

# STATE OF NEW YORK

9528

## IN SENATE

May 16, 2024

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the public authorities law, in relation to establishing the green transition authority; to amend the tax law, in relation to establishing a for-hire vehicle improvement surcharge; and making an appropriation therefor

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "green transition authority act".

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

5 1. New York State's For-Hire Vehicle ("FHV") industry is at the center  
6 of three interlinked crises that impact FHV drivers, people with disa-  
7 bilities, and the environment. These issues are:

8 a. FHV driver poverty. Rideshare driver earnings are in the lowest 10%  
9 of all occupations in the United States. This led the City of New York  
10 to establish the first-ever pay regulations for app-based drivers, but  
11 long hours and low pay remain the norm for most of the for-hire vehicle  
12 industry's 91% immigrant, predominantly people of color workforce of  
13 over 60,000 active drivers in NYC and for thousands more drivers across  
14 the state. Earnings from trips are only half the problem. Union surveys  
15 indicate that on average, each driver must spend \$31,000 per year for  
16 the things they need to do their job: a vehicle, gas, repairs, and  
17 insurance. Vehicle costs push drivers into poverty. Unfunded mandates  
18 to transition to electric vehicles, such as that of the City of New  
19 York's "Green Rides" program, risk deepening this crisis.

20 b. Climate change. New York's fleet of rideshare vehicles is a major  
21 source of greenhouse gas emissions that drive climate change. In New  
22 York City alone, a fleet of 109,000 gasoline-fueled rideshare vehicles  
23 puts 1.4 million tons of CO2 into the atmosphere every year, a 62%  
24 increase from 2013 to 2018 as the FHV fleet ballooned. Transportation  
25 generates approximately 30% of New York City's total carbon emissions,  
26 with the FHV fleet responsible for a substantial portion of this total.

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

LBD15088-02-4

1 The massive increase in emissions from the FHV fleet has moved New York  
2 City away from the goal established by the City Council of zero carbon  
3 emissions by 2050. Statewide, rideshare vehicles are a disproportionate  
4 driver of greenhouse gas emissions that cause climate change because  
5 they are on the road more hours than privately used vehicles. Addi-  
6 tionally, the State is far behind the curve in meeting its emissions  
7 reductions and renewable energy production established by the Climate  
8 Leadership and Community Protection Act (CLCPA).

9 c. Wheelchair accessibility. Very few rideshare vehicles are wheel-  
10 chair accessible across New York State. In 2011, people with disabili-  
11 ties launched a campaign to bring New York City's taxicab fleet into  
12 line with the requirements of the Americans with Disabilities Act. In  
13 2014, the campaign won a consent decree that mandated that half of the  
14 taxicab fleet of 13,587 vehicles would be made up of Wheelchair Accessi-  
15 ble Vehicles ("WAVs") by 2020. To fund this mandate, in 2015 the City of  
16 New York created a 30-cent surcharge on all yellow and green cab rides  
17 to establish a Taxicab Improvement Fund ("TIF") which would issue  
18 grants of up to \$30,000 to medallion owners to buy vehicles. This  
19 surcharge was recently increased to \$1/trip. To date, approximately  
20 4,200 WAV vehicles have been purchased and deployed as taxis, less than  
21 half the fleet of 13,587 taxis, and around half the medallion fleet has  
22 not come back on the road since the start of the pandemic. As of the  
23 most recent report, the Taxicab Improvement Fund held \$47 million  
24 unspent while the program falls short of its goals of a 50% accessible  
25 taxi fleet. With no funding available on the For-Hire Vehicle side of  
26 the industry, the situation is even worse with only approximately 5,900  
27 wheelchair-accessible vehicles out of a total of 94,000 FHV's in New York  
28 City. Statewide there is no mandate for accessibility, and wheelchair-  
29 accessible vehicles are even more scarce.

30 2. It is in the interest of the state to establish a dedicated public  
31 authority, the Green Transition Authority, to address the three crises  
32 of driver poverty, climate change and wheelchair accessibility in the  
33 FHV industry. The Green Transition Authority will be able to manage  
34 funding collected through a surcharge on FHV rides, additional govern-  
35 ment appropriations, and bond issuances to:

36 a. Work with auto manufacturers and retrofitters to rapidly develop  
37 and market vehicles that are both zero emissions and wheelchair accessi-  
38 ble;

39 b. Establish a co-investment program to incentivize and enable FHV  
40 drivers to purchase zero-emission and wheelchair-accessible vehicles;

41 c. Develop electric and zero-emission vehicle charging infrastructure  
42 and maintenance facilities;

43 d. Establish a voluntary transition program for excess drivers to  
44 receive paid training for employment in green jobs;

45 e. Fund other initiatives to advance economic development with the  
46 goal of decarbonization of the economy and creating good, green jobs;  
47 and

48 f. Improve paratransit service across New York State.

49 3. It is critical that the Green Transition Authority represent the  
50 public, drivers, autoworkers, environmental justice advocates, and disa-  
51 bility justice advocates, and be transparent and accountable to these  
52 stakeholders in managing funding and programs.

53 § 3. Article 8 of the public authorities law is amended by adding a  
54 new title 7 to read as follows:

55 TITLE 7

56 GREEN TRANSITION AUTHORITY

1 Section 1750. Definitions.

2 1751. Green transition authority.

3 1752. Members.

4 1753. Purposes, powers and duties of the authority.

5 1754. Additional powers of the authority.

6 1755. Green transition fund.

7 1756. Accounts and funding.

8 1757. Exemption from taxes, assessments and certain fees.

9 1758. Audit and annual report.

10 1759. Labor and procurement standards.

11 1760. Bonds and notes.

12 1761. Reserve funds and appropriations.

13 1762. Exemption from taxation of bonds and notes.

14 1763. Bonds and notes legal investments for fiduciaries.

15 1764. Right of state to require redemption of bonds.

16 1765. Rights and remedies of bondholders and noteholders.

17 1766. State not liable on bonds and notes.

18 § 1750. Definitions. As used or referred to in this title, unless a  
19 different meaning clearly appears from the context:

20 1. "Authority" means the green transition authority established pursu-  
21 ant to section seventeen hundred fifty-one of this title.

22 2. "Disadvantaged communities" means communities that bear the burdens  
23 of negative public health effects, environmental pollution, and impacts  
24 of climate change, and possess certain socioeconomic criteria, as iden-  
25 tified pursuant to section 75-0111 of the environmental conservation  
26 law, or as identified pursuant to the department of energy's Justice40  
27 Initiative, including people with disabilities.

28 3. "Disadvantaged worker" means a resident of New York state who:  
29 (a) is a woman, when considering construction and building contracts;  
30 (b) has a household income of less than fifty percent of the area  
31 median income;

32 (c) is an individual residing in an area of concentrated poverty;

33 (d) is disabled;

34 (e) is a veteran;

35 (f) is a person previously incarcerated or convicted of a crim-  
36 inal offense; or

37 (g) is long-term unemployed.

38 4. "Downstate region" means that portion of the state that includes  
39 each of the following counties: Nassau, Suffolk, Putnam, Rockland, West-  
40 chester, Bronx, Kings, New York, Queens, and Richmond.

41 5. "Electric vehicle" means a vehicle powered only by an electric  
42 motor that draws current from rechargeable storage batteries, fuel  
43 cells, photovoltaic arrays, or other sources of electric current.

44 6. "Electric vehicle charging infrastructure" means any physical  
45 infrastructure required for the construction of electric vehicle charg-  
46 ing stations or any related equipment needed to facilitate charging  
47 electric vehicles.

48 7. "Electric vehicle charging station" means stations that deliver  
49 electricity from a source outside an electric vehicle into one or more  
50 electric vehicles.

51 8. "Environmentally sustainable practices" means practices that prior-  
52 itize the responsible use of natural resources to maintain ecological  
53 balance and ensure the conservation of resources for future generations.

54 9. "For-hire vehicle" means any transportation network company vehicle  
55 ("TNC vehicle") as defined in section sixteen hundred ninety-one of the

1 vehicle and traffic law and any for-hire vehicle as defined in section  
2 19-502 of the administrative code of the city of New York.

3 10. "For-hire vehicle improvement surcharge" means the surcharge on  
4 for-hire vehicle transportation trips imposed under article  
5 twenty-nine-E of the tax law.

6 11. "Green job" means employment within industries that employ envi-  
7 ronmentally sustainable practices.

8 12. "Upstate region" means that portion of the state that includes  
9 each and every county of the state not included in the downstate region.

10 13. "Wheelchair-accessible vehicle" means a vehicle equipped with a  
11 hydraulic lift or ramps designed for the purpose of transporting persons  
12 in wheelchairs or containing any other physical device or alteration  
13 designed to permit access to and enable the transportation of persons  
14 with disabilities.

15 14. "Zero-emission vehicle" means a vehicle that produces no direct  
16 exhaust or tailpipe emissions and includes, but is not limited to, elec-  
17 tric vehicles.

18 15. "President" means the chief executive officer of the authority.

19 16. "Paratransit" means transportation service required by the feder-  
20 al Americans with disabilities act for individuals with disabilities who  
21 are unable to use fixed route transportation systems as defined in 49  
22 CFR § 37.3.

23 § 1751. Green transition authority. There is hereby created the green  
24 transition authority. The authority shall be a body corporate and poli-  
25 tic constituting a public benefit corporation.

26 § 1752. Members. 1. The authority shall consist of eleven voting  
27 members, who shall be appointed as follows: two shall be representatives  
28 of environmental justice organizations, one of whom shall be appointed  
29 by the governor, and one of whom shall be appointed by the speaker of  
30 the assembly; two shall be representatives of disability justice organ-  
31 izations, one of whom shall be appointed by the governor, and one of  
32 whom shall be appointed by the temporary president of the senate; one  
33 shall be a representative of a New York state worker cooperative corpo-  
34 ration owned by drivers licensed by the New York city taxi and limousine  
35 commission and shall be appointed by the governor; one shall be a repre-  
36 sentative of an organization with a track record of advocating for a  
37 transition to electric and wheelchair-accessible vehicles in the for-  
38 hire vehicle industry and shall be appointed by the speaker of the  
39 assembly; one shall be a representative of a labor union that represents  
40 paratransit drivers in New York state and shall be appointed by the  
41 governor; one shall be a representative of an automotive workers' union  
42 and shall be appointed by the temporary president of the senate; one  
43 shall be a representative of an electrical workers' union and shall be  
44 appointed by the governor; and two shall be appointed by the governor as  
45 at-large representatives of the public. Five of the members shall  
46 reside in the upstate region of the state and six of the members shall  
47 reside in the downstate region. All of the appointed members shall have  
48 relevant experience in any or all of the following areas: environmental  
49 justice, disability justice, energy markets, energy systems, organized  
50 labor, workforce development, sustainable land use, transportation, and  
51 clean energy.

52 2. All members shall continue to hold office until their successors  
53 are appointed and qualify. Of the appointed members, six of the members  
54 appointed by the governor shall serve initial terms of four years, while  
55 the remaining five members shall serve initial terms of three years.  
56 Thereafter, all terms shall be for a period of four years.

1 3. Vacancies shall be filled in the manner provided for original  
2 appointments. Members may be removed from office for the same reasons  
3 and in the same manner as may be provided by law for the removal of  
4 officers of a county.

5 4. The members of the authority shall designate the chair. The chair  
6 shall preside over meetings of the authority and shall serve as the  
7 primary liaison between the members and authority staff. A vice-chair  
8 may be elected by the authority from among its other members to serve as  
9 such at the pleasure of the authority. The vice-chair shall preside over  
10 all meetings of the authority in the absence of the chair and shall have  
11 such other duties as the authority may prescribe. The president shall be  
12 the chief executive officer of the authority and shall be primarily  
13 responsible for the discharge of the executive and administrative func-  
14 tions of the authority.

15 5. The members of the authority shall receive no compensation for  
16 their services but shall be reimbursed for all other actual and neces-  
17 sary expenses incurred in connection with the carrying out of the  
18 purposes of this title.

19 § 1753. Purposes, powers and duties of the authority. 1. The  
20 purposes of the authority shall be to promote the transition of the  
21 for-hire vehicle and other state industries to environmentally sustaina-  
22 ble practices and increase universal accessibility of for-hire vehicles,  
23 paratransit services, and taxi services statewide.

24 2. Except as otherwise limited by this title, the authority shall  
25 have the power to:

26 (a) Sue and be sued;

27 (b) Have a seal or alter such seal at pleasure;

28 (c) Make and alter by-laws for its organization and management and to  
29 make and alter rules and regulations governing the exercise of its  
30 powers and fulfillment of its purposes under this title;

31 (d) Make rules and regulations governing the exercise of its corporate  
32 powers and the fulfillment of its corporate purposes under this title  
33 and title nine-A of this article, which shall be filed with the depart-  
34 ment of state in the manner provided by section one hundred two of the  
35 executive law;

36 (e) Appoint such officers, agents, and employees, without regard to  
37 any personnel or civil service law, rule or regulation of the state and  
38 in accordance with guidelines adopted by the authority, as it may  
39 require for the performance of its duties and to fix and determine their  
40 qualifications, duties and compensation;

41 (f) Acquire, lease, hold, and dispose of real and personal property,  
42 whether tangible or intangible, or any interest therein, by any method;

43 (g) Make and execute agreements, contracts or other instruments neces-  
44 sary or convenient for the exercise of its functions, powers and duties  
45 under this title;

46 (h) Fix and collect fees, rentals and charges for the use of any prop-  
47 erty or facility under its jurisdiction, or for the sale of any product,  
48 by-product or service produced in or provided by any such facility, and  
49 establish the rights and privileges created upon payment thereof. Such  
50 fees, rentals and charges shall be established by the authority so as to  
51 produce, in the judgment of the authority, revenues sufficient, together  
52 with any other funds available to the authority, to meet the expenses of  
53 maintenance and operation of the facilities of the authority, to repay  
54 any moneys repayable to the state, to fulfill the terms of agreements  
55 with the holders of its bonds, notes, or other obligations, and to



1 provide funds for such other corporate purposes as the authority may  
2 deem appropriate;

3 (i) Borrow money and issue such notes, bonds, or other obligations in  
4 relation to such indebtedness, and secure any of its obligations by  
5 mortgage or pledge of all or any of its property or any interest there-  
6 in, wherever situated;

7 (j) Arrange for guarantees of its bonds, notes, or other obligations  
8 by the federal government or by any private insurer or otherwise and to  
9 pay any premiums therefor;

10 (k) Purchase bonds, notes, or other obligations of the authority at  
11 such price or prices as the authority may determine;

12 (l) Lend money, invest and reinvest its funds, and take and hold real  
13 and personal property as security for the payment of funds so loaned or  
14 invested;

15 (m) Procure insurance or obtain indemnification from the federal  
16 government or other persons against any loss in connection with its  
17 properties or operations in such amount or amounts and from such insur-  
18 ers, including the federal government, as it may deem necessary or  
19 desirable, and to pay any premiums therefor;

20 (n) Accept any gifts or grants or loans of funds or property or finan-  
21 cial or other aid in any form from the federal government or any agency  
22 or instrumentality thereof, the state, or any other source, and to  
23 comply with the provisions of this title and the terms and conditions  
24 thereof;

25 (o) Engage the services of bond counsel, financial advisors, account-  
26 ants, engineers, attorneys, and other private consultants on a contract  
27 basis for rendering professional and technical assistance and advice;

28 (p) Create or acquire one or more wholly-owned subsidiaries as may be  
29 necessary to carry out the provisions of this title;

30 (q) Negotiate and enter into agreements with trustees or receivers  
31 appointed by United States bankruptcy courts or federal district courts  
32 or in other proceedings involving adjustment of debts, and to authorize  
33 legal counsel for the authority to appear in any such proceedings;

34 (r) File a petition under chapter nine of title eleven of the United  
35 States bankruptcy code, or take other similar action for the adjustment  
36 of its debts;

37 (s) Enter into management agreements for the operation of all or any  
38 of the property or facilities owned by the authority;

39 (t) Maintain an office or offices at such place or places in the state  
40 as it may determine;

41 (u) Make any inquiry, investigation, survey, or study which the  
42 authority may deem necessary to enable it to effectively carry out the  
43 provisions of this title and to require the production of records,  
44 books, papers, accounts, and other documents, including public records,  
45 and to make copies thereof or extracts therefrom;

46 (v) Adopt, revise, amend, and repeal rules and regulations with  
47 respect to its operations, properties, facilities, and projects as may  
48 be necessary or convenient to carry out the purposes of this title,  
49 subject to the provisions of the state administrative procedure act;

50 (w) From time to time enter into agreements with the New York state  
51 energy research and development authority, the department of environ-  
52 mental conservation, the New York power authority, the department of  
53 labor, the department of state, the metropolitan transportation authori-  
54 ty, the taxi and limousine commission or any other relevant entity to  
55 finance the capital costs of projects authorized pursuant to section  
56 eighty-eight-b of the state finance law, and to issue bonds and notes

1 for capital projects approved by the board; provided, however, that each  
2 provision of this title relating to bonds and notes which are not incon-  
3 sistent with the provisions of this section shall apply to the bonds and  
4 notes authorized by this section;

5 (x) Request support and services to the authority from any other state  
6 agency or authority;

7 (y) Levy fines and fees;

8 (z) Establish and issue grants for programs, jobs, upgrades, or for  
9 any other purpose within the scope of the authority; and

10 (aa) Prioritize granting funds to projects, programs and initiatives  
11 in disadvantaged communities or disadvantaged workers.

12 3. (a) The authority shall not give, grant, gift, or loan money to any  
13 projects, jobs, programs, or initiatives that further dependence on  
14 fossil fuels.

15 (b) The authority shall not grant or gift money to any projects, jobs,  
16 programs, or initiatives whose shares contain a fifty percent or greater  
17 interest from a fossil fuel company or that are being led by a fossil  
18 fuel company.

19 (c) The authority shall not give, grant, gift, or loan money to any  
20 projects, jobs, programs or initiatives that use blue, turquoise,  
21 brown/black, yellow, white or grey hydrogen, or any combination thereof,  
22 or the production thereof in any amount. Any use of such colors of  
23 hydrogen that are combined with green hydrogen shall not receive any  
24 funding from the authority.

25 § 1754. Additional powers of the authority. In addition to the powers  
26 enumerated in section seventeen hundred fifty-three of this title, the  
27 authority shall have the power and obligation to:

28 1. Collect data from transportation network company providers operat-  
29 ing in the state including, but not limited to: (a) the number of wheel-  
30 chair-accessible and electric vehicles operating in each county or  
31 region; (b) the number of trips, and mileage driven by TNC vehicles; and  
32 (c) the annual estimated emissions of TNC vehicles statewide;

33 2. Conduct and publish annual studies of the for-hire vehicle industry  
34 to set standards and goals for the transition of the for-hire vehicle  
35 industry to the exclusive use of zero-emission and wheelchair-accessible  
36 vehicles;

37 3. Convene a green and accessible vehicle taskforce, including envi-  
38 ronmental justice, disability justice, and labor advocates to: (a)  
39 assess the availability of zero-emission and wheelchair-accessible vehi-  
40 cles; (b) work with government authorities and automakers to ensure that  
41 vehicles meeting appropriate environmental and accessibility standards  
42 are brought to market; and (c) vet vehicles eligible for inclusion in  
43 the co-investment program pursuant to subdivision four of this section  
44 based on their available features and the automakers' commitment to  
45 labor, social and environmental benefits;

46 4. Administer a co-investment program for the purchase of qualifying  
47 vehicles, under the terms of which for-hire vehicle drivers shall be  
48 eligible for a voucher of an amount and under the terms to be determined  
49 by the authority toward the purchase of zero-emission vehicles and  
50 wheelchair-accessible vehicles approved for inclusion in the program by  
51 the green and accessible vehicle taskforce pursuant to subdivision three  
52 of this section;

53 5. After zero-emission and wheelchair-accessible vehicle transition  
54 goals are met, develop and administer a voluntary program for drivers of  
55 for-hire vehicles to receive training and financial support to enter  
56 into alternative employment in public service or green jobs;

1 6. Fund the development of infrastructure required to support the  
2 expanding use of zero-emission vehicles, including but not limited to  
3 electric vehicle charging infrastructure;

4 7. Fund the purchase of accessible electric and zero-emission vehi-  
5 cles, excluding any hydrogen-based vehicles that operate on any color of  
6 hydrogen other than green hydrogen, and infrastructure needed to transi-  
7 tion public paratransit services to zero-emission vehicles;

8 8. Any and all other activities that promote and help achieve green-  
9 house gas reduction and compliance with the state's emissions reductions  
10 mandates under the climate leadership and community protection act, the  
11 city of New York's 80 x 2050 initiative and local law ninety-seven, or  
12 future requirements for additional greenhouse gas emissions reductions  
13 that the legislature may impose, and infrastructure to environmentally  
14 sustainable practices, and in the public interest; and

15 9. Fund programs to expand and improve reliability of paratransit  
16 services in the state including, but not limited to: (a) purchase and  
17 operation of accessible zero-emission vehicles by paratransit agencies  
18 and their contractors; (b) expansion of and ongoing support for on-de-  
19 mand paratransit service; (c) expansion of paratransit service to broad-  
20 er geographic areas; and (d) other innovative projects that seek to  
21 enhance paratransit service quality through improved technology, educa-  
22 tion, and other strategies.

23 § 1755. Green transition fund. 1. The authority shall create and  
24 establish a fund to be known as the "green transition fund" which shall  
25 be kept separate from and shall not be commingled with any other moneys  
26 of the authority. The green transition fund shall consist of moneys  
27 received by the authority pursuant to the provisions of section twelve  
28 hundred ninety-nine-ff of the tax law in accordance with the provisions  
29 thereof.

30 2. Moneys in the fund shall be used for the exclusive purpose of  
31 funding programs administered by the authority.

32 3. Any revenues deposited in the green transition fund pursuant to  
33 subdivision one of this section shall be used exclusively for the  
34 purposes described in subdivision two of this section. Such revenues  
35 shall only supplement and shall not supplant any federal, state, or  
36 local funds expended by the authority or such authority's affiliates or  
37 subsidiaries for such purposes.

38 4. Any revenues deposited into the green transition fund pursuant to  
39 subdivision one of this section shall not be diverted into the general  
40 fund of the state, any other fund maintained for the support of any  
41 other governmental purpose, or for any other purpose not authorized by  
42 subdivision two of this section.

43 5. The authority shall report on the receipt and uses of all funds  
44 received by the green transition fund to the director of the budget, the  
45 temporary president of the senate, and the speaker of the assembly, on  
46 an annual basis no later than the first day of February.

47 § 1756. Accounts and funding. 1. The programs administered by the  
48 authority shall be funded in part by the green transition fund estab-  
49 lished pursuant to section seventeen hundred fifty-five of this title  
50 and any other moneys received by the authority, including payments,  
51 gifts, or appropriations to the authority from any other source.

52 2. The authority shall be authorized to set a standard rate for vehi-  
53 cle charging stations owned by the authority and to collect any revenue  
54 generated from such charging stations.

55 3. The authority shall have the power and is hereby authorized from  
56 time to time to issue its negotiable bonds in conformity with applicable



1 provisions of the uniform commercial code for any purpose authorized by  
2 this title.

3 § 1757. Exemption from taxes, assessments and certain fees. It is  
4 hereby determined that the creation of the authority and the carrying  
5 out of its corporate purposes is in all respects for the benefit of the  
6 people of the municipality and the state and is a public purpose and the  
7 authority shall be regarded as performing a governmental function in the  
8 exercise of the powers conferred upon it by this title and shall not be  
9 required to pay any taxes, special ad valorem levies or special assess-  
10 ments upon any property owned by it or under its jurisdiction, control  
11 or supervision or upon its activities or any filing, recording or trans-  
12 fer fees or taxes in relation to instruments filed, recorded or trans-  
13 ferred by it or on its behalf. The construction, use, occupation or  
14 possession of any property owned by the authority or the municipality,  
15 including improvements thereon, by any person or public corporation  
16 under a lease, lease and sublease or any other agreement shall not oper-  
17 ate to abrogate or limit the foregoing exemption, notwithstanding that  
18 the lessee, user, occupant or person in possession shall claim ownership  
19 for federal income tax purposes. Mortgages made or financed, directly or  
20 indirectly, by the authority shall be exempt from the mortgage recording  
21 taxes imposed by article eleven of the tax law. The authority shall be  
22 deemed a public authority for the purposes of section four hundred  
23 twelve of the real property tax law.

24 § 1758. Audit and annual report. In conformity with the provisions of  
25 section five of article ten of the constitution, the accounts of the  
26 authority shall be subject to the supervision of the state comptroller  
27 and an annual audit shall be performed by an independent certified  
28 accountant. The authority shall annually submit to the governor, state  
29 comptroller and state legislature a detailed report pursuant to the  
30 provisions of section twenty-eight hundred of this chapter, and a copy  
31 of such report shall be filed with every municipality included in the  
32 report. The authority shall comply with the provisions of sections twen-  
33 ty-eight hundred one, twenty-eight hundred two and twenty-eight hundred  
34 three of this chapter.

35 § 1759. Labor and procurement standards. 1. Any project that is funded  
36 by the authority shall:

37 (a) Be deemed a public work project subject to article eight of the  
38 labor law;

39 (b) Require that any materials used in the project are produced or  
40 made in whole or substantial part in the United States, its territories  
41 or possessions; provided, however, that the authority shall establish a  
42 waiver process authorizing the purchase of project materials that are  
43 produced or made in whole or substantial part outside of the United  
44 States, its territories or possessions when such materials are not read-  
45 ily available or cost-effective;

46 (c) Require that any public owner or third party acting on the behalf  
47 of a public owner enter into a project labor agreement as defined by  
48 section two hundred twenty-two of the labor law for all construction  
49 work;

50 (d) Require the payment of prevailing wage standards consistent with  
51 article nine of the labor law for building services work; and

52 (e) Require that all rights or benefits, including terms and condi-  
53 tions of employment, and protection of civil service and collective  
54 bargaining status of all existing public employees and the work juris-  
55 isdiction, covered job titles, and work assignments, set forth in the

1 civil service law and collective bargaining agreements with labor organ-  
2 izations representing public employees shall be preserved and protected.

3 2. Any such project shall not result in the:

4 (a) Displacement of any currently employed worker or loss of position,  
5 including partial displacement such as a reduction in the hours of non-  
6 overtime work, wages, or employment benefits, or result in the impair-  
7 ment of existing collective bargaining agreements;

8 (b) Transfer of existing duties and functions related to maintenance  
9 and operations performed by existing employees of authorized entities to  
10 a contracting entity; or

11 (c) Transfer of future duties and functions ordinarily performed by  
12 employees of authorized entities to a contracting entity.

13 3. The authority shall include requirements in any procurement that:

14 (a) the materials, components, parts or vehicles be produced or made  
15 in whole or substantial part in the United States, its territories or  
16 possessions; provided, however, that the president of the authority, or  
17 the president's designee may waive the procurement requirements set  
18 forth in this paragraph if such official determines that: (i) the  
19 requirements would not be in the public interest; (ii) the requirements  
20 would result in unreasonable costs; (iii) obtaining such infrastruc-  
21 ture-related materials, components or parts in the United States would  
22 increase the cost of a project by an unreasonable amount; or (iv) any  
23 such vehicles, parts, or components cannot be produced, made, or assem-  
24 bled in the United States in sufficient and reasonably available quanti-  
25 ties or of satisfactory quality. Determinations on waivers shall be made  
26 on an annual basis no later than December thirty-first, after providing  
27 notice and opportunity for public comment, and such determination shall  
28 be made publicly available, in writing, on the authority's website with  
29 a detailed explanation of the findings leading to such a determination.  
30 If the president or the president's designee has issued determinations  
31 for three consecutive years finding that no such waiver is warranted  
32 pursuant to this paragraph, then the authority shall no longer be  
33 required to provide the annual determination required by this paragraph.

34 (b) the authority shall use a system for procurement that incorporates  
35 a best-value contracting framework to consider the quality, cost and  
36 efficiency of offerors when evaluating procurement contract proposals  
37 for the purchase of zero-emission vehicles and charging equipment. Such  
38 framework shall reflect, whenever possible, objective and quantifiable  
39 analysis. Such framework shall identify a quantitative factor for offer-  
40 ors that prioritize and include the following in such procurement  
41 contract proposal:

42 (i) an employment plan which shall include but not be limited to:

43 (1) worker wages;

44 (2) worker benefits;

45 (3) worker safety;

46 (4) training, retraining, and registered apprenticeship programs; and

47 (5) a commitment to create high-quality jobs within the state to the  
48 maximum extent practicable for disadvantaged or underrepresented indi-  
49 viduals;

50 (ii) a commitment to consider the interests of members of the communi-  
51 ty that surround such offeror's facility and the interests of members of  
52 the community from which workers are recruited;

53 (iii) a description of efforts by the offeror to lower greenhouse gas  
54 emissions and such offeror's impact on climate change; and

55 (iv) compliance with local, state, and federal labor, civil rights,  
56 and environmental laws and regulations. Violations of local, state, and

1 federal labor, civil rights, and environmental laws and regulations  
2 shall be considered a negative factor in the authority's procurement  
3 framework.

4 4. The framework established pursuant to paragraph (b) of subdivision  
5 three of this section shall include a notice to offerors stating that  
6 the terms and conditions of employment and content of employment plans  
7 and reports required by subdivision three of this section shall be  
8 subject to disclosure under the freedom of information law; and

9 5. The final procurement contract and any compliance documents shall  
10 be made available to the public on the authority's website.

11 § 1760. Bonds and notes. 1. The authority shall have the power and is  
12 hereby authorized to issue at one time or in series from time to time  
13 its negotiable bonds and notes in conformity with applicable provisions  
14 of the uniform commercial code in such principal amounts as, in the  
15 opinion of the authority, shall be necessary to provide sufficient  
16 moneys for achieving the authority's corporate purposes, including the  
17 establishment of reserves to secure the bonds and notes and the payment  
18 of interest on bonds and notes.

19 2. The authority shall have power from time to time to renew bonds or  
20 notes or to issue renewal bonds or notes for such purpose, to issue  
21 bonds or notes to pay bonds or notes, and, whenever it deems refunding  
22 expedient, to refund any bond or note by the issuance of new bonds or  
23 notes, whether the bonds or notes to be refunded have or have not  
24 matured, and may issue bonds or notes partly to refund bonds or notes  
25 then outstanding and partly for any other corporate purpose of the  
26 authority. Bonds or notes issued for refunding purposes shall be sold  
27 and the proceeds applied to the purchase, redemption or payment of the  
28 bonds or notes to be refunded.

29 3. Except as may otherwise be expressly provided by the authority,  
30 every issue of bonds or notes shall be general obligations payable out  
31 of any moneys or revenues of the authority, subject only to any agree-  
32 ments with the holders of bonds or notes pledging any receipts or reven-  
33 ues.

34 4. The bonds and notes shall be authorized by resolution of the  
35 authority, shall bear such date or dates and mature at such time or  
36 times as such resolution shall provide, except that notes and any  
37 renewals thereof shall mature within five years from their respective  
38 dates of issuance or renewal, as the case may be, and bonds shall mature  
39 within forty years from their respective dates of issuance or renewal,  
40 as the case may be. The bonds and notes shall bear interest at such rate  
41 or rates, be in such denomination, be in such form, either coupon or  
42 registered, carry such registration privileges, be executed in such  
43 manner, be payable in such medium of payment at such place or places,  
44 and be subject to such terms of redemption as such resolution or resol-  
45 utions may provide.

46 5. Bonds and notes shall be sold by the authority, at public or  
47 private sale, at such price or prices as the authority may determine.  
48 Bonds and notes of the authority shall not be sold by the authority at  
49 private sale unless such sale and the terms thereof have been approved  
50 in writing by the comptroller, where such sale is not to the comp-  
51 troller, or by the director of the budget, where such sale is to the  
52 comptroller.

53 6. In the discretion of the authority any bonds or issue of bonds or  
54 notes or issue of notes may be secured by such resolution or by a trust  
55 indenture by and between the authority and a corporate trustee which may  
56 be any trust company or bank having the powers of a trust company in the

1 state or by a secured loan agreement or other instrument. Such resolu-  
2 tion, trust indenture, loan agreement or other instrument may contain  
3 any usual or customary provisions, covenants or limitations for bonds or  
4 notes of similar nature which shall be a part of the contract with the  
5 holders thereof, including such provisions for protecting and enforcing  
6 the rights and remedies of bondholders and noteholders as may be reason-  
7 able and proper and not in violation of law.

8 7. Any resolution or resolutions authorizing any notes or bonds or any  
9 issue thereof may contain provisions, which shall be a part of the  
10 contract with the holders thereof, as to:

11 (a) pledging all or part of the fees, charges, gifts, grants, rents,  
12 revenues or other moneys received or to be received and leases or agree-  
13 ments to secure the payment of the notes or bonds or of any issue there-  
14 of subject to such agreements with bondholders and noteholders as may  
15 then exist;

16 (b) the rates of the fees or charges to be established, and the  
17 amounts to be raised in each year thereby and the use and disposition of  
18 the fees, charges, gifts, grants, rents, revenues or other moneys  
19 received or to be received;

20 (c) the setting aside of reserves or sinking funds, and the regulation  
21 and disposition thereof;

22 (d) limitations on the purpose to which the proceeds of sale of any  
23 issue of notes or bonds then or thereafter to be issued may be applied  
24 and pledging such proceeds to secure the payment of the notes or bonds  
25 or of any issue thereof;

26 (e) limitations on the issuance of additional notes or bonds; the  
27 terms upon which additional notes or bonds may be issued and secured;  
28 the refunding of outstanding or other notes or bonds;

29 (f) the procedure, if any, by which the terms of any contract with  
30 bondholders or noteholders may be amended or abrogated, the amount of  
31 notes or bonds the holders of which must consent thereto, and the manner  
32 in which such consent may be given; and

33 (g) any other matters, of like or different character, which in any  
34 way affect the security or protection of the notes or bonds.

35 8. It is the intention hereof that any pledge made by the authority  
36 shall be valid and binding from the time when the pledge is made, that  
37 the moneys so pledged and thereafter received by the authority shall  
38 immediately be subject to the lien of such pledge without any physical  
39 delivery thereof or further act, and that the lien of any such pledge  
40 shall be valid and binding as against all parties having claims of any  
41 kind in tort, contract or otherwise against the authority irrespective  
42 of whether such parties have notice thereof. Neither the resolution nor  
43 any other instrument by which a pledge is created need be recorded.

44 9. Neither the members of the authority nor any person executing the  
45 bonds or notes shall be liable personally on the bonds or notes or be  
46 subject to any personal liability or accountability by reason of the  
47 issuance thereof.

48 10. Subject to such agreements with bondholders or noteholders as may  
49 then exist, the authority shall have power out of any funds available  
50 therefor to purchase bonds or notes at a price not exceeding (a) if the  
51 notes or bonds are then redeemable, the redemption price then applicable  
52 plus accrued interest to the next interest payment date thereon, or (b)  
53 if the notes or bonds are not then redeemable, the redemption price  
54 applicable on the first date after such purchase upon which the notes or  
55 bonds become subject to redemption plus accrued interest to said date.  
56 Bonds and notes so purchased shall thereupon be cancelled.

1 11. The state does hereby pledge to and agree with the holders of any  
2 bonds or notes that the state will not limit or alter the rights and  
3 powers vested in the authority by this title to fulfill the terms of any  
4 contract made by the authority with such holders, or in any way impair  
5 the rights and remedies of such holders until such bonds and notes,  
6 together with the interest thereon, with interest on any unpaid install-  
7 ments of interest, and all costs and expenses in connection with any  
8 action or proceeding by or on behalf of such holders, are fully met and  
9 discharged. The authority is authorized to include this pledge and  
10 agreement of the state, insofar as it refers to holders of any bonds or  
11 notes, in any contract with such holders.

12 § 1761. Reserve funds and appropriations. 1. The authority may create  
13 and establish one or more reserve funds to be known as debt service  
14 reserve funds and may pay into such reserve funds (a) any moneys appro-  
15 priated and made available by the state for the purposes of such funds,  
16 (b) any proceeds of sale of bonds and notes to the extent provided in  
17 the resolution of the authority authorizing the issuance thereof, (c)  
18 any moneys directed to be transferred by the authority to such funds,  
19 and (d) any other moneys which may be made available to the authority  
20 for the purposes of such funds from any other source or sources. The  
21 moneys held in or credited to any debt service reserve fund established  
22 under this subdivision, except as hereinafter provided, shall be used  
23 solely for the payment of the principal of bonds of the authority  
24 secured by such reserve fund, as the same mature, required payments to  
25 any sinking fund established for the amortization of such bonds (herein-  
26 after referred to as "sinking fund payments"), the purchase or redemp-  
27 tion of such bonds of the authority, the payment of interest on such  
28 bonds of the authority or the payment of any redemption premium required  
29 to be paid when such bonds are redeemed prior to maturity; provided,  
30 however, that moneys in any such fund shall not be withdrawn therefrom  
31 at any time in such amount as would reduce the amount of such fund to  
32 less than the maximum amount of principal and interest maturing and  
33 becoming due in any succeeding calendar year on the bonds of the author-  
34 ity then outstanding and secured by such reserve fund, except for the  
35 purpose of paying principal and interest on the bonds of the authority  
36 secured by such reserve fund maturing and becoming due and sinking fund  
37 payments for the payment of which other moneys of the authority are not  
38 available. Any income or interest earned by, or increment to, any such  
39 debt service reserve fund due to the investment thereof may be trans-  
40 ferred to any other fund or account of the authority to the extent it  
41 does not reduce the amount of such debt service reserve fund below the  
42 maximum amount of principal and interest maturing and becoming due in  
43 any succeeding calendar year on all bonds of the authority then  
44 outstanding and secured by such reserve fund. In computing the amount  
45 of any debt service reserve fund for the purposes of this section, secu-  
46 rities in which all or a portion of such reserve fund are invested shall  
47 be valued at par or, if purchased at less than par, at their cost to the  
48 authority.

49 2. The authority shall not issue bonds at any time if the maximum  
50 amount of principal and interest maturing and becoming due in a succeed-  
51 ing calendar year on the bonds outstanding and then to be issued and  
52 secured by a debt service reserve fund will exceed the amount of such  
53 reserve fund at the time of issuance, unless the authority, at the time  
54 of issuance of such bonds, shall deposit in such reserve fund from the  
55 proceeds of the bonds so to be issued, or otherwise, an amount which  
56 together with the amount then in such reserve fund, will be not less



1 than the maximum amount of principal and interest maturing and becoming  
2 due in any succeeding calendar year on the bonds then to be issued and  
3 on all other bonds of the authority then outstanding and secured by such  
4 reserve fund.

5 3. To assure the continued operation and solvency of the authority for  
6 the carrying out of the public purposes of this title provision is made  
7 in subdivision one of this section for the accumulation in each debt  
8 service reserve fund of an amount equal to the maximum amount of princi-  
9 pal and interest maturing and becoming due in any succeeding calendar  
10 year on all bonds of the authority then outstanding and secured by such  
11 reserve fund. In order further to assure the maintenance of such debt  
12 service reserve funds, there shall be annually apportioned and paid to  
13 the authority for deposit in each debt service reserve fund such sum, if  
14 any, as shall be certified by the chair of the authority to the governor  
15 and state director of the budget as necessary to restore such reserve  
16 fund to an amount equal to the maximum amount of principal and interest  
17 maturing and becoming due in any succeeding calendar year on the bonds  
18 of the authority then outstanding and secured by such reserve fund. The  
19 chair of the authority shall annually, on or before December first, make  
20 and deliver to the governor and state director of the budget a certif-  
21 icate stating the sum, if any, required to restore each such debt  
22 service reserve fund to the amount aforesaid, and the sum or sums so  
23 certified, if any, shall be apportioned and paid to the authority during  
24 the then current state fiscal year. The principal amount of bonds  
25 secured by a debt service reserve fund or funds to which state funds are  
26 apportionable pursuant to this subdivision shall be limited to the total  
27 amount of bonds and notes outstanding on the effective date of this  
28 title, plus the total amount of bonds and notes contracted after the  
29 effective date of this title to finance projects in progress on the  
30 effective date of this title as determined by the New York state public  
31 authorities control board created pursuant to section fifty of this  
32 chapter whose affirmative determination shall be conclusive as to all  
33 matters of law and fact solely for the purposes of the limitations  
34 contained in this subdivision, but in no event shall the total amount of  
35 bonds so secured by such a debt service reserve fund or funds exceed  
36 nine million six hundred sixty thousand dollars, excluding bonds issued  
37 to refund such outstanding bonds until the date of redemption of such  
38 outstanding bonds. As outstanding bonds so secured are paid, the amount  
39 so secured shall be reduced accordingly but the redemption of such  
40 outstanding bonds from the proceeds of refunding bonds shall not reduce  
41 the amount so secured.

42 4. All amounts paid over to the authority by the state pursuant to the  
43 provisions of this section shall constitute and be accounted for as  
44 advances by the state to the authority and, subject only to the rights  
45 of the holders of any bonds or notes of the authority theretofore or  
46 thereafter issued, shall be repaid to the state from all available oper-  
47 ating revenues of the authority in excess of debt service reserve fund  
48 requirements and operating expenses.

49 5. As used in this section, (a) the term "operating expenses" shall  
50 mean ordinary expenditures for operation and administration of the  
51 authority, including maintenance, repair and replacement of authority  
52 property; and (b) the term "available operating revenues" shall mean all  
53 amounts received on account of rentals and fees charged by the authori-  
54 ty, if any, and income or interest earned or added to funds of the  
55 authority due to the investment thereof, and not required under the  
56 terms or provisions of any covenant or agreement with holders of any

1 bonds or notes of the authority to be applied to any purposes other than  
2 payment of operating expenses of the authority.

3 § 1762. Exemption from taxation of bonds and notes. The state coven-  
4 ants with the purchasers and with all subsequent holders and transferees  
5 of bonds and notes, in consideration of the acceptance of and payment  
6 for the bonds and notes, that the bonds and notes and the income there-  
7 from, and all moneys, funds and revenues pledged to pay or secure the  
8 payment of such bonds and notes shall at all times be free from taxa-  
9 tion, except for estate and gift taxes and taxes on transfers.

10 § 1763. Bonds and notes legal investments for fiduciaries. The bonds  
11 and notes are hereby made securities in which all public officers and  
12 bodies of the state and all municipalities and municipal subdivisions,  
13 all insurance companies and associations and other persons carrying on  
14 an insurance business, all banks, bankers, trust companies, savings  
15 banks, savings associations, including savings and loan associations and  
16 building and loan associations, investment companies and other persons  
17 carrying on a banking business, all administrators, guardians, execu-  
18 tors, trustees and other fiduciaries, and all other persons whatsoever  
19 who are now or who may hereafter be authorized to invest in bonds or  
20 other obligations of the state, may properly and legally invest funds  
21 including capital in their control or belonging to them. Notwithstanding  
22 any other provisions of law, the bonds and notes of the authority are  
23 also hereby made securities which may be deposited with and may be  
24 received by all public officers and bodies of this state and all muni-  
25 cipalities and municipal subdivisions for any purpose for which the depos-  
26 it of bonds or other obligations of the state is now or may hereafter be  
27 authorized.

28 § 1764. Right of state to require redemption of bonds. Notwithstanding  
29 and in addition to any provisions for the redemption of bonds which may  
30 be contained in any contract with the holders of the bonds, the state  
31 may, upon furnishing sufficient funds therefor, require the authority to  
32 redeem, prior to maturity, as a whole, any issue of bonds on any inter-  
33 est payment date not less than twenty years after the date of the bonds  
34 of such issue at one hundred five percent of their face value and  
35 accrued interest or at such lesser redemption price as may be provided  
36 in the bonds in case of the redemption thereof as a whole on the redemp-  
37 tion date. Notice of such redemption shall be published in at least two  
38 newspapers published and circulating respectively in the cities of Alba-  
39 ny and New York at least twice, the first publication to be at least  
40 thirty days before the date of redemption.

41 § 1765. Rights and remedies of bondholders and noteholders. The hold-  
42 ers of bonds and notes shall have the following rights and remedies,  
43 subject to the terms of the resolution authorizing such bonds and notes  
44 or any trust indenture, secured loan agreement or other instrument  
45 related thereto:

46 1. In the event that the authority shall default in the payment of  
47 principal of or interest on any issue of bonds or notes after the same  
48 shall become due, whether at maturity or upon call for redemption, and  
49 such default shall continue for a period of thirty days, or in the event  
50 that the authority shall fail or refuse to comply with the provisions of  
51 this title, or shall default in any contract made with the holders of  
52 any issue of bonds or notes, the holders of twenty-five per centum in  
53 aggregate principal amount of the bonds or notes of such issue then  
54 outstanding, by instrument or instruments filed in the office of the  
55 clerk in the county of Albany and approved or acknowledged in the same

1 manner as a deed to be recorded, may appoint a trustee to represent the  
2 holders of such bonds or notes for the purposes herein provided.

3 2. Such trustee may, and upon written request of the holders of twenty-  
4 five per centum in principal amount of such bonds or notes then  
5 outstanding shall, in such trustee's or its own name:

6 (a) by suit, action or special proceeding, enforce all rights of the  
7 bondholders or noteholders, including the right to require the authority  
8 to collect fees, rentals and charges adequate to carry out any agree-  
9 ments with the holders of such bonds or notes and to perform its duties  
10 under this title;

11 (b) bring suit upon such bonds or notes;

12 (c) by action or suit in equity, require the authority to account as  
13 if it were the trustee of an express trust for the holders of such bonds  
14 or notes;

15 (d) by action or suit in equity, enjoin any act or things which may be  
16 unlawful or in violation of the rights of the holders of such bonds or  
17 notes; and

18 (e) declare all such bonds or notes due and payable, and if all  
19 defaults shall be made good then with the consent of the holders of  
20 twenty-five per centum of the principal amount of such bonds or notes  
21 then outstanding, to annul such declaration and its consequences.

22 3. Such trustee, whether or not the issuance of bonds or notes repres-  
23 ented by such trustee had been declared due and payable, shall be enti-  
24 tled as of right to the appointment of a receiver of any property of the  
25 authority, the fees, rentals, charges or other revenues of which are  
26 pledged for the security of the bonds or notes of such issue and such  
27 receiver may enter and take possession of such property, or any part or  
28 parts thereof and operate and maintain the same and receive all fees,  
29 charges, rentals and other revenues thereafter arising therefrom and  
30 exercise such other powers of the authority as the court may deem advis-  
31 able and perform the public duties and carry out the agreements and  
32 obligations of the authority under the direction of the court. In any  
33 suit, action or proceeding by the trustee the fees, counsel fees and  
34 expenses of the trustee and of the receiver, if any, shall constitute  
35 taxable disbursements and all costs and disbursements allowed by the  
36 court shall be a first charge on any fees, charges, rentals and other  
37 revenues derived from such properties.

38 4. Such trustee shall in addition to the foregoing have and possess  
39 all of the powers necessary or appropriate for the exercise of any func-  
40 tions specifically set forth herein or incident to the general represen-  
41 tation of bondholders or noteholders in the enforcement and protection  
42 of their rights.

43 5. The supreme court shall have jurisdiction of any suit, action or  
44 proceeding by the trustee on behalf of such bondholders or noteholders.  
45 The venue of any such suit, action or proceeding shall be laid in the  
46 county of Albany.

47 6. Before declaring the principal of bonds or notes due and payable,  
48 the trustee shall first give thirty days' notice in writing to the  
49 governor, to the authority, to the comptroller and to the attorney  
50 general of the state.

51 § 1766. State not liable on bonds and notes. The bonds and notes shall  
52 not be a debt of the state of New York nor shall the state be liable  
53 thereon and such bonds and notes shall contain on the face thereof a  
54 statement to that effect.

55 § 4. The tax law is amended by adding a new article 29-E to read as  
56 follows:

ARTICLE 29-EFOR-HIRE VEHICLE IMPROVEMENT SURCHARGESection 1299-aa. Definitions.1299-bb. Imposition of tax.1299-cc. Liability for surcharge.1299-dd. Returns and payment of surcharge.1299-ee. Records to be kept.1299-ff. Deposit and disposition of revenue.

§ 1299-aa. Definitions. As used or referred to in this article, unless a different meaning clearly appears from the context:

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

(b) "Authority" means the green transition authority established pursuant to section seventeen hundred fifty-one of the public authorities law.

(c) "For-hire vehicle" means any transportation network company vehicle ("TNC vehicle") as defined in section sixteen hundred ninety-one of the vehicle and traffic law and any for-hire vehicle as defined in section 19-502 of the administrative code of the city of New York.

(d) "For-hire transportation trip" means transportation provided in a for-hire vehicle as defined in subdivision (c) of this section, for which a charge is made.

(e) "High-volume for-hire service" shall have the same meaning as defined in section 19-502 of the administrative code of the city of New York.

§ 1299-bb. Imposition of tax. (a) In addition to any other tax or assessment imposed by this chapter or other law, there is hereby imposed a surcharge of one dollar for each for-hire transportation trip conducted in a transportation network company vehicle or by a high-volume for-hire service.

(b) Receipts subject to tax under paragraph ten of subdivision (c) of section eleven hundred five of this chapter shall be deemed to exclude any surcharge imposed by this article.

§ 1299-cc. Liability for surcharge. (a) Notwithstanding any provision of law to the contrary, any person who dispatches a motor vehicle by any means that provides transportation that is subject to a surcharge imposed by this article shall be liable for the surcharge imposed by this article.

(b) Notwithstanding any law to the contrary: (1) The surcharge imposed by this article shall be passed along to passengers and separately stated on any receipt that is provided to such passengers. The passing along of such surcharge shall not be construed by any court or administrative body as the imposition of the surcharge on the person or entity that pays for the for-hire transportation trip. All regulatory agencies shall adjust any fares that are authorized by such agencies to include the surcharge imposed by this article and shall require that any meter or other instrument used in any for-hire vehicle regulated by such agency to calculate fares be adjusted to include the surcharge.

(2) Neither the failure of a regulatory agency to adjust fares nor the failure to adjust a meter or other instrument used in a for-hire vehicle to calculate fares shall relieve any person liable for the surcharge imposed by this article from the obligation to pay such surcharge.

1 § 1299-dd. Returns and payment of surcharge. (a) Every person liable  
2 for the surcharge imposed by this article shall file a return with the  
3 commissioner on a monthly basis. Each return shall show the number of  
4 for-hire transportation trips subject to the surcharge imposed by this  
5 article in the month for which the return is filed, along with such  
6 other information as the commissioner may require. The returns required  
7 by this section shall be filed within twenty days after the end of the  
8 month covered thereby. If the commissioner deems it necessary to ensure  
9 the payment of the surcharge imposed by this article, the commissioner  
10 may require returns to be made for shorter periods than prescribed by  
11 the provisions of this section, and upon such dates as may be specified.  
12 The form of returns shall be prescribed by the commissioner and shall  
13 contain such information as the commissioner may deem necessary for the  
14 proper administration of this article. The commissioner may require that  
15 returns be filed electronically.

16 (b) Every person liable for the surcharge imposed by this article  
17 shall, at the time of filing such return, pay to the commissioner the  
18 total amount of all surcharges due under this article. Such amount shall  
19 be due and payable on the date specified for the filing of the return  
20 for such period, without regard to whether a return is filed, or whether  
21 the return that is filed correctly shows the correct number of for-hire  
22 trips that are subject to the surcharge, or the correct surcharge amount  
23 due thereon. The commissioner may require that the surcharge be paid  
24 electronically.

25 (c) In addition to any other penalty or interest provided for under  
26 this article or other law, and unless it is shown that such failure is  
27 due to reasonable cause and not due to willful neglect, any person  
28 liable for the surcharge imposed by this article that fails to pay such  
29 surcharge when due shall be liable for a penalty in an amount equal to  
30 two hundred percent of the total surcharge amount that is due.

31 § 1299-ee. Records to be kept. Every person liable for the surcharge  
32 imposed by this article shall keep, and shall make available for review  
33 upon demand by the commissioner:

34 (a) records of every trip provided or arranged by such person, or  
35 provided through the use of a for-hire vehicle owned or leased by such  
36 person, including all amounts paid, charged, or due thereon, in such  
37 form as the commissioner may require;

38 (b) true and complete copies of any records required to be kept by any  
39 applicable regulatory department or agency; and

40 (c) such other records and information as the commissioner may require  
41 to perform their duties under this article.

42 § 1299-ff. Deposit and disposition of revenue. (a) Any surcharge,  
43 interest, and penalties collected or received by the commissioner shall  
44 be deposited daily with such responsible banks, banking houses, or trust  
45 companies, as may be designated by the comptroller, to the credit of the  
46 comptroller in trust for the green transition authority. An account may  
47 be established in one or more of such depositories. Such deposits shall  
48 be kept separate and apart from all other money in the possession of the  
49 comptroller. The comptroller shall require adequate security from all  
50 such depositories. Of the total revenue collected or received under this  
51 article, the comptroller shall retain such amount as the commissioner  
52 may determine to be necessary for refunds under this article. The  
53 commissioner is authorized and directed to deduct from the amounts the  
54 department receives under this article, before deposit into the trust  
55 accounts designated by the comptroller, a reasonable amount necessary to  
56 effectuate refunds of appropriations of the department to reimburse the



1 department for the costs incurred to administer, collect and distribute  
2 the surcharge, interest, and penalties imposed by this article.

3 (b) On or before the twelfth day of each month, after reserving such  
4 amount for such refunds and deducting such amounts for such costs, as  
5 provided for in subdivision (a) of this section, the commissioner shall  
6 certify to the comptroller the amount of revenues so received during the  
7 prior month as a result of the surcharge, interest, and penalties so  
8 imposed. Notwithstanding any provision of law to the contrary, after  
9 deducting the amounts specified in this subdivision, the remaining funds  
10 collected shall be deposited by the comptroller, without appropriation,  
11 into the green transition fund established pursuant to section seventeen  
12 hundred fifty-five of the public authorities law.

13 § 5. The sum of ten million dollars (\$10,000,000), or so much thereof  
14 as may be necessary, is hereby appropriated to the green transition  
15 authority from any moneys in the state treasury in the general fund to  
16 the credit of the state purposes account not otherwise appropriated for  
17 the purposes of carrying out the provisions of this act. Such sum shall  
18 be payable on the audit and warrant of the state comptroller on vouchers  
19 certified or approved by the secretary of state or such secretary's duly  
20 designated representative in the manner provided by law.

21 § 6. This act shall take effect immediately.