic law. Operation of such motor vehicle while under suspension as provided in this subdivision shall constitute a class A misdemeanor **and shall be punishable by a fine of not less than ten thousand dollars and assessed to the holder or of any person possessing such plates for each offense committed, in addition to any other fines, penalties or actions taken with respect to such conduct**.

(ii) (a) Upon the seizure of number plates pursuant to subparagraph (i) of this paragraph, if the out-of-service defect is of a type where pursuant to the commissioner's regulations no inspection certificate will be issued until the defect is repaired and a re-inspection is conducted, or is related to its horn, and the commissioner determines that allowing the [~~altered~~] motor vehicle to leave the inspection area would be contrary to public safety, the commissioner may: (A) remove or arrange for the removal of, or may direct any police officer to remove or arrange for the removal of, the [~~altered~~] motor vehicle to a non-public garage or other place of safety where it shall remain impounded, subject to the provisions of this section; or (B) immobilize or arrange for the immobilization of the [~~altered~~] motor vehicle on premises owned or under the control of the owner of such [~~altered~~] motor vehicle, subject to the provisions of this section. The [~~altered~~] motor vehicle shall be entered into the New York statewide police information network as an impounded or immobilized vehicle and the commissioner shall promptly notify the owner that the [~~altered~~] motor vehicle has been impounded or immobilized and the reason or reasons for such impoundment or immobilization, and give such owner an opportunity to be heard within not more than thirty days of the suspension imposed pursuant to subparagraph (i) of this paragraph.

(b) A motor vehicle so impounded or immobilized shall be in the custody of the commissioner and shall not be released unless the commissioner is satisfied that repairs have been scheduled or been made to satisfactorily adjust such vehicle's out-of-service defect or defects and such vehicle has been re-inspected.

(c) The commissioner shall provide written notice to the owner or operator of the service repair shop or impoundment lot informing them that such impounded vehicle shall not be released without the written approval of the commissioner. Release of such impounded vehicle without approval by the commissioner shall be punishable by a fine of up to ten thousand dollars[~~;~~]**.**

§ 5. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 55 to read as follows:

55. Stretch limousine anti-intrusion protection. (a) Every stretch limousine registered in this state shall be equipped with roll-over protection devices such as cages or pillars and anti-intrusion bars for

the purpose of protecting rear compartment passengers, within no later than one year of the date upon which the national highway traffic safety administration promulgates final regulations establishing standards for commercial roll-over protection devices.

(b) For the purposes of this subdivision "stretch limousine" shall mean an altered motor vehicle having a seating capacity of nine or more passengers, including the driver, commonly referred to as a "stretch limousine" and which is used in the business of transporting passengers for compensation.

§ 6. Subdivision 2 of section 152 of the transportation law, as added by chapter 635 of the laws of 1983, is amended to read as follows:

2. (a) No person or persons shall engage in intrastate transportation as a contract carrier of passengers by motor vehicle on any highway in this state, or hold themselves out by advertising or any other means to provide such transportation, unless there is in force with respect to such person or persons a permit issued by the commissioner.

(b) No such permit shall be issued by the commissioner to any such person or persons who operate one or more stretch limousines without verification that each and every stretch limousine is equipped with a window break tool, an operational fire extinguisher, and shall ensure that the driver and passenger partitions can be used for emergency vehicular egress if other forms of egress are not available such as a roof hatch.

(c) For the purposes of this subdivision:

(i) "Stretch limousine" shall mean an altered motor vehicle having a seating capacity of nine or more passengers, including the driver, commonly referred to as a "stretch limousine" and which is used in the business of transporting passengers for compensation; and

(ii) "Window break tool" shall mean a tool that can be used to open the windows of a stretch limousine in the event of an emergency, which can be safely stored when not in use.

§ 7. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 56 to read as follows:

56. Stretch limousine age and mileage parameters. (a) It shall be unlawful to operate or cause to be operated a stretch limousine registered in this state on any public highway or private road open to public motor vehicle traffic if the vehicle is more than ten years old or the cumulative mileage registered on the vehicle's odometer exceeds three hundred fifty thousand miles, whichever occurs first.

(b) For the purposes of this subdivision, "stretch limousine" shall mean an altered motor vehicle having a seating capacity of nine or more passengers, including the driver, commonly referred to as a "stretch limousine" and which is used in the business of transporting passengers for compensation.

(c) (i) A stretch limousine with an odometer reading that differs from the number of miles the stretch limousine has actually traveled or that has had a prior history involving the disconnection or malfunctioning of an odometer or which appears to the commissioner to have an inaccurate odometer reading based on prior inspection records, will be assigned an imputed mileage for each month from the last reliable odometer recording through the date of inspection, as provided in subparagraph (ii) of this paragraph. A motor carrier may seek review of the determination to assign imputed mileage as provided pursuant to article six of the transportation law and 17 NYCRR Parts 500 and 720.

(ii) The imputed mileage shall be calculated by adding the mileage of the stretch limousine recorded at the two most recent stretch limousine

inspections, including roadside inspections conducted by the commissioner of transportation or division of state police, whichever is more recent, and dividing that sum by twenty-four. The quotient is the imputed monthly mileage.

(iii) Unless otherwise provided by the commissioner of transportation, a stretch limousine may not be introduced to transport passengers for compensation or continue transporting passengers for compensation if a reliable baseline odometer reading cannot be ascertained.

(iv) A motor carrier or operator who knows or has reason to believe that the odometer reading of a limousine differs from the number of miles the stretch limousine has actually traveled shall disclose that status to the commissioner or the department of transportation immediately.

§ 8. Section 509-g of the vehicle and traffic law is amended by adding a new subdivision 7 to read as follows:

7. In addition to any other provisions of this section, in the event the commissioner requires the provision of live in-person pre-trip safety briefings, all motor carriers shall regularly require each driver who operates altered motor vehicles commonly referred to as "stretch limousines" to demonstrate their proficiency in providing pre-trip safety briefings required pursuant to subdivision nine of section five hundred nine-m of this article.

§ 9. Section 509-m of the vehicle and traffic law is amended by adding a new subdivision 9 to read as follows:

9. (a) Establish and regularly update the form and content of a pre-trip safety briefing for motor carriers that operate altered motor vehicles commonly referred to as "stretch limousines", which operators shall provide to passengers prior to transporting any persons for hire in such stretch limousine.

(b) The commissioner shall coordinate with the department of transportation and the division of state police in preparing the form and content of such safety briefing, and may engage additional entities or individuals he or she deems appropriate.

§ 10. Section 401 of the vehicle and traffic law is amended by adding a new subdivision 24 to read as follows:

24. For the purposes of this section, an altered vehicle, commonly referred to as "stretch limousines", shall mean a motor vehicle that has been altered so as to have an extended chassis, a lengthened wheelbase, or an elongated seating area. Registration plates for such vehicles shall be of a type and design approved by the commissioner.

§ 11. The vehicle and traffic law is amended by adding a new section 397-d to read as follows:

§ 397-d. For-hire rebuttable presumption. For the purposes of this title and notwithstanding any other provision of law, there shall be a rebuttable presumption that any altered vehicle, commonly referred to as a "stretch limousine", as defined in subdivision twenty-four of section four hundred one of this chapter, any limousine, or any motor vehicle that is capable of seating nine or more persons including the driver when in use upon a public highway, private road open to public motor vehicle traffic, or any parking lot, is being operated in a for-hire capacity.

§ 12. The vehicle and traffic law is amended by adding two new sections 115-e and 115-f to read as follows:

§ 115-e. For-hire. The business of carrying or transporting passengers for direct or indirect compensation, except that such term shall not apply to article forty-four-B of this chapter.

§ 115-f. For-hire vehicle. A motor vehicle used in the business of carrying or transporting passengers for direct or indirect compensation, except that such term shall not apply to article forty-four-B of this chapter.

§ 13. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, or if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds, such judgment or written determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment or written determination shall have been rendered.

§ 14. This act shall take effect immediately; provided, however, sections two, three, four, eight, nine, eleven, and twelve of this act shall take effect one year after it shall have become a law; provided further, however, sections seven and ten of this act shall take effect two years after it shall have become a law; provided further, however, section six of this act shall take effect on the one hundred eightieth day after it shall have become a law; provided further, however, that sections four, five and six of this act shall be deemed repealed if any federal agency determines in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation; provided that the commissioner of motor vehicles or the commissioner of transportation shall notify the legislative bill drafting commission upon the occurrence of any federal agency determining in writing that this act would render New York state ineligible for the receipt of federal funds or any court of competent jurisdiction finally determines that this act would render New York state out of compliance with federal law or regulation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART L

Section 1. Chapter 882 of the laws of 1953 relating to waterfront employment and air freight industry regulation is REPEALED.

§ 2. The executive law is amended by adding a new article 19-I to read as follows:

ARTICLE 19-I

WATERFRONT COMMISSION ACT

Section 534. Short title.
534-a. Legislative findings and declarations.
534-b. Definitions.
534-c. New York waterfront commission established.
534-d. General powers of the commission.
534-e. Designation as agent of the state.
534-f. Pier superintendents and hiring agents.
534-g. Stevedores.

534-h. Prohibition of public loading.
534-i. Longshoremen's register.
534-j. List of qualified longshoremen for employment as checkers.
534-k. Regularization of longshoremen's employment.
534-l. Suspension or acceptance of applications for inclusion in the longshoremen's register; exceptions.
534-m. Port watchmen.
534-n. Hearings, determinations and review.
534-o. Employment information centers.
534-p. Implementation of telecommunications hiring system for longshoremen and checkers; registration of telecommunications system controller.
534-q. Construction of act.
534-r. Certain solicitations prohibited; prohibition against the holding of union position by officers, agents or employees who have been convicted of certain crimes and offenses.
534-s. General violations; prosecutions; penalties.
534-t. Denial of applications.
534-u. Revocation of licenses and registrations.
534-v. Refusal to answer question, immunity; prosecution.
534-w. Annual preparation of a budget request and assessments.
534-x. Payment of assessment.
534-y. Transfer of officers, employees.

§ 534. Short title. This article shall be known and may be cited as the "waterfront commission act".

§ 534-a. Legislative findings and declarations. 1. The state of New York hereby finds and declares that:

(a) In 1953, the conditions under which waterfront labor was employed within the port of New York district were depressing and degrading to such labor, resulting from the lack of any systematic method of hiring, the lack of adequate information as to the availability of employment, corrupt hiring practices and the fact that persons conducting such hiring were frequently criminals and persons notoriously lacking in moral character and integrity and neither responsive or responsible to the employers nor to the uncoerced will of the majority of the members of the labor organizations of the employees; that as a result waterfront laborers suffered from irregularity of employment, fear and insecurity, inadequate earnings, an unduly high accident rate, subjection to borrowing at usurious rates of interest, exploitation and extortion as the price of securing employment and a loss of respect for the law; that not only did there result a destruction of the dignity of an important segment of American labor, but a direct encouragement of crime which imposed a levy of greatly increased costs on food, fuel and other necessaries handled in and through the port of New York district.

(b) Many of these evils resulted not only from the causes above described but from the practices of public loaders at piers and other waterfront terminals. Such public loaders served no valid economic purpose and operated as parasites exacting a high and unwarranted toll on the flow of commerce in and through the port of New York district, and used force and engaged in discriminatory and coercive practices including extortion against persons not desiring to employ them. The states of New York and New Jersey found that the function of loading and unloading trucks and other land vehicles at piers and other waterfront terminals should be performed, as in every other major American port,

without the evils and abuses of the public loader system, and by the carriers of freight by water, stevedores and operators of such piers and other waterfront terminals or the operators of such trucks or other land vehicles.

(c) Many of the above described evils also resulted from the lack of regulation of the occupation of stevedores, who engaged in corrupt practices to induce their hire by carriers of freight by water and to induce officers and representatives of labor organizations to betray their trust to the members of such labor organizations.

(d) The method of employment of longshoremen and port watchmen, commonly known as the "shape-up", resulted in vicious and notorious abuses, of which such employees were the principal victims. There was compelling evidence that the shape-up permitted and encouraged extortion from employees as the price of securing or retaining employment and subjected such employees to threats of violence, unwilling joinder in unauthorized labor disturbances and criminal activities on the waterfront. The shape-up resulted in a loss of fundamental rights and liberties of labor, impaired the economic stability of the port of New York district and weakened law enforcement therein. The states of New York and New Jersey found that these practices and conditions must be eliminated to prevent grave injury to the welfare of waterfront laborers and of the people at large and that the elimination of the shape-up and the establishment of a system of employment information centers were necessary to a solution for these public problems.

(e) The two states found that the occupations of longshoremen, stevedores, pier superintendents, hiring agents and port watchmen were affected with a public interest requiring their regulation and that such regulation was deemed an exercise of the police power of the two states for the protection of the public safety, welfare, prosperity, health, peace and living conditions of the people of the two states. The Waterfront Commission of New York Harbor ("bi-state commission") was formed through a congressionally approved compact to investigate, deter, combat and remedy criminal activity and influence in the port and to ensure fair hiring and employment practices so that the port and region could grow and prosper.

(f) The bi-state commission worked to break the cycle of corruption at the port, and effectuated transformative changes on the waterfront. Its efforts led to the conviction of organized-crime members and associates for murder, extortion, drug trafficking, theft, racketeering, illegal gambling, and loansharking, among other crimes. In recent years, its investigations led to prosecutions of union officials and members of the traditional organized crime families which have been found to control or exert significant influence over the union of dockworkers and commercial activity on the waterfront. The bi-state commission's investigations also led to the exclusion or removal from the port workforce of individuals who were convicted of serious crimes or were associated with organized crime. It worked to overcome discrimination and other unfair hiring practices and continued to extirpate corruption and racketeering in the port of New York district until New Jersey's withdrawal from the bi-state compact pursuant to chapter 324 of the laws of 2017 of the state of New Jersey.

(g) Although law enforcement's efforts against traditional organized crime influence have been successful, such influence remains a significant threat in the New York metropolitan area, particularly in the port. Continued oversight is essential to ensure fair and nondiscriminatory hiring practices, to eliminate labor racketeering and the victimi-

zation of legitimate union members and port businesses, and to prevent organized crime figures from directly operating at the critical points of interstate and international shipping.

§ 534-b. Definitions. As used in this article, all references to the masculine gender shall be deemed to include all genders. The following terms shall have the following meanings:

1. "Act" shall mean this article and rules or regulations lawfully promulgated thereunder and shall include any amendments or supplements to this article to implement the purposes thereof.

2. "Bi-state commission" shall mean the Waterfront Commission of New York Harbor established by the state of New York pursuant to P.L. 1953, c.882 (NY Unconsol. Ch.307, s.1) and by the state of New Jersey pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.).

3. "Carrier of freight by water" shall mean any person who may be engaged or who may hold oneself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the port of New York district and a point outside said district.

4. "Container" shall mean any receptacle, box, carton or crate which is specifically designed and constructed so that it may be repeatedly used for the carriage of freight by a carrier of freight by water.

5. "Checker" shall mean a longshoreman who is employed to engage in direct and immediate checking of waterborne freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores.

6. "Commission" shall mean the New York waterfront commission established by section five hundred thirty-four-c of this article.

7. "Career offender" shall mean a person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations against the public policy of the state of New York.

8. "Career offender cartel" shall mean a number of career offenders acting in concert, and may include what is commonly referred to as an organized crime group.

9. "Court of the United States" shall mean all courts enumerated in section four hundred fifty-one of title twenty-eight of the United States Code and the courts-martial of the armed forces of the United States.

10. "Freight" shall mean freight which has been, or will be, carried by or consigned for carriage by a carrier of freight by water.

11. "Hiring agent" shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore or any other person shall select any longshoreman for employment.

12. "Longshoreman" shall mean: (a) a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore to:

(1) physically move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals; or

(2) engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of

the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores; or

(3) supervise directly and immediately others who are employed as in subparagraph one of this paragraph; or

(4) physically perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, including, but not limited to, cargo repairmen, coopers, general maintenance men, mechanical and miscellaneous workers, horse and cattle fitters, grain ceilers and marine carpenters; or

(b) a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal by any person to:

(1) physically move waterborne freight to or from a barge, lighter or railroad car for transfer to or from a vessel of a carrier of freight by water which is, shall be, or shall have been berthed at the same pier or other waterfront terminal; or

(2) perform labor or services involving, or incidental to, the movement of freight at a waterfront terminal as defined in subdivision fifteen of this section.

13. "Longshoremen's register" shall mean the register of eligible longshoremen compiled and maintained by the commission pursuant to section five hundred thirty-four-i of this article.

14. "Marine terminal" shall mean an area which includes piers, which is used primarily for the moving, warehousing, distributing or packing of waterborne freight or freight to or from such piers, and which, inclusive of such piers, is under common ownership or control.

15. "Other waterfront terminal" shall include:

(a) any warehouse, depot or other terminal (other than a pier) which is located within one thousand yards of any pier in the port of New York district in this state and which is used for waterborne freight in whole or substantial part; or

(b) any warehouse, depot or other terminal (other than a pier), whether enclosed or open, which is located in a marine terminal in the port of New York district in this state and any part of which is used by any person to perform labor or services involving, or incidental to, the movement of waterborne freight or freight.

16. "Person" shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any state or territory thereof or any department, division, board, commission or authority of one or more of the foregoing.

17. "Pier" shall include any wharf, pier, dock or quay.

18. "Pier superintendent" shall mean any natural person other than a longshoreman who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at such pier or other waterfront terminal includes the supervision, directly or indirectly, of the work of longshoremen.

19. "Port of New York district" shall mean the district created by article II of the compact dated April thirtieth, nineteen hundred twenty-one, between the states of New York and New Jersey, authorized by chapter one hundred fifty-four of the laws of New York of nineteen hundred twenty-one and chapter one hundred fifty-one of the laws of New Jersey of nineteen hundred twenty-one.

20. "Port watchman" shall include any watchman, gateman, roundsman, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of

freight by water to perform services in such capacity on any pier or other waterfront terminal.

21. The term "select any longshoreman for employment" in the definition of a hiring agent in this section shall include selection of a person for the commencement or continuation of employment as a longshoreman, or the denial or termination of employment as a longshoreman.

22. "Stevedore" shall mean:

(a) a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by such carrier on vessels of such carrier berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals; or

(b) a contractor engaged for compensation pursuant to a contract or arrangement with the United States, any state or territory thereof, or any department, division, board, commission or authority of one or more of the foregoing, in moving freight carried or consigned for carriage between any point in the port of New York district and a point outside said district on vessels of such a public agency berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals; or

(c) a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with any person to perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, including, but not limited to, cargo storage, cargo repairing, coopering, general maintenance, mechanical and miscellaneous work, horse and cattle fitting, grain ceiling, and marine carpentry; or

(d) a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with any other person to perform labor or services involving, or incidental to, the movement of freight into or out of containers (which have been or which will be carried by a carrier of freight by water) on vessels berthed at piers, on piers or at other waterfront terminals.

23. "Terrorist group" shall mean a group associated, affiliated or funded in whole or in part by a terrorist organization designated by the secretary of state in accordance with section two hundred nineteen of the immigration and nationality act, as amended from time to time, or any other organization which assists, funds or engages in acts of terrorism as defined in the laws of the United States, or of the state of New York, including, but not limited to, subdivision one of section 490.05 of the penal law.

24. "Waterborne freight" shall mean freight carried by or consigned for carriage by carriers of freight by water, and shall also include freight described in subdivision fifteen and paragraphs (b) and (d) of subdivision twenty-two of this section, and ships' stores, baggage and mail carried by or consigned for carriage by carriers of freight by water.

25. "Witness" shall mean any person whose testimony is desired in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of section five hundred thirty-four of this article.

§ 534-c. New York waterfront commission established. 1. There is hereby created the New York waterfront commission, which shall be in the executive department of this state and may request, receive, and utilize facilities, resources and data of any department, division, board, bureau, commission, agency or public authority of the state or any poli-

tical subdivision thereof as it may reasonably request to carry out properly its powers and duties.

2. The commission shall consist of the commissioner appointed by the governor with the advice and consent of the senate, and shall receive compensation to be fixed by the governor of this state. The term of office of such commissioner shall be for three years; provided, however, that a commissioner serving on the bi-state commission at the time of its dissolution on the seventeenth of July two thousand twenty-three who was appointed by the governor of New York to such position, may serve as acting commissioner of the New York waterfront commission until such time as a commissioner is appointed by the governor, with the advice and consent of the senate, pursuant to this subdivision. A commissioner shall hold office until that commissioner's successor has been appointed and qualified. Vacancies in office shall be filled for the balance of the unexpired term in the same manner as original appointments.

3. A commissioner may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in that commissioner's place. A vacancy in the office of a commissioner shall not impair such designation until the vacancy shall have been filled.

§ 534-d. General powers of the commission. In addition to the powers and duties elsewhere prescribed herein, the commission shall have the power:

1. To sue and be sued.

2. To have a seal and alter the same at pleasure.

3. To acquire, hold and dispose of real and personal property by gift, purchase, lease, license or other similar manner, for its corporate purposes.

4. To determine the location, size and suitability of accommodations necessary and desirable for the establishment and maintenance of the employment information centers provided in section five hundred thirty-four-o of this article and for administrative offices for the commission.

5. To administer and enforce the provisions of this act.

6. To promulgate and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this act or to prevent the circumvention or evasion thereof. As used in this act, "regulations" include those rules and regulations of the bi-state commission which shall continue in effect as the rules and regulations of the commission until amended, supplemented, or rescinded by the commission pursuant to the state administrative procedure act. Previously promulgated regulations inconsistent with the provisions of this act shall be deemed void.

7. To appoint such officers, agents and employees as it may deem necessary, prescribe their powers, duties and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise.

8. By its commissioner and its properly designated officers, agents and employees, to administer oaths and issue subpoenas to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

9. To have for its commissioner and its properly designated officers, agents and employees, full and free access, ingress and egress to and from all vessels, piers and other waterfront terminals or other places in the port of New York district in this state, for the purposes of making inspection or enforcing the provisions of this act; and no person

shall obstruct or in any way interfere with any such commissioner, officer, employee or agent in the making of such inspection, or in the enforcement of the provisions of this act or in the performance of any other power or duty under this act.

10. To recover possession of any suspended or revoked license issued under this act.

11. To make investigations, collect and compile information concerning waterfront practices generally within the port of New York district in this state and upon all matters relating to the accomplishment of the objectives of this act.

12. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this act, upon all matters which the commission may desire, including but not limited to the form and substance of rules and regulations, the administration of the act, maintenance of the longshoremen's register, and issuance and revocation of licenses.

13. To make annual and other reports to the governor and legislature containing recommendations for the improvement of the conditions of waterfront labor within the port of New York district in this state, for the alleviation of the evils described in section five hundred thirty-four-a of this article and for the effectuation of the purposes of this act.

14. To cooperate with and receive from any department, division, bureau, board, commission, or agency of this state, or of any county or municipality thereof, such assistance and data as will enable it properly to carry out its powers and duties hereunder; and to request any such department, division, bureau, board, commission, or agency, with the consent thereof, to execute such of its functions and powers, as the public interest may require.

15. To designate officers, employees and agents who may exercise the powers and duties of the commission except the power to make rules and regulations. Notwithstanding any other provision of law, the officers, employees and agents of the commission established by this act may be appointed or employed without regard to their state of residence.

16. To issue temporary permits and permit temporary registrations under such terms and conditions as the commission may prescribe which shall be valid for a period to be fixed by the commission not in excess of six months.

17. To require any applicant for a license or registration or any prospective licensee to furnish such facts and evidence as the commission may deem appropriate to enable it to ascertain whether the license or registration should be granted.

18. In any case in which the commission has the power to revoke or suspend any stevedore license the commission shall also have the power to impose as an alternative to such revocation or suspension, a penalty, which the licensee may elect to pay to the commission in lieu of the revocation or suspension. The maximum penalty shall be five thousand dollars for each separate offense. The commission may, for good cause shown, abate all or part of such penalty.

19. To designate any officer, agent or employee of the commission to be an investigator who shall be vested with all the powers of a peace or police officer of the state of New York.

20. To confer immunity, in the manner prescribed by subdivision one of section five hundred thirty-four-v of this article.

21. To require any applicant for registration as a longshoreman, any applicant for registration as a checker or any applicant for registra-

tion as a telecommunications system controller and any person who is sponsored for a license as a pier superintendent or hiring agent, any person who is an individual owner of an applicant stevedore or any persons who are individual partners of an applicant stevedore, or any officers, directors or stockholders owning five percent or more of any of the stock of an applicant corporate stevedore or any applicant for a license as a port watchman or any other category of applicant for registration or licensing within the commission's jurisdiction to be fingerprinted by the commission at the cost and expense of the applicant.

22. To exchange fingerprint data with and receive state criminal history record information from the division of criminal justice services and federal criminal history record information from the federal bureau of investigation for use in making the determinations required by this act.

23. Notwithstanding any other provision of law to the contrary, to require any applicant for employment or employee of the commission to be fingerprinted and to exchange fingerprint data with and receive state criminal history record information from the division of criminal justice services and federal criminal history information from the federal bureau of investigation for use in the hiring or retention of such person.

24. To cooperate with a similar entity established in the state of New Jersey, to exchange information on any matter pertinent to the purposes of this act, and to enter into reciprocal agreements for the accomplishment of such purposes, including but not limited to the following objectives:

(a) To give reciprocal effect to any revocation, suspension or reprimand with respect to any licensee, and any reprimand or removal from a longshoremen's register;

(b) To provide that any act or omission by a licensee or registrant in either state which would be a basis for disciplinary action against such licensee or registrant if it occurred in the state in which the license was issued or the person registered shall be the basis for disciplinary action in both states; and

(c) To provide that longshoremen registered in either state, who perform work or who apply for work at an employment information center within the other state, shall be deemed to have performed work or to have applied for work in the state in which they are registered.

§ 534-e. Designation as agent of the state. 1. The commission is hereby designated on its own behalf or as agent of the state of New York, as provided by the act of Congress of the United States, effective June sixth, one thousand nine hundred and thirty-three, entitled "An act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system and for other purposes," as amended, for the purpose of obtaining such benefits of such act of Congress as are necessary or appropriate to the establishment and operation of employment information centers authorized by section one of this act.

2. The commission shall have all powers necessary to cooperate with appropriate officers or agencies of this state or the United States, to take such steps, to formulate such plans, and to execute such projects (including but not limited to the establishment and operation of employment information centers) as may be necessary to obtain such benefits for the operations of the commission in accomplishing the purposes of this act.

3. Any officer or agency designated by this state pursuant to said act of June sixth, nineteen hundred thirty-three, as amended, is authorized and empowered, upon the request of the commission and subject to its direction, to exercise the powers and duties conferred upon the commission by the provisions of this section.

§ 534-f. Pier superintendents and hiring agents. 1. No person shall act as a pier superintendent or as a hiring agent within the port of New York district in this state without first having obtained from the commission or previously, from the bi-state commission, a license to act as such pier superintendent or hiring agent, as the case may be, and no person shall employ or engage another person to act as a pier superintendent or hiring agent who is not so licensed.

2. A license to act as a pier superintendent or hiring agent shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such pier superintendent or hiring agent, verified by the prospective licensee as to the matters concerning that person, and shall state the following:

(a) The full name and business address of the applicant;

(b) The full name, residence, business address (if any), place and date of birth and social security number of the prospective licensee;

(c) The present and previous occupations of the prospective licensee, including the places where the person was employed and the names of the person's employers;

(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the prospective licensee; and

(e) That if a license is issued to the prospective licensee, the applicant will employ such licensee as pier superintendent or hiring agent, as the case may be.

3. No such license shall be granted:

(a) Unless the commission shall be satisfied that the prospective licensee possesses good character and integrity;

(b) If the prospective licensee has, without subsequent pardon, been convicted by a court of the United States, or any state or territory thereof, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding one year or any of the following misdemeanors or offenses: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing, possessing with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance) or a controlled dangerous substance analog; and violation of this act. Any such prospective licensee ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that such person has for a period of not less than five years, measured as hereinafter provided, and up to the time of application, so acted in a manner as to warrant the grant of such license, in which event the commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of the person's unrevoked release from custody by parole, commutation or termination of sentence;

(c) If the prospective licensee knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United

States by force or violence or shall be a member of a group which advocates such desirability, knowing the purposes of such group include such advocacy.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the prospective licensee possesses the qualifications and requirements prescribed in this section, the commission shall issue and deliver to the prospective licensee a license to act as pier superintendent or hiring agent for the applicant, as the case may be, and shall inform the applicant of this action. The commission may issue a temporary permit to any prospective licensee for a license under the provisions of this article pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of six months.

5. No person shall be licensed to act as a pier superintendent or hiring agent for more than one employer, except at a single pier or other waterfront terminal, but nothing in this section shall be construed to limit in any way the number of pier superintendents or hiring agents any employer may employ.

6. A license granted pursuant to this section shall continue through the duration of the licensee's employment by the employer who shall have applied for the person's license.

7. Any license issued pursuant to this section may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

(a) Conviction of a crime or act by the licensee or other cause which would require or permit the person's disqualification from receiving a license upon original application;

(b) Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

(c) Violation of any of the provisions of this act;

(d) Unlawfully possessing, possession with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance) or a controlled dangerous substance analog (controlled substance analog);

(e) Employing, hiring or procuring any person in violation of this act or inducing or otherwise aiding or abetting any person to violate the terms of this act;

(f) Paying, giving, causing to be paid or given or offering to pay or give to any person any valuable consideration to induce such other person to violate any provision of this act or to induce any public officer, agent or employee to fail to perform the person's duty hereunder;

(g) Consorting with known criminals for an unlawful purpose;

(h) Transfer or surrender of possession of the license to any person either temporarily or permanently without satisfactory explanation;

(i) False impersonation of another licensee under this act;

(j) Receipt or solicitation of anything of value from any person other than the licensee's employer as consideration for the selection or retention for employment of any longshoreman;

(k) Coercion of a longshoreman by threat of discrimination or violence or economic reprisal, to make purchases from or to utilize the services of any person;

(l) Lending any money to or borrowing any money from a longshoreman for which there is a charge of interest or other consideration; and

(m) Membership in a labor organization which represents longshoremen or port watchmen; but nothing in this section shall be deemed to prohibit pier superintendents or hiring agents from being represented by a labor organization or organizations which do not also represent longshoremen or port watchmen. The American Federation of Labor and Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or port watchmen within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or port watchmen.

8. Any applicant for pier superintendent or hiring agent ineligible for a license by reason of the provisions of paragraph (b) of subdivision three of section five hundred thirty-four-f of this article may petition for and the commission may issue an order removing the ineligibility. A petition for an order to remove ineligibility may be made to the commission before or after the hearing required by section five hundred thirty-four-n of this article.

§ 534-g. Stevedores. 1. No person shall act as a stevedore within the port of New York district in this state without having first obtained a license from the commission or previously, from the bi-state commission, and no person shall employ a stevedore to perform services as such within the port of New York district in this state unless the stevedore is so licensed.

2. Any person intending to act as a stevedore within the port of New York district in this state shall file in the office of the commission a written application for a license to engage in such occupation, duly signed and verified as follows:

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address, if any, present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity and identity of each natural person so signing such application.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning five percent or more of any of the stock thereof, and of all officers, including all members of the board of directors. The requirements of paragraph (a) of this subdivision as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, shall apply to each such officer or stockholder and their successors in office or interest.

(c) In the event of the death, resignation or removal of any officer, and in the event of any change in the list of stockholders who shall own five percent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of that fact in writing to the commission certified by said secretary.

3. No such license shall be granted:

(a) If any person whose signature or name appears in the application is not the real party in interest required by subdivision two of this

section to sign or to be identified in the application or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest;

(b) Unless the commission shall be satisfied that the applicant and all members, officers and stockholders required by subdivision two of this section to sign or be identified in the application for license possess good character and integrity;

(c) Unless the applicant is either a natural person, partnership or corporation;

(d) Unless the applicant shall be a party to a contract then in force or which will take effect upon the issuance of a license, with a carrier of freight by water for the loading and unloading by the applicant of one or more vessels of such carrier at a pier within the port of New York district in this state;

(e) If the applicant or any member, officer or stockholder required by subdivision two of this section to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any state or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding one year or any of the misdemeanors or offenses described in paragraph (b) of subdivision three of section five hundred thirty-four-f of this article. Any applicant ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that the person whose conviction was the basis of ineligibility has for a period of not less than five years, measured as hereinafter provided and up to the time of application, so acted in a manner as to warrant the grant of such license, in which event the commission may, in its discretion issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of the person's unrevoked release from custody by parole, commutation or termination of the person's sentence;

(f) If the applicant has paid, given, caused to have been paid or given or offered to pay or give to any officer or employee of any carrier of freight by water any valuable consideration for an improper or unlawful purpose or to induce such person to procure the employment of the applicant by such carrier for the performance of stevedoring services;

(g) If the applicant has paid, given, caused to be paid or given or offered to pay or give to any officer or representative of a labor organization any valuable consideration for an improper or unlawful purpose or to induce such officer or representative to subordinate the interests of such labor organization or its members in the management of the affairs of such labor organization to the interests of the applicant.

(h) If the applicant has paid, given, caused to have been paid or given or offered to pay or give to any agent of any carrier of freight by water any valuable consideration for an improper or unlawful purpose or, without the knowledge and consent of such carrier, to induce such agent to procure the employment of the applicant by such carrier or its agent for the performance of stevedoring services.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this

section, the commission shall issue and deliver a license to such applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this section pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of six months.

5. A stevedore's license granted pursuant to this section shall be for a term of five years or fraction of such five year period, and shall expire on the first day of December. In the event of the death of the licensee, if a natural person, or its termination or dissolution by reason of a death of a partner, if a partnership, or if the licensee shall cease to be a party to any contract of the type required by paragraph (d) of subdivision three of this section, the license shall terminate ninety days after such event or upon its expiration date, whichever shall be sooner. A license may be renewed by the commission for successive five year periods upon fulfilling the same requirements as are set forth in this section for an original application for a stevedore's license.

6. Any license issued pursuant to this section may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses on the part of the licensee or of any person required by subdivision two of this section to sign or be identified in an original application for a license:

(a) Conviction of a crime or other cause which would permit or require disqualification of the licensee from receiving a license upon original application;

(b) Fraud, deceit or misrepresentation in securing the license or in the conduct of the licensed activity;

(c) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of the licensee's activities within the port of New York district in this state;

(d) Failure to keep said books and records available during business hours for inspection by the commission and its duly designated representatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein;

(e) Any other offense described in paragraphs (c), (d), (e), (f), (g), (h) and (i) of subdivision seven of section five hundred thirty-four-f of this article.

§ 534-h. Prohibition of public loading. 1. It is unlawful for any person to load or unload waterborne freight onto or from vehicles other than railroad cars at piers or at other waterfront terminals within the port of New York district in this state, for a fee or other compensation, other than the following persons and their employees:

(a) Carriers of freight by water, but only at piers at which their vessels are berthed;

(b) Other carriers of freight (including but not limited to railroads and truckers), but only in connection with freight transported or to be transported by such carriers;

(c) Operators of piers or other waterfront terminals (including railroads, truck terminal operators, warehousemen and other persons), but only at piers or other waterfront terminals operated by them;

(d) Shippers or consignees of freight, but only in connection with freight shipped by such shipper or consigned to such consignee;

(e) Stevedores licensed under section five hundred thirty-four-g of this article, whether or not such waterborne freight has been or is to

be transported by a carrier of freight by water with which such stevedore shall have a contract of the type prescribed by paragraph (d) of subdivision three of section five hundred thirty-four-g of this article.

2. Nothing in this section contained shall be deemed to permit any such loading or unloading of any waterborne freight at any place by any such person by means of any independent contractor, or any other agent other than an employee, unless such independent contractor is a person permitted by this section to load or unload such freight at such place in the person's own right.

§ 534-i. Longshoremen's register. 1. The commission shall maintain a longshoremen's register in which shall be included all qualified longshoremen eligible, as provided, for employment as such in the port of New York district in this state. No person shall act as a longshoreman within the port of New York district in this state unless at the time such person is included in the longshoremen's register, and no person shall employ another to work as a longshoreman within the port of New York district in this state unless at the time such other person is included in the longshoremen's register.

2. Any person applying for inclusion in the longshoremen's register shall file at such place and in such manner as the commission shall designate a written statement, signed and verified by such person, setting forth the person's full name, residence address, social security number, and such further facts and evidence as the commission may prescribe to establish the identity of such person and the person's criminal record, if any.

3. The commission may in its discretion deny application for inclusion in the longshoremen's register by a person:

(a) Who has been convicted by a court of the United States or any state or territory thereof, without subsequent pardon, of treason, murder, manslaughter or of any crime punishable by death or imprisonment for a term exceeding one year or of any of the misdemeanors or offenses described in paragraph (b) of subdivision three of section five hundred thirty-four-f of this article or of attempt or conspiracy to commit any of such crimes;

(b) Who knowingly or willingly advocates the desirability of overthrowing or destroying the government of the United States by force or violence or who shall be a member of a group which advocates such desirability knowing the purposes of such group include such advocacy;

(c) Whose presence at the piers or other waterfront terminals in the port of New York district in this state is found by the commission on the basis of the facts and evidence before it, to constitute a danger to the public peace or safety.

4. Unless the commission shall determine to exclude the applicant from the longshoremen's register on a ground set forth in subdivision three of this section it shall include such person in the longshoremen's register. The commission may permit temporary registration of any applicant under the provisions of this section pending final action on an application made for such registration. Any such temporary registration shall be valid for a period not in excess of six months.

5. The commission shall have power to reprimand any longshoreman registered under this section or to remove that person from the longshoremen's register for such period as it deems in the public interest for any of any following offenses:

(a) Conviction of a crime or other cause which would permit disqualification of such person from inclusion in the longshoremen's register upon original application;

(b) Fraud, deceit or misrepresentation in securing inclusion in the longshoremen's register;

(c) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of inclusion in the longshoremen's register, without satisfactory explanation;

(d) False impersonation of another longshoreman registered under this section or of another person licensed under this act;

(e) Willful commission of or willful attempt to commit at or on a waterfront terminal or adjacent highway any act of physical injury to any other person or of willful damage to or misappropriation of any other person's property, unless justified or excused by law; and

(f) Any other offense described in paragraphs (c), (d), (e), and (f) of subdivision seven of section five hundred thirty-four-f of this article.

6. Whenever, as a result of legislative amendments to this act or of a ruling by the commission, registration as a longshoreman is required for any person to continue employment, such person shall be registered as a longshoreman without regard to the provisions of section five hundred thirty-four-k of this article, provided, however, that such person satisfies all the other requirements of this act for registration as a longshoreman.

7. The commission shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshoremen's register if the holder thereof has been removed from the longshoremen's register.

8. Nothing contained in this article shall be construed to limit in any way any rights of labor reserved by section five hundred thirty-four-q of this article.

§ 534-j. List of qualified longshoremen for employment as checkers. 1. The commission shall maintain within the longshoremen's register a list of all qualified longshoremen eligible, as provided in this section, for employment as checkers in the port of New York district in this state. No person shall act as a checker within the port of New York district in this state unless at the time such person is included in the longshoremen's register as a checker, and no person shall employ another to work as a checker within the port of New York district in this state unless at the time such other person is included in the longshoremen's register as a checker.

2. Any person applying for inclusion in the longshoremen's register as a checker shall file at any such place and in such manner as the commission shall designate a written statement, signed and verified by such person, setting forth the following:

(a) The full name, residence, place and date of birth and social security number of the applicant;

(b) The present and previous occupations of the applicant, including the places where such person was employed and the names of that person's employers;

(c) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the applicant.

3. No person shall be included in the longshoremen's register as a checker:

(a) Unless the commission shall be satisfied that the applicant possesses good character and integrity;

(b) If the applicant has, without subsequent pardon, been convicted by a court of the United States or any state or territory thereof, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding one year or any of the following misdemeanors or offenses: illegally using, carrying or possessing a pistol or another dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing, possessing with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance) or a controlled dangerous substance analog (controlled substance analog); petty larceny, where the evidence shows the property was stolen from a vessel, pier or other waterfront terminal; and violation of the act. Any such applicant ineligible for inclusion in the longshoremen's register as a checker by reason of any such conviction may submit satisfactory evidence to the commission that the person has for a period of not less than five years, measured as provided in this section, and up to the time of application, so acted in a manner as to warrant inclusion in the longshoremen's register as a checker, in which event the commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of such person's unrevoked release from custody by parole, commutation or termination of such person's sentence;

(c) If the applicant knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United States by force or violence or shall be a member of a group which advocates such desirability, knowing the purposes of such group include such advocacy.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this section, the commission shall include the applicant in the longshoremen's register as a checker. The commission may permit temporary registration as a checker to any applicant under this section pending final action on an application made for such registration, under such terms and conditions as the commission may prescribe, which shall be valid for a period to be fixed by the commission, not in excess of six months.

5. The commission shall have power to reprimand any checker registered under this section or to remove such person from the longshoremen's register as a checker for such period of time as it deems in the public interest for any of the following offenses:

(a) Conviction of a crime or other cause which would permit disqualification of such person from inclusion in the longshoremen's register as a checker upon original application;

(b) Fraud, deceit or misrepresentation in securing inclusion in the longshoremen's register as a checker or in the conduct of the registered activity;

(c) Violation of any of the provisions of this act;

(d) Unlawfully possessing, possession with intent to distribute, sale or distribution of a controlled dangerous substance (controlled substance), or a controlled dangerous substance analog (controlled substance analog);

(e) Inducing or otherwise aiding or abetting any person to violate the terms of this act;

(f) Paying, giving, causing to be paid or given or offering to pay or give to any person any valuable consideration to induce such other person to violate any provision of this act or to induce any public officer, agent or employee to fail to perform the person's duty under this act;

(g) Consorting with known criminals for an unlawful purpose;

(h) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of inclusion in the longshoremen's register without satisfactory explanation;

(i) False impersonation of another longshoreman or of another person licensed under this act.

6. The commission shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshoremen's register as a checker in the event that the holder thereof has been removed from the longshoremen's register as a checker.

7. Any applicant ineligible for inclusion in the longshoremen's register as a checker by reason of the provisions of paragraph (b) of subdivision three of this section may petition for and the commission may issue an order removing the ineligibility. A petition for an order to remove ineligibility may be made to the commission before or after the hearing required by section five hundred thirty-four-n of this article.

8. Nothing contained in this section shall be construed to limit in any way any rights of labor reserved by section five hundred thirty-four-q of this article.

§ 534-k. Regularization of longshoremen's employment. 1. The commission shall, at regular intervals, remove from the longshoremen's register any person who shall have been registered for at least nine months and who shall have failed during the preceding six calendar months either to have worked as a longshoreman in the port of New York district or to have applied for employment as a longshoreman at an employment information center in the port of New York district for such minimum number of days as shall have been established by the commission pursuant to subdivision two of this section.

2. On or before each succeeding first day of June or December, the commission shall, for the purposes of subdivision one of this section, establish for the six-month period beginning on each such date a minimum number of days and the distribution of such days during such period.

3. In establishing any such minimum number of days or period, the commission shall observe the following standards:

(a) To encourage as far as practicable the regularization of the employment of longshoremen;

(b) To bring the number of eligible longshoremen more closely into balance with the demand for longshoremen's services within the port of New York district in this state without reducing the number of eligible longshoremen below that necessary to meet the requirements of longshoremen in the port of New York district in this state;

(c) To eliminate oppressive and evil hiring practices affecting longshoremen and waterborne commerce in the port of New York district in this state; and

(d) To eliminate unlawful practices injurious to waterfront labor.

4. A longshoreman who has been removed from the longshoremen's register pursuant to this section may seek reinstatement upon fulfilling the same requirements as for initial inclusion in the longshoremen's regis-

ter, but not before the expiration of one year from the date of removal, except that immediate reinstatement shall be made upon proper showing that the registrant's failure to work or apply for work the minimum number of days above described was caused by the fact that the registrant was engaged in the military service of the United States or was incapacitated by ill health, physical injury, or other good cause.

5. Notwithstanding any other provision of this article, the commission shall at any time have the power to register longshoremen on a temporary basis to meet special or emergency needs.

6. Notwithstanding any other provisions of this section, the commission shall have the power to remove from the longshoremen's register any person (including those persons registered as longshoremen for less than nine months) who shall have failed to have worked as a longshoreman in the port of New York district for such minimum number of days during a period of time as shall have been established by the commission. In administering this section, the commission, in its discretion, may count applications for employment as a longshoreman at an employment information center established under section five hundred thirty-four-o of this article as constituting actual work as a longshoreman, provided, however, that the commission shall count as actual work the compensation received by any longshoreman pursuant to the guaranteed wage provisions of any collective bargaining agreement relating to longshoremen. Prior to the commencement of any period of time established by the commission pursuant to this section, the commission shall establish for such period the minimum number of days of work required and the distribution of such days during such period and shall also determine whether or not application for employment as a longshoreman shall be counted as constituting actual work as a longshoreman. The commission may classify longshoremen according to length of service as a longshoreman and such other criteria as may be reasonable and necessary to carry out the provisions of this act. The commission shall have the power to vary the requirements of this section with respect to their application to the various classifications of longshoremen. In administering this section, the commission shall observe the standards set forth in section five hundred thirty-four-l of this article. Nothing in this section shall be construed to modify, limit or restrict in any way any of the rights protected by section five hundred thirty-four-q of this article.

§ 534-l. Suspension or acceptance of applications for inclusion in the longshoremen's register; exceptions. 1. The commission shall suspend the acceptance of applications for inclusion in the longshoremen's register upon the effective date of the act. The commission shall thereafter have the power to make determinations to suspend the acceptance of applications for inclusion in the longshoremen's register for such periods of time as the commission may from time to time establish and, after any such period of suspension, the commission shall have the power to make determinations to accept applications for such period of time as the commission may establish or in such number as the commission may determine, or both. Such determinations to suspend or accept applications shall be made by the commission: (a) on its own initiative; or (b) upon the joint recommendation in writing of stevedores and other employers of longshoremen in the port of New York district in this state, acting through their representative for the purpose of collective bargaining with a labor organization representing such longshoremen in such district and such labor organization; or (c) upon the petition in writing of a stevedore or another employer of longshoremen in the port of New York district in this state which does not have a representative for

the purpose of collective bargaining with a labor organization representing such longshoremen. The commission shall have the power to accept or reject such joint recommendation or petition. All joint recommendations or petitions filed for the acceptance of applications with the commission for inclusion in the longshoremen's register shall include:

(i) the number of employees requested;

(ii) the category or categories of employees requested;

(iii) a detailed statement setting forth the reasons for such joint recommendation or petition;

(iv) in cases where a joint recommendation is made under this section, the collective bargaining representative of stevedores and other employers of longshoremen in the port of New York district in this state and the labor organization representing such longshoremen shall provide the allocation of the number of persons to be sponsored by each employer of longshoremen in the port of New York district in this state; and

(v) any other information requested by the commission.

2. In administering the provisions of this section, the commission shall observe the following standards:

(a) To encourage as far as practicable the regularization of the employment of longshoremen;

(b) To bring the number of eligible longshoremen into balance with the demand for longshoremen's services within the port of New York district in this state without reducing the number of eligible longshoremen below that necessary to meet the requirements of longshoremen in the port of New York district in this state;

(c) To encourage the mobility and full utilization of the existing work force of longshoremen;

(d) To protect the job security of the existing work force of longshoremen by considering the wages and employment benefits of prospective registrants;

(e) To eliminate oppressive and evil hiring practices injurious to waterfront labor and waterborne commerce in the port of New York district in this state, including, but not limited to, those oppressive and evil hiring practices that may result from either a surplus or shortage of waterfront labor;

(f) To consider the effect of technological change and automation and such other economic data and facts as are relevant to a proper determination; and

(g) To protect the public interest of the port of New York district in this state.

3. (a) In observing the foregoing standards and before determining to suspend or accept applications for inclusion in the longshoremen's register, the commission shall consult with and consider the views of, including any statistical data or other factual information concerning the size of the longshoremen's register submitted by, carriers of freight by water, stevedores, waterfront terminal owners and operators, any labor organization representing employees registered by the commission, and any other person whose interests may be affected by the size of the longshoremen's register.

(b) Any joint recommendation or petition granted hereunder shall be subject to such terms and conditions as the commission may prescribe.

4. Any determination by the commission pursuant to this section to suspend or accept applications for inclusion in the longshoremen's register shall be made upon a record, shall not become effective until five days after notice thereof to the collective bargaining representative of stevedores and other employers of longshoremen in the port of

New York district in this state and to the labor organization representing such longshoremen and/or the petitioning stevedore or other employer of longshoremen in the port of New York district in this state and shall be subject to judicial review for being arbitrary, capricious, and an abuse of discretion in a proceeding jointly instituted by such representative and such labor organization and/or by the petitioning stevedore or other employer of longshoremen in the port of New York district in this state. Such judicial review proceeding may be instituted in the manner provided by the law of this state for review of the final decision or action of administrative agencies of this state, provided, however, that such proceeding shall be decided directly by the appellate division as the court of first instance (to which the proceeding shall be transferred by order of transfer by the supreme court in the state of New York by notice of appeal from the commission's determination) and provided further that notwithstanding any other provision of law in this state no court shall have power to stay the commission's determination prior to final judicial decision for more than fifteen days. In the event that the court enters a final order setting aside the determination by the commission to accept applications for inclusion in the longshoremen's register, the registration of any longshoremen included in the longshoremen's register as a result of such determination by the commission shall be cancelled.

5. This section shall apply, notwithstanding any other provision of this act, provided however, such section shall not in any way limit or restrict the provisions of this subdivision empowering the commission to register longshoremen on a temporary basis to meet special or emergency needs or the provisions of subdivision four of section five hundred thirty-four-k of this article relating to the immediate reinstatement of persons removed from the longshoremen's register pursuant to this section.

6. Upon the granting of any joint recommendation or petition under this section for the acceptance of applications for inclusion in the longshoremen's register, the commission shall accept applications upon written sponsorship from the prospective employer of longshoremen. The sponsoring employer shall furnish the commission with the name, address and such other identifying or category information as the commission may prescribe for any person so sponsored. The sponsoring employer shall certify that the selection of the persons so sponsored was made in a fair and non-discriminatory basis in accordance with the requirements of the laws of the United States and the state of New York dealing with equal employment opportunities. Notwithstanding any of the foregoing, where the commission determines to accept applications for inclusion in the longshoremen's register on its own initiative, such acceptance shall be accomplished in such manner deemed appropriate by the commission.

7. Notwithstanding any other provision of this article, the commission may include in the longshoremen's register under such terms and conditions as the commission may prescribe:

(a) a person issued registration on a temporary basis to meet special or emergency needs who is still so registered by the commission; and

(b) a person defined as a longshoreman in subparagraph four of paragraph (a), or paragraph (b) of subdivision twelve of section five hundred thirty-four-b of this article who is employed by a stevedore defined in paragraph (c) or (d) of subdivision twenty-two of section five hundred thirty-four-b of this article and whose employment is not subject to the guaranteed annual income provisions of any collective bargaining agreement relating to longshoremen.

8. The commission may include in the longshoremen's register, under such terms and conditions as the commission may prescribe, persons issued registration on a temporary basis as a longshoreman or a checker to meet special or emergency needs and who are still so registered by the commission upon the enactment of this act.

9. Nothing in this section shall be construed to modify, limit or restrict in any way any of the rights protected by section five hundred thirty-four-q of this article.

§ 534-m. Port watchmen. 1. No person shall act as a port watchman within the port of New York district in this state without first having obtained a license from the commission or previously, from the bi-state commission, and no person shall employ a port watchman who is not so licensed.

2. A license to act as a port watchman shall be issued only upon written application, duly verified, which shall state the following:

(a) The full name, residence, business address (if any), place and date of birth and social security number of the applicant;

(b) The present and previous occupations of the applicant, including the places where the person was employed and the names of the person's employers;

(c) The citizenship of the applicant and, if the person is a naturalized citizen of the United States, the court and date of naturalization; and

(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the applicant.

3. No such license shall be granted:

(a) Unless the commission shall be satisfied that the applicant possesses good character and integrity;

(b) If the applicant has, without subsequent pardon, been convicted by a court of the United States or of any state or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any crime punishable by death or imprisonment for a term exceeding one year or any of the misdemeanors or offenses described in paragraph (b) of subdivision three of section five hundred thirty-four-f of this article;

(c) Unless the applicant shall meet such reasonable standards of physical and mental fitness for the discharge of a port watchmen's duties as may from time to time be established by the commission;

(d) If the applicant shall be a member of any labor organization which represents longshoremen or pier superintendents or hiring agents; but nothing in this section shall be deemed to prohibit port watchmen from being represented by a labor organization or organizations which do not also represent longshoremen or pier superintendents or hiring agents. The American Federation of Labor and Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or pier superintendents or hiring agents within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or pier superintendents or hiring agents;

(e) If the applicant knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United States by force or violence or shall be a member of a group which advocates such desirability, knowing the purposes of such group include such advocacy.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this section and regulations issued pursuant thereto, the commission shall issue and deliver a license to the applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this section pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of six months.

5. A license granted pursuant to this section shall continue for a term of three years. A license may be renewed by the commission for successive three-year periods upon fulfilling the same requirements as set forth in this section for an original application.

6. Notwithstanding any provision set forth in this section, a license to act as a port watchman shall continue and need not be renewed, provided the licensee shall, as required by the commission:

(a) Submit to a medical examination and meet the physical and mental fitness standards established by the commission pursuant to paragraph (c) of subdivision three of this section;

(b) Complete a refresher course of training; and

(c) Submit supplementary personal history information.

7. Any license issued pursuant to this section may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

(a) Conviction of a crime or other cause which would permit or require the person's disqualification from receiving a license upon original application;

(b) Fraud, deceit or misrepresentation in securing the license; and

(c) Any other offense described in paragraphs (c), (d), (e), (f), (g), (h), and (i) of subdivision seven of section five hundred thirty-four-f of this article.

8. The commission shall, at regular intervals, cancel the license or temporary permit of a port watchman who shall have failed during the preceding twelve months to have worked as a port watchman in the port of New York district a minimum number of hours as shall have been established by the commission, except that immediate restoration of such license or temporary permit shall be made upon proper showing that the failure to so work was caused by the fact that the licensee or permittee was engaged in the military service of the United States or was incapacitated by ill health, physical injury or other good cause.

9. Any applicant for port watchman ineligible for a license by reason of the provisions of paragraph (b) of subdivision three of this section may petition for and the commission may issue an order removing the ineligibility. A petition for an order to remove ineligibility may be made to the commission before or after the hearing required by section five hundred thirty-four-n of this article.

§ 534-n. Hearings, determinations and review. 1. The commission shall not deny any application for a license or registration without giving the applicant or prospective licensee reasonable prior notice and an opportunity to be heard by the commission.

2. Any application for a license or for inclusion in the longshoremen's register, and any license issued or registration made, may be denied, revoked, or suspended only in the manner prescribed in this section.

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke or suspend any license or registration after a hearing at which the licensee or registrant and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking or suspending any license or registration shall not become effective until fifteen days subsequent to the serving of notice thereof upon the licensee or registrant unless in the opinion of the commission the continuance of the license or registration for such period would be inimical to the public peace or safety. Such hearings shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than ten days and shall state the nature of the complaint.

4. Pending the determination of such hearing pursuant to subdivision three of this section, the commission may temporarily suspend a permit, license or registration until further order of the commission if in the opinion of the commission the continuance of the permit, license or registration for such period is inimical to the public peace or safety.

(a) The commission may temporarily suspend a permit, license or registration pursuant to the provisions of this subdivision until further order of the commission or final disposition of the underlying case, only where the permittee, licensee or registrant has been indicted for, or otherwise charged with, a crime which is equivalent to a felony in the state of New York or any crime punishable by death or imprisonment for a term exceeding one year or only where the permittee or licensee is a port watchman who is charged by the commission pursuant to this section with misappropriating any other person's property at or on a pier or other waterfront terminal.

(b) In the case of a permittee, licensee or registrant who has been indicted for, or otherwise charged with, a crime, the temporary suspension shall terminate immediately upon acquittal or upon dismissal of the criminal charge, unless in the opinion of the commission the continuance of any such permit, license or registration is inimical to the public peace or safety.

(c) A person whose permit, license or registration has been temporarily suspended may, at any time, demand that the commission conduct a hearing as provided for in this section. Within sixty days of such demand, the commission shall commence the hearing and, within thirty days of receipt of the administrative judge's report and recommendation, the commission shall render a final determination thereon; provided, however, that these time requirements, shall not apply for any period of delay caused or requested by the permittee, licensee or registrant. Upon failure of the commission to commence a hearing or render a determination within the time limits prescribed herein, the temporary suspension of the licensee or registrant shall immediately terminate. Notwithstanding any other provision of this subdivision, if a federal, state, or local law enforcement agency or prosecutor's office shall request the suspension or deferment of any hearing on the ground that such a hearing would obstruct or prejudice an investigation or prosecution, the commission may in its discretion, postpone or defer such hearing for a time certain or indefinitely. Any action by the commission to postpone a hearing shall be subject to immediate judicial review as provided in subdivision seven of this section.

(d) The commission may in addition, within its discretion, bar any permittee, licensee or registrant whose license or registration has been suspended pursuant to this section, from any employment by a licensed

stevedore or a carrier of freight by water during the period of such suspension, if the alleged crime that forms the basis of such suspension involves the possession with intent to distribute, sale, or distribution of a controlled dangerous substance (controlled substance), or controlled dangerous substance analog (controlled substance analog), racketeering or theft from a pier or waterfront terminal.

5. The commission, or such officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpoenas to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any officer, employee or agent of the commission designated by the commission for such purpose to issue subpoenas at the request of and upon behalf of the licensee, registrant or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearing.

6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determination as it deems proper and shall execute an order carrying such findings into effect. The action in the case of an application for a license or registration shall be the granting or denial thereof. The action in the case of a licensee shall be revocation of the license or suspension thereof for a fixed period or reprimand or a dismissal of the charges. The action in the case of a registered longshoreman shall be dismissal of the charges, reprimand or removal from the longshoremen's register for a fixed period or permanently.

7. The action of the commission in denying any application for a license or in refusing to include any person in the longshoremen's register under this act or in suspending or revoking such license or removing any person from the longshoremen's register or in reprimanding a licensee or registrant shall be subject to judicial review by a proceeding instituted in this state at the instance of the applicant, licensee or registrant in the manner provided by state law for review of the final decision or action of an agency of this state provided, however, that notwithstanding any other provision of law the court shall have power to stay for not more than thirty days an order of the commission suspending or revoking a license or removing a longshoreman from the longshoremen's register.

8. At hearings conducted by the commission pursuant to this section, applicants, prospective licensees, licensees and registrants shall have the right to be accompanied and represented by counsel.

9. After the conclusion of a hearing but prior to the making of an order by the commission, a hearing may, upon petition and in the discretion of the hearing officer, be reopened for the presentation of additional evidence. Such petition to reopen the hearing shall state in detail the nature of the additional evidence, together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The commission may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence. Upon petition, after the making of an order of the commission, rehearing may be granted in the discretion of the commission. Such a petition for rehearing shall state in detail the grounds upon which the petition is based and shall separately set forth each error of law and fact alleged to have been made by the commission in its determination, together with the facts and arguments in support thereof. Such petition shall be filed

with the commission not later than thirty days after service of such order, unless the commission for good cause shown shall otherwise direct. The commission may upon its own motion grant a rehearing after the making of an order.

§ 534-o. Employment information centers. 1. The commission shall establish and maintain one or more employment information centers within the port of New York district in this state at such locations as it may determine. No person shall, directly or indirectly, hire any person for work as a longshoreman or port watchman within the port of New York district in this state, except through such particular employment information center or centers as may be prescribed by the commission. No person shall accept any employment as a longshoreman or port watchman within the port of New York district in this state, except through such an employment information center. At each such employment information center the commission shall keep and exhibit the longshoremen's register and any other records it shall determine to the end that longshoremen and port watchmen shall have the maximum information as to available employment as such at any time within the port of New York district in this state and to the end that employers shall have an adequate opportunity to fill their requirements of registered longshoremen and port watchmen at all times.

2. Every employer of longshoremen or port watchmen within the port of New York district in this state shall furnish such information as may be required by the rules and regulations prescribed by the commission with regard to the name of each person hired as a longshoreman or port watchman, the time and place of hiring, the time, place and hours of work, and the compensation therefor.

§ 534-p. Implementation of telecommunications hiring system for longshoremen and checkers; registration of telecommunications system controller. 1. The commission may designate one of the employment information centers it is authorized to establish and maintain under section five hundred thirty-four-o of this article for the implementation of a telecommunications hiring system through which longshoremen and checkers may be hired and accept employment without any personal appearance at said center. Any such telecommunications hiring system shall incorporate hiring and seniority agreements between the employers of longshoremen and checkers and the labor organization representing longshoremen and checkers in the port of New York district in this state, provided said agreements are not in conflict with the provisions of the article.

2. The commission shall permit employees of the association representing employers of longshoremen and checkers and of the labor organization representing longshoremen and checkers in the port of New York district in this state, or of a joint board of such association and labor organization, to participate in the operation of said telecommunications hiring system, provided that any such employee is registered by the commission as a "telecommunications system controller" in accordance with the provisions, standards and grounds set forth in the act with respect to the registration of checkers. No person shall act as a "telecommunications system controller" unless that person is so registered. Any application for such registration and any registration made or issued may be denied, revoked, or suspended, as the case may be, only in the manner prescribed in section five hundred thirty-four-n of this article. Any and all such participation in the operation of said telecommunications hiring system shall be monitored by the commission.

3. Any and all records, documents, tapes, discs and other data compiled, collected or maintained by said association of employers,

labor organization and joint board of such association and labor organization pertaining to the telecommunications hiring system shall be available for inspection, investigation and duplication by the commission.

§ 534-q. Construction of act. 1. This act is not designed and shall not be construed to limit in any way any rights granted or derived from any other statute or any rule of law for employees to organize in labor organizations, to bargain collectively and to act in any other way individually, collectively, and through labor organizations or other representatives of their own choosing. Without limiting the generality of the foregoing, nothing contained in this act shall be construed to limit in any way the right of employees to strike.

2. This act is not designed and shall not be construed to limit in any way any rights of longshoremen, hiring agents, pier superintendents or port watchmen or their employers to bargain collectively and agree upon any method for the selection of such employees by way of seniority, experience, regular gangs or otherwise, provided that such employees shall be licensed or registered hereunder and such longshoremen and port watchmen shall be hired only through the employment information centers established hereunder and that all other provisions of this act be observed.

§ 534-r. Certain solicitations prohibited; prohibition against the holding of union position by officers, agents or employees who have been convicted of certain crimes and offenses. 1. No person shall solicit, collect or receive any dues, assessments, levies, fines or contributions, or other charges within the state for or on behalf of any labor organization which represents employees registered or licensed pursuant to the provisions of this article or which derives its charter from a labor organization representing one hundred or more of such registered or licensed employees, if any officer, agent or employee of such labor organization, or of a welfare fund or trust administered partially or entirely by such labor organization or by trustees or other persons designated by such labor organization, has been convicted by a court of the United States, or any state or territory thereof, of a felony, any misdemeanor involving moral turpitude or any crime or offense enumerated in paragraph (b) of subdivision three of section five hundred thirty-four-j of this article, unless such person has been subsequently pardoned therefor by the governor or other appropriate authority of the state or jurisdiction in which such conviction was had or has received a certificate of good conduct from the board of parole pursuant to the provisions of the executive law to remove the disability. No person so convicted shall serve as an officer, agent or employee of such labor organization, welfare fund or trust unless such person has been so pardoned or has received a certificate of good conduct. No person, including such labor organization, welfare fund or trust, shall knowingly permit such convicted person to assume or hold any office, agency, or employment in violation of this section.

2. As used in this section, the term "labor organization" shall mean and include any organization which exists and is constituted for the purpose in whole or in part of collective bargaining, or of dealing with employers concerning grievances, terms and conditions of employment, or of other mutual aid or protection; but it shall not include a federation or congress of labor organizations organized on a national or international basis even though one of its constituent labor organizations may represent persons so registered or licensed.

3. Any person who shall violate this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than one year or both.

4. If upon application to the commission by an employee who has been convicted of a crime or offense specified in subdivision one of this section the commission, in its discretion, determines in an order that it would not be contrary to the purposes and objectives of this act for such employee to work in a particular employment for a labor organization, welfare fund or trust within the meaning of subdivision two of this section, the provisions of subdivision two of this section shall not apply to the particular employment of such employee with respect to such conviction or convictions as are specified in the commission's order. This section is applicable only to those employees who for wages or salary perform manual, mechanical, or physical work of a routine or clerical nature at the premises of the labor organization, welfare fund or trust by which they are employed.

5. No person who has been convicted of a crime or offense specified in subdivision one of this section shall directly or indirectly serve as an officer, agent or employee of a labor organization, welfare fund or trust unless such person has been subsequently pardoned for such crime or offense by the governor or other appropriate authority of the state or jurisdiction in which such conviction was had or has received a certificate of good conduct or other relief from disabilities arising from the fact of conviction from a board of parole or similar authority or has received pursuant to subdivision one of this section an order of exception from the commission. No person, including a labor organization, welfare fund or trust within the meaning of subdivision one of this section, shall knowingly permit any other person to assume or hold any office, agency or employment in violation of this section.

6. The commission may maintain a civil action against any person, labor organization, welfare fund or trust or officers thereof to compel compliance with this section, or to prevent any violations, the aiding and abetting thereof, or any attempt or conspiracy to violate this section, either by mandamus, injunction or action or proceeding in lieu of prerogative writ and upon a proper showing a temporary restraining order or other appropriate temporary order shall be granted ex parte and without bond pending final hearing and determination. Nothing in this section shall be construed to modify, limit or restrict in any way the provisions of subdivision one of this section.

§ 534-s. General violations; prosecutions; penalties. 1. The failure of any witness, when duly subpoenaed to attend, give testimony or produce other evidence, whether or not at a hearing, shall be punishable by the supreme court in New York in the same manner as said failure is punishable by such court in a case therein pending.

2. Any person who, having been duly sworn or affirmed as a witness in any such hearing, shall willfully give false testimony or who shall willfully make or file any false or fraudulent report or statement required by this article to be made or filed under oath, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year or both.

3. Any person who, having been duly sworn or affirmed as a witness in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this article, shall willfully give false testimony shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year or both.

4. The commission may maintain a civil action on behalf of the state against any person who violates or attempts or conspires to violate this section or who fails, omits, or neglects to obey, observe, or comply with any order or direction of the commission, to recover a judgment for a money penalty not exceeding five hundred dollars for each and every offense. Every violation of any such provision, order or direction, shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct offense. Any such action may be compromised or discontinued on application of the commission upon such terms as the court may approve and a judgment may be rendered for an amount less than the amount demanded in the complaint as justice may require.

5. The commission may maintain a civil action against any person to compel compliance with any of the provisions of this act or to prevent violations, attempts or conspiracies to violate any such provisions, or interference, attempts or conspiracies to interfere with or impede the enforcement of any such provisions or the exercise performance of any power or duty thereunder, either by mandamus, injunction or action or proceeding in lieu of prerogative writ.

6. Any person who violates or attempts or conspires to violate any other provision of this article shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

7. Any person who interferes with or impedes the orderly registration of longshoremen pursuant to this act or who conspires to or attempts to interfere with or impede such registration shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

8. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from registering pursuant to this act shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

9. Any person who shall violate any of the provisions of this article or of section five hundred thirty-four-x of this article for which no other penalty is prescribed shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

10. No person shall, without a satisfactory explanation, loiter upon any vessel, dock, wharf, pier, bulkhead, terminal, warehouse, or other waterfront facility or within five hundred feet thereof in that portion of the port of New York district within the state of New York.

11. Any person who, without justification or excuse in law, directly or indirectly intimidates or inflicts any injury, damage, harm, loss or economic reprisal upon any person licensed or registered by the commission, or any other person, or attempts, conspires or threatens so to do, in order to interfere with, impede or influence such licensed or registered person in the performance or discharge of the person's duties or obligations shall be punishable as provided in subdivision three of section five hundred thirty-four-r of this article.

12. In any prosecution under this act, it shall be sufficient to prove only a single act or a single holding out or attempt prohibited by law, without having to prove a general course of conduct, in order to prove a violation.

§ 534-t. Denial of applications. In addition to the grounds elsewhere set forth in this article, the commission may deny an application for a license or registration for any of the following:

1. Conviction by a court of the United States or any state or territory thereof of coercion;

2. Conviction by any such court, after having been previously convicted by any such court of any crime or of the offenses set forth in this article, of a misdemeanor or any of the following offenses: assault, malicious injury to property, malicious mischief, unlawful taking of a motor vehicle, corruption of employees or possession of lottery or number slips;

3. Fraud, deceit or misrepresentation in connection with any application or petition submitted to, or any interview, hearing or proceeding conducted by the commission;

4. Violation of any provision of this act or commission of any offense under this article;

5. Refusal on the part of any applicant, or prospective licensee, or of any member, officer or stockholder required by subdivision two of section five hundred thirty-four-g of this article to sign or be identified in an application for a stevedore license, to answer any material question or produce any material evidence in connection with the person's application or any application made on the person's behalf for a license or registration pursuant to this article;

6. Association with a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this article would be inimical to the policies of this article; or

7. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States or any state or territory thereof under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this article would be inimical to the policies of this article.

§ 534-u. Revocation of licenses and registrations. In addition to the grounds elsewhere set forth in this article, any license or registration issued or made pursuant thereto may be revoked or suspended for such period as the commission deems in the public interest or the licensee or registrant may be reprimanded, for:

1. Conviction of any crime or offense in relation to gambling, bookmaking, pool selling, lotteries or similar crimes or offenses if the crime or offense was committed at or on a pier or other waterfront terminal or within five hundred feet thereof;

2. Willful commission of, or willful attempt to commit at or on a waterfront terminal or adjacent highway, any act of physical injury to any other person or of willful damage to or misappropriation of any other person's property, unless justified or excused by law;

3. Receipt or solicitation of anything of value from any person other than a licensee's or registrant's employer as consideration for the selection or retention for employment of such licensee or registrant;

4. Coercion of a licensee or registrant by threat of discrimination or violence or economic reprisal, to make purchases from or to utilize the services of any person;

5. Refusal to answer any material question or produce any evidence lawfully required to be answered or produced at any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of this act, or, if such refusal is accompanied by a valid plea of privilege against self-incrimination, refusal to obey an order to answer such question or produce such evidence made by the commission pursuant to the provisions of subdivision one of section five hundred thirty-four-v of this article;

6. Association with a person who has been identified by a federal, state, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this act would be inimical to the policies of this article; or

7. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States or any state or territory thereof under circumstances where such association creates a reasonable belief that the participation of the applicant in any activity required to be licensed under this act would be inimical to the policies of this article.

§ 534-v. Refusal to answer question, immunity; prosecution. 1. In any investigation, interview or other proceeding conducted under oath by the commission or any duly authorized officer, employee or agent thereof, if a person refuses to answer a question or produce evidence of any other kind on the ground that the person may be incriminated thereby, and, notwithstanding such refusal, an order is made upon twenty-four hours' prior written notice to the attorney general of the state of New York, and to the appropriate district attorney or prosecutor having an official interest therein, by the commissioner or by the commissioner's designees appointed pursuant to the provisions of subdivision three of section five hundred thirty-four-c of this article, that such person answer the question or produce the evidence, such person shall comply with the order. If such person complies with the order, and if, but for this subdivision, would have been privileged to withhold the answer given or the evidence produced by the person, then immunity shall be conferred upon the person, as provided for in this section. "Immunity" as used in this subdivision means that such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which, in accordance with the order by the commission or the commissioner's designees appointed pursuant to the provisions of subdivision three of section five hundred thirty-four-c of this article, such person gave answer or produced evidence, and that no such answer given or evidence produced shall be received against the person upon any criminal proceeding. But the person may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury or contempt committed in answering, or failing to answer, or in producing or failing to produce evidence, in accordance with the order, and any such answer given or evidence produced shall be admissible against the person upon any criminal proceeding concerning such perjury or contempt. Immunity shall not be conferred upon any person except in accordance with the provisions of this subdivision. If, after compliance with the provisions of this subdivision, a person is ordered to answer a question or produce evidence of any other kind and complies with such order, and it is thereafter determined that the attorney general or appropriate district attorney or prosecutor having an offi-

cial interest therein not notified, such failure or neglect shall not deprive such person of any immunity otherwise properly conferred upon the person.

2. If a person, in obedience to a subpoena directing the person to attend and testify, comes into this state from another state, the person shall not, while in this state pursuant to such subpoena, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before the person's entrance into this state under the subpoena.

§ 534-w. Annual preparation of a budget request and assessments. 1. The commission shall annually submit a budget request, which shall be submitted to the director of the budget in such form as the director may require.

2. After taking into account such funds as may be available, the balance of the commission's budgeted expenses shall be assessed upon employers of persons registered or licensed under this act. Each such employer shall pay an assessment computed upon the gross payroll payments made by such employer to longshoremen, pier superintendents, hiring agents and port watchmen for work or labor performed within the port of New York district in this state, at a rate, not in excess of two per cent, computed by the commission in the following manner: the commission shall annually estimate the gross payroll payments to be made by employers subject to assessment and shall compute a rate thereon which will yield revenues sufficient to finance the commission's budget for each year. Such budget to be assessed upon employers may include a reasonable amount not to exceed ten percent of the total of all other items of expenditure contained therein, which shall be allocated to an applicable fund balance to be held in the commission's employers assessment account.

3. The commission may provide by regulation for the collection and auditing of assessments. Such assessments shall be payable pursuant to such provisions for administration, collection and enforcement as the state may provide by legislation. In addition to any other sanction provided by law, the commission may revoke or suspend any license held by any person under this article, or the person's privilege of employing persons registered or licensed hereunder, for non-payment of any assessment when due.

4. The assessment pursuant to this section shall be in lieu of any other charge for the issuance of licenses to stevedores, pier superintendents, hiring agents and pier watchmen or for the registration of longshoremen or the use of an employment information center. The commission shall establish reasonable procedures for the consideration of protests by affected employers concerning the estimates and computation of the rate of assessment.

§ 534-x. Payment of assessment. 1. Every person subject to the payment of any assessment under the provisions of section five hundred thirty-four-w of this article shall file on or before the fifteenth day of the first month of each calendar quarter-year a separate return, together with the payment of the assessment due, for the preceding calendar quarter-year during which any payroll payments were made to longshoremen, pier superintendents, hiring agents or port watchmen for work performed as such within the port of New York district in this state. Returns covering the amount of assessment payable shall be filed with the commission on forms to be furnished for such purpose and shall contain such data, information or matter as the commission may require to be included therein. The commission may grant a reasonable extension

of time for filing returns, or for the payment of assessment, whenever good cause exists. Every return shall have annexed thereto a certification to the effect that the statements contained therein are true.

2. Every person subject to the payment of assessment hereunder shall keep an accurate record of that person's employment of longshoremen, pier superintendents, hiring agents or port watchmen, which shall show the amount of compensation paid and such other information as the commission may require. Such records shall be preserved for a period of three years and be open for inspection at reasonable times. The commission may consent to the destruction of any such records at any time after said period or may require that they be kept longer, but not in excess of six years.

3. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined the commission shall give notice of any such determination to the person liable therefor. Such determination shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the same. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this section shall be subject to judicial review, if application for such review is made within thirty days after the giving of notice of such decision. Any determination under this section shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

(b) Any notice authorized or required under this section may be given by mailing the same to the person for whom it is intended at the last address given by that person to the commission, or in the last return filed by that person with the commission under this section, or, if no return has been filed then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of same by the person to whom addressed. Any period of time, which is determined according to the provisions of this section, for the giving of notice shall commence to run from the date of mailing of such notice.

4. Whenever any person shall fail to pay, within the time limited herein, any assessment which the person is required to pay to the commission under the provisions of this section the commission may enforce payment of such fee by civil action for the amount of such assessment with interest and penalties.

5. The employment by a nonresident of a longshoreman, or a licensed pier superintendent, hiring agent or port watchman in this state or the designation by a nonresident of a longshoreman, pier superintendent, hiring agent or port watchman to perform work in this state shall be deemed equivalent to an appointment by such nonresident of the secretary of state to be the nonresident's true and lawful attorney upon whom may be served the process in any action or proceeding against the nonresident growing out of any liability for assessments, penalties or interest, and a consent that any such process against the nonresident which is so served shall be of the same legal force and validity as if served personally within the state and within the territorial jurisdiction of the court from which the process issues. Service of process within this state shall be made by either:

(a) personally delivering to and leaving with the secretary of state duplicate copies thereof at the office of the department of state, in which event the secretary of state shall forthwith send by registered mail one of such copies to the person at the last address designated by the person to the commission for any purpose under this section or in the last return filed by the person under this section with the commission or as shown on the records of the commission, or if no return has been filed, at the person's last known office address within or outside of the state; or

(b) personally delivering to and leaving with the secretary of state a copy thereof at the office of the department of state and by delivering a copy thereof to the person, personally outside of the state. Proof of such personal service outside of the state shall be filed with the clerk of the court in which the process is pending within thirty days after such service and such service shall be complete ten days after proof thereof is filed.

6. Whenever the commission shall determine that any moneys received as assessments were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

7. In addition to any other powers authorized hereunder, the commission shall have power to promulgate reasonable rules and regulations to effectuate the purposes of this section.

8. Any person who shall willfully fail to pay any assessment due hereunder, shall be assessed interest at a rate of one percent per month on the amount due and unpaid and penalties of five percent of the amount due for each thirty days or part thereof that the assessment remains unpaid. The commission, may, for good cause shown, abate all or part of such penalty.

9. Any person who shall willfully furnish false or fraudulent information or shall willfully fail to furnish pertinent information, as required, with respect to the amount of assessment due, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both.

10. All funds of the commission received as payment of any assessment or penalty under this section shall be deposited with the comptroller. The comptroller may require that all such deposits be secured by obligations of the United States or of the state of New York of a market value equal at all times to the amount of the deposits, and all banks and trust companies are authorized to give such security for such deposits.

11. The commission shall reimburse the state for any funds advanced to the commission exclusive of sums appropriated pursuant to section five hundred thirty-four-w of this article.

§ 534-y. Transfer of officers, employees. 1. Any officer or employee in the state, county or municipal civil service in either state who shall transfer to service with the commission may be given one or more leaves of absence without pay and may, before the expiration of such leave or leaves of absence, and without further examination or qualification, return to the person's former position or be certified by the appropriate civil service agency for retransfer to a comparable position in such state, county, or municipal civil service if such a position is then available.

2. The commission may, by agreement with any federal agency from which any officer or employee may transfer to service with the commission,

make similar provision for the retransfer of such officer or employee to such federal agency.

3. Any officer or employee in the state, county or municipal service in New York State who shall transfer to service with the commission and who is a member of the New York State and Local Retirement System, shall continue to have all rights, privileges, obligations and status with respect to such system as provided under the New York Retirement and Social Security Law.

§ 3. Paragraphs (h) and (k) of subdivision 34 of section 1.20 of the criminal procedure law, as amended by chapter 187 of the laws of 2023, are amended to read as follows:

(h) An investigator employed by the New York Waterfront Commission or a commission created by an interstate compact[~~, or by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended,~~] who is, to a substantial extent, engaged in the enforcement of the criminal laws of this state;

(k) A sworn officer of the New York Waterfront Commission or a police force of a public authority created by an interstate compact[~~, or by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended,~~] where such force is certified in accordance with paragraph (d) of subdivision one of section eight hundred forty-six-h of the executive law;

§ 4. Subdivision 34 of section 2.10 of the criminal procedure law, as added by chapter 843 of the laws of 1980, is amended to read as follows:

34. New York Waterfront [~~and airport~~] investigators, pursuant to [~~subdivision four of section ninety-nine hundred six of the unconsolidated laws~~] article nineteen-I of the executive law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 5. Paragraph k of subdivision 11 of section 302 of the retirement and social security law, as added by chapter 187 of the laws of 2023, is amended to read as follows:

k. Service as an investigator or sworn officer of the New York Waterfront Commission or the waterfront commission of New York harbor [~~or the commission created by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended~~].

§ 6. Subdivision a and subparagraph (ii) of paragraph 1 of subdivision c section 381-b of the retirement and social security law, as amended by chapter 187 of the laws of 2023, are amended to read as follows:

a. Membership. Every member or officer of the division of state police in the executive department who enters or re-enters service in the division on or after April first, nineteen hundred sixty-nine, and every investigator or sworn officer employed by the commission created by section six of chapter eight hundred eighty-two of the laws of nineteen hundred fifty-three, constituting the waterfront commission act, as amended, on or after July first, two thousand twenty-three, and every investigator or sworn officer employed by the New York Waterfront Commission in the executive department shall be covered by the provisions of this section, and every member or officer of the division of state police in the executive department in such service on such date may elect to be covered by the provisions of this section by filing an

election therefor with the comptroller on or before March thirty-first, nineteen hundred seventy-two. To be effective, such election must be duly executed and acknowledged on a form prepared by the comptroller for that purpose.

(ii) for service rendered as an investigator or sworn officer of the waterfront commission of New York harbor, **for service rendered as an investigator or sworn officer of the New York Waterfront Commission,** [~~and~~] for service rendered as an investigator-trainee of the waterfront commission of New York harbor, **and for service rendered as an investigator-trainee of the New York Waterfront Commission,** that was creditable under subdivision w of section three hundred eighty-four-d of this article; and

§ 7. Subdivision w of section 384-d of the retirement and social security law, as added by chapter 407 of the laws of 2000, is amended to read as follows:

w. Notwithstanding any other provision of law to the contrary, any member of the New York state and local police and fire retirement system who was a member of the New York state and local employees' retirement system while employed as an investigator-trainee, Waterfront Commission of New York Harbor **or the New York Waterfront Commission**, which [~~is~~] **are** not deemed to be police service, who [~~is~~] **are** employed by the **New York** Waterfront Commission [~~of New York Harbor~~], which is an employer electing to participate in the optional twenty year retirement plan pursuant to this section shall be deemed to have provided police service while so employed by the Waterfront Commission of New York Harbor **or the New York Waterfront Commission** and shall receive creditable service in the New York state and local police and fire retirement system for prior creditable service in the New York state and local employees' retirement system earned while employed as an investigator-trainee and shall have the period of such prior service credit counted as police service for the purpose of determining the amount of their pension and retirement allowance and period of service needed for retirement.

§ 8. Paragraph (c) of subdivision 1 of section 5 of the tax law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

(c) "Covered agency" shall mean the state of New York, any county of the state of New York, any department, board, bureau, commission, division, office, council or agency of the state or any such county, a public authority, a public benefit corporation, the port authority of New York and New Jersey or the waterfront commission of New York harbor. When a county is wholly included within a city, then the term "county" shall be read to include the city. **"Covered agency" shall also include the New York Waterfront Commission.**

§ 9. Paragraph 8 of subdivision c of section 1105 of the tax law, as added by chapter 190 of the laws of 1990, is amended to read as follows:

(8) Protective and detective services, including, but not limited to, all services provided by or through alarm or protective systems of every nature, including, but not limited to, protection against burglary, theft, fire, water damage or any malfunction of industrial processes or any other malfunction of or damage to property or injury to persons, detective agencies, armored car services and guard, patrol and watchman services of every nature other than the performance of such services by a port watchman licensed by the **New York Waterfront Commission or the** waterfront commission of New York harbor, whether or not tangible personal property is transferred in conjunction therewith.

§ 10. This act shall take effect June 30, 2024.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would create the New York Waterfront Commission and revise the Retirement and Social Security Law to make permanent the changes of Chapter 187 Laws of 2023, which added the titles of investigator and sworn officer employed by the Waterfront Commission Act, to the definition of membership in Section 381-b including making such service creditable under RSSL §381-b, and further expand creditable service to include service as an investigator-trainee.

If this bill is enacted during the 2024 Legislative Session, we do not anticipate any additional cost to the State of New York or the participating employers in the New York State and Local Police and Fire Retirement System.

To the extent that new members gain coverage under Section 381-b of the RSSL, we anticipate a contribution of 26.4% of salary paid to newly eligible members for the fiscal year ending March 31, 2025. In future years, this cost will vary but is expected to average 20.6% of salary annually.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 13, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-082, prepared by the Actuary for the New York State and Local Retirement System.

PART M

Section 1. Section 2 of part DDD of chapter 55 of the laws of 2021 amending the public authorities law relating to the clean energy resources development and incentives program, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed [~~three years after such date~~] **April 19, 2030**; provided however, that the amendments to section 1902 of the public authorities law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

§ 2. This act shall take effect immediately.

PART N

Section 1. Expenditures of moneys by the New York state energy research and development authority for services and expenses of the energy research, development and demonstration program, including grants, the energy policy and planning program, and the Fuel NY program shall be subject to the provisions of this section. Notwithstanding the provisions of subdivision 4-a of section 18-a of the public service law, all moneys committed or expended in an amount not to exceed $28,725,000 shall be reimbursed by assessment against gas corporations, as defined in subdivision 11 of section 2 of the public service law and electric corporations as defined in subdivision 13 of section 2 of the public service law, where such gas corporations and electric corporations have gross revenues from intrastate utility operations in excess of $500,000 in the preceding calendar year, and the total amount assessed shall be allocated to each electric corporation and gas corporation in proportion to its intrastate electricity and gas revenues in the calendar year 2022. Such amounts shall be excluded from the general assessment provisions of subdivision 2 of section 18-a of the public service law. The chair of the public service commission shall bill such gas and/or electric corporations for such amounts on or before August 10, 2024 and such amounts shall be paid to the New York state energy research and development authority on or before September 10, 2024. Upon receipt, the New York state energy research and development authority shall deposit such funds in the energy research and development operating fund established pursuant to section 1859 of the public authorities law. The New York state energy research and development authority is authorized and directed to: (1) transfer up to $4 million to the state general fund for climate change related services and expenses of the department of environmental conservation from the funds received; and (2) commencing in 2016, provide to the chair of the public service commission and the director of the budget and the chairs and secretaries of the legislative fiscal committees, on or before August first of each year, an itemized record, certified by the president and chief executive officer of the authority, or his or her designee, detailing any and all expenditures and commitments ascribable to moneys received as a result of this assessment by the chair of the department of public service pursuant to section 18-a of the public service law. This itemized record shall include an itemized breakdown of the programs being funded by this section and the amount committed to each program. The authority shall not commit for any expenditure, any moneys derived from the assessment provided for in this section, until the chair of such authority shall have submitted, and the director of the budget shall have approved, a comprehensive financial plan encompassing all moneys available to and all anticipated commitments and expenditures by such authority from any source for the operations of such authority. Copies of the approved comprehensive financial plan shall be immediately submitted by the chair to the chairs and secretaries of the legislative fiscal committees. Any such amount not committed by such authority to contracts or contracts to be awarded or otherwise expended by the authority during the fiscal year shall be refunded by such authority on a pro-rata basis to such gas and/or electric corporations, in a manner to be determined by the department of public service, and any refund amounts must be explicitly lined out in the itemized record described above.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024.

PART O

Section 1. Short title, legislative findings and declaration. This act shall be known and may be cited as the "renewable action through project interconnection and deployment (RAPID) act." The legislature hereby finds and declares that:

1. To timely achieve the renewable energy and greenhouse gas reduction targets established pursuant to the climate leadership and community protection act ("CLCPA"), while contemporaneously maintaining the reliability of the state's electric transmission system, action is needed to consolidate and expedite the environmental review and permitting of major renewable energy facilities and major electric utility transmission facilities.

2. Since enactment of the CLCPA, it has become apparent that the State's bulk and local transmission facilities need to be significantly upgraded to deliver renewable energy to load. These significant upgrades in the bulk and local transmission system must be undertaken in an expedited timeframe consistent with the timeframe to achieve the CLCPA targets.

3. In the context of achieving the CLCPA targets, a public policy purpose would be served and the interests of the people of the state of New York would be advanced by transferring the Office of Renewable Energy Siting ("ORES"), currently under the auspices of the Department of State, to the Department of Public Service ("DPS") and providing such office with additional responsibilities for the review and permitting of major electric transmission facilities as set forth in this act.

4. The legislature finds that such a transfer would combine the long-standing expertise of DPS related to transmission siting, planning and compliance with environmental and reliability standards with ORES's expertise related to the siting of renewable energy resources and, in so doing, create synergies, and otherwise provide for more efficient siting of major renewable energy and transmission facilities.

§ 2. Section 94-c of the executive law is REPEALED.

§ 3. Transfer of Office of Renewable Energy Siting. ORES, an office established in the Department of State by the Accelerated Renewable Energy Growth and Community Benefit Act, enacted under part JJJ of chapter 58 of the laws of 2020, is hereby transferred to and established within the DPS, and shall continue to have all existing functions, powers, duties and obligations of ORES together with the new additional functions, powers, duties and obligations set forth in this act.

§ 4. Continuity of existing functions, powers, duties and obligations. All of the existing functions, powers, obligations, and duties granted to ORES by section 94-c of the executive law now repealed, are hereby transferred, and shall be deemed to and held to constitute the continuation of such functions, powers, duties and obligations of ORES, and not a different agency, authority, department or office. All applications pending before ORES on the effective date of this act shall be considered and treated as applications filed pursuant to this act as of the date of filing of such applications.

§ 5. Transfer of employees. 1. Upon the transfer of such functions, powers, duties and obligations pursuant to this act, provision shall be made for the transfer of all employees of ORES situated within the department of state into DPS pursuant to subdivision 2 of section 70 of the civil service law. Employees so transferred shall be transferred without further examination or qualification to the same or similar titles, shall remain in the same collective bargaining units and shall retain their respective civil service classifications, status and rights

pursuant to their collective bargaining units and collective bargaining agreements.

2. All employees hired after the effective date of this section shall, consistent with the provisions of article 14 of the civil service law, be classified in the same bargaining units. Employees other than management or confidential persons as defined in article 14 of the civil service law serving positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained herein shall be construed to affect:

(a) the rights of employees pursuant to a collective bargaining agreement; or

(b) the representational relationships among employee organizations or the bargaining relationships between the state and an employee organization.

§ 6. Transfer of records. All records, including but not limited to, books, papers, and property of ORES shall be transferred and delivered to DPS.

§ 7. Transfer and continuation of regulations; conforming changes. Notwithstanding any inconsistent provision of the state administrative procedure act: all rules and regulations of ORES adopted at 19 NYCRR part 900 in force at the time of the transfer of ORES to DPS shall continue in full force and effect as rules and regulations of the department until duly modified or abrogated by such department; 19 NYCRR part 900 shall be and hereby is transferred to 16 NYCRR part XXX, with such conforming changes as shall be required to reflect the transfer and relocation of ORES to DPS as provided in this act, without the need for additional proceedings under the state administrative procedure act, and shall continue in full force and effect; and notwithstanding article 8 of the environmental conservation law and its implementing regulations, the transfer of 19 NYCRR part 900 to 16 NYCRR part XXX as provided in this section shall be excluded from review for all purposes under the state environmental quality review act, and shall not be subject to review or otherwise actionable under article 78 of the civil practice law and rules.

§ 8. Promulgation of rules and regulations. Notwithstanding any inconsistent provision of the state administrative procedure act, the ORES in consultation with DPS shall be authorized to promulgate regulations on an emergency basis to ensure the implementation of this act absent any finding of an emergency.

§ 9. Subdivisions 3, 4 and 13 of section 2 of the public service law, subdivisions 3 and 4 as amended by chapter 843 of the laws of 1981 and subdivision 13 as amended by chapter 375 of the laws of 2022, are amended and a new subdivision 2-e is added to read as follows:

2-e. The term "major renewable energy facility," when used in this chapter, means any renewable energy system, as such term is defined in section sixty-six-p of this chapter, with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants, including electric transmission facilities less than ten miles in length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system.

3. The term "corporation," when used in this chapter, includes a corporation, company, association and joint-stock association other than a corporation, company, association or joint stock association generat-

ing electricity, shaft horsepower, useful thermal energy or gas solely from one or more co-generation, small hydro or alternate energy production facilities or distributing electricity, shaft horsepower, useful thermal energy or gas solely from one or more of such facilities to users located at or near a project site; provided, however, that notwithstanding any other provision of law to the contrary, the term "corporation" includes the holder of a certificate or permit issued under article eight of this chapter, or a predecessor statute thereto, for a major renewable energy facility with an electric generating capacity between twenty-five and eighty megawatts or that otherwise opts into article eight of this chapter for purposes of enforcement under sections twenty-five and twenty-six of this article.

4. The word "person," when used in this chapter, includes an individual, firm or co-partnership other than an individual, firm or co-partnership generating electricity, shaft horsepower, useful thermal energy or gas solely from one or more co-generation, small hydro or alternate energy production facilities or distributing electricity, shaft horsepower, useful thermal energy or gas solely from one or more of such facilities to users located at or near a project site; provided, however, that an individual, firm or co-partnership generating or distributing electricity or gas solely from one or more co-generation, small hydro or alternate energy production facilities shall nevertheless be considered a person for purposes of commission jurisdiction under article seven of this chapter; provided, however, that notwithstanding any other provision of law to the contrary, the term "person" includes the holder of a certificate or permit issued under article eight of this chapter, or a predecessor statute thereto, for a major renewable energy facility with an electric generating capacity between twenty-five and eighty megawatts or that otherwise opts into article eight of this chapter for purposes of enforcement under sections twenty-five and twenty-six of this article.

13. The term "electric corporation," when used in this chapter, includes every corporation, company, association, joint-stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad corporation generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others) owning, operating or managing any electric plant or thermal energy network except where electricity or thermal energy is generated or distributed by the producer solely on or through private property for railroad or street railroad purposes or for its own use or the use of its tenants and not for sale to others; or except where electricity is generated by the producer solely from one or more co-generation, small hydro or alternate energy production facilities or distributed solely from one or more of such facilities to users located at or near a project site; provided, however, that notwithstanding any other provision of law to the contrary, the term "electric corporation" includes the holder of a certificate or permit issued under article eight of this chapter, or a predecessor statute thereto, for a major renewable energy facility with an electric generating capacity between twenty-five and eighty megawatts or that otherwise opts into article eight of this chapter for purposes of enforcement under sections twenty-five and twenty-six of this article.

§ 10. The public service law is amended by adding a new section 3-c to read as follows:

§ 3-c. Office of renewable energy siting and electric transmission. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Executive director" or "director" shall mean the executive director of the office of renewable energy siting and electric transmission.

(b) "ORES" and "office" shall mean the office of renewable energy siting and electric transmission established pursuant to this section.

(c) "Siting permit" shall mean the major renewable energy facility siting permit or major electric transmission facility permit issued by the executive director pursuant to article eight of this chapter, and the rules and regulations promulgated by ORES.

2. General powers and responsibilities. (a) There is hereby established in the department an office of renewable energy siting and electric transmission.

(b) ORES shall accept applications and evaluate, issue, amend, and approve the assignment and/or transfer of siting permits pursuant to article eight of this chapter. ORES shall exercise its authority by and through the executive director.

(c) ORES, by and through the executive director, shall be authorized to conduct hearings and dispute resolution proceedings, issue permits, and adopt such rules, regulations and procedures as may be necessary, convenient, or desirable to effectuate the purposes of this section and article eight of this chapter.

(d) ORES shall, among other things, continue unimpeded the work of the office of renewable energy siting established under the former section ninety-four-c of the executive law. All permits issued by the former office of renewable energy siting, established pursuant to former section ninety-four-c of the executive law, and all certificates of environmental compatibility and public need issued by the commission pursuant to article seven of this chapter shall be considered for all legal purposes to be permits issued by ORES.

(e) All final siting permits issued by ORES or heretofore issued by the office of renewable energy siting established pursuant to the former section ninety-four-c of the executive law are hereby enforceable by ORES and the department pursuant to section twenty-five and section twenty-six of this article as if issued by the commission, except that such permits issued to combination gas and electric corporations are also enforceable by ORES and the department pursuant to section twenty-five-a of this article.

(f) At the request of ORES, all other state agencies and authorities are hereby authorized to provide support and render services to the office within their respective functions.

§ 11. Articles 8 of the public service law, as added by chapter 708 of the laws of 1978 and as added by chapter 385 of the laws of 1972, are REPEALED and a new article 8 is added to read as follows:

ARTICLE VIII
SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION SITING

Section 136. Purpose.
137. Definitions.
138. General provisions related to establishing standards related to siting.
139. Applicability.
140. Application and notice.

141. Powers of municipalities and state agencies and authorities; scope.
142. Fees; local agency account.
143. Judicial review.
144. Farmland protection working group.

§ 136. Purpose. It is the purpose of this article to consolidate the environmental review, permitting, and siting in this state of major renewable energy facilities and major electric transmission facilities subject to this article, and to provide ORES as a single forum for the coordinated and timely review of such projects to meet the state's renewable energy goals and ensure the reliability of the electric transmission system, while also ensuring the protection of the environment and consideration of all pertinent social, economic and environmental factors in the decision to permit such projects as more specifically provided in this article.

§ 137. Definitions. Where used in this article, the following terms shall have the following meanings:

1. "CLCPA targets" shall mean the public policies established in the climate leadership and community protection act enacted in chapter one hundred six of the laws of two thousand nineteen, including but not limited to the requirement that a minimum of seventy percent of the statewide electric generation be produced by renewable energy systems by two thousand thirty, that by the year two thousand forty the statewide electrical demand system will generate zero emissions, and the procurement of at least nine gigawatts of offshore wind electricity generation by two thousand thirty-five, six gigawatts of photovoltaic solar generation by two thousand twenty-five and to support three gigawatts of statewide energy storage capacity by two thousand thirty.

2. "Dormant electric generating site" shall mean a site at which one or more electric generating facilities produced electricity but has permanently ceased operating.

3. "Major electric transmission facility" means an electric transmission line of a design capacity of one hundred twenty-five kilovolts or more extending a distance of one mile or more, or of one hundred kilovolts or more and less than one hundred twenty-five kilovolts, extending a distance of ten miles or more, including associated equipment, but shall not include any such transmission line located wholly underground in a city with a population in excess of one hundred twenty-five thousand or a primary transmission line approved by the federal energy regulatory commission in connection with a hydro-electric facility.

4. "Major renewable energy facility" means any renewable energy system, as such term is defined in section sixty-six-p of this chapter, with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants, including electric transmission facilities less than ten miles in length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system.

5. "Landowner" means the holder of any right, title, or interest in real property subject to a proposed site or right of way as identified from the most recent tax roll of the appropriate municipality.

6. "Local agency" means any local agency, board, district, commission or governing body, including any city, county, and other political subdivision of the state.

7. "Local agency account" or "account" shall mean the account established pursuant to section one hundred forty-two of this section.

8. "Municipality" shall mean a county, city, town, or village.

9. "Right-of-way" shall mean:

(a) real property that is used or authorized to be used for electric utility purposes; or

(b) real property owned or controlled by or under the jurisdiction of the state, a distribution utility, or a state public authority including by means of ownership, lease or easement, that is used or authorized to be used for transportation or canal purposes.

10. "ORES" shall mean the office of renewable energy siting and electric transmission established pursuant to section three-c of this chapter.

11. "Executive director" or "director" shall mean the executive director of the office of renewable energy siting and electric transmission.

12. "Siting permit" shall mean the major renewable energy facility siting permit or major electric transmission facility permit issued by the executive director pursuant to this article, and the rules and regulations promulgated by ORES.

§ 138. General provisions related to establishing standards related to siting. 1. (a) ORES shall be authorized to establish and amend a set of uniform standards and conditions for the siting, design, construction and operation of each type of major renewable energy facility subject to this article relevant to issues that are common for particular classes and categories of major renewable energy facilities, in consultation with other offices within the department, the New York state energy research and development authority, the department of environmental conservation, the department of agriculture and markets, and other relevant state agencies and authorities with subject matter expertise.

(b) The uniform standards and conditions established pursuant to this subdivision shall be designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts related to the siting, design, construction and operation of a major renewable energy facility. Such uniform standards and conditions shall apply to those environmental impacts ORES determines are common to each type of major renewable energy facility.

(c) In its review of an application for a permit to develop a major-renewable energy facility, ORES, in consultation with the department of environmental conservation, shall identify those site-specific adverse environmental impacts, if any, that may be caused or contributed to by a specific proposed major renewable energy facility and are unable to be addressed by the uniform standards and conditions. ORES shall draft in consultation with the department of environmental conservation site-specific permit terms and conditions for such impacts, including provisions for the avoidance or mitigation thereof, taking into account the CLCPA targets and the environmental benefits of the proposed major renewable energy facility; provided, however, that ORES shall require that the application of uniform standards and conditions and site-specific conditions shall achieve a net conservation benefit to any impacted endangered and threatened species.

2. (a) Within eighteen months of the effective date of this section, ORES shall, in consultation with other offices within the department, the New York state energy research and development authority, the department of environmental conservation, the department of agriculture and markets, and other agencies with subject matter expertise, establish a set of uniform standards and conditions for the siting, design,

construction, and operation of major electric transmission facilities subject to this article relevant to issues that are common to such projects.

(b) The uniform standards and conditions established pursuant to this article shall be designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts related to the siting, design, construction, and operation of a major electric transmission facility. Such uniform standards and conditions shall apply to those environmental impacts ORES determines are common to electric transmission facilities.

(c) In its review of an application for a permit to develop a major electric transmission facility, ORES, in consultation with the department of environmental conservation, shall identify those adverse site-specific environmental impacts, if any, that may be caused or contributed to by a specific proposed major electric transmission facility and are unable to be addressed by the uniform standards and conditions. ORES shall draft in consultation with the department of environmental conservation site-specific permit terms and conditions for such impacts, including provisions for the avoidance or mitigation thereof, taking into account the CLCPA targets, the environmental benefits of, and public need for the proposed major electric transmission facility; provided, however, that ORES shall require that the application of uniform standards and conditions and site-specific conditions shall achieve a net conservation benefit to any impacted endangered and threatened species.

(d) Upon the establishment of uniform standards and conditions required by this section and the promulgation of regulations specifying the content of an application for a siting permit for a major electric transmission facility, an application for such siting permit for a major electric transmission facility shall only be made pursuant to this article.

3. To the extent that adverse environmental impacts are not completely addressed by uniform standards and conditions and site-specific permit conditions proposed by ORES, and ORES determines that mitigation of such impacts may be achieved by off-site mitigation, ORES may require payment of a fee by the applicant to achieve such off-site mitigation. If ORES determines, in consultation with the department of environmental conservation, that mitigation of impacts to endangered or threatened species that achieves a net conservation benefit can be achieved by off-site mitigation, the amount to be paid for such off-site mitigation shall be set forth in the final siting permit. ORES may require payment of funds sufficient to implement such off-site mitigation into the endangered and threatened species mitigation fund established pursuant to section ninety-nine-hh of the state finance law.

4. ORES shall identify the basis of the public need for a major electric transmission facility and shall grant permits to such projects that demonstrate a qualified public need, so long as the adverse environmental impacts of the facility are identified and addressed by the uniform standards and conditions promulgated pursuant to this article and any site-specific permit conditions applied to the facility, or otherwise mitigated as provided in this article.

5. ORES, in consultation with the department, shall promulgate rules and regulations with respect to all necessary requirements to implement the siting permit program established in this article and promulgate modifications to such rules and regulations as it deems necessary; provided that ORES shall promulgate regulations requiring the service of

applications on affected municipalities and political subdivisions simultaneously with submission of an application.

§ 139. Applicability. 1. No person shall commence the preparation of a site for, or begin the construction of, a major renewable energy facility in the state, or increase the capacity of an existing major renewable energy facility, without having first obtained a siting permit pursuant to this article. Except as provided in paragraph (d) of subdivision five of this section, on and after eighteen months after the effective date of this article, no person shall commence the preparation of a site for, or begin construction of, a major electric transmission facility in the state without having first obtained a siting permit issued with respect to such facility pursuant to this article. Any major renewable energy facility or major electric transmission facility subject to this article with respect to which a siting permit is issued shall not thereafter be built, maintained, or operated except in conformity with such siting permit and any terms, limitations, or conditions contained therein, provided that nothing in this subdivision shall exempt such facility from compliance with federal laws and regulations.

2. A siting permit issued by ORES may be transferred or assigned, subject to the prior written approval of the office, to a person that agrees to comply with the terms, limitations and conditions contained in such siting permit.

3. ORES or a permittee may initiate an amendment to a siting permit under this section. An amendment initiated by ORES or permittee that is likely to result in any material increase in any adverse environmental impact or involves a substantial change to the terms or conditions of a siting permit shall comply with the public notice and hearing requirements of this section.

4. Any hearings or dispute resolution proceedings initiated under this section or pursuant to rules or regulations promulgated pursuant to this section may be conducted by the executive director of ORES or any person to whom the executive director shall delegate the power and authority to conduct such hearings or proceedings in the name of ORES at any time and place.

5. This section shall not apply:

(a) to any major electric transmission facility over which any agency or department of the federal government has exclusive jurisdiction, or has jurisdiction concurrent with that of the state and has exercised such jurisdiction, to the exclusion of regulation of the facility by the state; provided, however, nothing herein shall be construed to expand federal jurisdiction;

(b) to normal repairs, maintenance, replacements, non-material modifications and improvements of a major renewable energy facility or major electric transmission facility subject to this article, whenever built, which are performed in the ordinary course of business and which do not constitute a violation of any applicable existing permit;

(c) to a major renewable energy facility if, on or before the effective date of this article, an application has been made or granted for a license, permit, certificate, consent or approval from any federal, state or local commission, agency, board or regulatory body; and

(d) to a major electric transmission facility for which an application pursuant to article seven of this chapter and its implementing regulations is submitted on or before the establishment of the uniform standards and conditions required pursuant to subdivision two of section one hundred thirty-eight of this article.

6. After the effective date of this article, any person intending to construct a major electric transmission facility excluded from this section pursuant to paragraph (d) of subdivision five of this section may elect to become subject to the provisions of this section by filing an application for a siting permit pursuant to the regulations of ORES governing such applications.

§ 140. Application and notice. 1. (a) Notwithstanding any law to the contrary, ORES shall, within sixty days of its receipt of an application for a siting permit with respect to a major renewable energy facility subject to this article determine whether the application is complete and notify the applicant of its determination. If ORES does not deem the application complete, ORES shall set forth in writing delivered to the applicant the reasons why it has determined the application to be incomplete. If ORES fails to make a determination within the foregoing sixty-day time period, the application shall be deemed complete; provided, however, that the applicant may consent to an extension of the sixty-day time period for determining application completeness. Provided, further, that no application may be complete without proof of consultation with the municipality or political subdivision where the project is proposed to be located, or an agency thereof, prior to submission of an application to ORES, related to procedural and substantive requirements of local law.

(b) No later than sixty days following the date upon which an application has been deemed complete, and following consultation with any relevant state agency or authority, ORES shall publish for public comment draft permit conditions prepared by the office, which comment period shall be for a minimum of sixty days from public notice thereof, or notice of intent to deny with reasons thereof. Such public notice shall include, but shall not be limited to: (i) written notice to the municipalities or political subdivisions in which such project is proposed to be located; (ii) publication in a newspaper or in electronic form, having general circulation in such municipalities or political subdivisions; and (iii) posting the notice on the office's and the department's website.

(c) For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, pursuant to regulations promulgated in accordance with this article, the municipality or political subdivision or agency thereof shall within the timeframes established by this subdivision submit a statement to ORES indicating whether the proposed project is designed to be sited, constructed and operated in compliance with applicable local laws and regulations, if any, concerning the environment, or public health and safety. In the event that a municipality, political subdivision or an agency thereof submits a statement to ORES that the proposed project is not designed to be sited, constructed or operated in compliance with local laws and regulations and ORES determines not to hold an adjudicatory hearing on the application, ORES shall hold a non-adjudicatory public hearing in or near one or more of the affected municipalities or political subdivisions.

2. (a) Notwithstanding any law to the contrary, ORES shall, within one hundred twenty days after its receipt of an application for a siting permit with respect to a major electric transmission facility, determine whether the application is complete and notify the applicant of its determination. If ORES does not deem the application complete, it shall set forth in writing delivered to the applicant the reasons why it has determined the application to be incomplete. If ORES fails to make a

determination within the foregoing one hundred twenty day time period, the application shall be deemed complete; provided, however, that the applicant may consent to an extension of the one hundred twenty day time period for determining application completeness. Provided, further, that no application may be complete without proof of consultation with the municipality or political subdivision where the project is proposed to be located, or an agency thereof, prior to submission of an application to ORES, related to procedural and substantive requirements of local law.

(b) In addition to addressing uniform standards and conditions, the application for a siting permit with respect to a major electric transmission facility shall include, in such form as ORES may prescribe, the following information: (i) the location of the site or right-of-way; (ii) a description of the transmission facility to be built thereon; (iii) a summary of any studies which have been made of the environmental impact of the project, and a description of such studies; (iv) a statement explaining the public need for the facility; (v) copies of any studies of the electrical performance and system impacts of the facility performed by the state grid operator pursuant to its tariff; and (vi) such other information as the applicant may consider relevant or ORES may by regulation require.

(c) To the greatest extent practicable, each landowner of land on which any portion of such proposed facility is to be located shall be served by first class mail with a notice that such landowner's property may be impacted by a project and an explanation of how to file with ORES a notice of intent to be a party in the permit application proceedings and the timeframe for filing such application.

(d) No later than sixty days following the date upon which an application has been deemed complete, and following consultation with any relevant state agency or authority, ORES shall publish for public comment draft permit conditions prepared by the office, which comment period shall be for a minimum of sixty days from public notice thereof. Such public notice shall include, but shall not be limited to: (i) written notice to the municipalities and political subdivisions, in which the major electric utility transmission is proposed to be located and to landowners notified of the application pursuant to paragraph (c) of this subdivision; (ii) publication in a newspaper or in electronic form, having general circulation in such municipalities or political subdivisions; and (iii) posting on the office's and the department's website.

3. For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, pursuant to regulations promulgated in accordance with this section or otherwise in effect on the effective date of this article, the municipality or political subdivision or agency thereof shall within the timeframes established by this act submit a statement to ORES indicating whether the proposed facility is designed to be sited, constructed and operated in compliance with applicable local laws and regulations, if any, concerning the environment, or public health and safety. In the event that a municipality, political subdivision or an agency thereof submits a statement to ORES that the proposed facility is not designed to be sited, constructed or operated in compliance with local laws and regulations and ORES determines not to hold an adjudicatory hearing on the application, ORES shall hold a non-adjudicatory public hearing in the affected municipality or political subdivision.

4. If public comments on a draft permit condition published by ORES pursuant to this section, including comments provided by a municipality

or political subdivision or agency thereof, landowners, or members of the public, raise a substantive and significant issue, as defined in regulations adopted pursuant to this article, that requires adjudication, ORES shall promptly fix a date for an adjudicatory hearing to hear arguments and consider evidence with respect thereto; provided, however, that with respect to an application for a siting permit for a major electric transmission facility, any portion of which is to be located on the land of a landowner for which the applicant lacks a right-of-way agreement, ORES shall provide such landowner with an opportunity to challenge the explanation for the public need given in such application.

5. Following the expiration of the public comment period set forth in this section, and following the conclusion of a hearing undertaken pursuant to subdivision four of this section, ORES shall, in the case of a public comment period, issue a written summary of public comments and an assessment of comments received, and in the case of an adjudicatory hearing, the executive officer or any person to whom the executive director has delegated such authority shall issue a final written hearing report. A final siting permit may only be issued if ORES makes a finding that the proposed project, together with any applicable uniform and site-specific standards and conditions, would comply with applicable laws and regulations. In making a final siting permit determination with respect to a major renewable energy facility or a major electric transmission facility, ORES may elect not to apply, in whole or in part, any local law or ordinance that would otherwise be applicable if it makes a finding that, as applied to the proposed facility, it is unreasonably burdensome in view of the CLCPA targets, the environmental benefits, and in the case of a transmission facility, the public need for the proposed project.

6. Notwithstanding any other deadline made applicable by this section, ORES shall make a final decision on a siting permit within one year from the date the application was deemed complete, or within six months from the date the application was deemed complete if such application relates to a major renewable energy facility that is proposed to be sited on an existing or abandoned commercial use, including without limitation, brownfields, landfills, former commercial or industrial sites, dormant electric generating sites, and abandoned or otherwise underutilized sites, as further defined by the regulations promulgated by or in effect under this article. Unless ORES and the applicant have agreed to an extension and if a final siting permit decision has not been made by ORES within such time period, then such siting permit shall be deemed to have been automatically granted for all purposes set forth in this article and all uniform conditions or site specific permit conditions issued for public comment shall constitute enforceable provisions of the siting permit; provided, however, that with respect to a final siting permit decision related to a major electric transmission facility, any portion of which is to be located on the land of a landowner for which the applicant lacks an existing right-of-way agreement, no such permit may be automatically granted. The final siting permit related to a major renewable energy facility shall include a provision requiring the permittee to provide a host community benefit, which may be a host community benefit as determined by the commission pursuant to section eight of part JJJ of chapter fifty-eight of the laws of two thousand twenty or such other project as determined by ORES or as subsequently agreed to between the applicant and the host community.

7. ORES, in consultation with the department, may exempt from the requirements of this article applications for a major electric transmission facility that would be constructed substantially within existing rights-of-way.

§ 141. Powers of municipalities and state agencies and authorities; scope. 1. Notwithstanding any other provision of law, including without limitation article eight of the environmental conservation law and article seven of this chapter, no other state agency, department or authority, or any municipality or political subdivision or any agency thereof may, except as expressly authorized under this article or the rules and regulations promulgated under this article, require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of a major renewable energy facility or a major electric transmission facility with respect to which an application for a siting permit has been filed, provided in the case of a municipality, political subdivision or an agency thereof, such entity has received notice of the filing of the application therefor. Notwithstanding the foregoing, the department of environmental conservation shall be the permitting agency for permits issued pursuant to federally delegated or federally approved programs.

2. This section shall not impair or abrogate any federal, state or local labor laws or any otherwise applicable state law for the protection of employees engaged in the construction and operation of a major renewable energy facility or major electric transmission facility.

3. ORES and the department shall monitor, enforce and administer compliance with any terms and conditions set forth in a siting permit issued pursuant to this article and in doing so may use and rely on authority otherwise available under this chapter.

§ 142. Fees; local agency account. 1. Each application for a siting permit shall be accompanied by a fee in an amount equal to the following:

(a) for a major renewable energy facility, one thousand dollars for each thousand kilowatts of capacity of the proposed major renewable energy facility;

(b) for a major electric transmission facility of one hundred twenty-five kilovolts or more extending a distance of over one hundred miles, four hundred fifty thousand dollars;

(c) for a major electric transmission facility of one hundred twenty-five kilovolts or more extending a distance of over fifty miles to one hundred miles, three hundred fifty thousand dollars;

(d) for a major electric transmission facility requiring a new right-of-way and one hundred twenty-five kilovolts or more extending a distance of ten miles to fifty miles, one hundred thousand dollars; and

(e) for a major electric transmission facility utilizing an existing right-of-way and one hundred twenty-five kilovolts or more extending a distance of ten miles to fifty miles, fifty thousand dollars.

2. Such fee is to be deposited in an account to be known as the local agency account established for the benefit of local agencies and community intervenors by the New York state energy research and development authority and maintained in a segregated account in the custody of the commissioner of taxation and finance. ORES, in consultation with the department, may update the fee periodically solely to account for inflation. The proceeds of such account shall be disbursed by the office, in accordance with eligibility and procedures established by the rules and regulations promulgated by ORES or the department pursuant to

this article or in effect as of the effective date of this article, for the participation of local agencies and community intervenors in public comment periods or hearing procedures established by this article, including the rules and regulations promulgated hereto; provided that fees must be disbursed for municipalities, political subdivisions or an agency thereof, to determine whether a proposed project is designed to be sited, constructed and operated in compliance with the applicable local laws and regulations.

3. All funds so held by the New York state energy research and development authority shall be subject to an annual independent audit as part of such authority's audited financial statements, and such authority shall prepare an annual report summarizing account balances and activities for each fiscal year ending March thirty-first and provide such report to the office no later than ninety days after commencement of such fiscal year and post on the authority's website.

4. To the extent an applicant submitted intervenor funds pursuant to articles seven or ten of this chapter and has now filed an application for a siting permit pursuant to this article, any amounts held in an intervenor account established pursuant to articles seven and ten of this chapter for that project shall be applied to the intervenor account established by this section.

5. In addition to the fees established pursuant to this section, ORES or the department, pursuant to regulations adopted pursuant to this article, may assess a fee for the purpose of recovering costs incurred by the office; provided, however, that public utilities that are subject to section eighteen-a of this chapter shall not be assessed a fee for such costs.

6. In addition to the fees established pursuant to this section, ORES or the department, pursuant to regulations adopted pursuant to this article, may assess a fee for the purpose of recovering costs incurred by the New York state energy research and development authority pursuant to title nine-C of article eight of the public authorities law; provided, however, that public utilities that are subject to section eighteen-a of this chapter shall not be assessed a fee for such costs.

§ 143. Judicial review. 1. Any party aggrieved by the issuance or denial of a siting permit under this article may seek judicial review of such decision as provided in this section.

2. A judicial proceeding shall be brought in the third department of the appellate division of the supreme court of the state of New York. Such proceeding shall be initiated by the filing of a petition in such court within ninety days after the issuance of a final decision by ORES together with proof of service of a demand on ORES to file with said court a copy of a written transcript of the record of the proceeding and a copy of ORES's decision and opinion. ORES's copy of said transcript, decision and opinion, shall be available at all reasonable times to all parties for examination without cost. Upon receipt of such petition and demand ORES shall forthwith deliver to the court a copy of the record and a copy of ORES's decision and opinion. Thereupon, the court shall have jurisdiction of the proceeding and shall have the power to grant such relief as it deems just and proper, and to make and enter an order enforcing, modifying and enforcing as so modified, remanding for further specific evidence or findings or setting aside in whole or in part such decision. The appeal shall be heard on the record, without requirement of reproduction, and upon briefs to the court. The findings of fact on which such decision is based shall be conclusive if supported by

substantial evidence on the record considered as a whole and matters of judicial notice set forth in the opinion. The jurisdiction of the appellate division of the supreme court shall be exclusive and its judgment and order shall be final, subject to review by the court of appeals in the same manner and form and with the same effect as provided for appeals in a special proceeding. All such proceedings shall be heard and determined by the appellate division of the supreme court and by the court of appeals as expeditiously as possible and with lawful precedence over all other matters.

3. The grounds for and scope of review of the court shall be limited to whether the decision and opinion of ORES are:

(a) In conformity with the constitution, laws and regulations of the state and the United States;

(b) Supported by substantial evidence in the record and matters of judicial notice properly considered and applied in the opinion;

(c) Within the statutory jurisdiction or authority of ORES and the department;

(d) Made in accordance with procedures set forth in this section or established by rule or regulation pursuant to this article;

(e) Arbitrary, capricious or an abuse of discretion; or

(f) Made pursuant to a process that afforded meaningful involvement of citizens affected by the facility or project regardless of age, race, color, national origin and income.

4. Except as herein provided article seventy-eight of the civil practice law and rules shall apply to appeals taken hereunder.

§ 144. Farmland protection working group. 1. There is hereby created in the executive department a farmland protection working group consisting of appropriate stakeholders, including but not limited to:

(a) the commissioner of the department of agriculture and markets;

(b) the commissioner of the department of environmental conservation;

(c) the executive director of ORES;

(d) the chief executive officer of the department of public service;

(e) the president of the New York state energy research and development authority;

(f) local government officials or representatives from municipal organizations representing towns, villages, and counties; and

(g) representatives from at least two county agricultural and farmland protection boards.

2. The working group shall, no later than one year after the effective date of this section, recommend strategies to encourage and facilitate input from municipalities in the siting process and to develop recommendations that include approaches to recognize the value of viable agricultural land and methods to minimize adverse impacts to any such land resulting from the siting of major renewable energy facilities.

3. The working group, on call of the commissioner of the department of agriculture and markets, shall meet at least three times each year and at such other times as may be necessary.

§ 12. The public service law is amended by adding a new section 174 to read as follows:

§ 174. Major steam electric generating facilities certificates. Any certificate of environmental compatibility and public need issued to a major steam electric generating facility under the former article eight of this chapter shall be treated for purposes of compliance and enforcement as if such certificate was issued under article ten of this chapter.

§ 13. Subdivision (B) of section 206 of the eminent domain procedure law is amended to read as follows:

(B) pursuant to article VII [~~or article VIII~~] of the public service law it obtained a certificate of environmental compatibility and public need **or pursuant to article VIII of the public service law it obtained a siting permit with respect to a major electric transmission facility** or;

§ 14. Subparagraph (g) of paragraph 3 of subdivision (B) of section 402 of the eminent domain procedure law is amended to read as follows:

(g) if the property is to be used for the construction of a major utility transmission facility, as defined in section one hundred twenty of the public service law[~~, or major steam electric generating facility as defined in section one hundred forty of such law~~] with respect to which a certificate of environmental compatibility and public need has been issued under such law, a statement that such certificate relating to such property has been issued and is in force**, or if the property is to be used for the construction of a major electric transmission facility, as defined under article eight of the public service law, with respect to which a siting permit has been issued under such law, a statement that such permit relating to such property has been issued and is in force**.

§ 15. Subdivision 7 of section 6-106 of the energy law, as added by chapter 433 of the laws of 2009, is amended to read as follows:

7. Any person who participated in the state energy planning proceeding or any person who sought an amendment of the state energy plan pursuant to subdivision six of this section, may obtain, pursuant to article seventy-eight of the civil practice law and rules, judicial review of the board's decision adopting a plan, or any amendment thereto, or of the board's decision not to amend such plan pursuant to subdivision six of this section. Any such special proceeding shall be brought in the appellate division of the supreme court of the state of New York for the third judicial department. Such proceeding shall be initiated by the filing of a petition in such court within thirty days after the issuance of a decision by the board. The proceeding shall have a lawful preference over any other matter, shall be heard on an expedited basis and shall be completed in all respects, including any subsequent appeal, within one hundred eighty days of the filing of the petition. Where more than one such petition is filed, the court may provide for consolidation of the proceedings. Notwithstanding the provisions of [~~article~~] **articles** seven **and eight** of the public service law, the procedure set forth in this section shall constitute the exclusive means for seeking judicial review of any element of the plan.

§ 16. Paragraph (b) of subdivision 5 of section 8-0111 of the environmental conservation law, as amended by section 1 of part BBB of chapter 55 of the laws of 2021, is amended to read as follows:

(b) Actions subject to the provisions requiring a certificate of environmental compatibility and public need in articles seven[~~,~~] **and** ten [~~and the former article eight~~] of the public service law or requiring a siting permit under [~~section ninety-four-c of the executive law~~] **article eight of the public service law**; or

§ 17. Paragraph (d) of subdivision 2 of section 49-0307 of the environmental conservation law, as added by chapter 292 of the laws of 1984, is amended to read as follows:

(d) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law [~~or is required~~

~~for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to article eight of the public service law~~] or a major electric transmission facility which has received a siting permit pursuant to article eight of the public service law, upon the filing of such certificate or permit in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law.

§ 18. Paragraph (e) of subdivision 3 of section 49-0307 of the environmental conservation law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

(e) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law [~~or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to the former article eight of the public service law~~], a major electric transmission facility which has received a siting permit pursuant to article eight of the public service law, or a major electric generating facility or repowering project which has received a certificate of environmental compatibility and public need pursuant to article ten of the public service law, upon the filing of such certificate or permit in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law, provided that such certificate or permit contains a finding that the public interest in the conservation and protection of the natural resources, open spaces and scenic beauty of the Adirondack or Catskill parks has been considered.

§ 19. Paragraph (p) of subdivision 27-a of section 1005 of the public authorities law, as added by section 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(p) Nothing in this subdivision or subdivision twenty-seven-b of this section, shall be construed as exempting the authority, its subsidiaries, or any renewable energy generating projects undertaken pursuant to this section from the requirements of [~~section ninety-four-c of the executive law~~] article eight of the public service law respecting any renewable energy system developed by the authority or an authority subsidiary after the effective date of this subdivision that meets the definition of "major renewable energy facility" as defined in [~~section ninety-four-c of the executive law and section eight of part JJJ of chapter fifty-eight of the laws of two thousand twenty~~] article eight of the public service law, as it relates to host community benefits, and section 11-0535-c of the environmental conservation law as it relates to an endangered and threatened species mitigation bank fund.

§ 20. Section 1014 of the public authorities law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

§ 1014. Public service law not applicable to authority; inconsistent provisions in other acts superseded. The rates, services and practices relating to the generation, transmission, distribution and sale by the authority, of power to be generated from the projects authorized by this title shall not be subject to the provisions of the public service law nor to regulation by, nor the jurisdiction of the department of public service. Except to the extent article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, article eight of the public service law

applies to the siting and operation of a major electric transmission facility as defined therein, and article ten of the public service law applies to the siting of a major electric generating facility as defined therein, and except to the extent section eighteen-a of the public service law provides for assessment of the authority for certain costs relating thereto, the provisions of the public service law and of the environmental conservation law and every other law relating to the department of public service or the public service commission or to the environmental conservation department or to the functions, powers or duties assigned to the division of water power and control by chapter six hundred nineteen of the laws of nineteen hundred twenty-six, shall so far as is necessary to make this title effective in accordance with its terms and purposes be deemed to be superseded, and wherever any provision of law shall be found in conflict with the provisions of this title or inconsistent with the purposes thereof, it shall be deemed to be superseded, modified or repealed as the case may require.

§ 21. Subdivision 1 of section 1020-s of the public authorities law, as amended by chapter 681 of the laws of 2021, is amended to read as follows:

1. The rates, services and practices relating to the electricity generated by facilities owned or operated by the authority shall not be subject to the provisions of the public service law or to regulation by, or the jurisdiction of, the public service commission, except to the extent (a) article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, (b) **article eight of the public service law applies to the siting and operation of a major electric transmission facility as defined therein, (c)** article ten of such law applies to the siting of a generating facility as defined therein, [~~(c)~~] **(d)** section eighteen-a of such law provides for assessment for certain costs, property or operations, [~~(d)~~] **(e)** to the extent that the department of public service reviews and makes recommendations with respect to the operations and provision of services of, and rates and budgets established by, the authority pursuant to section three-b of such law, [~~(e)~~] **(f)** that section seventy-four of the public service law applies to qualified energy storage systems within the authority's jurisdiction, and [~~(f)~~] **(g)** that section seventy-four-b of the public service law applies to Long Island community choice aggregation programs.

§ 22. Paragraph (b) of subdivision 1 of section 1020-ii of the public authorities law, as amended by chapter 201 of the laws of 2019, is amended to read as follows:

(b) "utility transmission facility" means any electric transmission line operating at sixty-five kilovolts or higher in the service area, including associated equipment. It shall not include any transmission line which is an in-kind replacement or which is located wholly underground. This section also shall not apply to any major [~~utility~~] **electric** transmission facility subject to the jurisdiction of article seven of the public service law; and

§ 23. Paragraph c of subdivision 8 of section 1020-c of the public authorities law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

c. Article [~~seven~~] **eight** of the public service law shall apply to the authority's siting and operation of a major **electric** transmission facility as therein defined and article ten of the public service law shall apply to the authority's siting and operation of a major electric generating facility as therein defined.

§ 24. Subdivision 4 of section 18-a of the public service law, as amended by chapter 447 of the laws of 1972, is amended to read as follows:

4. In the case of the power authority of the state of New York, the [~~chairman~~] **chairperson** of the department shall ascertain from time to time, but not less than once in each fiscal year, all direct and indirect costs of investigating requests by the power authority of the state of New York to establish new, major [~~utility~~] **electric** transmission facilities [~~as defined in article seven of this chapter~~] **and major renewable energy facilities** or to establish new, major [~~steam~~] electric generating facilities [~~as defined in article eight of this chapter~~]. The [~~chairman~~] **chairperson** shall for each such investigation assess such costs against the power authority of the state of New York. Bills for such an investigation may be rendered from time to time, but not less than once in each fiscal year, and the amount of such bills shall be paid by the power authority of the state of New York to the department within thirty days from the date of rendition.

§ 25. Subdivision 2 of section 160 of the public service law, as added by chapter 388 of the laws of 2011, is amended to read as follows:

2. "Major electric generating facility" means an electric generating facility with a nameplate generating capacity of twenty-five thousand kilowatts or more, including interconnection electric transmission lines **that are not subject to review under article eight of this chapter** and fuel gas transmission lines that are not subject to review under article seven of this chapter.

§ 26. Paragraph (e) of subdivision 4 of section 162 of the public service law, as added by section 3 of part JJJ of chapter 58 of the laws of 2020, is amended to read as follows:

(e) To a major renewable energy facility as such term is defined in [~~section ninety-four-c of the executive law~~] **section eight of this chapter**; provided, however, that any person intending to construct a major renewable energy facility, that has a draft pre-application public involvement program plan pursuant to section one hundred sixty-three of this article and the regulations implementing this article, which is pending with the siting board as of the effective date of this paragraph may remain subject to the provisions of this article or, may, by written notice to the secretary of the commission, elect to become subject to the provisions of [~~section ninety-four-c of the executive law~~] **article eight of this chapter**.

§ 27. Subdivision 3 of section 11-103 of the energy law, as amended by chapter 374 of the laws of 2022, is amended to read as follows:

3. Notwithstanding any other provision of law, the state fire prevention and building code council in accordance with the mandate under this article shall have exclusive authority among state agencies to promulgate a construction code incorporating energy conservation features and clean energy features applicable to the construction of any building, including but not limited to greenhouse gas reduction. Any other code, rule or regulation heretofore promulgated or enacted by any other state agency, incorporating specific energy conservation and clean energy requirements applicable to the construction of any building, shall be superseded by the code promulgated pursuant to this section. Notwithstanding the foregoing, nothing in this section shall be deemed to expand the powers of the council to include matters that are exclusively within the statutory jurisdiction of the public service commission, the department of environmental conservation, [~~the office of renewable energy siting~~] or another state entity.

§ 28. Paragraph (d) of subdivision 27-a of section 1005 of the public authorities law, as added by section 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(d) No later than one hundred eighty days after the effective date of this subdivision, and annually thereafter, the authority shall confer with the New York state energy research and development authority, [~~the office of renewable energy siting,~~] the department of public service, climate and resiliency experts, labor organizations, and environmental justice and community organizations concerning the state's progress on meeting the renewable energy goals established by the climate leadership and community protection act. When exercising the authority provided for in paragraph (a) of this subdivision, the information developed through such conferral shall be used to identify projects to help ensure that the state meets its goals under the climate leadership and community protection act. Any conferral provided for in this paragraph shall include consideration of the timing of projects in the interconnection queue of the federally designated electric bulk system operator for New York state, taking into account both capacity factors or planned projects and the interconnection queue's historical completion rate. A report on the information developed through such conferral shall be published and made accessible on the website of the authority.

§ 29. Subparagraph (i) of paragraph (e) of subdivision 27-a of section 1005 of the public authorities law, as added by section 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(i) Beginning in two thousand twenty-five, and biennially thereafter until two thousand thirty-three, the authority, in consultation with the New York state energy research and development authority, [~~the office of renewable energy siting,~~] the department of public service, and the federally designated electric bulk system operator for New York state, shall develop and publish biennially a renewable energy generation strategic plan ("strategic plan") that identifies the renewable energy generating priorities based on the provisions of paragraph (a) of this subdivision for the two-year period covered by the plan as further provided for in this paragraph.

§ 30. Subdivision l of section 7208 of the education law, as amended by section 15 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

l. The practice of engineering or land surveying, or using the title "engineer" or "surveyor" (i) exclusively as an officer or employee of a public service corporation by rendering to such corporation such services in connection with its lines and property which are subject to supervision with respect to the safety and security thereof by the public service commission of this state, the interstate commerce commission or other federal regulatory body and so long as such person is thus actually and exclusively employed and no longer[~~, or~~]; (ii) exclusively as an officer or employee of the Long Island power authority or its service provider, as defined under section three-b of the public service law, by rendering to such authority or provider such services in connection with its lines and property which are located in such authority's service area and so long as such person is thus actually and exclusively employed and no longer; **or (iii) exclusively as an officer or employee of the department of public service by rendering to such department such services in connection with reviewing the design, construction and operation of utility infrastructure and so long as such person is thus actually and exclusively employed and no longer**;

§ 31. The public service commission shall commence a proceeding within ninety days of the effective date of this act to consider metrics related to the timely interconnection of distributed generation resources into the distribution system owned by an electric corporation, as well as negative revenue adjustments related to such metrics.

§ 32. This act shall take effect immediately; provided that the amendments to paragraph (e) of subdivision 4 of section 162 of the public service law made by section twenty-six of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith.

PART P

Section 1. Short title. This act shall be known and may be cited as the "affordable gas transition act".

§ 2. Legislative findings. The legislature finds and declares that:

1. The public service law (the "PSL") establishes the public service commission ("commission") and department of public service ("department") and charges them to ensure that New York residents have safe and reliable access to energy at rates that are just and reasonable. These bedrock principles have persisted and guided commission decisions even as policy priorities and the technologies relied upon by regulated utilities and their customers have changed.

2. The climate leadership and community protection act (the "CLCPA") requires significant greenhouse gas emission reductions from all sectors of New York's economy and directs state agencies and authorities to prioritize equity for the communities and workers most directly affected as they pursue those reductions.

3. Buildings account for approximately one-third of the greenhouse gas emissions in New York state and produce local air pollution, with significant adverse health impacts. Reducing the greenhouse gas emissions and local air pollution emitted from New York's buildings, especially in disadvantaged communities, is necessary to comply with the CLCPA.

4. Consumers' growing adoption of new electric technologies for space heating, water heating, cooking, and other functions will increasingly require responsive changes on the part of electric and gas corporations. The trend toward electrification is expected to eventually pose a fundamental challenge to gas corporations' longstanding business model and, in particular, make it difficult for gas corporations to recover the full costs of their extensive infrastructure networks from consumers.

5. To enable the commission to plan effectively for a changing legal and technological landscape, New York must update how it regulates the service provided by gas corporations. Appropriate statutory updates will enable alignment between energy infrastructure investments, changing technological options and consumer preferences, and the two thousand thirty and two thousand fifty greenhouse gas emission reduction mandates in article seventy-five of the environmental conservation law. Without such updates, it will become increasingly difficult to ensure all New Yorkers have access to the energy they need for heating, cooling, and powering the buildings in which they live and work at just and reasonable rates.

6. The New York State public service law requires utilities to expand natural gas infrastructure in response to requests from consumers, even when the foreseeable costs of such expansion promise to become unmanageable, and alternatives would be more cost-effective. In this way, the public service law constrains the commission and department from ensur-

ing that utilities respond appropriately to a changing marketplace and the CLCPA's emission reduction requirements.

a. Statutorily mandated utility system extension allowances shift the significant costs of new customer hookups to existing customers, creating strong incentives to expand reliance on natural gas and the infrastructure that delivers it while obscuring the costs of such expansion to all stakeholders.

b. Citing their obligation under the public service law, gas corporations in New York continue investing in the expansion of gas infrastructure despite the risk of that infrastructure becoming a stranded asset. These investments are made at the expense of alternative solutions available to utility customers today.

c. Gas corporations' obligation to serve, codified in the public service law, is a major obstacle to development of neighborhood-scale building decarbonization projects that would help align energy system investments with the two thousand thirty and two thousand fifty greenhouse gas emission reduction mandates in article seventy-five of the environmental conservation law in a manner that mitigates costs for all utility customers and ensures a just transition for impacted workers.

7. Now that multiple liquified natural gas export terminals have integrated domestic sources of natural gas into the international market, New Yorkers that rely on natural gas may face generally higher fuel prices and greater price volatility. Decarbonizing buildings, investing in energy efficiency, and developing renewable sources of electricity will all yield greater energy security and savings for New York energy consumers.

8. Thus, it is the intent of the legislature to enact the affordable gas transition act for the following purposes:

a. to ensure that regulation and oversight of gas utilities pursuant to the public service law will provide for the timely and strategic management of the gas system in light of changing technologies and consumer preferences, greenhouse gas emission reduction requirements, the need to keep energy affordable for all consumers, and the need to ensure a just transition for affected communities and workers;

b. to provide the commission with statutory authority and direction to align its regulations and gas and electric corporations' planning efforts with ongoing changes in technology and consumer preferences as well as the CLCPA's requirements;

c. to end statutorily mandated incentives for the expansion of fossil fuel infrastructure while maintaining the equitable provision of electric service for efficient heating, cooling, cooking, hot water, and other uses;

d. to address barriers to the provision of affordable access to electricity for heating and cooling for low-income and moderate-income consumers; and

e. to clarify that municipal building codes regulating on-site emissions are not preempted under New York state law.

9. This legislation does not establish a ban on the use of gas. It is neither the intent nor would it be the effect of this legislation to require the immediate transition of any existing gas customer to alternative heating and cooling services.

§ 3. Subdivision 1 of section 4 of the public service law, as amended by chapter 594 of the laws of 2021, is amended to read as follows:

1. There shall be in the department of public service a public service commission, which shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out

the purposes of this chapter **and to enable achievement of the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law**. The commission shall consist of five members, to be appointed by the governor, by and with the advice and consent of the senate. A commissioner shall be designated as [~~chairman~~] **chairperson** of the commission by the governor to serve in such capacity at the pleasure of the governor or until [~~his~~] **their** term as commissioner expires whichever first occurs. At least one commissioner shall have experience in utility consumer advocacy. No more than three commissioners may be members of the same political party unless, pursuant to action taken under subdivision two of this section, the number of commissioners shall exceed five, and in such event no more than four commissioners may be members of the same political party.

§ 4. Paragraph b of subdivision 1 and subdivision 2 of section 5 of the public service law, paragraph b of subdivision 1 as amended and subdivision 2 as added by chapter 155 of the laws of 1970, are amended to read as follows:

b. To the manufacture, conveying, transportation, sale or distribution of gas (natural or manufactured or mixture of both) and electricity for light, heat**, cooling,** or power, to gas plants and to electric plants and to the persons or corporations owning, leasing or operating the same.

2. The commission shall encourage all persons and corporations subject to its jurisdiction to formulate and carry out long-range programs, individually or cooperatively, for the performance of their public service responsibilities**, including the achievement of the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law,** with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources.

§ 5. Section 30 of the public service law, as amended by chapter 686 of the laws of 2002, is amended to read as follows:

§ 30. Residential gas, electric and steam service policy. **1.** This article shall apply to the provision of all or any part of the gas, electric or steam service provided to any residential customer by any gas, electric or steam and municipalities corporation or municipality. It is hereby declared to be the policy of this state that the continued provision of [~~all or any part of such gas,~~] electric and steam service to all residential customers without unreasonable qualifications or lengthy delays is necessary for the preservation of the health and general welfare**, is consistent with the achievement of the state's climate justice and emission reduction mandates in article seventy-five of the environmental conservation law,** and is in the public interest. **It is further the policy of this state that gas service for existing residential customers must be provided in a manner that is safe and adequate, not unjustly discriminatory or unduly preferential, and in all respects just and reasonable, while providing for an orderly gas system transition to achieve consistency with the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law, prioritizing low-to-moderate income customers and disadvantaged communities as defined in article seventy-five of the environmental conservation law, and encouraging neighborhood-scale transitions.**

2. The commission shall regulate for the continued provision of gas service to all existing residential customers who choose to continue service, unless such service is discontinued pursuant to a program approved by the commission. The commission shall only approve programs that ensure affected customers retain continuous access to safe, reli-

able, and affordable energy services and can secure adequate substitutes for gas-fired space heating, water heating, and cooking appliances prior to the discontinuance of gas service.

§ 6. Subdivisions 1, 3 and 4 of section 31 of the public service law, as added by chapter 713 of the laws of 1981, are amended and a new subdivision 4-a is added to read as follows:

1. Every gas corporation, electric corporation or municipality shall provide residential service upon the oral or written request of an applicant, provided that any residential gas service shall only be provided in accordance with section thirty of this article, and provided further that the commission may require that requests for service be in writing under circumstances as it deems necessary and proper as set forth by regulation, and provided further that the applicant:

(a) makes full payment for residential utility service provided to a prior account in [~~his~~] the applicant's name; or

(b) agrees to make payments under a deferred payment plan of any amounts due for service to a prior account in [~~his~~] the applicant's name and makes a down payment based on criteria to be established by the commission. No such down payment shall exceed one-half of any money due from an applicant for residential utility service, or three months average billing, whichever is less; or

(c) is a recipient of public assistance, supplemental security income or additional state payments pursuant to the social services law, or is an applicant for such assistance, income or payments, and the utility corporation or the municipality receives payment from, or is notified of the applicant's eligibility for utility payments by the social services official of the social services district in which such person resides for amounts due for service to a prior account in the applicant's name, together with guarantee of future payments to the extent authorized by the social services law; and

(d) receives clear, timely information from the gas corporation, electric corporation, or municipality, written in plain language on incentives and opportunities for installing energy-efficient electric heating and cooling technologies, weatherization, demand-side management, and distributed energy resource programs.

(e) nothing in this subdivision shall be construed to prohibit existing gas customers, in accordance with section thirty of this article and subject to any other regulations implemented by the commission, from reconnecting to the gas corporation's system following a gas interruption due to emergency repairs or remediation of leaking equipment.

3. Subject to the requirements of subdivisions four, four-a, and five of this section, and in accordance with section thirty of this article, whenever a residential customer moves to a new residence within the service territory of the same utility corporation or municipality, [~~he~~] the applicant shall be eligible to receive service at the new residence and such service shall be considered a continuation of service [~~in all respects~~], with any deferred payment agreement honored, and with all rights of such customer and such utility corporation provided by this article unimpaired.

4. In the case of any application for service to a building which is not supplied with electricity [~~or gas~~], a utility corporation or municipality shall be obligated to provide electric service to such a building, provided however, that the commission may require applicants for service to buildings located in excess of one hundred feet from [~~gas or~~] electric transmission lines to pay or agree in writing to pay material

and installation costs relating to the applicant's proportion of the [~~pipe,~~] conduit, duct or wire, or other facilities to be installed.

4-a. In the case of any application for gas service to a building which is not supplied with gas, a utility corporation or municipality shall provide gas service to such a building as authorized by the commission, provided however, that the commission may require applicants for gas service to buildings to pay or agree in writing to pay material and installation costs relating to all or a portion of the pipe or other facilities to be installed to enable service to the applicant.

§ 7. Section 12 of the transportation corporations law, as separately amended by chapters 713 and 895 of the laws of 1981, is amended to read as follows:

§ 12. [~~Gas and electricity~~] **Electricity** must be supplied on application. Except in the case of an application for residential utility service pursuant to article two of the public service law, upon written application of the owner or occupant of any building within one hundred feet of any [~~main of a gas corporation or gas and electric corporation, or a~~] line of an electric corporation or gas and electric corporation, appropriate to the service requested, and payment by [~~him~~] **the applicant** of all money due from [~~him~~] **the applicant** to the corporation, it shall supply [~~gas or~~] electricity as may be required for [~~lighting~~] such building, notwithstanding there be rent or compensation in arrears for gas or electricity supplied, or for meter, wire, pipe or fittings furnished, to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate [~~him~~] **them** from the payment of such arrears, and shall refuse or neglect to pay the same; and if for the space of ten days after such application, and the deposit of a reasonable sum [~~as provided in the next section~~], if required, the corporation shall refuse or neglect to supply [~~gas or electric light~~] **electricity** as required, such corporation shall forfeit and pay to the applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such corporation shall be required to lay service [~~pipes or~~] wires for the purpose of supplying [~~gas or electric light~~] **electricity** to any applicant where the ground in which such [~~pipe or~~] wire is required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant, if required, shall deposit in advance with the corporation a sum of money sufficient to pay the cost of [~~his proportion~~] **the applicant's portion** of the [~~pipe,~~] conduit, duct or wire required to be installed, and the expense of the installation of such portion.

§ 8. The transportation corporations law is amended by adding a new section 13 to read as follows:

§ 13. Gas must be supplied in accordance with public service commission rules and regulations. Except in the case of an application for residential utility service pursuant to article two of the public service law, upon written application of the owner or occupant of any building within one hundred feet of any main of a gas corporation or gas and electric corporation appropriate to the service requested, and payment by the applicant of all money due from the applicant to the corporation, it shall supply gas for such building as authorized by the commission, notwithstanding there be rent or compensation in arrears for gas supplied, or for meter, pipe or fittings furnished, to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate them from the

payment of such arrears, and shall refuse or neglect to pay the same; and if for the space of ten days after such application, and the deposit of a reasonable sum, if required, the corporation shall refuse or neglect to supply gas as required pursuant to public service commission rules and regulations, such corporation shall forfeit and pay to the applicant the sum of ten dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; provided that no such corporation shall be required to lay service pipes for the purpose of supplying gas to any applicant where the ground in which such pipe is required to be laid shall be frozen, or shall otherwise present serious obstacles to laying the same; nor unless the applicant, if required, shall deposit in advance with the corporation a sum of money sufficient to pay the material and installation costs relating to all or a portion of the pipe or other facilities to be installed to enable service to the applicant.

§ 9. Subdivision 2 of section 66 of the public service law, as amended by chapter 877 of the laws of 1953, is amended and two new subdivisions 2-b and 12-e are added to read as follows:

2. Investigate and ascertain, from time to time, the quality of gas supplied by persons, corporations and municipalities; examine or investigate the methods employed by such persons, corporations and municipalities in manufacturing, distributing and supplying gas or electricity for light, heat, cooling, or power and in transmitting the same, and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas or electricity and those employed in the manufacture and distribution thereof, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations, electric corporations and municipalities; and have power after an investigation and a hearing to order any corporation having authority under any general or special law or under any charter or franchise, to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality for the purpose of supplying, selling or distributing natural gas, to augment its supply of natural gas, whenever the commission deems necessary and whenever artificial gas can be reasonably obtained, by acquiring by purchase, manufacture or otherwise a supply thereof to be mixed with such natural gas, in order to render adequate service to the customers of such corporation or to maintain a proper and uniform pressure; and have power after an investigation and a hearing to order any corporation having authority under any general or special law or under any charter or franchise, to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality for the purpose of supplying, selling or distributing artificial gas, to augment its supply of artificial gas, whenever the commission deems necessary and whenever natural gas can be reasonably obtained, by acquiring by purchase or otherwise a supply thereof to be mixed with such artificial gas, in order to render adequate service to the customers of such corporation or to maintain a proper and uniform pressure; and to fix such rate for the supplying of mixed gas as shall secure to such corporation a fair return; and may order the curtailment or discontinuance of the use of natural gas for manufacturing or industrial purposes, for periods aggregating not to exceed four months in any calendar year, if it is established to the satisfaction of the commission that the supply of natural gas is not

adequate to meet the reasonable demands of domestic consumption [~~and may prohibit the use of natural gas in wasteful devices and practices~~].

2-b. Have power to prohibit the use of natural gas in wasteful devices and practices, and to order the curtailment or discontinuance of the use of all or portions of the works, pipes, and other gas plant of a gas corporation, where the commission has determined that such curtailment or discontinuance is reasonably required to implement state energy policy, provided that such curtailment or discontinuance shall be consistent with a commission-approved program to achieve consistency with the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law, including the opportunity for recovery of the gas corporation's investment in such system at just and reasonable rates.

12-e. The commission shall review the capital construction plan of each gas corporation and establish a process to examine feasible alternatives to such construction in order to align with the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law. The commission may require participation in such process by each electric corporation with a service area overlapping the service area of the gas corporation.

§ 10. Section 66-a of the public service law, as added by chapter 7 of the laws of 1948, subdivision 1 as amended and subdivision 3 as added by chapter 582 of the laws of 1975, subdivision 2 as amended by chapter 722 of the laws of 1977, is amended to read as follows:

§ 66-a. Conservation of gas, declaration of policy, delegation of power. 1. It is hereby declared to be the policy of this state that when there develops in any area a situation under which a gas corporation supplying gas to such area is unable to meet the reasonable needs of its consumers and of persons or corporations applying for new or additional gas service, the available supply of gas shall be allocated among the customers of such gas corporation, in such manner as may be necessary to protect public health and safety and to avoid undue hardship, **particularly for low-to-moderate income residential customers, electric generation needed for electric system reliability, and customers with hard-to-electrify industrial and commercial uses,** pursuant to rules and regulations as may be adopted by the commission, and that to carry out this declared policy the jurisdiction of the public service commission should be clarified.

2. Notwithstanding the provisions of any statute or any franchise held by a gas corporation, the commission shall have power, upon the finding that **continued gas service is not consistent with the achievement of the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law, or that** there exists such a shortage of gas in any area in the state, that the gas corporation supplying such area is unable and will be unable to secure or produce sufficient gas to meet the reasonable needs of its customers and of persons or corporations applying for new or additional gas service, to require such corporation to immediately discontinue the supplying of gas to additional customers or of supplying additional service to present customers, for such purpose or purposes as may be designated by the commission, or to customers using gas for a purpose prohibited by the commission pursuant to this act, and that upon the finding that the supply of gas available is and will be insufficient to supply the demands of all consumers receiving service, to require such gas corporation to curtail or discontinue service to any or all classes of customers of such gas corporation. In imposing such a direction or

requirement, the commission shall give consideration first to existing domestic uses and uses deemed to be necessary by the commission to protect public health and safety and to avoid undue hardship [~~and shall be limited to the period of the emergency provided that the gas corporation affected shall make such restriction, curtailing or discontinuance applicable to all customers or applicants for service in a like class. If the commission determines that good cause exists for supplying service to additional customers or for supplying additional service to some existing customers, notwithstanding the curtailment or discontinuance of service to other existing customers, it shall, to the extent feasible, allocate gas with equal priority to new or additional domestic uses of gas and commercial or industrial processes which require gas because there is no practical substitute for it in such proportion as the commission determines to be reasonable. Provided that the commission shall be permitted, after public hearing, to authorize any natural gas produced from lands under the waters of Lake Erie to be used for process or feedstock requirements~~]. The commission is authorized to adopt such rules, regulations and orders as are necessary or appropriate to carry out these delegated powers.

3. In carrying out the delegated powers provided for in this section, the commission shall, to the extent practicable, determine and establish gas conservation measures or standards**, including energy-efficient electrification of gas end uses**. The commission may require compliance with such measures or standards as a condition of receiving service.

4. The commission shall determine conditions under which new or additional gas service is warranted notwithstanding the need to conserve resources for service to existing gas customers. Such determination shall be consistent with the achievement of the climate justice and emission reduction mandates in article seventy-five of the environmental conservation law, and may take into account factors including economic development, impacts on new and existing customers including low-to-moderate income customers, impacts on system safety and adequacy, equity toward existing customers with limited conversion alternatives, and the feasibility of neighborhood-scale alternatives to usage of fuels with high life-cycle greenhouse gas emissions and on-site co-pollutant emissions, including thermal energy networks.

§ 11. Section 66-b of the public service law is REPEALED.

§ 12. The public service law is amended by adding a new section 66-w to read as follows:

§ 66-w. Expansion of gas plant into new areas. Except as provided in this section, and notwithstanding any other provision of this chapter, after December thirty-first, two thousand twenty-five, no gas corporation shall commence construction of a new gas plant that would expand the availability of service into geographic areas where gas service was not available prior to that date as defined by the applicable utility's certificate of public convenience and necessity approved by the commission. The commission may authorize exceptions on a case-by-case basis, provided that the commission finds that such construction serves the public interest or alternatives to gas service are either not technically feasible or prohibitively expensive.

§ 13. Severability clause. The provisions of this act shall be severable and if the application of any clause, sentence, paragraph, subdivision, section, or part thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair, or invalidate the application of any such clause, sentence, paragraph, subdivision, section,

part or remainder thereof, as the case may be, to any other person, circumstance, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 14. This act shall take effect immediately.

PART Q

Section 1. Expenditures of moneys appropriated to the department of agriculture and markets from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of agriculture and markets' participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th annually, the commissioner of the department of agriculture and markets shall submit an accounting of such expenses, including, but not limited to, expenses in the prior state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 2. Expenditures of moneys appropriated to the department of state from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the activities of the department of state's utility intervention unit pursuant to subdivision 4 of section 94-a of the executive law, including, but not limited to participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, and expenses related to the activities of the major renewable energy development program established by section 94-c of the executive law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th annually, the secretary of state shall submit an accounting of such expenses, including, but not limited to, expenses in the prior state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 3. Expenditures of moneys appropriated to the office of parks, recreation and historic preservation from the special revenue funds-other/state operations, miscellaneous special revenue fund-339, public service account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the office of parks, recreation and historic preservation's participation in general ratemaking proceedings pursuant to section 65 of the public service law or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th annually, the commissioner of the office of parks, recreation and

historic preservation shall submit an accounting of such expenses, including, but not limited to, expenses in the prior state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 4. Expenditures of moneys appropriated to the department of environmental conservation from the special revenue funds-other/state operations, environmental conservation special revenue fund-301, utility environmental regulation account shall be subject to the provisions of this section. Notwithstanding any other provision of law to the contrary, direct and indirect expenses relating to the department of environmental conservation's participation in state energy policy proceedings, or certification proceedings pursuant to article 7 or 10 of the public service law, shall be deemed expenses of the department of public service within the meaning of section 18-a of the public service law. No later than August 15th annually, the commissioner of the department of environmental conservation shall submit an accounting of such expenses, including, but not limited to, expenses in the prior state fiscal year for personal and non-personal services and fringe benefits, to the chair of the public service commission for the chair's review pursuant to the provisions of section 18-a of the public service law.

§ 5. Notwithstanding any other law, rule or regulation to the contrary, expenses of the department of health public service education program incurred pursuant to appropriations from the cable television account of the state miscellaneous special revenue funds shall be deemed expenses of the department of public service. No later than August 15th annually, the commissioner of the department of health shall submit an accounting of expenses in the prior state fiscal year to the chair of the public service commission for the chair's review pursuant to the provisions of section 217 of the public service law.

§ 6. Any expense deemed to be expenses of the department of public service pursuant to sections one through four of this act shall not be recovered through assessments imposed upon telephone corporations as defined in subdivision 17 of section 2 of the public service law.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2024 and shall expire and be deemed repealed April 1, 2029.

PART R

Section 1. Subdivision 2 of section 195 of the agriculture and markets law, as amended by section 2 of part D of chapter 82 of the laws of 2002, is amended to read as follows:

2. Upon application, a weighmaster's license may be issued by the commissioner to an employee of a person, firm, partnership or corporation whose business requires, by contract or otherwise, that materials or commodities manufactured, produced, distributed, sold or handled by such person, firm, partnership or corporation be weighed by a licensed weighmaster; or such license may be issued to an individual engaged in the weighing of materials or commodities. The applicant shall furnish satisfactory evidence of good character and of ability to weigh accurately and to make correct weight tickets. [~~He~~] **The applicant** shall also furnish evidence that [~~he~~] **such applicant** owns, leases or has access to a stationary scale within the state suitable for weighing the materials or commodities to be weighed by [~~him~~] **the applicant** or that [~~he~~] **the applicant** is regularly employed by a person, firm, partnership

or corporation who owns, leases or has access to such a scale which has been tested and sealed by the weights and measures official charged with such duty. The applicant shall pay [~~a fee of fifteen dollars~~] an appropriate fee commensurate with costs as established by regulation. A license shall be for a period not exceeding three years and may be renewed in the discretion of the commissioner upon payment of the fee aforesaid. Such license shall be kept at the place where the weighmaster is engaged in weighing and shall be open to inspection. An application may be denied or a license may be revoked by the commissioner, after a hearing upon due notice to the applicant or licensee, for dishonesty, incompetency, inaccuracy or a violation of the provisions of this article or the rules and regulations adopted pursuant thereto.

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

PART S

Section 1. Subdivision 3 of section 54-1511 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, is amended to read as follows:

3. State assistance payments shall not exceed fifty percent of the project cost or two million dollars, whichever is less, provided however if a municipality meets criteria established by the department relating to either financial hardship or disadvantaged communities pursuant to section 75-0101 of this chapter, the commissioner may authorize state assistance payments of up to eighty percent of the project cost or two million dollars, whichever is less. Such costs are subject to final computation and determination by the commissioner upon completion of the project, and shall not exceed the maximum eligible cost set forth in the contract.

§ 2. This act shall take effect immediately.

PART T

Section 1. Section 72-0302 of the environmental conservation law, as amended by chapter 608 of the laws of 1993, the opening paragraph of subdivision 1 and the closing paragraph as amended by chapter 432 of the laws of 1997, and paragraph (e) of subdivision 1 as amended and paragraphs (f) and (g) of subdivision 1 as relettered by chapter 170 of the laws of 1994, is amended to read as follows:

§ 72-0302. State air quality control fees.

1. All persons, except those required to pay a fee under section 72-0303 of this [~~article~~] title, who are required to obtain a permit, [~~certificate~~] registration or other operating approval pursuant to the state air quality control program and the rules and regulations adopted by the department hereunder shall submit to the department [~~a per emission point~~] an annual fee in an amount established as follows:

a. [~~$11,000.00 for a stationary combustion installation having a maximum operating heat input equal to or greater than fifty million British thermal units per hour as stated on the most recent application for a permit to construct or application for a certificate to operate and which emits or has the potential to emit equal to or greater than any one of the following:~~

~~(i) one hundred tons per year of oxides of nitrogen, or if located in a severe ozone nonattainment area, twenty-five tons per year; or~~

~~(ii) one hundred tons per year of sulfur dioxide; or~~

~~(iii) one hundred tons per year of particulates~~] **$5,000.00 for each state facility permit**.

b. [~~$2,000.00 for all stationary combustion installations which are not included under paragraph a of this subdivision and which have a maximum operating heat input greater than fifty million British thermal units per hour as stated on the most recent application for a certificate to operate~~] **$500.00 for each registration or other operating approval**.

[~~c. $100.00 for a stationary combustion installation having a maximum operating heat input less than fifty million British thermal units per hour as stated on the most recent application for a certificate to operate.~~

~~d. $2,000.00 for a process air contamination source for an annual emission rate equal to or greater than twenty-five tons per year of any one of the following: sulfur dioxide, nitrogen dioxide, total particulates, carbon monoxide, total volatile organic compounds and other specific air contaminants. The annual emission rate shall be the actual annual emission rate as stated on the most recent application for a permit to construct or application for a certificate to operate. In the event that hours of operation have not been specified on the applications then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.~~

~~e. $160.00 for a process air contamination source, except a gasoline dispencing site, for an annual emission rate less than twenty-five tons per year of any one of the following: sulfur dioxide, nitrogen dioxide, total particulates, carbon monoxide, total volatile organic compounds and other specific air contaminants. The annual emission rate shall be the actual annual emission rate as applied for on the most recent application for a permit to construct or application for a certificate to operate. In the event that hours of operation have not been specified on the applications then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.~~

~~f. $2,000.00 for an incinerator capable of charging two thousand pounds of refuse per hour or greater. The charging capacity will be established in accordance with the application for the most recent permit to construct or application for a certificate to operate the incinerator source and will be calculated on an emission point basis.~~

~~g. $160.00 for an incinerator with a maximum design charge rate of less than two thousand pounds of refuse per hour. The charging capacity will be established in accordance with the application for the most recent permit to construct or application for a certificate to operate the incinerator source and will be calculated on an emission point basis.~~]

Provided, however, that where a city or county is delegated the authority to administer the state air quality control program, or any portion thereof, pursuant to paragraph p of subdivision two of section 3-0301 of this chapter and such city or county collects a fee in connection with the issuance of a permit, [~~certificate~~] **registration** or **other operating** approval [~~for a combustion installation, incinerator or process air contamination source~~] **pursuant to the state air quality control program and the rules and regulations adopted by the department hereunder**, no additional liability for fees under this section shall

accrue for the particular combustion installation, incinerator or process air contamination source that is subject to the delegation.

§ 2. Subdivisions 1, 3 and 5 of section 72-0303 of the environmental conservation law, subdivisions 1 and 3 as amended by section 1 of part D of chapter 413 of the laws of 1999, the opening paragraph of subdivision 1 as amended by section 1 of part Y of chapter 58 of the laws of 2015 and subdivision 5 as added by chapter 608 of the laws of 1993, are amended to read as follows:

1. Commencing January first, two thousand [~~fifteen~~] twenty-seven and every year thereafter, all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall submit to the department an annual base fee of [~~two~~] ten thousand [~~five hundred~~] dollars per facility. This base fee shall be in addition to the fees listed below. Commencing January first, [~~nineteen hundred ninety-four~~] two thousand twenty-seven and every year thereafter, all sources of regulated air contaminants identified pursuant to subdivision one of section 19-0311 of this chapter shall submit to the department an annual fee not to exceed [~~the~~] two hundred forty-five dollars per ton [~~fees described below. The per ton fee is assessed on each ton of emissions up to seven thousand tons annually of each regulated air contaminant as follows: sixty dollars per ton for facilities with total emissions less than one thousand tons annually; seventy dollars per ton for facilities with total emissions of one thousand or more but less than two thousand tons annually; eighty dollars per ton for facilities with total emissions of two thousand or more but less than five thousand tons annually; and ninety dollars per ton for facilities with total~~] of emissions of [~~five thousand or more tons annually~~] regulated air contaminants. Such [~~fee~~] fees shall be sufficient to support an appropriation approved by the legislature for the direct and indirect costs associated with the operating permit program established in section 19-0311 of this chapter. Such [~~fee~~] fees shall be established by the department and shall be calculated by dividing the amount of the current year appropriation from the operating permit program account of the clean air fund by the total tons of emissions of regulated air contaminants, including hazardous air pollutants, that are subject to the operating permit program fees from sources subject to the operating permit program pursuant to section 19-0311 of this chapter [~~up to seven thousand tons annually of each regulated air contaminant from each source~~]; provided that, in making such calculation, the department shall adjust their calculation to account for any deficit or surplus in the operating permit program account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law[~~; any loan repayment from the mobile source account of the clean air fund established pursuant to section ninety-seven-oo of the state finance law;~~] and the rate of collection by the department of the bills issued for the [~~fee~~] fees for the prior year.

Notwithstanding the provisions of the state administrative procedure act, such calculation and [~~fee~~] fees shall be established as a rule by publication in the Environmental Notice Bulletin no later than thirty days after the budget bills making appropriations for the support of government are enacted or July first, whichever is later, of the year such [~~fee~~] fees will be effective. In no event shall the [~~fee~~] fees established herein be any greater than the maximum fee identified pursuant to this section.

3. Effective January first, [~~nineteen hundred ninety-seven through December thirty-first, nineteen hundred ninety-eight~~] two thousand twen-

ty-seven and each year thereafter, and notwithstanding the requirements of the state administrative procedure act, [~~the cap of twenty-five dollars~~] each per ton fee shall increase by the percentage, if any, by which the consumer price index exceeds the consumer price index for the [~~calendar~~] prior calendar year [~~nineteen hundred eighty-nine~~].

a. The consumer price index for any prior calendar year is the average of the consumer price index for all urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August thirty-first of each calendar year.

b. The [~~revision of the~~] department shall use the most recent consumer price index [~~for the calendar year nineteen hundred eighty-nine shall be used in the event~~] published by the department of labor [~~revises its method of determining the consumer price index~~].

5. Any regulated air contaminant subject to the fees imposed pursuant to this section which qualifies as both a volatile organic compound and a hazardous air pollutant regulated pursuant to section 7412 of the Act shall not be counted under both categories and shall only be counted as a hazardous air pollutant for the purpose of assessing fees.

§ 3. Subdivision 7 of section 72-0303 of the environmental conservation law is REPEALED.

§ 4. Subdivisions 8, 9 and 10 of section 72-0303 of the environmental conservation law are renumbered subdivisions 7, 8 and 9.

§ 5. Paragraph c of subdivision 2 of section 97-oo of the state finance law, as added by chapter 608 of the laws of 1993, is REPEALED.

§ 6. The environmental conservation law is amended by adding a new section 19-0328 to read as follows:

§ 19-0328. Fee programs.

1. In order to comply with the statutory mandates of the Act, the department may implement new or revise existing regulatory or permitting fee programs, including but not limited to the programs established by title V and section 7511d of the Act.

2. Such fee shall be calculated based upon ton of volatile organic compound, oxides of nitrogen, or other regulated air contaminant emitted as set forth in the Act, this article or otherwise pursuant to regulation established by the department.

3. The department may further establish by rule or rules additional procedures for assessment of and collection of such fees.

§ 7. This act shall take effect immediately; provided, however, that sections one, three, four, five, and six of this act shall take effect January 1, 2025; and provided further, however, that section two of this act shall take effect January 1, 2027.

PART U

Section 1. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

Any state agency, county, city, town, and village, where such entity is undertaking a project funded in whole, or in part, by the New York State Environmental Bond Act of 2022; or funded in whole or in part by the Federal government through the American Rescue Plan Act of 2021, the Infrastructure Investment and Jobs Act of 2021, and the Inflation Reduction Act of 2022.

§ 2. Subdivision 1 of section 1680 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

Any state agency, county, city, town, and village, where such entity is undertaking a project funded in whole, or in part, by the New York State Environmental Bond Act of 2022; or funded in whole or in part by the Federal government through the American Rescue Plan Act of 2021, the Infrastructure Investment and Jobs Act of 2021, and the Inflation Reduction Act of 2022.

§ 3. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

Any municipal corporation, subdivision, department or agency thereof, fire district, special district, local agency, industrial development agency, or local development corporation, receiving loans or grants awarded pursuant to: (i) the downtown revitalization program administered by the department of state and the division of housing and community renewal for transformative housing, economic development, transportation, and community projects, for the planning, design, construction, reconstruction, improvement, renovation, development, expansion, furnishing, and equipping of such transformative housing, economic development, transportation and community projects for which the recipient received such loans or grants; and (ii) the NY Forward grant program administered by the department of state related to economic development, transportation and community projects, for the planning, design, construction, reconstruction, improvement, renovation, development, expansion, furnishing, and equipping of such economic development, transportation and community projects for which the recipient was awarded such grant.

§ 4. Subdivision 1 of section 1680 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

Any municipal corporation, subdivision, department or agency thereof, fire district, special district, local agency, industrial development agency, or local development corporation, receiving loans or grants awarded pursuant to: (i) the downtown revitalization program administered by the department of state and the division of housing and community renewal for transformative housing, economic development, transportation, and community projects, for the planning, design, construction, reconstruction, improvement, renovation, development, expansion, furnishing, and equipping of such transformative housing, economic development, transportation and community projects for which the recipient received such loans or grants; and (ii) the NY Forward grant program administered by the department of state related to economic development, transportation and community projects, for the planning, design, construction, reconstruction, improvement, renovation, development, expansion, furnishing, and equipping of such economic development, transportation and community projects for which the recipient was awarded such grant.

§ 5. Subdivision 13-a of section 3 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, as added by section 1 of chapter 968 of the laws of 1981, is amended to read as follows:

13-a. "Municipal building" shall mean [~~a~~] any building, structure, or improvement, including, without limitation, infrastructure improvements, including grading or improvement of the site, furnishings, equipment and utility services in conjunction with such [~~a building, to be principally used for the administrative offices of a municipality or for the storage or repair of maintenance equipment~~] project. Nothing herein shall be construed to prevent the corporation from entering into an agreement for

the design and construction of a local correctional facility in combination with a municipal building.

§ 6. This act shall take effect immediately.

PART V

Section 1. Section 2 of chapter 584 of the laws of 2011, amending the public authorities law relating to the powers and duties of the dormitory authority of the state of New York relative to the establishment of subsidiaries for certain purposes, as amended by section 1 of part DD of chapter 58 of the laws of 2022, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on July 1, [~~2024~~] 2027; provided however, that the expiration of this act shall not impair or otherwise affect any of the powers, duties, responsibilities, functions, rights or liabilities of any subsidiary duly created pursuant to subdivision twenty-five of section 1678 of the public authorities law prior to such expiration.

§ 2. This act shall take effect immediately.

PART W

Section 1. Paragraph (f) of subdivision 1 of section 1977-a of the public authorities law, as amended by section 1 of part EE of chapter 58 of the laws of 2023, is amended to read as follows:

(f) Additional authorizations. For the purpose of financing capital costs in connection with a program of infrastructure construction, improvements and other capital expenditures for the project area, the authority may, in addition to the authorizations contained elsewhere in this title, borrow money by issuing bonds and notes in an aggregate principal amount not exceeding [~~one billion five hundred million dollars~~] two billion five hundred million dollars, plus a principal amount of bonds or notes issued (i) to fund any related debt service reserve fund, (ii) to provide capitalized interest, and (iii) to provide for fees and other charges and expenses including any underwriters' discounts, related to the issuance of such bonds or notes, all as determined by the authority, excluding bonds and notes issued to refund outstanding bonds and notes issued pursuant to this section.

§ 2. This act shall take effect immediately.

PART X

Section 1. Subdivision 6 of section 211 of the economic development law, as amended by chapter 294 of the laws of 2019, is amended to read as follows:

6. Grants made pursuant to this section shall be subject to the following limitations:

(a) no grant shall be made to any one or any consortium of career education agencies and not-for-profit corporations in excess of [~~one hundred seventy-five~~] two hundred fifty thousand dollars; and

(b) each grant shall be disbursed for payment of the cost of services and expenses of the program director, the instructors of the participating career education agency or not-for-profit corporation, the faculty and support personnel thereof and any other person in the service of providing instruction and counseling in furtherance of the program.

§ 2. This act shall take effect immediately.

PART Y

Section 1. The opening paragraph of subdivision (h) of section 121 of chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

The provisions of sections sixty-two through sixty-six of this act shall expire and be deemed repealed on December thirty-first, two thousand [~~twenty-four~~] twenty-nine, except that:

§ 2. This act shall take effect immediately.

PART Z

Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as amended by section 1 of part JJ of chapter 58 of the laws of 2023, is amended to read as follows:

3. The provisions of this section shall expire, notwithstanding any inconsistent provision of subdivision 4 of section 469 of chapter 309 of the laws of 1996 or of any other law, on July 1, [~~2024~~] 2027.

§ 2. This act shall take effect immediately.

PART AA

Section 1. Section 2 of chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, as amended by section 1 of part GG of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect immediately provided, however, that section one of this act shall expire on July 1, [~~2024~~] 2027, at which time the provisions of subdivision 26 of section 5 of the New York state urban development corporation act shall be deemed repealed; provided, however, that neither the expiration nor the repeal of such subdivision as provided for herein shall be deemed to affect or impair in any manner any loan made pursuant to the authority of such subdivision prior to such expiration and repeal.

§ 2. This act shall take effect immediately.

PART BB

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 1 of part U of chapter 58 of the laws of 2023, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, [~~2024~~] 2025 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

§ 2. This act shall take effect immediately.

PART CC

Section 1. The banking law is amended by adding a new article 14-B to read as follows:

ARTICLE XIV-B
BUY-NOW-PAY-LATER LENDERS

Section 735. Short title.
736. Definitions.
737. License.
738. Conditions precedent to issuing a license; procedure where application is denied.
739. License provisions and posting.
740. Application for acquisition of control of buy-now-pay-later lender by purchase of stock.
741. Ground for revocation or suspension of license; procedure.
742. Superintendent authorized to examine.
743. Licensee's books and records; reports.
744. Acts prohibited.
745. Limitation on charges on buy-now-pay-later loans.
746. Consumer protections.
747. Authority of superintendent.
748. Penalties.
749. Severability.

§ 735. Short title. This article shall be known and may be cited as the "Buy Now Pay Later act".

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

1. "Consumer" means an individual who is a resident of the state of New York.

2. "Buy-now-pay-later loan" means credit provided to a consumer in connection with such consumer's particular purchase of goods and/or services, other than a motor vehicle as defined under section one hundred twenty-five of the vehicle and traffic law.

3. "Buy-now-pay-later lender" means a person who offers buy-now-pay-later loans in this state. For purposes of the preceding sentence, "offer" means offering to make a buy-now-pay-later loan by extending credit directly to a consumer or operating a platform, software or system with which a consumer interacts and the primary purpose of which is to allow third parties to offer buy-now-pay-later loans, or both. A person who sells goods or services to a consumer and extends credit to such consumer in connection with such consumer's particular purchase of such goods and/or services shall not be considered a buy-now-pay-later lender with respect to such transactions. A person shall not be considered a buy-now-pay-later lender on the basis of isolated, incidental or occasional transactions which otherwise meet the definitions of this section.

4. "Exempt organization" means any banking organization or foreign banking corporation licensed by the superintendent or the comptroller of the currency to transact business in this state, national bank, federal savings bank, federal savings and loan association, or federal credit union. Subject to such regulations as may be promulgated by the superintendent, "exempt organization" may also include any subsidiary of such entities.

5. "Licensee" means a person who has been issued a license pursuant to this article.

6. "Person" means an individual, partnership, corporation, association or any other business organization.

§ 737. License. 1. No person or other entity, except an exempt organization as defined in this article, shall act as a buy-now-pay-later lender without first obtaining a license from the superintendent.

2. An application for a license shall be in writing, under oath, and in the form and containing such information as the superintendent may require.

3. At the time of filing an application for a license, the applicant shall pay to the superintendent a fee as prescribed pursuant to section eighteen-a of this chapter.

4. A license granted pursuant to this article shall be valid unless revoked or suspended by the superintendent or unless surrendered by the licensee and accepted by the superintendent.

5. In connection with an application for a license, the applicant shall submit an affidavit of financial solvency noting such capitalization requirements and access to such credit as may be prescribed by the regulations of the superintendent.

§ 738. Conditions precedent to issuing a license; procedure where application is denied. 1. After the filing of an application for a license accompanied by payment of the fee pursuant to subdivision three of section seven hundred thirty-seven of this article, it shall be substantively reviewed. After the application is deemed sufficient and complete, if the superintendent finds that the financial responsibility, including meeting any capital requirements as established pursuant to subdivision three of this section, experience, character and general fitness of the applicant or any person associated with the applicant are such as to command the confidence of the community and to warrant the belief that the business will be conducted honestly, fairly and efficiently within the purposes and intent of this article, the superintendent shall issue the license. For the purpose of this subdivision, the applicant shall be deemed to include all the members of the applicant if it is a partnership or unincorporated association or organization, and all the stockholders, officers and directors of the applicant if it is a corporation.

2. If the superintendent refuses to issue a license, the superintendent shall notify the applicant of the denial and retain the fee paid pursuant to subdivision three of section seven hundred thirty-seven of this article.

3. The superintendent may issue regulations setting capital requirements to ensure the solvency and financial integrity of licensees and their ongoing operations, taking into account the risks, volume of business, complexity, and other relevant factors regarding such licensees. Further, the superintendent may issue rules and regulations prescribing a methodology to calculate capital requirements with respect to licensees or categories thereof.

§ 739. License provisions and posting. 1. A license issued under this article shall state the name and address of the licensee, and if the licensee be a co-partnership or association, the names of the members thereof, and if a corporation the date and place of its incorporation.

2. Such license shall be kept conspicuously posted on the mobile application, website, or other consumer interface of the licensee, as well as listed in the terms and conditions of any buy-now-pay-later loan offered or entered into by the licensee. The superintendent may provide by regulation an alternative form of notice of licensure.

3. A license issued under this article shall not be transferable or assignable.

§ 740. Application for acquisition of control of buy-now-pay-later lender by purchase of stock. 1. It shall be unlawful except with the prior approval of the superintendent for any action to be taken which results in a change of control of the business of a licensee. Prior to any change of control, the person desirous of acquiring control of the business of a licensee shall make written application to the superintendent and pay an investigation fee as prescribed pursuant to section eighteen-a of this chapter to the superintendent. The application shall contain such information as the superintendent, by regulation, may prescribe as necessary or appropriate for the purpose of making the determination required by subdivision two of this section.

2. The superintendent shall approve or disapprove the proposed change of control of a licensee in accordance with the provisions of section seven hundred thirty-eight of this article.

3. For a period of six months from the date of qualification thereof and for such additional period of time as the superintendent may prescribe, in writing, the provisions of subdivisions one and two of this section shall not apply to a transfer of control by operation of law to the legal representative, as hereinafter defined, of one who has control of a licensee. Thereafter, such legal representative shall comply with the provisions of subdivisions one and two of this section. The provisions of subdivisions one and two of this section shall be applicable to an application made under such section by a legal representative.

4. The term "legal representative," for the purposes of this section, shall mean one duly appointed by a court of competent jurisdiction to act as executor, administrator, trustee, committee, conservator or receiver, including one who succeeds a legal representative and one acting in an ancillary capacity thereto in accordance with the provisions of such court appointment.

5. As used in this section, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a licensee, whether through the ownership of voting stock of such licensee, the ownership of voting stock of any person which possesses such power or otherwise. Control shall be presumed to exist if any person, directly or indirectly, owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee or of any person which owns, controls or holds with power to vote ten per centum or more of the voting stock of any licensee, but no person shall be deemed to control a licensee solely by reason of being an officer or director of such licensee or person. The superintendent may in the superintendent's discretion, upon the application of a licensee or any person who, directly or indirectly, owns, controls or holds with power to vote or seeks to own, control or hold with power to vote any voting stock of such licensee, determine whether or not the ownership, control or holding of such voting stock constitutes or would constitute control of such licensee for purposes of this section.

§ 741. Ground for revocation or suspension of license; procedure. 1. A license granted pursuant to this section shall be revoked or suspended by the superintendent upon a finding that:

(a) The licensee has violated any applicable law or regulation;

(b) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the superintendent's refusal to issue such license; or

(c) The licensee has failed to pay any sum of money lawfully demanded by the superintendent or to comply with any demand, ruling or requirement of the superintendent.

2. Any licensee may surrender any license by delivering to the superintendent written notice that the licensee thereby surrenders such license. Such surrender shall be effective upon its acceptance by the superintendent, and shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

3. Every license issued hereunder shall remain in force and effect until the same shall have been surrendered, revoked or suspended, in accordance with the provisions of this article, but the superintendent shall have authority to reinstate suspended licenses or to issue a new license to a licensee whose license has been revoked if no fact or condition then exists which clearly would have warranted the superintendent's refusal to issue such license.

4. Whenever the superintendent shall revoke or suspend a license issued pursuant to this article, the superintendent shall forthwith execute a written order to that effect, which order may be reviewed in the manner provided by article seventy-eight of the civil practice law and rules. Such special proceeding for review as authorized by this section must be commenced within thirty days from the date of such order of suspension or revocation.

5. The superintendent may, for good cause, without notice and a hearing, suspend any license issued pursuant to this article for a period not exceeding thirty days, pending investigation. "Good cause," as used in this subdivision, shall exist only when the licensee has engaged in or is likely to engage in a practice prohibited by this article or the regulations promulgated thereunder or engages in dishonest or inequitable practices which may cause substantial harm to the public.

§ 742. Superintendent authorized to examine. 1. The superintendent shall have the power to make such investigations as the superintendent shall deem necessary to determine whether any buy-now-pay-later lender or any other person has violated any of the provisions of this article or any other applicable law, or whether any licensee has conducted itself in such manner as would justify the revocation of its license, and to the extent necessary therefor, the superintendent may require the attendance of and examine any person under oath, and shall have the power to compel the production of all relevant books, records, accounts, and documents.

2. The superintendent shall have the power to make such examinations of the books, records, accounts and documents used in the business of any licensee as the superintendent shall deem necessary to determine whether any such licensee has violated any of the provisions of this chapter or any other applicable law or to secure information lawfully required by the superintendent.

§ 743. Licensee's books and records; reports. 1. A buy-now-pay-later lender shall keep and use in its business such books, accounts and records as will enable the superintendent to determine whether such buy-now-pay-later lender is complying with the provisions of this article and with the rules and regulations lawfully made by the superintendent hereunder. Every buy-now-pay-later lender shall preserve such books, accounts and records for at least six years after making the final entry in respect to any buy-now-pay-later loan recorded therein;

provided, however, the preservation of photographic or digital reproductions thereof or records in photographic or digital form shall constitute compliance with this requirement.

2. By a date to be set by the superintendent, each licensee shall annually file a report with the superintendent giving such information as the superintendent may require concerning the licensee's business and operations during the preceding calendar year within the state under the authority of this article. Such report shall be subscribed and affirmed as true by the licensee under the penalties of perjury and be in the form prescribed by the superintendent. In addition to such annual reports, the superintendent may require of licensees such additional regular or special reports as the superintendent may deem necessary to the proper supervision of licensees under this article. Such additional reports shall be in the form prescribed by the superintendent and shall be subscribed and affirmed as true under the penalties of perjury.

§ 744. Acts prohibited. 1. No buy-now-pay-later lender shall take or cause to be taken any confession of judgment or any power of attorney to confess judgment or to appear for the consumer in a judicial proceeding.

2. No buy-now-pay-later lender shall make or cause to be made an advertisement for a buy-now-pay-later loan that is false, misleading, or deceptive.

§ 745. Limitation on charges on buy-now-pay-later loans. No buy-now-pay-later lender shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration upon a buy-now-pay-later loan greater than the rate permitted by section 5-501 of the general obligations law.

§ 746. Consumer protections. 1. Disclosures. A buy-now-pay-later lender shall disclose or cause to be disclosed to consumers the terms of buy-now-pay-later loans, including the cost, such as interest and fees, repayment schedule, and other material conditions, in a clear and conspicuous manner.

2. Ability to repay. Subject to regulations to be promulgated by the superintendent, a buy-now-pay-later lender shall, before providing or causing to be provided a buy-now-pay-later loan to a consumer, make, or cause to be made, a reasonable determination that such consumer has the ability to repay the buy-now-pay-later loan.

3. Credit reporting. A buy-now-pay-later lender shall maintain or cause to be maintained policies and procedures for maintaining accurate data that may be reported to credit reporting agencies. The superintendent may issue regulations requiring that buy-now-pay-later lenders report or cause to be reported data on buy-now-pay-later loans to consumer reporting agencies, requiring that such reporting occur in a particular manner, or prohibiting such reporting.

4. Returns, refunds and credits. A buy-now-pay-later lender shall handle or cause to be handled returns of and refunds and credits for goods or services purchased in connection with a buy-now-pay-later loan in a manner that is fair, transparent, and not unduly burdensome to consumers. A buy-now-pay-later lender shall maintain or cause to be maintained policies and procedures regarding such handling of returns, refunds, and credits. A buy-now-pay-later lender shall disclose or cause to be disclosed to consumers in a clear and conspicuous manner the process by which they can return and obtain refunds or credits for goods or services they have purchased with a buy-now-pay-later loan.

5. Consumer disputes. A buy-now-pay-later lender shall resolve or cause to be resolved disputes in a manner that is fair and transparent to consumers. A buy-now-pay-later lender shall create or cause to be

created a readily available and prominently disclosed method for consumers to bring a dispute to the buy-now-pay-later lender. A buy-now-pay-later lender shall maintain policies and procedures for handling consumer disputes.

6. Penalties and fees. No buy-now-pay-later lender shall charge or cause to be charged to a consumer an unfair, abusive, or excessive penalty or fee in connection with a buy-now-pay-later loan. For purposes of this subsection: (a) unfair shall mean causing substantial injury to consumers that is not reasonably avoidable by consumers, where such substantial injury is not outweighed by countervailing benefits to consumers or to competition; (b) abusive shall mean materially interfering with the ability of a consumer to understand a term or condition of a consumer financial product or service; or taking unreasonable advantage of (i) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service; (ii) the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or (iii) the reasonable reliance by the consumer on a buy-now-pay-later lender to act in the interests of the consumer; and (c) excessive shall mean greater than is reasonably necessary, considering the cost incurred by the buy-now-pay-later lender in providing any services associated with such penalty or fee, the competitive position of the buy-now-pay-later lender, and the maintenance of a safe and sound buy-now-pay-later lender that protects the public interest.

7. Use of consumer data. A buy-now-pay-later lender shall clearly and conspicuously disclose or cause to be disclosed to a consumer to which it provides a loan how such consumer's data may be used by the buy-now-pay-later lender and provide the consumer the opportunity to provide or withdraw consent to such use. The superintendent, in their discretion, may by regulation prohibit certain uses of consumer data if such use poses an undue risk to consumers.

8. Unauthorized use. The superintendent may issue rules and regulations regarding treatment of unauthorized use, so that consumers are liable for use of buy-now-pay-later loans in their name only under circumstances where such liability would be fair and reasonable.

9. Void buy-now-pay-later loans. Any buy-now-pay-later loan made by a person not licensed under this article, other than an exempt organization, shall be void, and such person shall have no right to collect or receive any principal, interest or charge whatsoever.

§ 747. Authority of superintendent. The superintendent is authorized to promulgate such general rules and regulations as may be appropriate, in their sole discretion, to implement the provisions of this article, protect consumers, and ensure the solvency and financial integrity of buy-now-pay-later lenders. The superintendent is further authorized to make such specific rulings, demands, and findings as may be necessary for the proper conduct of the business authorized and licensed under and for the enforcement of this article, in addition hereto and not inconsistent herewith.

§ 748. Penalties. 1. Any person, including any member, officer, director or employee of a buy-now-pay-later lender, who violates or participates in the violation of section seven hundred thirty-seven of this article, or who knowingly makes any incorrect statement of a material fact in any application, report or statement filed pursuant to this article, or who knowingly omits to state any material fact necessary to give the superintendent any information lawfully required by the superintendent or refuses to permit any lawful investigation or examination,

shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned for not more than six months or both, in the discretion of the court.

2. Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, in a proceeding after notice and a hearing require a buy-now-pay-later lender, whether or not a licensee, to pay to the people of this state a penalty for any violation of this chapter, any regulation promulgated thereunder, any final or temporary order issued pursuant to section thirty-nine of this chapter, any condition imposed in writing by the superintendent in connection with the grant of any application or request, or any written agreement entered into with the superintendent, and for knowingly making any incorrect statement of a material fact in any application, report or statement filed pursuant to this article, or knowingly omitting to state any material fact necessary to give the superintendent any information lawfully required by the superintendent or refusing to permit any lawful investigation or examination. As to any buy-now-pay-later lender that is not a licensee or an exempt organization, the superintendent is authorized to impose a penalty in the same amount authorized in section forty-four of this chapter for a violation of this chapter by any person licensed, certified, registered, authorized, chartered, accredited, incorporated or otherwise approved by the superintendent pursuant to this chapter.

3. No buy-now-pay-later lender shall make, directly or indirectly, orally or in writing, or by any method, practice or device, a representation that such buy-now-pay-later lender is licensed under the banking law except that a licensee under this chapter may make a representation that the licensee is licensed as a buy-now-pay-later lender under this chapter.

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

§ 2. Subdivision 1 of section 36 of the banking law, as amended by chapter 146 of the laws of 1961, is amended to read as follows:

1. The superintendent shall have the power to examine every banking organization, every bank holding company and any non-banking subsidiary thereof (as such terms "bank holding company" and "non-banking subsidiary" are defined in article three-A of this chapter) and every licensed lender and licensed buy-now-pay-later lender at any time prior to its dissolution whenever in his judgment such examination is necessary or advisable.

§ 3. Subdivision 10 of section 36 of the banking law, as amended by section 2 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

10. All reports of examinations and investigations, correspondence and memoranda concerning or arising out of such examination and investigations, including any duly authenticated copy or copies thereof in the possession of any banking organization, bank holding company or any subsidiary thereof (as such terms "bank holding company" and "subsidiary" are defined in article three-A of this chapter), any corporation or any other entity affiliated with a banking organization within the meaning of subdivision six of this section and any non-banking subsidiary of a corporation or any other entity which is an affiliate of a

banking organization within the meaning of subdivision six-a of this section, foreign banking corporation, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed mortgage banker, registered mortgage broker, licensed mortgage loan originator, licensed sales finance company, registered mortgage loan servicer, licensed student loan servicer, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, any other person or entity subject to supervision under this chapter, or the department, shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the superintendent, the ends of justice and the public advantage will be subserved by the publication thereof, in which event the superintendent may publish or authorize the publication of a copy of any such report or any part thereof in such manner as may be deemed proper or unless such laws specifically authorize such disclosure. For the purposes of this subdivision, "reports of examinations and investigations, and any correspondence and memoranda concerning or arising out of such examinations and investigations", includes any such materials of a bank, insurance or securities regulatory agency or any unit of the federal government or that of this state any other state or that of any foreign government which are considered confidential by such agency or unit and which are in the possession of the department or which are otherwise confidential materials that have been shared by the department with any such agency or unit and are in the possession of such agency or unit.

§ 4. Subdivisions 3 and 5 of section 37 of the banking law, as amended by chapter 360 of the laws of 1984, are amended to read as follows:

3. In addition to any reports expressly required by this chapter to be made, the superintendent may require any banking organization, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed mortgage banker, foreign banking corporation licensed by the superintendent to do business in this state, bank holding company and any non-banking subsidiary thereof, corporate affiliate of a corporate banking organization within the meaning of subdivision six of section thirty-six of this article and any non-banking subsidiary of a corporation which is an affiliate of a corporate banking organization within the meaning of subdivision six-a of section thirty-six of this article to make special reports to him at such times as he may prescribe.

5. The superintendent may extend at his discretion the time within which a banking organization, foreign banking corporation licensed by the superintendent to do business in this state, bank holding company or any non-banking subsidiary thereof, licensed casher of checks, licensed mortgage banker, private banker**, licensed buy-now-pay-later lender** or licensed lender is required to make and file any report to the superintendent.

§ 5. Section 39 of the banking law, as amended by section 3 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

§ 39. Orders of superintendent. 1. To appear and explain an apparent violation. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by

the superintendent to do business or maintain a representative office in this state has violated any law or regulation, he or she may, in his or her discretion, issue an order describing such apparent violation and requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation to appear before him or her, at a time and place fixed in said order, to present an explanation of such apparent violation.

2. To discontinue unauthorized or unsafe and unsound practices. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business in this state is conducting business in an unauthorized or unsafe and unsound manner, he or she may, in his or her discretion, issue an order directing the discontinuance of such unauthorized or unsafe and unsound practices, and fixing a time and place at which such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later licensed,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation may voluntarily appear before him or her to present any explanation in defense of the practices directed in said order to be discontinued.

3. To make good impairment of capital or to ensure compliance with financial requirements. Whenever it shall appear to the superintendent that the capital or capital stock of any banking organization, bank holding company or any subsidiary thereof which is organized, licensed or registered pursuant to this chapter, is impaired, or the financial requirements imposed by subdivision one of section two hundred two-b of this chapter or any regulation of the superintendent on any branch or agency of a foreign banking corporation or the financial requirements imposed by this chapter or any regulation of the superintendent on any licensed lender, **licensed buy-now-pay-later lender,** registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner or private banker are not satisfied, the superintendent may, in the superintendent's discretion, issue an order directing that such banking organization, bank holding company, branch or agency of a foreign banking corporation, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks,

licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or private banker make good such deficiency forthwith or within a time specified in such order.

4. To make good encroachments on reserves. Whenever it shall appear to the superintendent that either the total reserves or reserves on hand of any banking organization, branch or agency of a foreign banking corporation are below the amount required by or pursuant to this chapter or any other applicable provision of law or regulation to be maintained, or that such banking organization, branch or agency of a foreign banking corporation is not keeping its reserves on hand as required by this chapter or any other applicable provision of law or regulation, he or she may, in his or her discretion, issue an order directing that such banking organization, branch or agency of a foreign banking corporation make good such reserves forthwith or within a time specified in such order, or that it keep its reserves on hand as required by this chapter.

5. To keep books and accounts as prescribed. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, agency or branch of a foreign banking corporation licensed by the superintendent to do business in this state, does not keep its books and accounts in such manner as to enable him or her to readily ascertain its true condition, he or she may, in his or her discretion, issue an order requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, **licensed buy-now-pay-later lender,** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, or foreign banking corporation, or the officers or agents thereof, or any of them, to open and keep such books or accounts as he or she may, in his or her discretion, determine and prescribe for the purpose of keeping accurate and convenient records of its transactions and accounts.

6. As used in this section, "bank holding company" shall have the same meaning as that term is defined in section one hundred forty-one of this chapter.

§ 6. Subdivision 1 of section 42 of the banking law, as amended by chapter 65 of the laws of 1948, is amended to read as follows:

1. The name and the location of the principal office of every proposed corporation, private banker, licensed lender**, licensed buy-now-pay-later lender** and licensed casher of checks, the organization certificate, private banker's certificate or application for license of which has been filed for examination, and the date of such filing.

§ 7. Subdivision 2 of section 42 of the banking law, as amended by chapter 553 of the laws of 1960, is amended to read as follows:

2. The name and location of every licensed lender**, licensed buy-now-pay-later lender** and licensed casher of checks, and the name, location, amount of capital stock or permanent capital and amount of surplus of every corporation and private banker and the minimum assets required of every branch of a foreign banking corporation authorized to commence business, and the date of authorization or licensing.

§ 8. Subdivision 3 of section 42 of the banking law, as amended by chapter 553 of the laws of 1960, is amended to read as follows:

3. The name of every proposed corporation, private banker, branch of a foreign banking corporation, licensed lender**, licensed buy-now-pay-later lender** and licensed casher of checks to which a certificate of authorization or a license has been refused and the date of notice of refusal.

§ 9. Subdivision 4 of section 42 of the banking law, as amended by chapter 60 of the laws of 1957, is amended to read as follows:

4. The name and location of every private banker, licensed lender, licensed casher of checks, sales finance company**, licensed buy-now-pay-later lender** and foreign corporation the authorization certificate or license of which has been revoked, and the date of such revocation.

§ 10. Subdivision 5 of section 42 of the banking law, as amended by chapter 249 of the laws of 1968, is amended to read as follows:

5. The name of every banking organization, licensed lender, licensed casher of checks**, licensed buy-now-pay-later lender** and foreign corporation which has applied for leave to change its place or one of its places of business and the places from and to which the change is proposed to be made; the name of every banking organization which has applied to change the designation of its principal office to a branch office and to change the designation of one of its branch offices to its principal office, and the location of the principal office which is proposed to be redesignated as a branch office and of the branch office which is proposed to be redesignated as the principal office.

§ 11. Subdivision 6 of section 42 of the banking law, as amended by chapter 249 of the laws of 1968, is amended to read as follows:

6. The name of every banking organization, licensed lender, licensed casher of checks**, licensed buy-now-pay-later lender** and foreign corporation authorized to change its place or one of its places of business and the date when and the places from and to which the change is authorized to be made; the name of every banking organization authorized to change the designation of its principal office to a branch office and to change the designation of a branch office to its principal office, the location of the redesignated principal office and of the redesignated branch office, and the date of such change.

§ 12. Paragraph (a) of subdivision 1 of section 44 of the banking law, as amended by section 4 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

(a) Without limiting any power granted to the superintendent under any other provision of this chapter, the superintendent may, in a proceeding after notice and a hearing, require any safe deposit company, licensed lender, **licensed buy-now-pay-later lender** licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed mortgage banker, licensed student loan servicer, registered mortgage broker, licensed mortgage loan originator, registered mortgage loan servicer or licensed budget planner to pay to the people of this state a penalty for any violation of this chapter, any regulation promulgated thereunder, any final or temporary order issued pursuant to section thirty-nine of this article, any condition imposed in writing by the superintendent in connection with the grant of any application or request, or any written agreement entered into with the superintendent.

§ 13. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation authorized to be made by the superintendent

pursuant to this act is authorized to be made and completed on or before such effective date.

PART DD

Section 1. Subsection (g) of section 3420 of the insurance law, as amended by chapter 735 of the laws of 2022, is amended to read as follows:

(g) (1) Except as otherwise provided in paragraph two of this subsection, no policy or contract shall be deemed to insure against any liability of an insured because of death of or injuries to [~~his or her~~] **the insured's** spouse or because of injury to, or destruction of property of [~~his or her~~] **the insured's** spouse unless express provision relating specifically thereto is included in the policy. This exclusion shall apply only where the injured spouse, to be entitled to recover, must prove the culpable conduct of the insured spouse.

(2) (A) [~~Every~~] **(i) Upon payment of a reasonable premium established in accordance with article twenty-three of this chapter, an** insurer issuing or delivering any policy that satisfies the requirements of article six of the vehicle and traffic law **and is subject to section three thousand four hundred twenty-five of this article** shall provide coverage in such **a** policy **issued to a first named insured who has indicated that such insured has a spouse on the insurance application,** against liability of an insured because of death of or injuries to [~~his or her~~] **the insured's** spouse up to the liability insurance limits provided under such policy even where the injured spouse, to be entitled to recover, must prove the culpable conduct of the insured spouse, unless [~~the~~] **a first named** insured elects, in writing and in such form as the superintendent determines, to decline and refuse such coverage in [~~his or her~~] **the first named insured's** policy. Such insurance coverage shall be known as "supplemental spousal liability insurance".

(ii) Upon written request of an insured, and upon payment of a reasonable premium established in accordance with article twenty-three of this chapter, an insurer issuing or delivering any policy that satisfies the requirements of article six of the vehicle and traffic law, other than as specified in clause (i) of this subparagraph, shall provide coverage in such a policy against liability of an insured because of death of or injuries to the insured's spouse up to the liability insurance limits provided under such policy even where the injured spouse, to be entitled to recover, must prove the culpable conduct of the insured spouse.

(B) Upon issuance[~~, renewal or amendment~~] of a motor vehicle liability policy that satisfies the requirements of article six of the vehicle and traffic law **and is subject to section three thousand four hundred twenty-five of this article**, the insurer shall notify [~~the~~] **a first named** insured **who has indicated that such insured has a spouse on the insurance application**, in writing, that such policy shall include supplemental spousal liability insurance unless [~~the~~] **a first named** insured declines and refuses such insurance, in writing and in such form as shall be determined by the superintendent. Such notification shall be contained on the front of the premium notice in boldface type and include a concise statement that [~~supplementary~~] **supplemental** spousal coverage is provided unless declined by [~~the~~] **a first named** insured, an explanation of such coverage, and the insurer's premium for such coverage.

(C) A notification of the availability of supplemental spousal liability insurance shall be provided upon policy issuance, other than for the

policies to which the notification requirement in subparagraph (B) of this paragraph applies, and at least once a year for all motor vehicle liability policies that satisfy the requirements of article six of the vehicle and traffic law, where the policy does not already provide supplemental spousal liability insurance. Such notice shall be contained on the front of the premium notice in boldface type and include a concise statement that supplemental spousal liability coverage is available, an explanation of such coverage, and the insurer's premium for such coverage.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that the amendments to subsection (g) of section 3420 of the insurance law made by section one of this act shall be subject to the expiration and reversion of such subsection pursuant to section 2 of chapter 735 of the laws of 2022, as amended.

PART EE

Section 1. Subparagraph (B) of paragraph 15-a of subsection (i) of section 3216 of the insurance law, as amended by section 1 of part DDD of chapter 56 of the laws of 2020, is amended to read as follows:

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided, however, [~~the total amount~~] that [~~a covered person is required to pay out of pocket for~~] covered prescription insulin drugs shall [~~be capped at an amount not to exceed one hundred dollars per thirty-day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription and regardless of the insured's~~] **not be subject to a** deductible, copayment, coinsurance or any other cost sharing requirement.

§ 2. Subparagraph (B) of paragraph 7 of subsection (k) of section 3221 of the insurance law, as amended by section 2 of part DDD of chapter 56 of the laws of 2020, is amended to read as follows:

(B) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided, however, [~~the total amount~~] that [~~a covered person is required to pay out of pocket for~~] covered prescription insulin drugs shall [~~be capped at an amount not to exceed one hundred dollars per thirty-day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription and regardless of the insured's~~] **not be subject to a** deductible, copayment, coinsurance or any other cost sharing requirement.

§ 3. Paragraph 2 of subsection (u) of section 4303 of the insurance law, as amended by section 3 of part DDD of chapter 56 of the laws of 2020, is amended to read as follows:

(2) Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy; provided, however, [~~the total amount~~] that [~~a covered person is required to pay out of pocket for~~] covered prescription insulin drugs shall [~~be capped at an amount not to exceed one hundred dollars per thirty-day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription and regardless of the insured's~~] **not be**

subject to a deductible, copayment, coinsurance or any other cost sharing requirement.

§ 4. This act shall take effect January 1, 2025 and shall apply to any policy or contract issued, renewed, modified, altered, or amended on or after such date.

PART FF

Section 1. The insurance law is amended by adding a new section 3423 to read as follows:

§ 3423. Affordable housing underwriting and rating. (a) An insurer that issues or delivers in this state insurance covering loss of or damage to real property containing units used for residential purposes shall not inquire about on an application, nor shall an insurer cancel, refuse to issue, refuse to renew, or increase the premium of a policy based on, the following:

(1) the level or source of income of an individual or group of individuals residing or intending to reside upon the property to be insured, if the individual or group of individuals is not the owner of the real property;

(2) the real property containing any residential dwelling units that must be affordable to residents at a specific income level pursuant to statute, regulations, restrictive declaration, or pursuant to a regulatory agreement with a state or local government entity; or

(3) the real property owner or the residents therein receiving government housing subsidies, including the receipt of federal vouchers issued under section eight of the United States Housing Act of 1937 (42 U.S.C. § 1437f).

(b) Nothing in this section shall prohibit an insurer from refusing to accept an application for, canceling, refusing to issue, refusing to renew, or increasing the premium of, an insurance policy as a result of underwriting or rating factors, except as specified in subsection (a) of this section or as otherwise prohibited by this chapter or any other law.

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

PART GG

Section 1. The general business law is amended by adding a new article 28-G to read as follows:

ARTICLE 28-G
BATTERIES FOR MICROMOBILITY DEVICES

Section 495. Definitions.
496. Sale of lithium-ion batteries and second-use lithium-ion batteries.

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

1. "Lithium-ion battery" means a storage battery in which an electrical current is generated by lithium ions embedded in a carbon graphite or nickel metal-oxide substrate placed in a high-viscosity carbonate mixture or gelled polymer electrolyte.

2. "Second-use lithium-ion battery" means a lithium-ion battery that has been assembled, refurbished, repaired, repurposed or reconditioned using cells removed from used batteries.

3. "Micromobility device" means an electric scooter as defined in section one hundred fourteen-e of the vehicle and traffic law or other personal mobility device powered by a lithium-ion or other storage battery. The term "micromobility device" does not include bicycles with electric assist as defined in section one hundred two-c of the vehicle and traffic law, wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the department of motor vehicles.

4. "Accredited testing laboratory" means a nationally recognized testing laboratory as recognized by the federal occupational safety and health administration or an independent laboratory that has been certified by an accrediting body to ISO 17025 or ISO 17065.

§ 496. Sale of lithium-ion batteries and second-use lithium-ion batteries. 1. (a) No person shall distribute, assemble, recondition, sell or offer for sale a lithium-ion battery or a second-use lithium-ion battery intended for use in a bicycle with electric assist as defined in section one hundred two-c of the vehicle and traffic law unless the lithium-ion battery or second-use lithium-ion battery has been certified by an accredited testing laboratory for compliance with a battery standard referenced in UL 2849, UL 2271 or EN 15194, or such other safety standard approved by the department of state pursuant to regulation, and labeled accordingly.

(b) No person shall distribute, assemble, recondition, sell or offer for sale a lithium-ion battery or a second-use lithium-ion battery intended for use in a micromobility device unless the lithium-ion battery or second-use lithium-ion battery has been certified by an accredited testing laboratory for compliance with UL 2271 or UL 2272, or such other safety standard approved by the department of state pursuant to regulation, and labeled accordingly.

2. A person who violates subdivision one of this section is liable for a civil penalty as follows:

(a) for the first violation, a civil penalty of two hundred dollars; and

(b) for each subsequent violation issued for the same offense within two years of the date of a first violation, a civil penalty of not more than one thousand dollars.

3. Each failure to comply with subdivision one of this section with respect to each separate lithium-ion battery or second-use lithium-ion battery constitutes a separate violation.

4. The district attorney, county attorney, and the corporation counsel shall have concurrent authority to seek the relief in this section, and all civil penalties obtained in any such action shall be retained by such municipality or county.

5. The department of state may promulgate rules and regulations that provide for any additional acceptable safety standard relating to a lithium-ion battery or second-use lithium-ion battery.

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

PART HH

Section 1. Paragraph 1 of subsection (c) of section 109 of the insurance law, as amended by section 1 of subpart B of part AA of chapter 57 of the laws of 2022, is amended to read as follows:

(1) (A) If the superintendent finds after notice and hearing that any authorized insurer, representative of the insurer, licensed insurance

agent, licensed insurance broker, licensed adjuster, or any other person or entity licensed, certified, registered, or authorized pursuant to this chapter, has willfully violated the provisions of this chapter or any regulation promulgated thereunder or with respect to accident and health insurance, any provision of titles one or two of division BB of the Consolidated Appropriations Act of 2021 (Pub. L. No. 116-260), as may be amended from time-to-time, and any regulations promulgated thereunder, then the superintendent may order the person or entity to pay to the people of this state a penalty in a sum not exceeding one thousand dollars for each offense.

(B) If the superintendent finds after notice and hearing that any authorized insurer or representative thereof has willfully violated any mental health or substance use disorder provision of this chapter or any regulation promulgated thereunder, or the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (29 U.S.C. § 1185a) or any regulation promulgated thereunder, then the superintendent may order the authorized insurer or representative thereof to pay to the people of this state a penalty in a sum not exceeding two thousand dollars for each offense.

§ 2. This act shall take effect immediately.

PART II

Section 1. The general business law is amended by adding a new section 352-m to read as follows:

§ 352-m. Protecting eligible adults from exploitation. 1. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Adult protective services" means the division of the New York city human resources administration and each county agency responsible for providing adult protective services pursuant to section four hundred seventy-three of the social services law.

(b) "Financial exploitation" means: (i) the improper use of an eligible adult's funds, property, income or assets; or (ii) any act or omission by a person, including through the use of a power of attorney, guardianship or any other authority regarding an eligible adult to: (A) obtain control, through deception, intimidation, threats or undue influence over the eligible adult's money, assets, income or property; or

(B) convert the eligible adult's money, assets, income or property.

(c) "Law enforcement agency" means any agency, which is empowered by law to make an arrest for a felony, and any agency which is authorized by law to prosecute a felony and including any police officer as defined by subdivision thirty-four of section 1.20 of the criminal procedure law and any prosecutor.

(d) "Transaction hold" means a delay in the completion of one or more financial transactions pending an investigation by a broker-dealer, investment adviser, or qualified individual, adult protective services, or a law enforcement agency.

(e) "Eligible adult" means an individual who is: sixty-five years of age or older; or at least the age of eighteen and who, because of mental or physical impairment, is unable to manage their own resources or protect themselves from financial exploitation without assistance from others.

2. Notification. If a broker-dealer, investment adviser, or qualified individual reasonably believes financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, such

broker-dealer, investment adviser, or qualified individual may promptly notify the adult protective services and law enforcement.

3. Application of transaction hold. (a) If an employee of a broker-dealer, investment adviser, or qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then such broker-dealer, investment adviser, or qualified individual may place a transaction hold on such transaction.

(b) A broker-dealer, investment adviser, or qualified individual shall apply a transaction hold to a transaction if adult protective services or a law enforcement agency notifies such broker-dealer, investment adviser, or qualified individual that it reasonably believes that the transaction is the subject of or related to financial exploitation of an eligible adult.

(c) A broker-dealer, investment adviser, or qualified individual that applies a transaction hold shall: (i) provide notice of such hold, in writing, to all parties authorized to transact business on the account that is the subject of a transaction hold, as well as any designated third party, no later than one business day after the application of the transaction hold; (ii) if the transaction hold has been applied pursuant to paragraph (a) of this subdivision, no later than one business day after application of the transaction hold, report the transaction hold, including the basis for the broker-dealer, investment adviser, or qualified individual's belief that the transaction is the subject of or related to financial exploitation of an eligible adult to adult protective services in its district and to a law enforcement agency; and (iii) at the request of adult protective services or a law enforcement agency, provide any information and documents relating to the transaction hold within three business days after the request for such information or documents.

4. Duration of transaction hold. A transaction hold shall expire fifteen business days after its application except that (i) a transaction hold shall be extended for no more than twenty-five additional business days upon request from adult protective services or a law enforcement agency; (ii) at any time, a broker-dealer, investment adviser, or qualified individual shall release a transaction hold not more than one business day after such broker-dealer, investment adviser, or qualified individual receives notice from adult protective services or the law enforcement agency that requested the transaction hold or to which the broker-dealer, investment adviser, or qualified individual reported the transaction hold, that such agency does not have or no longer has a reasonable basis to believe that the held transaction is the subject of or related to financial exploitation; (iii) if a broker-dealer, investment adviser, or qualified individual no longer reasonably believes that a transaction is the subject of or related to financial exploitation, it may release a transaction hold applied to that transaction, provided that adult protective services or the law enforcement agency, the broker-dealer, investment adviser, or qualified individual has notified of such hold pursuant to subparagraph (i) of paragraph (c) of subdivision three of this section does not object; (iv) a transaction hold may be extended in accordance with an order issued by a court of competent jurisdiction; and (v) a transaction hold may be terminated at any time pursuant to an order issued by a court of competent jurisdiction.

5. Records. A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted

financial exploitation of an eligible adult to law enforcement, either as part of a notification or if it is necessary or appropriate in the public interest and for the protection of the eligible adult. The records may include historical records as well as records relating to the most recent transactions that may comprise financial exploitation of an eligible adult. All records made available to law enforcement shall be considered confidential records and shall not be available for examination by the public.

6. Immunity. A broker-dealer, investment adviser, or a qualified individual shall be immune from criminal, civil, and administrative liability for good faith actions in relation to the application of this section, including any good faith determination to apply or not apply a transaction hold to a transaction. Notwithstanding the foregoing, such immunity shall not apply to a determination not to impose a transaction hold when the broker-dealer, investment adviser, or qualified individual engages in intentional misconduct in making the determination, or if the determination results from a conflict of interest.

§ 2. The banking law is amended by adding a new section 4-d to read as follows:

§ 4-d. Protecting eligible adults from financial exploitation. 1. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Adult protective services" means the division of the New York city human resources administration and each county agency responsible for providing adult protective services pursuant to section four hundred seventy-three of the social services law.

(b) "Banking institution" means any bank, trust company, savings bank, savings and loan association, credit union or branch of a foreign banking corporation that is chartered, organized or licensed under the laws of this state or any other state or the United States, and, in the ordinary course of business takes deposit accounts in this state.

(c) "Financial exploitation" means: (i) the improper use of an eligible adult's funds, property, income or assets; or (ii) any act or omission by a person, including through the use of a power of attorney, guardianship or any other authority regarding an eligible adult to: (A) obtain control, through deception, intimidation, threats or undue influence over the eligible adult's money, assets, income or property; or

(B) convert the eligible adult's money, assets, income or property.

(d) "Law enforcement agency" means any agency, which is empowered by law to make an arrest for a felony, and any agency which is authorized by law to prosecute a felony and including any police officer as defined by subdivision thirty-four of section 1.20 of the criminal procedure law and any prosecutor.

(e) "Transaction hold" means a delay in the completion of one or more financial transactions pending an investigation by a banking institution, adult protective services, or a law enforcement agency.

(f) "Eligible adult" means an individual who is: sixty-five years of age or older; or at least the age of eighteen and who, because of mental or physical impairment, is unable to manage their own resources or protect themselves from financial exploitation without assistance from others.

2. Application of transaction hold. (a) If an employee of a banking institution reasonably believes that a financial exploitation of an eligible adult may have occurred, may have been attempted, or is being attempted, then the banking institution may place a transaction hold on such transaction.

(b) A banking institution shall apply a transaction hold to a transaction if adult protective services or a law enforcement agency notifies the banking institution that it reasonably believes that the transaction is the subject of or related to financial exploitation of an eligible adult.

(c) A banking institution that applies a transaction hold shall: (i) provide notice of such hold, in writing, to all parties authorized to transact business on the account that is the subject of a transaction hold, as well any designated third party, no later than one business day after the application of the transaction hold; (ii) if the transaction hold has been applied pursuant to paragraph (a) of this subdivision, no later than one business day after application of the transaction hold, report the transaction hold, including the basis for the banking institution's belief that the transaction is the subject of or related to financial exploitation of an eligible adult to adult protective services in its district and to a law enforcement agency; and (iii) at the request of adult protective services or a law enforcement agency, provide any information and documents relating to the transaction hold within three business days after the request for such information or documents.

3. Notification. If a banking institution reasonably believes financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, the banking institution may promptly notify the adult protective services and law enforcement.

4. Duration of transaction hold. A transaction hold shall expire fifteen business days after its application except that (i) a transaction hold shall be extended for no more than twenty-five additional business days upon request from adult protective services or a law enforcement agency; (ii) at any time, a banking institution shall release a transaction hold not more than one business day after such banking institution receives notice from adult protective services or the law enforcement agency that requested the transaction hold or to which the banking institution reported the transaction hold, that such agency does not have or no longer has a reasonable basis to believe that the held transaction is the subject of or related to financial exploitation; (iii) if a banking institution no longer reasonably believes that a transaction is the subject of or related to financial exploitation, it may release a transaction hold applied to that transaction, provided that adult protective services or the law enforcement agency the banking institution has notified of such hold pursuant to subparagraph (i) of paragraph (c) of subdivision two of this section does not object; (iv) a transaction hold may be extended in accordance with an order issued by a court of competent jurisdiction; and (v) a transaction hold may be terminated at any time pursuant to an order issued by a court of competent jurisdiction.

5. Regulations. The superintendent may promulgate regulations to effectuate the purposes of this section, including setting forth factors that a banking institution may consider in determining whether to apply a transaction hold to a transaction pursuant to paragraph (a) of subdivision two of this section, the form and manner of any notification mandated by subdivision two of this section, and the implementation of training programs for banking institution staff relating to recognizing financial exploitation.

6. Immunity. A banking institution or an employee of a banking institution shall be immune from criminal, civil, and administrative liability for good faith actions in relation to the application of this

section, including any good faith determination to apply or not apply a transaction hold to a transaction. Notwithstanding the foregoing, such immunity shall not apply to a determination not to impose a transaction hold when the banking institution or employee engages in intentional misconduct in making the determination, or if the determination results from a conflict of interest.

§ 3. Section 473 of the social services law is amended by adding a new subdivision 5-a to read as follows:

5-a. Whenever a social services official, or his or her designee authorized or required to determine the need for, or to provide or arrange for the provision of protective services to adults in accordance with the provisions of this title has a reason to believe that financial exploitation of an eligible adult has occurred, has been attempted, or is being attempted, the social services official or his or her designee must report this information to the appropriate law enforcement agency and notify any financial or banking institutions involved in the relevant financial transactions of the need to apply a transaction hold.

§ 4. Paragraph (g) of subdivision 6 of section 473 of the social services law, as amended by chapter 395 of the laws of 1995, is amended to read as follows:

(g) "Financial exploitation" means:

(i) the improper use of an adult's funds, property, income or [~~resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers or denial of access to assets~~] assets; or

(ii) any act or omission by a person, including through the use of a power of attorney, guardianship or any other authority regarding an adult to: (A) obtain control, through deception, intimidation, threats or undue influence over the adult's money, assets, income or property; or (B) convert the adult's money, assets, income or property.

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

PART JJ

Section 1. This act shall be known and may be cited as the "Consumer Protection Act (CPA)".

§ 2. Section 349 of the general business law, as added by chapter 43 of the laws of 1970, subdivision (h) as amended by chapter 157 of the laws of 1984, and subdivision (j) as added by section 6 of part HH of chapter 55 of the laws of 2014, is amended to read as follows:

§ 349. [~~Deceptive acts~~] Unfair, deceptive and abusive acts and practices unlawful. (a) [~~Deceptive~~] Unfair, deceptive or abusive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service in this state are hereby declared unlawful.

(1) For the purposes of this section, an act or practice is unfair when it causes or is likely to cause substantial injury, the injury is not reasonably avoidable, and the injury is not outweighed by countervailing benefits to consumers or competition.

(2) For the purposes of this section, an act or practice is abusive when:

(i) it materially interferes with the ability of a person to understand a term or condition of a product or service; or

(ii) takes unreasonable advantage of:

(A) a person's lack of understanding of the material risks, costs, or conditions of the product or service; or

(B) a person's inability to protect their interests in selecting or using a product or service.

(b) Whenever the attorney general shall believe from evidence satisfactory to [~~him~~] **them** that any person, firm, corporation or association or agent or employee thereof has engaged in or is about to engage in any of the acts or practices stated to be [~~unlawful he~~] **unfair, deceptive or abusive, they** may bring an action in the name and on behalf of the people of the state of New York to enjoin such unlawful acts or practices and to obtain restitution of any moneys or property obtained directly or indirectly by any such unlawful acts or practices. In such action preliminary relief may be granted under article sixty-three of the civil practice law and rules. **Such actions may be brought regardless of whether or not the underlying violation is directed at individuals or businesses or involves the offering of goods, services, or property for personal, family or household purposes.**

(c) Before any violation of this section is sought to be enjoined, the attorney general shall be required to give the person against whom such proceeding is contemplated notice by certified mail and an opportunity to show in writing within five business days after receipt of notice why proceedings should not be instituted against [~~him~~] **them**, unless the attorney general shall find, in any case in which [~~he seeks~~] **they seek** preliminary relief, that to give such notice and opportunity is not in the public interest.

(d) In any such action it shall be a complete defense that the act or practice is, or if in interstate commerce would be, subject to and complies with the rules and regulations of, and the statutes administered by, the federal trade commission or any official department, division, commission or agency of the United States as such rules, regulations or statutes are interpreted by the federal trade commission or such department, division, commission or agency or the federal courts.

(e) Nothing in this section shall apply to any television or radio broadcasting station or to any publisher or printer of a newspaper, magazine or other form of printed advertising, who broadcasts, publishes, or prints the advertisement.

(f) In connection with any proposed proceeding under this section, the attorney general is authorized to take proof and make a determination of the relevant facts, and to issue subpoenas in accordance with the civil practice law and rules.

(g) This section shall apply to all **unfair,** deceptive **or abusive** acts or practices declared to be unlawful, whether or not subject to any other law of this state, and shall not supersede, amend or repeal any other law of this state under which the attorney general is authorized to take any action or conduct any inquiry.

(h) In addition to the right of action granted to the attorney general pursuant to this section, any person who has been injured by reason of any violation of this section may bring an action in [~~his~~] **their** own name to enjoin such [~~unlawful~~] **unfair, deceptive, or abusive** act or practice, an action to recover [~~his~~] **their** actual damages or [~~fifty~~] **one thousand** dollars, whichever is greater, or both such actions. **Such actions may be brought regardless of whether or not the underlying violation involves the offering of goods, services or property for personal, family or household purposes.** The court may, in its discretion, increase the award of damages to an amount not to exceed three times the actual damages up to one thousand dollars, if the court finds the defendant willfully or knowingly violated this section. The

court [~~may~~] shall award reasonable attorney's fees and costs to a prevailing plaintiff.

(i) (1) At least thirty days prior to the commencement of an action for monetary damages exceeding five hundred dollars pursuant to subdivision (h) of this section or within thirty days of amending a complaint to seek monetary damages exceeding five hundred dollars pursuant to subdivision (h) of this section, the consumer shall do the following:

(A) Notify the person alleged to have committed unfair, deceptive or abusive acts or practices in violation of this section of the particular alleged violations of this section, including a reasonably specific description regarding the time, place and nature of the allegations; and

(B) Demand that such person correct, repair, replace, or otherwise rectify the alleged violation or violations of this section with sufficient specificity to permit a reasonable person to respond to such demand.

(2) The demand made pursuant to this subdivision shall be in writing and shall be sent by certified or registered mail, return receipt requested, to the place where the transaction occurred or to the person's principal place of business, if known. Evidence demonstrating that notice, however made, was actually received by the person is sufficient to demonstrate compliance with this paragraph.

(3) No action for monetary damages greater than five hundred dollars may be maintained under this section if an appropriate correction, repair, replacement, or other remedy has been provided by the person alleged to have committed unfair, deceptive or abusive acts or practices in violation of this section to the consumer within thirty days of receipt by such person of the notice.

(4) No action for monetary damages may be maintained under article nine of the civil practice law and rules against a person alleged to have committed unfair, deceptive or abusive acts or practices in violation of this section upon a showing by such person that they have:

(A) Identified all consumers similarly situated or have made reasonable efforts to identify such other consumers;

(B) Notified all such similarly situated consumers so identified that upon their request, such person shall make the appropriate correction, repair, replacement, or other remedy of the goods or services;

(C) Corrected, repaired, replaced, or provided any other remedy requested by the consumers within a reasonable time frame; and

(D) Ceased from engaging in, or if immediate cessation is impossible or unreasonably expensive under the circumstances, the person will, within a reasonable time, cease to engage in, the unfair, deceptive or abusive acts or practices.

(5) Actions seeking injunctive relief only may be commenced without compliance with this subdivision.

(6) Attempts or efforts to comply with this section by a person receiving a demand shall be construed as an offer to compromise under section forty-five hundred forty-seven of the civil practice law and rules and shall be inadmissible as evidence. Furthermore, attempts or efforts to comply with a demand shall not be considered an admission of engaging in an act or practice declared unlawful by this section. Evidence of compliance or attempts or efforts to comply with this section may be introduced by a defendant or person alleged to have committed unfair, deceptive or abusive acts or practices in violation of this section for the purpose of establishing good faith or to show compliance with this section.

(j) Notwithstanding any law to the contrary, all monies recovered or obtained under this article by a state agency or state official or employee acting in their official capacity shall be subject to subdivision eleven of section four of the state finance law.

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

PART KK

Section 1. Section 4 of Part WW of chapter 56 of the laws of 2022 amending the public officers law relating to permitting videoconferencing and remote participation in public meetings under certain circumstances, is amended to read as follows:

§ 4. This act shall take effect immediately and shall expire and be deemed repealed July 1, [~~2024~~] **2026**.

§ 2. This act shall take effect immediately.

PART LL

Section 1. Paragraph 2 of subsection (f) of section 1308 of the insurance law, as amended by section 2 of chapter 802 of the laws of 1985, is amended to read as follows:

(2) Any domestic life insurance company proposing to assume by reinsurance all or any part of the business in force, other than portions of individual risks, of any domestic, foreign or alien life insurance company, fraternal benefit society or other organization having outstanding policies or certificates of life insurance or accident and health insurance or annuity contracts shall make written application to the superintendent for permission to do so. If after due consideration the superintendent is satisfied that the proposed reinsurance will not prejudice the interests of the policyholders of either the applicant or the companies [~~which~~] **that** are members of The Life Insurance Guaranty Corporation or of The Life **and Health** Insurance Company Guaranty Corporation of New York, [~~he~~] **the superintendent** shall grant the permission.

§ 2. Paragraph 1 of subsection (a) of section 7434 of the insurance law, as amended by chapter 134 of the laws of 1999, is amended to read as follows:

(1) Upon the recommendation of the superintendent, and under the direction of the court, distribution payments shall be made in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims. The priority of distribution of claims from an insolvent [~~property/casualty~~] insurer **other than a life insurer** in any proceeding subject to this article shall be in accordance with the order in which each class of claims is set forth in this paragraph and as provided in this paragraph. Every claim in each class shall be paid in full or adequate funds retained for such payment before the members of the next class receive any payment. No subclasses shall be established within any class. No claim by a shareholder, policyholder or other creditor shall be permitted to circumvent the priority classes through the use of equitable remedies. The order of distribution of claims shall be:

[~~(i)~~] **(A)** Class one. Claims with respect to the actual and necessary costs and expenses of administration, incurred by the liquidator, rehabilitator or conservator under this article.

[~~(ii)~~] **(B)** Class two. All claims under policies including such claims of the federal or any state or local government for losses incurred, third party claims, claims for unearned premiums, and all claims of a security fund, guaranty association or the equivalent except claims arising under reinsurance contracts.

[~~(iii)~~] **(C)** Class three. Claims of the federal government except those under class two above.

[~~(iv)~~] **(D)** Class four. Claims for wages owing to employees of an insurer against whom a proceeding under this article is commenced for services rendered within one year before commencement of the proceeding, not exceeding one thousand two hundred dollars to each employee, and claims for unemployment insurance contributions required by article eighteen of the labor law. Such priority shall be in lieu of any other similar priority which may be authorized by law.

[~~(v)~~] **(E)** Class five. Claims of state and local governments except those under class two above.

[~~(vi)~~] **(F)** Class six. Claims of general creditors including, but not limited to, claims arising under reinsurance contracts.

[~~(vii)~~] **(G)** Class seven. Claims filed late or any other claims other than claims under class eight or class nine below.

[~~(viii)~~] **H)** Class eight. Claims for advanced or borrowed funds made pursuant to section one thousand three hundred seven of this chapter.

[~~(ix)~~] **(I)** Class nine. Claims of shareholders or other owners in their capacity as shareholders.

§ 3. Paragraphs 1 and 4 of subsection (a) of section 7435 of the insurance law, as added by chapter 802 of the laws of 1985, are amended to read as follows:

(1) Class one. Claims with respect to the actual and necessary costs and expenses of administration, incurred by the liquidator, rehabilitator, conservator or ancillary rehabilitator under this article, or by The Life Insurance Guaranty Corporation or The Life **and Health** Insurance Company Guaranty Corporation of New York, and claims described in subsection (d) of section seven thousand seven hundred thirteen of this chapter.

(4) Class four. All claims under insurance policies, annuity contracts and funding agreements, and all claims of The Life **and Health** Insurance Company Guaranty Corporation of New York or any other guaranty corporation or association of this state or another jurisdiction, other than [~~(i)~~] claims provided for in paragraph one of this subsection[~~,~~] and [~~(ii)~~] claims for interest.

§ 4. Paragraph 2 of subsection (c) of section 7709 of the insurance law, as amended by section 10 of subpart D of part Y of chapter 57 of the laws of 2023, is amended to read as follows:

(2) The amount of any class B or class C assessment, except for assessments related to long-term care insurance, shall be allocated for assessment purposes among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies or contracts covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to the premiums received by such insurer for such calendar year on all covered policies. The amount of any class B or class C assessment for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation and approved by the superintendent. The methodology shall provide for fifty percent of the assessment to be allocated to health insurance company member insurers and fifty percent to

be allocated to life insurance company member insurers; provided, however, that a property/casualty insurer that writes health insurance shall be considered a health insurance company member for this purpose. Class B and class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the three calendar years preceding the assessment bears to such premiums received on business in this state for such calendar years by all assessed member insurers. **Class B and Class C assessments against member insurers for the health insurance account shall be further reduced for not-for-profit member insurers pursuant to a methodology included in the plan of operation and approved by the superintendent.**

§ 5. Section 7712 of the insurance law, as added by chapter 802 of the laws of 1985, subsection (a) as amended by section 11 of subpart D of part Y of chapter 57 of the laws of 2023, is amended to read as follows:

§ 7712. Credits for assessments paid. (a) The superintendent shall annually[~~, within six months following the close of each calendar year, furnish to the commissioner of taxation and finance and the director of the division of the budget a statement of operations for the life insurance guaranty corporation and the life and health insurance company guaranty corporation of New York. Such statement shall show the assessments, less any refunds or reimbursements thereof, paid by each insurance company pursuant to the provisions of article seventy-five or~~] **issue a certificate of tax credit for net class A assessments paid, and a separate certificate of tax credit for total net class B and class C assessments paid, as such assessments are described in** section seven thousand seven hundred nine of this article, [~~for the purposes of meeting the requirements of this chapter. Each statement, starting with the statement furnished in the year nineteen hundred eighty-six and ending with the statement furnished in the year two thousand, shall show the annual activity for every year commencing from nineteen hundred eighty-five through the most recently completed year. Each statement furnished in each year after the year two thousand shall reflect such assessments paid during the preceding fifteen calendar years. The superintendent shall also furnish a copy of such statement to each such~~] **to an** insurance company **that is required to file a tax return pursuant to article thirty-three of the tax law. For the purposes of this section, an insurance company's "net class A assessments paid" shall mean its gross class A assessments paid pursuant to the provisions of article seventy-five or section seven thousand seven hundred nine of this article, less any refunds, recoveries, or reimbursements, and an insurance company's "total net class B and class C assessments paid" shall mean its gross class B and class C assessments paid pursuant to the provisions of article seventy-five or section seven thousand seven hundred nine of this article, less any refunds, recoveries, or reimbursements**.

(b) The [~~maximum authorized~~] **certificates of tax** credit [~~for each company in respect of the assessments paid during the most recent calendar year covered by such statement~~] shall [~~be~~] **set forth the amount of tax credit an insurance company may claim** as follows:

(1) [~~if the sum of the net assessments paid by all companies in the period reported on in the statement of operations required to be furnished by the superintendent pursuant to the provisions of subsection (a) of this section is less than one hundred million dollars, no such credits shall be authorized~~] **for net class A assessments, the eligible**

credit amount shall be equal to the product of eighty per centum and the company's net class A assessments paid; and

(2) [~~(A) if the sum of such net assessments exceeds one hundred million dollars, the maximum authorized credit for each company with respect to net assessments paid by such company in any year shall be the excess, if any, of (i) over (ii), where (i) is the sum of such company's tentative cross-over year credit and its tentative credits for subsequent years, both as determined pursuant to subparagraphs (B) and (C) of this paragraph, and (ii) is the sum of the maximum credits theretofore authorized for the years covered by such statement, to and including the most recently completed year, determined with reference to the periods covered by all prior such statements.~~

~~(B) Such company's tentative cross-over year credit shall be eighty per centum of the product of (i) and (ii), where (i) is the sum of assessments paid by such company during the cross-over year, and (ii) is a fraction, the numerator of which is the excess over one hundred million dollars of the sum of net assessments paid by all companies during such period and the denominator of which is the sum of net assessments paid by such companies during the cross-over year. For purposes of this paragraph, the cross-over year is the first year during the period covered by such statement in which the net assessments paid by all companies during such period exceeded one hundred million dollars in whole or in part.~~

~~(C) Such company's tentative credit for each year subsequent to the cross-over year shall be eighty per centum of the net assessments paid by such company during such year.~~

~~(3) For the purposes of this section, net assessments means gross assessments, less any recoveries or reimbursements, paid during the period covered by the most recent statement of operations furnished by the superintendent pursuant to the provisions of subsection (a) of this section~~] for total net class B and class C assessments, the eligible credit amount shall be equal to the product of eighty per centum and the company's total net class B and class C assessments paid, subject to subsection (c) of this section.

(c)(1) The aggregate amount of tax credits pursuant to this section for total net class B and class C assessments in each calendar year shall not exceed one hundred fifty million dollars. The aggregate tax credit amount shall be allocated annually by the superintendent on a pro rata basis to each company required to file a tax return pursuant to article thirty-three of the tax law.

(2) The superintendent shall allocate any tax credit amount that exceeds the annual credit cap of one hundred fifty million dollars to the following calendar year and include such amount within the calculation of the eligible credit amount subject to the aggregate credit amount for the succeeding calendar year by the superintendent.

(3) For companies issued a certificate of tax credit for total net class B and class C assessments, such annual certificate shall set forth an amount equal to thirty-three and one-third per centum of the amount calculated under subsection (b) of this section and allocated pursuant to paragraph one of this subsection. The amount on the certificate of tax credit shall be eligible to be claimed in the taxable year that begins in the calendar year that such certificate is issued. Thirty-three and one-third per centum of such amount shall be eligible to be claimed in each of the two taxable years following such taxable year.

(d)(1) The superintendent shall, in consultation with the commissioner of taxation and finance, develop a certificate of tax credit for net

class A assessments, and a certificate of tax credit for total net class B and class C assessments. Each certificate shall contain such information as required by the commissioner of taxation and finance, including a certificate date.

(2) The superintendent shall solely determine the tax credit eligibility of any insurance company and shall revoke any certificate of tax credit issued to an insurance company that no longer qualifies for a tax credit. The superintendent shall modify the amount of the credit shown on any such certificate if the superintendent determines that the amount certified under subsection (b) of this section was not computed properly pursuant to this section.

(3) To be issued a certificate of tax credit by the superintendent, each insurance company shall:

(A) agree to allow the department of taxation and finance to share the insurance company's tax information relevant to the administration of this section with the superintendent. However, any information shared with the superintendent as a result of this section shall not be available for public disclosure or inspection under article six of the public officers law;

(B) allow the superintendent and the corporation access to any and all books and records the superintendent or corporation may require to monitor compliance with this section; and

(C) agree to provide any additional information required by the superintendent relevant to this section.

§ 6. Subdivision (f) of section 1511 of the tax law, as amended by chapter 803 of the laws of 1985, paragraph 1 as amended by chapter 217 of the laws 2012, subparagraph (B) of paragraph 3 as further amended by section 104 of part A of chapter 62 of the laws of 2011 and paragraph 5 as amended by section 9 of part H3 of chapter 62 of the laws of 2003, is amended to read as follows:

(f) Credit relating to life and health insurance guaranty corporation assessments. [~~A~~] (1) Allowance of credit. For taxable years beginning on or after January first, two thousand twenty-four, a credit shall be allowed against the tax imposed pursuant to this article (other than section fifteen hundred five-a of this article)[~~, for a portion of the assessments paid by a taxpayer pursuant to article seventy-five or section seven thousand seven hundred nine of the insurance law. The credit shall be determined in accordance with the following provisions~~] as hereinafter provided.

[~~(1)~~] (2) Amount of credit. The [~~maximum authorized~~] amount of the credit for each taxpayer shall [~~be determined as provided in~~] equal the amount shown on the certificate of tax credit, or the amounts shown on such certificates, issued to such taxpayer pursuant to section seven thousand seven hundred twelve of the insurance law. With respect to each such certificate, the amount of the credit must be claimed in the taxable year that begins in the calendar year that such certificate is issued.

[~~(2) Thirty-three and one-third per centum of the maximum authorized credit for the second calendar year preceding the taxable year, plus any amount carried forward under subparagraph (C) of paragraph three of this subdivision or paragraph four of this subdivision, shall be allowed as a credit under this subdivision for such taxable year, and thirty-three and one-third per centum of such maximum authorized credit for such second preceding calendar year, plus any amount carried forward under subparagraph (C) of this subdivision or paragraph four of this subdivi-~~

~~sion, shall be allowed in each of the two taxable years following such taxable year.~~]

(3) [~~(A) For each calendar year for which a credit has been authorized pursuant to section seven thousand seven hundred twelve of the insurance law, the commissioner of taxation and finance shall determine the total tax liability of all life insurance corporations under this article, other than under section fifteen hundred five-a of this article, before the application of any credits allowed pursuant to this section, for taxable years beginning in such calendar year. Such total tax liability shall be published in the state register on or before the thirtieth day of September of the next succeeding calendar year.~~

~~(B) The credit allowed under paragraph two of this subdivision for each taxpayer shall not exceed the product of (x) and (y) where (x) is a fraction, the numerator of which is the sum of the gross assessments paid by the particular taxpayer during the calendar year for which the credit has been authorized and the denominator of which is the sum of the gross assessments paid by all companies during such year, both as shown in the most recent statement of operations furnished by the superintendent of financial services under subsection (a) of section seven thousand seven hundred twelve of the insurance law and both the numerator and denominator being reduced, as appropriate, by any refunds or reimbursements and (y) is the greater of (i) forty per centum of the total tax liability published by the commissioner pursuant to subparagraph (A) of this paragraph and (ii) forty million dollars.~~

~~(C) The amount by which the allowable credit computed without reference to the limitation contained in subparagraph (B) of this paragraph exceeds the allowable credit for such taxable year shall be carried forward as a credit under paragraph two of this subdivision.~~

~~(D) With respect to estimated taxes payable under section fifteen hundred fourteen of this article any increase in estimated taxes due to the limitation imposed by this paragraph shall be deemed timely paid if paid on or before the fifteenth day of December next following the date specified in subparagraph (A) of this paragraph.~~] Carryover. The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the minimum fixed by paragraph four of subdivision (a) of section fifteen hundred two of this article or section fifteen hundred two-a of this article, whichever is applicable. However, if the amount of credit allowable under this subdivision for any taxable year reduces the tax to such amount, any amount of credit not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

(4) [~~If for any taxable year the credits allowable under paragraph two of this subdivision determined without regard to this paragraph exceed the taxpayer's liability for taxes under this article for the taxable year after the allowance of all other credits under this section, then the sum of two hundred fifty dollars and the amount by which such credits under this subdivision exceed such tax liability shall be carried forward as a credit under paragraph two of this subdivision for the taxable year next following.~~] Eligibility. To be eligible for the credit, the taxpayer shall have been issued a certificate, or certificates, of tax credit by the department of financial services pursuant to section seven thousand seven hundred twelve of the insurance law, each of which certificates shall set forth the amount of the credit that may be claimed and the certificate date. A taxpayer that is a partner in a partnership, member of a limited liability company or shareholder in a

subchapter S corporation that has received a certificate, or certificates, of tax credit shall be allowed its pro rata share of the credit earned by the partnership, limited liability company or subchapter S corporation.

(5) [~~No credit allowed pursuant to this subdivision shall reduce the tax payable by any taxpayer under this article for any taxable year to an amount less than the minimum tax fixed by paragraph four of subdivision (a) of section fifteen hundred two of this article or section fifteen hundred two-a of this article, whichever is applicable.~~] Tax return requirement. The taxpayer is required to include with its tax return in the form prescribed by the commissioner, proof of receipt of its certificate, or certificates, of tax credit issued by the department of financial services.

(6) Information sharing. Notwithstanding any provision of this chapter, employees of the department of financial services and the department shall be allowed and are directed to share and exchange:

(A) information regarding the credit allowed or claimed pursuant to this subdivision and taxpayers that are claiming the credit; and

(B) information contained in or derived from credit claim forms submitted to the department. All information exchanged between the department of financial services and the department shall not be subject to public disclosure or inspection under article six of the public officers law.

(7) Credit recapture. If a certificate of tax credit issued by the department of financial services under section seven thousand seven hundred twelve of the insurance law is revoked by such department, the amount of credit described in this subdivision and claimed by the taxpayer prior to such revocation shall be added back to tax in the taxable year in which any such revocation becomes final. If an amount of credit on any such certificate of tax credit is modified by the department of financial services, the difference between the amount of credit described in this subdivision and claimed by the taxpayer prior to such modification and the modified amount shall be added back to tax in the taxable year in which any such modification becomes final.

(8) Net assessments. No amount of any net assessments paid by such taxpayer included as the basis for the calculation of the amount shown on any such certificate shall be the basis for any other tax credit under this chapter.

§ 7. Notwithstanding the provisions of sections one through six of this act, in 2024, for the calendar year 2023, the superintendent of financial services shall furnish the statement of operations for the life insurance guaranty corporation and the life and health insurance company guaranty corporation of New York as provided in subsection (a) of section 7712 of the insurance law, as such provision of law was in effect immediately prior to the effective date of this act.

§ 8. Notwithstanding the provisions of sections one through seven of this act, an insurance company allowed a tax credit pursuant to section 7712 of the insurance law and subdivision (f) of section 1511 of the tax law, as such provisions of law were in effect immediately prior to the effective date of this act, shall continue to be allowed the credit relating to life insurance guaranty corporation assessments under such subdivision (f), for assessments paid on or before December 31, 2023, as follows:

(i) any amount of such credit that has not been claimed in a taxable year beginning before January 1, 2024 shall be allowed as a credit against the tax imposed pursuant to article 33 of the tax law, other

than section 1505-a of such article, in the taxable year beginning on or after such date; and

(ii) any amount of credit allowed pursuant to the previous paragraph shall be subject to the carryover provision of paragraph 3 of subdivision (f) of section 1511 of the tax law, as such subdivision has been amended by section six of this act.

§ 9. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2024.

PART MM

Section 1. Short title. This act shall be known and may be cited as the "artificial intelligence deceptive practices act".

§ 2. This act enacts into law major components of legislation necessary to implement the artificial intelligence deceptive practices act. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section four of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Section 50 of the civil rights law is amended to read as follows:

§ 50. Right of privacy. A person, firm or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait [~~or~~], picture**, likeness, or voice** of any living person without having first obtained the written consent of such person, or if a minor of [~~his or her~~] **such minor's** parent or guardian, is guilty of a misdemeanor.

§ 2. Section 51 of the civil rights law, as amended by chapter 674 of the laws of 1995, is amended to read as follows:

§ 51. Action for injunction and for damages. Any person whose name, portrait, picture**, likeness** or voice is used within this state for advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable action in the supreme court of this state against the person, firm or corporation so using [~~his~~] **such person's** name, portrait, picture**, likeness** or voice, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait, picture**, likeness** or voice in such manner as is forbidden or declared to be unlawful by section fifty of this article, the jury, in its discretion, may award exemplary damages. But nothing contained in this article shall be so construed as to prevent any person, firm or corporation from selling or otherwise transferring any material containing such name, portrait, picture**, likeness** or voice in whatever medium to any user of such name, portrait, picture**, likeness** or voice, or to any third party for sale or transfer directly or indirectly to such a user, for use in a manner lawful under this article; nothing contained in this article shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or

about [~~his or its~~] **their** establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed; and nothing contained in this article shall be so construed as to prevent any person, firm or corporation from using the name, portrait, picture**, likeness** or voice of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by [~~him~~] **such manufacturer or dealer** which [~~he has~~] **they have** sold or disposed of with such name, portrait, picture**, likeness** or voice used in connection therewith; or from using the name, portrait, picture**, likeness** or voice of any author, composer or artist in connection with [~~his~~] **their** literary, musical or artistic productions which [~~he has~~] **they have** sold or disposed of with such name, portrait, picture**, likeness** or voice used in connection therewith. Nothing contained in this section shall be construed to prohibit the copyright owner of a sound recording from disposing of, dealing in, licensing or selling that sound recording to any party, if the right to dispose of, deal in, license or sell such sound recording has been conferred by contract or other written document by such living person or the holder of such right. Nothing contained in the foregoing sentence shall be deemed to abrogate or otherwise limit any rights or remedies otherwise conferred by federal law or state law.

§ 3. The opening paragraph of subdivision 1 and subdivisions 4 and 5 of section 52-b of the civil rights law, as added by chapter 109 of the laws of 2019, are amended and a new subdivision 11 is added to read as follows:

Any person depicted in a still or video image, **including an image created or altered by digitization,** regardless of whether or not the original still or video image was consensually obtained, shall have a cause of action against an individual who, for the purpose of harassing, annoying or alarming such person, disseminated or published, or threatened to disseminate or publish, such still or video image, where such image:

4. Any person depicted in a still or video image**, including an image created or altered by digitization,** that depicts an unclothed or exposed intimate part of such person, or such person engaging in sexual conduct as defined in subdivision ten of section 130.00 of the penal law with another person, which is disseminated or published without the consent of such person and where such person had a reasonable expectation that the image would remain private, may maintain an action or special proceeding for a court order to require any website that is subject to personal jurisdiction under subdivision five of this section to permanently remove such still or video image; any such court order granted pursuant to this subdivision may direct removal only as to images that are reasonably within such website's control.

5. a. Any website that hosts or transmits a still or video image, **including an image created or altered by digitization,** viewable in this state, taken under circumstances where the person depicted had a reasonable expectation that the image would remain private, which depicts:

(i) an unclothed or exposed intimate part, as defined in section 245.15 of the penal law, of a resident of this state; or

(ii) a resident of this state engaging in sexual conduct as defined in subdivision ten of section 130.00 of the penal law with another person; and

b. Such still or video image is hosted or transmitted without the consent of such resident of this state, shall be subject to personal

jurisdiction in a civil action in this state to the maximum extent permitted under the United States constitution and federal law.

11. For purposes of this section, "digitization" means the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

§ 4. Paragraph b of subdivision 1 of section 52-c of the civil rights law, as added by chapter 304 of the laws of 2020, is amended to read as follows:

b. "digitization" means to realistically depict the nude body parts of another human being as the nude body parts of the depicted individual, computer-generated nude body parts as the nude body parts of the depicted individual or the depicted individual engaging in sexual conduct, as defined in subdivision ten of section 130.00 of the penal law, in which the depicted individual did not engage. **"Digitization" may also mean the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.**

§ 5. The civil rights law is amended by adding a new section 50-h to read as follows:

§ 50-h. Private right of action for false light invasion of privacy. 1. For the purposes of this section:

a. "depicted individual" means an individual whose picture, portrait or voice appears in digitally-altered material in a realistic manner.

b. "actor" means a human being or a legal entity.

c. "individual" means a natural individual.

d. "digitization" means the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

e. "digitally-altered material" means any audio or visual media, including any photograph, film, videotape, audio recording or similar medium that has been created or altered in a realistic manner using digitization.

2. a. A depicted individual shall have a cause of action against an actor who discloses, disseminates, or publishes digitally-altered material that contains a false statement or representation which places such individual in a false light, if:

i. the false light in which the depicted individual was placed would be highly offensive to a reasonable person; and

ii. (A) where the depicted individual is a private person, the actor knew or in the exercise of reasonable care should have known of the falsity of such digitally-altered material; or (B) where the depicted individual is a public figure, the actor had knowledge of or acted with reckless disregard as to the falsity of such digitally-altered material.

b. It shall not be a defense to an action under this section that there is a disclaimer that the digitally-altered material that places the depicted individual in a false light was unauthorized or that the depicted individual did not participate in the creation or development of the digitally-altered material.

3. A cause of action under this section shall be commenced the later of either:

a. three years after the disclosure, dissemination or publication of the digitally-altered material that places the depicted individual in a false light;

b. one year from the date a person discovers, or reasonably should have discovered, the disclosure, dissemination or publication of such digitally-altered material that places the depicted individual in a false light.

4. In any action commenced pursuant to this section, the finder of fact, in its discretion, may award injunctive relief, punitive damages, compensatory damages and reasonable court costs and attorneys' fees.

5. Nothing in this section shall be read to require a prior criminal complaint, prosecution or conviction to establish the elements of the cause of action provided for in this section.

6. The provisions of this section including the remedies are in addition to, and shall not supersede, any other rights or remedies available in law or equity.

7. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

8. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

§ 6. This act shall take effect immediately.

SUBPART B

Section 1. Section 10.00 of the penal law is amended by adding a new subdivision 23 to read as follows:

23. "Digitization" means the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

§ 2. The penal law is amended by adding a new section 15.30 to read as follows:

§ 15.30 Effect of use of digitization upon liability.

A person is not relieved of criminal liability for conduct because it involves the use of digitization, regardless of whether the material created or altered by digitization indicates through a label or some other form of information published that digitization was used. Evidence of use of digitization may be offered whenever it is relevant to establish or negative the crime charged.

§ 3. Section 245.15 of the penal law, as added by chapter 109 of the laws of 2019, subdivisions 1 and 2 as amended by chapter 513 of the laws of 2023, is amended to read as follows:

§ 245.15 Unlawful dissemination or publication of an intimate image or audio record.

1. A person is guilty of unlawful dissemination or publication of an intimate image or audio record when:

(a) (i) with intent to cause harm to the emotional, financial or physical welfare of another person, they intentionally disseminate or publish a still or video image depicting such other person with one or more intimate parts exposed or engaging in obscene or sexual conduct [~~with another person~~], including an image created or altered by digitization, where such person may reasonably be identified from the still or video image itself or from information displayed in connection with the still or video image; and

[~~(b)~~] (ii) the actor knew or reasonably should have known that the person depicted did not consent to such dissemination or publication, including the dissemination or publication of an image taken with the consent of the person depicted when such person had a reasonable expectation that the image would remain private, regardless of whether the actor was present when such image was taken[~~.~~]; or

(b) (i) with intent to cause harm to the emotional, financial or physical welfare of another person, they intentionally disseminate or publish an audio record depicting such other person engaging in sexual or obscene conduct, including an audio record created or altered by digitization, where such person may reasonably be identified from the audio record itself or from information displayed in connection with the audio record; and

(ii) the actor knew or reasonably should have known that the person depicted did not consent to such dissemination or publication, including the dissemination or publication of an audio record taken with the consent of the person depicted when such person had a reasonable expectation that the audio record would remain private, regardless of whether the actor was present when such audio record was taken.

2. For purposes of this section the following terms shall have the following meanings:

(a) "intimate part" means the naked genitals, pubic area, anus or female nipple of the person;

(b) "disseminate" and "publish" shall have the same meaning as defined in section 250.40 of this title;

(c) "sexual conduct" shall have the same meaning as defined in subdivision ten of section 130.00 of this chapter; and

(d) [~~"digitization" shall mean to alter an image in a realistic manner utilizing an image or images of a person, other than the person depicted, or computer generated images~~] "obscene" shall have the same meaning as defined in section 235.00 of this part.

3. This section shall not apply to the following:

(a) the reporting of unlawful conduct;

(b) dissemination or publication of an intimate image or audio record made during lawful and common practices of law enforcement, legal proceedings or medical treatment;

(c) images and audio records involving voluntary exposure in a public or commercial setting; or

(d) dissemination or publication of an intimate image or audio record made for a legitimate public purpose.

4. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

Unlawful dissemination or publication of an intimate image or audio record is a class A misdemeanor.

§ 4. Section 135.60 of the penal law, as amended by section 1 of part NN of chapter 55 of the laws of 2018, the opening paragraph as amended by chapter 484 of the laws of 2021, subdivision 10 as added by chapter 447 of the laws of 2021, is amended to read as follows:

§ 135.60 Coercion in the third degree.

A person is guilty of coercion in the third degree when [~~he or she~~] such person compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which [~~he or she~~] such latter person has a legal right to engage, or compels or induces a person to join a group, organ-

ization or criminal enterprise which such latter person has a right to abstain from joining, or compels or induces a person to produce, disseminate, or otherwise display an image or images **or audio record or records** depicting nudity of such person [~~or~~], depicting such person engaged in sexual conduct as defined in subdivisions two and three of section 235.20 of this chapter, **or depicting such other person engaged in conduct that is obscene as defined in section 235.00 of this part, including when such material is created or altered by digitization,** by means of instilling in [~~him or her~~] **such other person** a fear that, if the demand is not complied with, the actor or another will:

1. Cause physical injury to a person; or

2. Cause damage to property; or

3. Engage in other conduct constituting a crime; or

4. Accuse some person of a crime or cause criminal charges to be instituted against [~~him or her~~] **such person**; or

5. Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

6. Cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act; or

7. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

8. Use or abuse [~~his or her~~] **their** position as a public servant by performing some act within or related to [~~his or her~~] **their** official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or

9. Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to [~~his or her~~] **their** health, safety, business, calling, career, financial condition, reputation or personal relationships.

10. Report [~~his or her~~] **the person's** immigration status or suspected immigration status.

Coercion in the third degree is a class A misdemeanor.

§ 5. Section 190.25 of the penal law, the section heading, opening paragraph and closing paragraph as amended by chapter 27 of the laws of 1980, subdivisions 3 and 4 as amended and subdivision 5 as added by chapter 739 of the laws of 2021, is amended to read as follows:

§ 190.25 Criminal impersonation in the second degree.

A person is guilty of criminal impersonation in the second degree when [~~he~~] **the person**:

1. Impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another; or

2. Pretends to be a representative of some person or organization and does an act in such pretended capacity with intent to obtain a benefit or to injure or defraud another; or

3. (a) Pretends to be a public servant, or wears or displays without authority any uniform, badge, insignia or facsimile thereof by which such public servant is lawfully distinguished, or falsely expresses by [~~his~~] words or actions that [~~he~~] **such person** is a public servant or is acting with approval or authority of a public agency or department; and (b) so acts with intent to induce another to submit to such pretended official authority, to solicit funds or to otherwise cause another to act in reliance upon that pretense; or

4. Impersonates another by communication by internet website or electronic means with intent to obtain a benefit or injure or defraud another, or by such communication pretends to be a public servant in order to induce another to submit to such authority or act in reliance on such pretense; or

5. Impersonates another person, without such other person's permission, by using the other person's electronic signature with intent to obtain a benefit or injure or defraud the other person or another person. For the purposes of this subdivision, electronic signature shall have the same meaning as set forth in subdivision three of section three hundred two of the state technology law.

As used in this section, "impersonate" and "pretend" shall include, but not be limited to, instances involving the use of digitization.

Criminal impersonation in the second degree is a class A misdemeanor.

§ 6. Section 190.26 of the penal law, as amended by chapter 2 of the laws of 1998, subdivision 1 as amended by chapter 434 of the laws of 2008, is amended to read as follows:

§ 190.26 Criminal impersonation in the first degree.

A person is guilty of criminal impersonation in the first degree when [~~he~~] **the person**:

1. Pretends to be a police officer or a federal law enforcement officer as enumerated in section 2.15 of the criminal procedure law, or wears or displays without authority, any uniform, badge or other insignia or facsimile thereof, by which such police officer or federal law enforcement officer is lawfully distinguished or expresses by [~~his or her~~] words or actions that [~~he or she~~] **such person** is acting with the approval or authority of any police department or acting as a federal law enforcement officer with the approval of any agency that employs federal law enforcement officers as enumerated in section 2.15 of the criminal procedure law; and

2. So acts with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon said pretense and in the course of such pretense commits or attempts to commit a felony; or

3. Pretending to be a duly licensed physician or other person authorized to issue a prescription for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law, communicates to a pharmacist an oral prescription which is required to be reduced to writing pursuant to section thirty-three hundred thirty-two of the public health law.

As used in this section, "pretend" shall include, but not be limited to, instances involving the use of digitization.

Criminal impersonation in the first degree is a class E felony.

§ 7. The opening paragraph of section 190.78 of the penal law, as added by chapter 619 of the laws of 2002, is amended to read as follows:

A person is guilty of identity theft in the third degree when [~~he or she~~] **such person** knowingly and with intent to defraud assumes the identity of another person**, including with the use of digitization,** by presenting [~~himself or herself~~] **themself** as that other person, or by acting as that other person or by using personal identifying information of that other person, and thereby:

§ 8. The opening paragraph of section 190.79 of the penal law, as added by chapter 619 of the laws of 2002, is amended to read as follows:

A person is guilty of [~~identify~~] **identity** theft in the second degree when [~~he or she~~] **such person** knowingly and with intent to defraud assumes the identity of another person**, including with the use of digi-**

tization, by presenting [~~himself or herself~~] themself as that other person, or by acting as that other person or by using personal identifying information of that other person, and thereby:

§ 9. The opening paragraph of section 190.80 of the penal law, as added by chapter 619 of the laws of 2002, is amended to read as follows:

A person is guilty of identity theft in the first degree when [~~he or she~~] such person knowingly and with intent to defraud assumes the identity of another person, including with the use of digitization, by presenting [~~himself or herself~~] themself as that other person, or by acting as that other person or by using personal identifying information of that other person, and thereby:

§ 10. The opening paragraph of section 190.80-a of the penal law, as added by chapter 226 of the laws of 2008, is amended to read as follows:

A person is guilty of aggravated identity theft when [~~he or she~~] such person knowingly and with intent to defraud assumes the identity of another person, including with the use of digitization, by presenting [~~himself or herself~~] themself as that other person, or by acting as that other person or by using personal identifying information of that other person, and knows that such person is a member of the armed forces, and knows that such member is presently deployed outside of the continental United States and:

§ 11. The penal law is amended by adding a new section 245.20 to read as follows:

§ 245.20 Unlawful dissemination or publication of a fabricated photographic, videographic, or audio record.

1. A person is guilty of unlawful dissemination or publication of a fabricated photographic, videographic, or audio record when, with intent to cause harm to the liberty or emotional, social, financial or physical welfare of an identifiable person or persons, the actor intentionally creates or causes to be created a fabricated record of such person or persons and disseminates or publishes such record of such person or persons without such person or persons' consent.

2. For purposes of this section:

(a) "Identifiable" shall mean the ability to discern an individual's identity either through the fabricated record itself or from information displayed in connection with the fabricated record;

(b) "Fabricated photographic, videographic, or audio record" or "fabricated record" shall mean a still image, video or audio record that:

(i) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality;

(ii) is either manipulated or entirely artificial, including but not limited to, manipulation through digitization; and

(iii) depicts a scenario that did not actually occur or that has been altered in a significant way from how it actually occurred; and

(c) "Disseminate" and "publish" shall have the same meanings as defined in section 250.40 of this title.

3. This section shall not apply to the following:

(a) Dissemination or publication of a fabricated record by a person who did not create the fabricated record or cause the fabricated record to be created, whether or not such person is aware of the authenticity of the record;

(b) Dissemination or publication of a fabricated record that was created during the lawful and common practices of law enforcement, legal proceedings or medical treatment where the record is not disseminated or published with the intent to misrepresent its authenticity;

(c) Dissemination or publication of a fabricated record that was created for the purpose of political or social commentary, parody, satire, or artistic expression that is not disseminated or published with the intent to misrepresent its authenticity;

(d) Dissemination or publication of a fabricated record that was created for the purpose of news reporting where the record is not disseminated or published with the intent to misrepresent its authenticity;

(e) Dissemination or publication of a fabricated record that was created where the person reasonably believes that the dissemination or publication of the record is necessary to protect themselves from serious bodily injury or death;

(f) Dissemination or publication of a fabricated record that was created for the purpose of historical reenactment or preservation, digital restoration or preservation of cultural heritage where the record is not disseminated or published with the intent to misrepresent its authenticity;

(g) Dissemination or publication of a fabricated record that was created for the purpose of training or education, provided however that such training or education shall not include the training or education of a person or persons to engage in unlawful activities;

(h) Dissemination or publication of a fabricated record that was created for the purpose of memorializing a deceased person;

(i) Dissemination or publication of a fabricated record that was created for the purpose of lawful scientific, academic, or technological research or development where the record is not disseminated or published with the intent to misrepresent its authenticity; and

(j) Initial dissemination or publication of a fabricated record by the platform or service, provided that the fabricated record was not created by an individual who is directly affiliated with the platform or service.

4. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C. § 230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. § 230.

Unlawful dissemination or publication of a fabricated photographic, videographic, or audio record is a class A misdemeanor.

§ 12. Section 263.10 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 263.10 Promoting an obscene sexual performance by a child.

A person is guilty of promoting an obscene sexual performance by a child when, knowing the character and content thereof, [~~he~~] such person produces, directs or promotes any obscene performance which includes sexual conduct by a child less than seventeen years of age, including a performance created or altered by digitization.

Promoting an obscene sexual performance by a child is a class D felony.

§ 13. Section 263.11 of the penal law, as amended by chapter 456 of the laws of 2012, is amended to read as follows:

§ 263.11 Possessing an obscene sexual performance by a child.

A person is guilty of possessing an obscene sexual performance by a child when, knowing the character and content thereof, [~~he~~] such person knowingly has in [~~his~~] such person's possession or control, or knowingly accesses with intent to view, any obscene performance which includes sexual conduct by a child less than sixteen years of age, including a performance created or altered by digitization.

Possessing an obscene sexual performance by a child is a class E felony.

§ 14. Section 263.15 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 263.15 Promoting a sexual performance by a child.

A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, [~~he~~] **such person** produces, directs or promotes any performance which includes sexual conduct by a child less than seventeen years of age**, including a performance created or altered by digitization**.

Promoting a sexual performance by a child is a class D felony.

§ 15. Section 263.16 of the penal law, as amended by chapter 456 of the laws of 2012, is amended to read as follows:

§ 263.16 Possessing a sexual performance by a child.

A person is guilty of possessing a sexual performance by a child when, knowing the character and content thereof, [~~he~~] **such person** knowingly has in [~~his~~] **such person's** possession or control, or knowingly accesses with intent to view, any performance which includes sexual conduct by a child less than sixteen years of age**, including a performance created or altered by digitization**.

Possessing a sexual performance by a child is a class E felony.

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

SUBPART C

Section 1. Section 14-106 of the election law is amended by adding a new subdivision 5 to read as follows:

5. (a) For purposes of this subdivision:

(i) "Digitization" means use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

(ii) "Deceptive media" means any video recording, motion picture, film, audio recording, electronic image, photograph, text, or any technological representation of speech or conduct fully or partially created or modified through digitization that:

(1) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality; and

(2) depicts a scenario that did not actually occur or that has been altered in a significant way from how they actually occurred.

(b) (i) A person, firm, association, corporation, campaign, committee, or organization that with the intent to unduly influence the outcome of an election or deceive a voter, knowingly distributes or publishes within sixty days of an election any political communication that was produced by or includes digitized deceptive media shall be required to disclose the use of such digitization.

(ii) (1) For visual media the disclosure shall be printed or typed in an appropriate legible font size consistent with other text appearing in the visual media and in the same language used on the communication to read as follows: "this political communication was created with the assistance of digitization".

(2) For communication that is auditory, such as radio or automated telephone calls, clearly speaking the statement at the beginning of the audio in the same language used in the communication satisfies the requirements of clause one of this subparagraph.

(iii) This paragraph shall not apply to the following:
(1) deceptive media that constitutes satire or parody;
(2) deceptive media created for the purposes of news reporting; or
(3) initial dissemination by a platform or service including, but not limited to, a website, regularly published newspaper, or magazine.
(c)(i) A registered voter may seek injunctive or other equitable relief prohibiting the distribution, publication, or broadcasting of any deceptive media in violation of this subdivision. An action under this paragraph shall be initiated by filing an application for order to show cause in the supreme court where the voter resides.
(ii) A candidate whose voice or likeness appears in deceptive media in violation of this subdivision may seek injunctive relief or other equitable relief prohibiting the distribution, publication or broadcasting of any deceptive media in violation of this subdivision. An action under this paragraph shall be initiated by filing an application for an order to show cause in the supreme court where the deceptive media at issue could deceive and influence electors in an upcoming election.
(iii) This paragraph shall not be construed to limit or preclude a plaintiff from pursuing or recovering any other available remedy.

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

§ 3. Severability clause. If any clause, sentence, paragraph, subdivision, section, subpart or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, subpart or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

PART NN

Section 1. Section 2328 of the insurance law, as amended by chapter 182 of the laws of 2023, is amended to read as follows:

§ 2328. Certain motor vehicle insurance rates; prior approval. [~~For the periods February first, nineteen hundred seventy-four through August second, two thousand one, and the effective date of the property/casualty insurance availability act through June thirtieth, two thousand twenty-six, no~~] No changes in rates, rating plans, rating rules and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, shall be made effective until approved by the superintendent, notwithstanding any inconsistent provisions of this article[~~; provided, however, that changes in such rates, rating plans, rating rules and rate manuals may be made effective without such approval if the rates that result from such changes are no higher than the insurer's rates last approved by the superintendent~~]. This section shall apply only to policies covering losses or liabilities arising out of ownership of a motor vehicle used principally for the transportation of persons for hire, including a bus or a school bus as defined in sections one hundred four and one hundred forty-two of the vehicle and traffic law.

§ 2. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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