

# STATE OF NEW YORK

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S. 8308

A. 8808

## SENATE - ASSEMBLY

January 17, 2024

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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

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

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 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

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

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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 health and mental hygiene 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); and 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)

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 LL. 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

1 of the authority in all respects, provided that such a warning issued to  
2 an individual shall not be used for any purpose other than as a predi-  
3 cate to the imposition by the transit adjudication bureau of a civil  
4 penalty on such individual pursuant to this subdivision in the event of  
5 a subsequent violation. Such schedule of penalties may provide for the  
6 imposition of [additional] supplemental penalties, not to exceed a total  
7 of fifty dollars for each violation, upon the failure of a respondent in  
8 any proceeding commenced with respect to any such violation to make  
9 timely response to or appearance in connection with a notice of  
10 violation of such rule or to any subsequent notice or order issued by  
11 the authority in such proceeding. There shall be no penalty or increment  
12 in fine by virtue of a respondent's timely exercise of his right to a  
13 hearing or appeal. The rules may provide, in addition to any other sanc-  
14 tions, for the confiscation of tokens, tickets, cards or other fare  
15 media that have been forged, counterfeit, improperly altered or trans-  
16 ferred, or otherwise used in a manner inconsistent with such rules.

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

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

33 3. Jurisdiction. The bureau shall have, with respect to acts or inci-  
34 dents in or on the transit or railroad facilities of the authority or  
35 the metropolitan transportation authority or a subsidiary thereof  
36 committed by or involving persons who are sixteen years of age or over,  
37 ~~[or with respect to acts or incidents occurring on omnibuses owned or~~  
38 ~~operated by the metropolitan transportation authority or a subsidiary~~  
39 ~~thereof,]~~ and with respect to violation of toll collection regulations  
40 of the triborough bridge and tunnel authority as described in section  
41 twenty-nine hundred eighty-five of this chapter, non-exclusive jurisdic-  
42 tion over violations of: (a) the rules which may from time to time be  
43 established by the authority under subdivision five-a of section twelve  
44 hundred four of this chapter; (b) article one hundred thirty-nine of the  
45 health code of the city of New York, as it may be amended from time to  
46 time, relating to public transportation facilities; (c) article four of  
47 the noise control code of the city of New York, as it may be amended  
48 from time to time, insofar as it pertains to sound reproduction devices;  
49 (d) the rules and regulations which may from time to time be established  
50 by the triborough bridge and tunnel authority in accordance with the  
51 provisions of section twenty-nine hundred eighty-five of this chapter;  
52 and (e) rules and regulations which may from time to time be established  
53 by the metropolitan transportation authority or a subsidiary thereof in  
54 accordance with the provisions of section twelve hundred sixty-six of  
55 this chapter. Matters within the jurisdiction of the bureau except  
56 violations of the rules and regulations of the triborough bridge and

1 tunnel authority shall be known for purposes of this section as transit  
2 or railroad infractions, as applicable. Nothing herein shall be  
3 construed to divest jurisdiction from any court now having jurisdiction  
4 over any criminal charge or traffic infraction relating to any act  
5 committed in a transit or toll facility, or to impair the ability of a  
6 police officer to conduct a lawful search of a person in a transit or  
7 railroad facility. The criminal court of the city of New York shall  
8 continue to have jurisdiction over any criminal charge or traffic  
9 infraction brought for violation of the rules of the authority, the  
10 triborough bridge and tunnel authority or the metropolitan transporta-  
11 tion authority or a subsidiary thereof, as well as jurisdiction relating  
12 to any act which may constitute a crime or an offense under any law of  
13 the state of New York or any municipality or political subdivision ther-  
14 eof and which may also constitute a violation of such rules. The bureau  
15 shall have concurrent jurisdiction with the environmental control board  
16 and the administrative tribunal of the department of health over the  
17 aforesaid provisions of the health code and noise control code of the  
18 city of New York.

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

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

25 b. To impose civil penalties not to exceed a total of ~~[one]~~ two  
26 hundred ~~[fifty]~~ dollars for any transit or railroad infraction within  
27 its jurisdiction, in accordance with a penalty schedule established by  
28 the authority or the metropolitan transportation authority or a subsid-  
29 iary thereof, as applicable~~[, except that]~~ (exclusive of supplemental  
30 penalties, interest or costs assessed thereon). If a violation of the  
31 rules of the authority or the metropolitan transportation authority or a  
32 subsidiary relating to the payment of fares is the first such violation  
33 by an individual, the violation may be punishable by an official written  
34 warning issued according to and governed by the rules of the authority  
35 or the metropolitan transportation authority or a subsidiary thereof in  
36 all respects, provided that the purpose, effect and dissemination of  
37 records of such warnings shall be limited as set forth in subdivision  
38 five-a of section twelve hundred four of this title and subdivision four  
39 of section twelve hundred sixty-six of this article. Such schedule of  
40 penalties may provide for the imposition of supplemental penalties, not  
41 to exceed a total of fifty dollars for each violation, upon the failure  
42 of a respondent in any proceeding commenced with respect to any such  
43 infraction to make timely response to or appearance in connection with a  
44 notice of violation of such rule or to any subsequent notice or order  
45 issued by the authority or the metropolitan transportation authority or  
46 a subsidiary thereof in such proceeding. Notwithstanding the foregoing,  
47 penalties for violations of the health code of the city of New York  
48 shall be in accordance with the penalties established for such  
49 violations by the board of health of the city of New York, and penalties  
50 for violations of the noise code of the city of New York shall be in  
51 accordance with the penalties established for such violations by law,  
52 and civil penalties for violations of the rules and regulations of the  
53 triborough bridge and tunnel authority shall be in accordance with the  
54 penalties established for such violations by section twenty-nine hundred  
55 eighty-five of this chapter;

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

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

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

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

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

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

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

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

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

45 l. In its sole discretion, to issue a farecard to a respondent for use  
46 on transit facilities in an amount not to exceed one-half of the penalty  
47 amount if the penalty was imposed on the respondent for a violation of  
48 the rules of the authority or a metropolitan transportation authority  
49 bus relating to the payment of fares and the violation is the second  
50 such violation by the respondent, provided that the respondent shall  
51 have paid the penalty in full by the date due for such payment.

52 5. Notices of violation. The bureau shall prepare and distribute  
53 notices of violation in blank to the transit police and any other person  
54 empowered by law, rule and regulation to serve such notices. The form  
55 and wording of the notice of violation shall be prescribed by the execu-  
56 tive director, and it may be the same as any other notice of violation



1 or summons form already in use if said form meets the requirements here-  
2 of. The notice of violation may include provisions to record information  
3 which will facilitate the identification and location of respondents,  
4 including but not limited to name, address, telephone numbers, date of  
5 birth, social security number if otherwise permitted by law, place of  
6 employment or school, and name and address of parents or guardian if a  
7 minor. Notices of violation shall be issued only to persons who are  
8 sixteen years of age or over, and shall be served by delivering the  
9 notice within the state to the person to be served. A copy of each  
10 notice of violation served hereunder shall be filed and retained by said  
11 bureau, and shall be deemed a record kept in the ordinary course of  
12 business, and, if sworn to or affirmed, shall be prima facie evidence of  
13 the facts contained therein. Said notice of violation shall contain  
14 information advising the person charged of the manner and the time with-  
15 in which such person may either admit or deny the offense charged in the  
16 notice. Such notice of violation shall also contain a warning to advise  
17 the person charged that failure to plead in the manner and within the  
18 time stated in the notice may result in a default decision and order  
19 being entered against such person, and the imposition of supplemental  
20 penalties as provided in subdivision five-a of section twelve hundred  
21 four or subdivision four of section twelve hundred sixty-six of this  
22 chapter. A notice of violation shall not be deemed to be a notice of  
23 liability issued pursuant to section two thousand nine hundred eighty-  
24 five of this chapter.

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

35 7. Hearings. a. (1) A person charged with a transit or railroad  
36 infraction returnable to the bureau or a person alleged to be liable in  
37 accordance with the provisions of section two thousand nine hundred  
38 eighty-five of this chapter who contests such allegation shall be  
39 advised of the date on or by which he or she must appear to answer the  
40 charge at a hearing. Notification of such hearing date shall be given  
41 either in the notice of violation or in a form, the content of which  
42 shall be prescribed by the executive director or in a manner prescribed  
43 in section two thousand nine hundred eighty-five of this chapter. Any  
44 such notification shall contain a warning to advise the person charged  
45 that failure to appear on or by the date designated, or any subsequent  
46 rescheduled or adjourned date, shall be deemed for all purposes, an  
47 admission of liability, and that a default judgment may be rendered and  
48 penalties may be imposed. Where notification is given in a manner other  
49 than in the notice of violation, the bureau shall deliver such notice to  
50 the person charged, either personally or by registered or certified  
51 mail.

52 (2) Whenever a person charged with a transit or railroad infraction or  
53 alleged to be liable in accordance with the provisions of section two  
54 thousand nine hundred eighty-five of this chapter returnable to the  
55 bureau requests an alternate hearing date and is not then in default as  
56 defined in subdivision six of this section, the bureau shall advise such



1 person personally, or by registered or certified mail, of the alternate  
2 hearing date on or by which he or she must appear to answer the charge  
3 or allegation at a hearing. The form and content of such notice of hear-  
4 ing shall be prescribed by the executive director, and shall contain a  
5 warning to advise the person charged or alleged to be liable that fail-  
6 ure to appear on or by the alternate designated hearing date, or any  
7 subsequent rescheduled or adjourned date, shall be deemed for all  
8 purposes an admission of liability, and that a default judgment may be  
9 rendered and penalties may be imposed.

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

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

28 c. The hearing officer shall not be bound by the rules of evidence in  
29 the conduct of the hearing, except rules relating to privileged communi-  
30 cations.

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

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

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

43 g. After due consideration of the evidence and arguments, the hearing  
44 officer shall determine whether the charges or allegations have been  
45 established. No charge may be established except upon proof by clear and  
46 convincing evidence except allegations of civil liability for violations  
47 of triborough bridge and tunnel authority rules and regulations will be  
48 established in accordance with the provisions of section two thousand  
49 nine hundred eighty-five of this chapter. Where the charges have not  
50 been established, an order dismissing the charges or allegations shall  
51 be entered. Where a determination is made that a charge or allegation  
52 has been established or if an answer admitting the charge or allegation  
53 has been received, the hearing officer shall set a penalty in accordance  
54 with the penalty schedule established by the authority or the metropol-  
55 itan transportation authority or its subsidiaries, or for allegations of  
56 civil liability in accordance with the provisions of section two thou-

1 sand nine hundred eighty-five of this chapter and an appropriate order  
2 shall be entered in the records of the bureau. The respondent shall be  
3 given notice of such entry in person or by certified mail. This order  
4 shall constitute the final determination of the hearing officer, and for  
5 purposes of review it shall be deemed to incorporate any intermediate  
6 determinations made by said officer in the course of the proceeding.  
7 When no appeal is filed this order shall be the final order of the  
8 bureau.

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

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

21 4. The authority may establish and, in the case of joint service  
22 arrangements, join with others in the establishment of such schedules  
23 and standards of operations and such other rules and regulations includ-  
24 ing but not limited to rules and regulations governing the conduct and  
25 safety of the public as it may deem necessary, convenient or desirable  
26 for the use and operation of any transportation facility and related  
27 services operated by the authority or under contract, lease or other  
28 arrangement, including joint service arrangements, with the authority.  
29 Such rules and regulations governing the conduct and safety of the  
30 public shall be filed with the department of state in the manner  
31 provided by section one hundred two of the executive law. In the case of  
32 any conflict between any such rule or regulation of the authority  
33 governing the conduct or the safety of the public and any local law,  
34 ordinance, rule or regulation, such rule or regulation of the authority  
35 shall prevail. Violation of any such rule or regulation of the authority  
36 or any of its subsidiaries governing the conduct or the safety of the  
37 public in or upon any facility of the authority or any of its subsid-  
38 iaries shall constitute an offense ~~[and shall be]~~ punishable by a fine  
39 not exceeding fifty dollars or imprisonment for not more than thirty  
40 days or both or may be punishable by the imposition of a civil penalty  
41 by the transit adjudication bureau established pursuant to the  
42 provisions of title nine of this article in an amount for each violation  
43 not to exceed two hundred dollars (exclusive of supplemental penalties,  
44 interest or costs assessed thereon), in accordance with a schedule of  
45 such penalties as may from time to time be established by rules of the  
46 authority or its subsidiaries. If a violation of rules of the authority  
47 or a subsidiary relating to the payment of fares is the first such  
48 violation by an individual, the violation may be punishable by an offi-  
49 cial written warning issued according to and governed by the rules of  
50 the authority or a subsidiary in all respects, provided that such a  
51 warning issued to an individual shall not be used for any purpose other  
52 than as a predicate to the imposition by the transit adjudication bureau  
53 of a civil penalty on such individual pursuant to this subdivision in  
54 the event of a subsequent violation. Such schedule of penalties may  
55 provide for the imposition of supplemental penalties, not to exceed a  
56 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:

1 (a) artificial or synthetic material or substance for the purpose of  
2 application to a number plate that will, upon application to a number  
3 plate, distort a recorded or photographic image of such number plate; or  
4 (b) plate cover, material or device that will, upon installation on,  
5 near or around a number plate, obstruct or obscure all or any part of  
6 the identification matter of such number plate.

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

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

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

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

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

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

34 d. It shall be unlawful for any person other than a bona fide purchas-  
35 er of the vehicle in an arms-length transaction, as determined in  
36 accordance with the procedure below, to register, reregister, renew,  
37 replace or transfer the registration, change the name, address or other  
38 information of the registered owner, or change the registration classi-  
39 fication of any vehicle whose vehicle identification number is associ-  
40 ated with a vehicle whose registration has been suspended, or is subject  
41 to a pending request from a tolling authority to suspend the registra-  
42 tion, under paragraph d of subdivision three of section five hundred ten  
43 of this chapter and 15 NYCRR 127.14. The commissioner or the commis-  
44 sioner's agent may impose a vehicle identification number block and deny the  
45 registration, reregistration, renewal, replacement or transfer of the  
46 registration for such vehicle and vehicle identification number until  
47 the tolling authority advises, in such form and manner as the commis-  
48 sioner shall prescribe, that notices of violation have been responded to  
49 and any unpaid tolls, fees or other charges associated with the vehicle  
50 and the vehicle identification number have been paid to the tolling  
51 authority. Where an application is denied pursuant to this paragraph,  
52 the commissioner may, in the commissioner's discretion, deny a registra-  
53 tion, reregistration, renewal, replacement or transfer of the registra-  
54 tion for any other motor vehicle registered in the name of the applicant  
55 where the commissioner has determined that such registrant's intent has  
56 been to evade the purposes of this paragraph and where the commissioner

1 has reasonable grounds to believe that such registration, reregistra-  
2 tion, renewal, replacement or transfer of registration will have the  
3 effect of defeating the purposes of this paragraph. Such vehicle iden-  
4 tification number block and denial shall only remain in effect until the  
5 tolling authority advises, in such form and manner as the commissioner  
6 shall prescribe, that notices of violation have been responded to and  
7 any unpaid tolls, fees or other charges associated with the vehicle and  
8 the vehicle identification number have been paid to the tolling authori-  
9 ty. A bona fide purchaser in an arms-length transaction, for purposes  
10 of this paragraph, is a vehicle registration applicant who provides a  
11 copy of the signed bill of sale or other such contract document covering  
12 such vehicle to the commissioner or the commissioner's agent, with the  
13 name and address of the seller and purchaser, the purchase date, and the  
14 purchase price, clearly legible. Where the vehicle registration appli-  
15 cant complies with the provisions of this paragraph, that applicant  
16 shall be deemed to be the bona fide purchaser of such vehicle in an  
17 arms-length transaction for purposes of this paragraph, which vehicle  
18 transaction shall not be subject to the discretionary vehicle identifi-  
19 cation number block and discretionary registration application denial  
20 otherwise provided herein.

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

23 4-h. Suspension of registration for failure to comply with removing  
24 any artificial or synthetic material or substance that conceals or  
25 obscures number plates or the purchase of new number plates. Upon the  
26 receipt of a notification from a court or an administrative tribunal  
27 that an owner of a motor vehicle failed to comply with subdivision eight  
28 of section four hundred two of this chapter, the commissioner or his or  
29 her agent may suspend the registration of the vehicle involved in the  
30 violation and such suspension shall remain in effect until such time as  
31 the commissioner is advised that the owner of such vehicle has satisfied  
32 the requirements of such subdivision.

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

35 8. Adjudication of the liability imposed upon owners by this section  
36 shall be by the entity having jurisdiction over violations of the rules  
37 and regulations of the public authority serving the notice of liability  
38 or where authorized by an administrative tribunal and all violations  
39 shall be heard and determined in the county in which the violation is  
40 alleged to have occurred, or in New York city and upon the consent of  
41 both parties, in any county within New York city in which the public  
42 authority operates or maintains a facility, and in the same manner as  
43 charges of other regulatory violations of such public authority or  
44 pursuant to the rules and regulations of such administrative tribunal as  
45 the case may be. A public authority with bridges, tunnels or highways  
46 under its jurisdiction shall have the power to enter judgments for  
47 unpaid liabilities for a violation of toll collection regulations and  
48 enforce such judgments, without court proceedings, in the same manner as  
49 the enforcement of money judgments in civil actions in any court of  
50 competent jurisdiction or any other place provided for the entry of  
51 civil judgment within the state of New York.

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



1

## PART D

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

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

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

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

18 § 2. The public authorities law is amended by adding a new section  
19 553-1 to read as follows:

20 § 553-1. Fraudulently obtaining credit, discount, or exemption from a  
21 toll. 1. Notwithstanding any inconsistent provision of law, any person  
22 who, in connection with any eligibility process for or use of toll cred-  
23 its, discounts, or exemptions, knowingly makes a false statement or  
24 falsifies or permits to be falsified any record or records for the  
25 purpose of fraudulently obtaining a credit, discount, or exemption from  
26 a toll charged by the Triborough bridge and tunnel authority shall be  
27 guilty of a class A misdemeanor.

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

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

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

41

## PART E

42 Section 1. Section 1 of part I of chapter 413 of the laws of 1999,  
43 relating to providing for mass transportation payments, as amended by  
44 section 1 of part E of chapter 58 of the laws of 2022, is amended to  
45 read as follows:

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

51 In establishing service and usage formulas for distribution of mass  
52 transportation operating assistance, the commissioner of transportation  
53 may combine and/or take into consideration those formulas used to



1 distribute mass transportation operating assistance payments authorized  
 2 by separate appropriations in order to facilitate program administration  
 3 and to ensure an orderly distribution of such funds.

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

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

|                                                                      | Percentage<br>of Matching<br>Payment |              |
|----------------------------------------------------------------------|--------------------------------------|--------------|
| Local Jurisdiction                                                   | -----                                |              |
| In the Metropolitan Commuter<br>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 Trans-<br>portation District:                |                                      |              |
| Albany .....                                                         | [ <del>55.27</del> ]                 | <u>54.05</u> |
| Rensselaer .....                                                     | [ <del>22.96</del> ]                 | <u>22.45</u> |
| Saratoga .....                                                       | [ <del>4.04</del> ]                  | <u>3.95</u>  |
| Schenectady .....                                                    | [ <del>16.26</del> ]                 | <u>15.90</u> |
| Montgomery .....                                                     | [ <del>1.47</del> ]                  | <u>1.44</u>  |
| <u>Warren .....</u>                                                  | <u>2.21</u>                          |              |
| In the Central New York Re-<br>gional Transportation Dis-<br>trict:  |                                      |              |
| Cayuga .....                                                         | 5.11                                 |              |
| Onondaga .....                                                       | 75.83                                |              |
| Oswego .....                                                         | 2.85                                 |              |
| Oneida .....                                                         | 16.21                                |              |
| In the Rochester-Genesee Re-<br>gional Transportation Dis-<br>trict: |                                      |              |
| Genesee .....                                                        | 1.36                                 |              |
| Livingston .....                                                     | .90                                  |              |
| Monroe .....                                                         | 90.14                                |              |
| Wayne .....                                                          | .98                                  |              |
| Wyoming .....                                                        | .51                                  |              |
| Seneca .....                                                         | .64                                  |              |
| Orleans .....                                                        | .77                                  |              |
| Ontario .....                                                        | 4.69                                 |              |
| In the Niagara Frontier Trans-                                       |                                      |              |

|   |                                |       |
|---|--------------------------------|-------|
| 1 | portation District: Erie ..... | 89.20 |
| 2 | Niagara .....                  | 10.80 |

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

12 Notwithstanding the reporting date provision of section 17-a of the  
13 transportation law, the reports of each regional transportation authori-  
14 ty and other major public transportation systems receiving mass trans-  
15 portation operating assistance shall be submitted on or before July 15  
16 of each year in the format prescribed by the commissioner of transporta-  
17 tion. Copies of such reports shall also be filed with the chairpersons  
18 of the senate finance committee and the assembly ways and means commit-  
19 tee and the director of the budget. The commissioner of transportation  
20 may withhold future state operating assistance payments to public trans-  
21 portation systems or private operators that do not provide such reports.

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

33 The commissioner of transportation shall be required to annually eval-  
34 uate the operating and financial performance of each major public trans-  
35 portation system. Where the commissioner's evaluation process has iden-  
36 tified a problem related to system performance, the commissioner may  
37 request the system to develop plans to address the performance deficien-  
38 cies. The commissioner of transportation may withhold future state oper-  
39 ating assistance payments to public transportation systems or private  
40 operators that do not provide such operating, financial, or other infor-  
41 mation as may be required by the commissioner to conduct the evaluation  
42 process.

43 Payments shall be made contingent upon compliance with regulations  
44 deemed necessary and appropriate, as prescribed by the commissioner of  
45 transportation and approved by the director of the budget, which shall  
46 promote the economy, efficiency, utility, effectiveness, and coordinated  
47 service delivery of public transportation systems. The chief executive  
48 officer of each public transportation system receiving a payment shall  
49 certify to the commissioner of transportation, in addition to informa-  
50 tion required by section 18-b of the transportation law, such other  
51 information as the commissioner of transportation shall determine is  
52 necessary to determine compliance and carry out the purposes herein.

53 Counties, municipalities or Indian tribes that propose to allocate  
54 service payments to operators on a basis other than the amount earned by  
55 the service payment formula shall be required to describe the proposed

1 method of distributing governmental operating aid and submit it one  
2 month prior to the start of the operator's fiscal year to the commis-  
3 sioner of transportation in writing for review and approval prior to the  
4 distribution of state aid. The commissioner of transportation shall only  
5 approve alternate distribution methods which are consistent with the  
6 transportation needs of the people to be served and ensure that the  
7 system of private operators does not exceed established maximum service  
8 payment limits. Copies of such approvals shall be submitted to the  
9 chairpersons of the senate finance and assembly ways and means commit-  
10 tees.

11 Notwithstanding the provisions of subdivision 4 of section 18-b of the  
12 transportation law, the commissioner of transportation is authorized to  
13 continue to use prior quarter statistics to determine current quarter  
14 payment amounts, as initiated in the April to June quarter of 1981. In  
15 the event that actual revenue passengers and actual total number of  
16 vehicle, nautical or car miles are not available for the preceding quar-  
17 ter, estimated statistics may be used as the basis of payment upon  
18 approval by the commissioner of transportation. In such event, the  
19 succeeding payment shall be adjusted to reflect the difference between  
20 the actual and estimated total number of revenue passengers and vehicle,  
21 nautical or car miles used as the basis of the estimated payment. The  
22 chief executive officer may apply for less aid than the system is eligi-  
23 ble to receive. Each quarterly payment shall be attributable to operat-  
24 ing expenses incurred during the quarter in which it is received, unless  
25 otherwise specified by such commissioner. In the event that a public  
26 transportation system ceases to participate in the program, operating  
27 assistance due for the final quarter that service is provided shall be  
28 based upon the actual total number of revenue passengers and the actual  
29 total number of vehicle, nautical or car miles carried during that quar-  
30 ter.

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

33 In the event that an audit of a public transportation system or  
34 private operator receiving funds discloses the existence of an overpay-  
35 ment of state operating assistance, regardless of whether such an over-  
36 payment results from an audit of revenue passengers and the actual  
37 number of revenue vehicle miles statistics, or an audit of private oper-  
38 ators in cases where more than a reasonable return based on equity or  
39 operating revenues and expenses has resulted, the commissioner of trans-  
40 portation, in addition to recovering the amount of state operating  
41 assistance overpaid, shall also recover interest, as defined by the  
42 department of taxation and finance, on the amount of the overpayment.

43 Notwithstanding any other law, rule or regulation to the contrary,  
44 whenever the commissioner of transportation is notified by the comp-  
45 troller that the amount of revenues available for payment from an  
46 account is less than the total amount of money for which the public mass  
47 transportation systems are eligible pursuant to the provisions of  
48 section 88-a of the state finance law and any appropriations enacted for  
49 these purposes, the commissioner of transportation shall establish a  
50 maximum payment limit which is proportionally lower than the amounts set  
51 forth in appropriations.

52 Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a  
53 of the state finance law and any other general or special law, payments  
54 may be made in quarterly installments or in such other manner and at  
55 such other times as the commissioner of transportation, with the  
56 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

1 verification system shall be provided by motor vehicle insurers pursuant  
2 to rules and regulations promulgated by the commissioner, if he or she  
3 determines establishment of such system would further the purposes of  
4 this article as set forth in subdivision two of section three hundred  
5 ten of this article.

6 2. The online insurance verification system shall include, at a mini-  
7 mum, the ability to:

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

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

15 (c) be utilized for verification of the evidence of mandatory liabil-  
16 ity insurance coverage as prescribed by the laws of the state and shall  
17 be accessible to authorized personnel of the department, the courts, law  
18 enforcement and other entities authorized by the state as permitted by  
19 any state or federal privacy laws, and the online insurance verification  
20 system shall be interfaced, wherever appropriate, with existing or  
21 future state systems, in a form and manner as determined by the commis-  
22 sioner;

23 (d) include information which shall enable the department to make  
24 inquiries to insurers for evidence of insurance including but not limit-  
25 ed to vehicle identification numbers and policy numbers; and

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

28 The online insurance verification system shall be capable of respond-  
29 ing within the time established.

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

38 4. Nothing in this section shall prohibit the commissioner from  
39 contracting with a private sector provider or providers to implement the  
40 requirements of this section or to assist in establishing and maintain-  
41 ing such system in the state.

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

46 § 3. The vehicle and traffic law is amended by adding a new section  
47 312-c to read as follows:

48 § 312-c. Insurer responsibilities for the online insurance verifica-  
49 tion system. 1. Insurers shall provide access to motor vehicle insur-  
50 ance policy status information as provided by, and consistent with any  
51 time frames established by, any rules and regulations promulgated by the  
52 commissioner.

53 2. Every insurer that is licensed to issue motor vehicle insurance  
54 policies or is authorized to do business in the state shall comply with  
55 this section and section three hundred twelve-b of this article for  
56 verification of evidence of vehicle insurance for every vehicle insured

1 by that insurer in the state as required by the rules and regulations  
2 promulgated by the commissioner.

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

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

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

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

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

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

40 3. A cancellation or termination for which notice is required to be  
41 filed with the commissioner ~~[pursuant to subdivision two of this~~  
42 ~~section]~~ shall not be effective with respect to persons other than the  
43 named insured and members of the insured's household until the insurer  
44 has filed a notice thereof with the commissioner or until another insur-  
45 ance policy covering the same risk has been procured, except that a  
46 notice filed with the commissioner, in the format prescribed by the  
47 commissioner~~[-within the period prescribed in subdivision two of this~~  
48 ~~section]~~ shall be effective as of the date certified therein, regardless  
49 of whether a suspension order is issued pursuant to section three  
50 hundred eighteen of this article. A receipt from the department stating  
51 that a notice of termination has been filed shall be deemed conclusive  
52 evidence of such filing. An insurer shall cooperate with the commission-  
53 er in attempting to identify persons not in compliance with this article  
54 in cases where the information reported by the insurer does not corre-  
55 spond 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 and two 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 three 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

16 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

1 defects where pursuant to the commissioner's regulations no inspection  
2 certificate shall be issued until the defect is repaired and a re-in-  
3 spection is conducted, and the number of serious physical injury or  
4 fatal crashes involving a for-hire vehicle requiring operating authority  
5 pursuant to this article, and any additional publicly available informa-  
6 tion provided in accordance with the safety fitness standards estab-  
7 lished pursuant to part three hundred eighty-five of title forty-nine of  
8 the code of federal regulations.

9 § 3. Subparagraph (iii) of paragraph (b) of subdivision 10 of section  
10 138 of the transportation law, as added by chapter 5 of the laws of  
11 2020, is amended to read as follows:

12 (iii) In consultation and cooperation with the commissioner of motor  
13 vehicles, the commissioner shall report on safety issues reported to  
14 such website, and toll-free hotline and related investigations summariz-  
15 ing (A) the total number of safety issue reports received and the type  
16 of safety issues reported; (B) the total number of safety issue reports  
17 received and the type of safety issues reported where the commissioner  
18 or the commissioner of motor vehicles, as applicable, verified the  
19 information provided; (C) enforcement actions and other responses taken  
20 by the commissioner or the commissioner of motor vehicles, as applica-  
21 ble, to safety issue reports received where the commissioner or the  
22 commissioner of motor vehicles, as applicable, has verified such infor-  
23 mation; and (D) the length of time between the receipt of safety issue  
24 reports from such website, or hotline and enforcement action or other  
25 response by the commissioner or the commissioner of motor vehicles, as  
26 applicable. Such report shall be made publicly available on the depart-  
27 ment's website in a searchable format, ~~[and]~~ shall be published no less  
28 than once annually, and shall compare the previous three years of report  
29 data to the extent applicable. Such report may also be included within  
30 the department's annual report submitted pursuant to subdivision thir-  
31 teen of section fourteen of this chapter.

32 § 4. Paragraph b of subdivision 9 of section 140 of the transporta-  
33 tion law, as amended by chapter 9 of the laws of 2020, is amended to  
34 read as follows:

35 b. (i) Whenever ~~[an altered motor vehicle commonly referred to as a~~  
36 ~~"stretch limousine"]~~ one of the motor vehicles enumerated in paragraph a  
37 of subdivision two of this section has failed an inspection and been  
38 placed out-of-service, the commissioner may direct a police officer or  
39 his or her agent to immediately secure possession of the number plates  
40 of such vehicle and return the same to the commissioner of motor vehi-  
41 cles. The commissioner shall notify the commissioner of motor vehicles  
42 to that effect, and the commissioner of motor vehicles shall thereupon  
43 suspend the registration of such vehicle until such time as the commis-  
44 sioner gives notice that the out-of-service defect has been satisfac-  
45 torily adjusted. Provided, however, that the commissioner shall give  
46 notice and an opportunity to be heard within not more than thirty days  
47 of the suspension. Failure of the holder or of any person possessing  
48 such plates to deliver to the commissioner or his or her agent who  
49 requests the same pursuant to this paragraph shall be a misdemeanor. The  
50 commissioner of motor vehicles shall have the authority to deny a regis-  
51 tration or renewal application to any other person for the same vehicle  
52 where it has been determined that such registrant's intent has been to  
53 evade the purposes of this paragraph and where the commissioner of motor  
54 vehicles has reasonable grounds to believe that such registration or  
55 renewal will have the effect of defeating the purposes of this para-  
56 graph. 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



1 status to the commissioner or the department of transportation imme-  
2 diately.

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

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

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

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

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

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

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

30 § 11. The vehicle and traffic law is amended by adding a new section  
31 397-d to read as follows:

32 § 397-d. For-hire rebuttable presumption. For the purposes of this  
33 title and notwithstanding any other provision of law, there shall be a  
34 rebuttable presumption that any altered vehicle, commonly referred to as  
35 a "stretch limousine", as defined in subdivision twenty-four of section  
36 four hundred one of this chapter, any limousine, or any motor vehicle  
37 that is capable of seating nine or more persons including the driver  
38 when in use upon a public highway, private road open to public motor  
39 vehicle traffic, or any parking lot, is being operated in a for-hire  
40 capacity.

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

43 § 115-e. For-hire. The business of carrying or transporting passengers  
44 for direct or indirect compensation, except that such term shall not  
45 apply to article forty-four-B of this chapter.

46 § 115-f. For-hire vehicle. A motor vehicle used in the business of  
47 carrying or transporting passengers for direct or indirect compensation,  
48 except that such term shall not apply to article forty-four-B of this  
49 chapter.

50 § 13. Severability. If any clause, sentence, subdivision, paragraph,  
51 section or part of this act be adjudged by any court of competent juris-  
52 diction to be invalid, or if any federal agency determines in writing  
53 that this act would render New York state ineligible for the receipt of  
54 federal funds, such judgment or written determination shall not affect,  
55 impair or invalidate the remainder thereof, but shall be confined in its  
56 operation to the clause, sentence, subdivision, paragraph, section or



1 part thereof directly involved in the controversy in which such judgment  
2 or written determination shall have been rendered.

3 § 14. This act shall take effect immediately; provided, however,  
4 sections two, three, four, eight, nine, eleven, and twelve of this act  
5 shall take effect one year after it shall have become a law; provided  
6 further, however, sections seven and ten of this act shall take effect  
7 two years after it shall have become a law; provided further, however,  
8 section six of this act shall take effect on the one hundred eightieth  
9 day after it shall have become a law; provided further, however, that  
10 sections four, five and six of this act shall be deemed repealed if any  
11 federal agency determines in writing that this act would render New York  
12 state ineligible for the receipt of federal funds or any court of compe-  
13 tent jurisdiction finally determines that this act would render New York  
14 state out of compliance with federal law or regulation; provided that  
15 the commissioner of motor vehicles or the commissioner of transportation  
16 shall notify the legislative bill drafting commission upon the occur-  
17 rence of any federal agency determining in writing that this act would  
18 render New York state ineligible for the receipt of federal funds or any  
19 court of competent jurisdiction finally determines that this act would  
20 render New York state out of compliance with federal law or regulation  
21 in order that the commission may maintain an accurate and timely effec-  
22 tive data base of the official text of the laws of the state of New York  
23 in furtherance of effectuating the provisions of section 44 of the  
24 legislative law and section 70-b of the public officers law. Effective  
25 immediately, the addition, amendment and/or repeal of any rule or regu-  
26 lation necessary for the implementation of this act on its effective  
27 date are authorized to be made and completed on or before such effective  
28 date.

29 PART L

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

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

34 ARTICLE 19-I

35 WATERFRONT COMMISSION ACT

36 Section 534. Short title.

37 534-a. Legislative findings and declarations.

38 534-b. Definitions.

39 534-c. New York waterfront commission established.

40 534-d. General powers of the commission.

41 534-e. Designation as agent of the state.

42 534-f. Pier superintendents and hiring agents.

43 534-g. Stevedores.

44 534-h. Prohibition of public loading.

45 534-i. Longshoremen's register.

46 534-j. List of qualified longshoremen for employment as check-  
47 ers.

48 534-k. Regularization of longshoremen's employment.

49 534-l. Suspension or acceptance of applications for inclusion in  
50 the longshoremen's register; exceptions.

51 534-m. Port watchmen.

52 534-n. Hearings, determinations and review.

53 534-o. Employment information centers.

1 534-p. Implementation of telecommunications hiring system for  
2 longshoremen and checkers; registration of telecommu-  
3 nications system controller.

4 534-q. Construction of act.

5 534-r. Certain solicitations prohibited; prohibition against the  
6 holding of union position by officers, agents or  
7 employees who have been convicted of certain crimes  
8 and offenses.

9 534-s. General violations; prosecutions; penalties.

10 534-t. Denial of applications.

11 534-u. Revocation of licenses and registrations.

12 534-v. Refusal to answer question, immunity; prosecution.

13 534-w. Annual preparation of a budget request and assessments.

14 534-x. Payment of assessment.

15 534-y. Transfer of officers, employees.

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

18 § 534-a. Legislative findings and declarations. 1. The state of New  
19 York hereby finds and declares that:

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

37 (b) Many of these evils resulted not only from the causes above  
38 described but from the practices of public loaders at piers and other  
39 waterfront terminals. Such public loaders served no valid economic  
40 purpose and operated as parasites exacting a high and unwarranted toll  
41 on the flow of commerce in and through the port of New York district,  
42 and used force and engaged in discriminatory and coercive practices  
43 including extortion against persons not desiring to employ them. The  
44 states of New York and New Jersey found that the function of loading and  
45 unloading trucks and other land vehicles at piers and other waterfront  
46 terminals should be performed, as in every other major American port,  
47 without the evils and abuses of the public loader system, and by the  
48 carriers of freight by water, stevedores and operators of such piers and  
49 other waterfront terminals or the operators of such trucks or other land  
50 vehicles.

51 (c) Many of the above described evils also resulted from the lack of  
52 regulation of the occupation of stevedores, who engaged in corrupt prac-  
53 tices to induce their hire by carriers of freight by water and to induce  
54 officers and representatives of labor organizations to betray their  
55 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 victimization 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.

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

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

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

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

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

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

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

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

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

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

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

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

45 (2) engage in direct and immediate checking of any such freight or of  
46 the custodial accounting therefor or in the recording or tabulation of  
47 the hours worked at piers or other waterfront terminals by natural  
48 persons employed by carriers of freight by water or stevedores; or

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

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

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

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

7 (2) perform labor or services involving, or incidental to, the move-  
8 ment of freight at a waterfront terminal as defined in subdivision  
9 fifteen of this section.

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

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

17 15. "Other waterfront terminal" shall include:

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

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

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

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

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

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

44 20. "Port watchman" shall include any watchman, gateman, roundsman,  
45 detective, guard, guardian or protector of property employed by the  
46 operator of any pier or other waterfront terminal or by a carrier of  
47 freight by water to perform services in such capacity on any pier or  
48 other waterfront terminal.

49 21. The term "select any longshoreman for employment" in the defi-  
50 nition of a hiring agent in this section shall include selection of a  
51 person for the commencement or continuation of employment as a long-  
52 shoreman, or the denial or termination of employment as a longshoreman.

53 22. "Stevedore" shall mean:

54 (a) a contractor (not including an employee) engaged for compensation  
55 pursuant to a contract or arrangement with a carrier of freight by  
56 water, in moving waterborne freight carried or consigned for carriage by



1 such carrier on vessels of such carrier berthed at piers, on piers at  
2 which such vessels are berthed or at other waterfront terminals; or

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

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

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

24 23. "Terrorist group" shall mean a group associated, affiliated or  
25 funded in whole or in part by a terrorist organization designated by the  
26 secretary of state in accordance with section two hundred nineteen of  
27 the immigration and nationality act, as amended from time to time, or  
28 any other organization which assists, funds or engages in acts of  
29 terrorism as defined in the laws of the United States, or of the state  
30 of New York, including, but not limited to, subdivision one of section  
31 490.05 of the penal law.

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

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

42 § 534-c. New York waterfront commission established. 1. There is here-  
43 by created the New York waterfront commission, which shall be in the  
44 executive department of this state and may request, receive, and utilize  
45 facilities, resources and data of any department, division, board,  
46 bureau, commission, agency or public authority of the state or any poli-  
47 tical subdivision thereof as it may reasonably request to carry out  
48 properly its powers and duties.

49 2. The commission shall consist of the commissioner appointed by the  
50 governor with the advice and consent of the senate, and shall receive  
51 compensation to be fixed by the governor of this state. The term of  
52 office of such commissioner shall be for three years; provided, however,  
53 that a commissioner serving on the bi-state commission at the time of  
54 its dissolution on the seventeenth of July two thousand twenty-three who  
55 was appointed by the governor of New York to such position, may serve as  
56 acting commissioner of the New York waterfront commission until such



1 time as a commissioner is appointed by the governor, with the advice and  
2 consent of the senate, pursuant to this subdivision. A commissioner  
3 shall hold office until that commissioner's successor has been appointed  
4 and qualified. Vacancies in office shall be filled for the balance of  
5 the unexpired term in the same manner as original appointments.

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

11 § 534-d. General powers of the commission. In addition to the powers  
12 and duties elsewhere prescribed herein, the commission shall have the  
13 power:

14 1. To sue and be sued.

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

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

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

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

25 6. To promulgate and enforce such rules and regulations as the commis-  
26 sion may deem necessary to effectuate the purposes of this act or to  
27 prevent the circumvention or evasion thereof. As used in this act,  
28 "regulations" include those rules and regulations of the bi-state  
29 commission which shall continue in effect as the rules and regulations  
30 of the commission until amended, supplemented, or rescinded by the  
31 commission pursuant to the state administrative procedure act. Previ-  
32 ously promulgated regulations inconsistent with the provisions of this  
33 act shall be deemed void.

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

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

42 9. To have for its commissioner and its properly designated officers,  
43 agents and employees, full and free access, ingress and egress to and  
44 from all vessels, piers and other waterfront terminals or other places  
45 in the port of New York district in this state, for the purposes of  
46 making inspection or enforcing the provisions of this act; and no person  
47 shall obstruct or in any way interfere with any such commissioner, offi-  
48 cer, employee or agent in the making of such inspection, or in the  
49 enforcement of the provisions of this act or in the performance of any  
50 other power or duty under this act.

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

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

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

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

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

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

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

29 17. To require any applicant for a license or registration or any  
30 prospective licensee to furnish such facts and evidence as the commis-  
31 sion may deem appropriate to enable it to ascertain whether the license  
32 or registration should be granted.

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

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

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

45 21. To require any applicant for registration as a longshoreman, any  
46 applicant for registration as a checker or any applicant for registra-  
47 tion as a telecommunications system controller and any person who is  
48 sponsored for a license as a pier superintendent or hiring agent, any  
49 person who is an individual owner of an applicant stevedore or any  
50 persons who are individual partners of an applicant stevedore, or any  
51 officers, directors or stockholders owning five percent or more of any  
52 of the stock of an applicant corporate stevedore or any applicant for a  
53 license as a port watchman or any other category of applicant for regis-  
54 tration or licensing within the commission's jurisdiction to be finger-  
55 printed by the commission at the cost and expense of the applicant.

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

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

13 24. To cooperate with a similar entity established in the state of New  
14 Jersey, to exchange information on any matter pertinent to the purposes  
15 of this act, and to enter into reciprocal agreements for the accomplish-  
16 ment of such purposes, including but not limited to the following objec-  
17 tives:

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

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

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

30 § 534-e. Designation as agent of the state. 1. The commission is here-  
31 by designated on its own behalf or as agent of the state of New York, as  
32 provided by the act of Congress of the United States, effective June  
33 sixth, one thousand nine hundred and thirty-three, entitled "An act to  
34 provide for the establishment of a national employment system and for  
35 co-operation with the States in the promotion of such system and for  
36 other purposes," as amended, for the purpose of obtaining such benefits  
37 of such act of Congress as are necessary or appropriate to the estab-  
38 lishment and operation of employment information centers authorized by  
39 section one of this act.

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

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

52 § 534-f. Pier superintendents and hiring agents. 1. No person shall  
53 act as a pier superintendent or as a hiring agent within the port of New  
54 York district in this state without first having obtained from the  
55 commission or previously, from the bi-state commission, a license to act  
56 as such pier superintendent or hiring agent, as the case may be, and no

1 person shall employ or engage another person to act as a pier super-  
2 intendent or hiring agent who is not so licensed.

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

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

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

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

14 (d) Such further facts and evidence as may be required by the commis-  
15 sion to ascertain the character, integrity and identity of the prospec-  
16 tive licensee; and

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

20 3. No such license shall be granted:

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

23 (b) If the prospective licensee has, without subsequent pardon, been  
24 convicted by a court of the United States, or any state or territory  
25 thereof, of the commission of, or the attempt or conspiracy to commit,  
26 treason, murder, manslaughter or any crime punishable by death or impri-  
27 sonment for a term exceeding one year or any of the following misdemea-  
28 nors or offenses: illegally using, carrying or possessing a pistol or  
29 other dangerous weapon; making or possessing burglar's instruments;  
30 buying or receiving stolen property; unlawful entry of a building;  
31 aiding an escape from prison; unlawfully possessing, possessing with  
32 intent to distribute, sale or distribution of a controlled dangerous  
33 substance (controlled substance) or a controlled dangerous substance  
34 analog; and violation of this act. Any such prospective licensee ineli-  
35 gible for a license by reason of any such conviction may submit satis-  
36 factory evidence to the commission that such person has for a period of  
37 not less than five years, measured as hereinafter provided, and up to  
38 the time of application, so acted in a manner as to warrant the grant of  
39 such license, in which event the commission may, in its discretion,  
40 issue an order removing such ineligibility. The aforesaid period of five  
41 years shall be measured either from the date of payment of any fine  
42 imposed upon such person or the suspension of sentence or from the date  
43 of the person's unrevoked release from custody by parole, commutation or  
44 termination of sentence;

45 (c) If the prospective licensee knowingly or willfully advocates the  
46 desirability of overthrowing or destroying the government of the United  
47 States by force or violence or shall be a member of a group which advo-  
48 cates such desirability, knowing the purposes of such group include such  
49 advocacy.

50 4. When the application shall have been examined and such further  
51 inquiry and investigation made as the commission shall deem proper and  
52 when the commission shall be satisfied therefrom that the prospective  
53 licensee possesses the qualifications and requirements prescribed in  
54 this section, the commission shall issue and deliver to the prospective  
55 licensee a license to act as pier superintendent or hiring agent for the  
56 applicant, as the case may be, and shall inform the applicant of this

1 action. The commission may issue a temporary permit to any prospective  
2 licensee for a license under the provisions of this article pending  
3 final action on an application made for such a license. Any such permit  
4 shall be valid for a period not in excess of six months.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (m) Membership in a labor organization which represents longshoremen  
48 or port watchmen; but nothing in this section shall be deemed to prohib-  
49 it pier superintendents or hiring agents from being represented by a  
50 labor organization or organizations which do not also represent long-  
51 shoremen or port watchmen. The American Federation of Labor and Congress  
52 of Industrial Organizations and any other similar federation, congress  
53 or other organization of national or international occupational or  
54 industrial labor organizations shall not be considered an organization  
55 which represents longshoremen or port watchmen within the meaning of



1 this section although one of the federated or constituent labor organ-  
2 izations thereof may represent longshoremen or port watchmen.

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

10 § 534-g. Stevedores. 1. No person shall act as a stevedore within the  
11 port of New York district in this state without having first obtained a  
12 license from the commission or previously, from the bi-state commission,  
13 and no person shall employ a stevedore to perform services as such with-  
14 in the port of New York district in this state unless the stevedore is  
15 so licensed.

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

20 (a) If the applicant is a natural person, the application shall be  
21 signed and verified by such person and if the applicant is a partner-  
22 ship, the application shall be signed and verified by each natural  
23 person composing or intending to compose such partnership. The applica-  
24 tion shall state the full name, age, residence, business address, if  
25 any, present and previous occupations of each natural person so signing  
26 the same, and any other facts and evidence as may be required by the  
27 commission to ascertain the character, integrity and identity of each  
28 natural person so signing such application.

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

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

45 3. No such license shall be granted:

46 (a) If any person whose signature or name appears in the application  
47 is not the real party in interest required by subdivision two of this  
48 section to sign or to be identified in the application or if the person  
49 so signing or named in the application is an undisclosed agent or trus-  
50 tee for any such real party in interest;

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

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



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

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

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

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

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

44 4. When the application shall have been examined and such further  
45 inquiry and investigation made as the commission shall deem proper and  
46 when the commission shall be satisfied therefrom that the applicant  
47 possesses the qualifications and requirements prescribed in this  
48 section, the commission shall issue and deliver a license to such appli-  
49 cant. The commission may issue a temporary permit to any applicant for  
50 a license under the provisions of this section pending final action on  
51 an application made for such a license. Any such permit shall be valid  
52 for a period not in excess of six months.

53 5. A stevedore's license granted pursuant to this section shall be for  
54 a term of five years or fraction of such five year period, and shall  
55 expire on the first day of December. In the event of the death of the  
56 licensee, if a natural person, or its termination or dissolution by

1 reason of a death of a partner, if a partnership, or if the licensee  
2 shall cease to be a party to any contract of the type required by para-  
3 graph (d) of subdivision three of this section, the license shall termi-  
4 nate ninety days after such event or upon its expiration date, whichever  
5 shall be sooner. A license may be renewed by the commission for succes-  
6 sive five year periods upon fulfilling the same requirements as are set  
7 forth in this section for an original application for a stevedore's  
8 license.

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

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

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

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

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

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

31 § 534-h. Prohibition of public loading. 1. It is unlawful for any  
32 person to load or unload waterborne freight onto or from vehicles other  
33 than railroad cars at piers or at other waterfront terminals within the  
34 port of New York district in this state, for a fee or other compen-  
35 sation, other than the following persons and their employees:

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

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

41 (c) Operators of piers or other waterfront terminals (including rail-  
42 roads, truck terminal operators, warehousemen and other persons), but  
43 only at piers or other waterfront terminals operated by them;

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

46 (e) Stevedores licensed under section five hundred thirty-four-g of  
47 this article, whether or not such waterborne freight has been or is to  
48 be transported by a carrier of freight by water with which such steve-  
49 dore shall have a contract of the type prescribed by paragraph (d) of  
50 subdivision three of section five hundred thirty-four-g of this article.

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

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

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

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

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

26     (b) Who knowingly or willingly advocates the desirability of over-  
27 throwing or destroying the government of the United States by force or  
28 violence or who shall be a member of a group which advocates such desir-  
29 ability knowing the purposes of such group include such advocacy;

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

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

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

45     (a) Conviction of a crime or other cause which would permit disquali-  
46 fication of such person from inclusion in the longshoremen's register  
47 upon original application;

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

50     (c) Transfer or surrender of possession to any person either temporar-  
51 ily or permanently of any card or other means of identification issued  
52 by the commission as evidence of inclusion in the longshoremen's regis-  
53 ter, without satisfactory explanation;

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

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

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

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

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

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

22 § 534-j. List of qualified longshoremen for employment as checkers. 1.  
23 The commission shall maintain within the longshoremen's register a list  
24 of all qualified longshoremen eligible, as provided in this section, for  
25 employment as checkers in the port of New York district in this state.  
26 No person shall act as a checker within the port of New York district in  
27 this state unless at the time such person is included in the  
28 longshoremen's register as a checker, and no person shall employ another  
29 to work as a checker within the port of New York district in this state  
30 unless at the time such other person is included in the longshoremen's  
31 register as a checker.

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

36 (a) The full name, residence, place and date of birth and social secu-  
37 rity number of the applicant;

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

41 (c) Such further facts and evidence as may be required by the commis-  
42 sion to ascertain the character, integrity and identity of the appli-  
43 cant.

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

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

48 (b) If the applicant has, without subsequent pardon, been convicted  
49 by a court of the United States or any state or territory thereof, of  
50 the commission of, or the attempt or conspiracy to commit, treason,  
51 murder, manslaughter or any crime punishable by death or imprisonment  
52 for a term exceeding one year or any of the following misdemeanors or  
53 offenses: illegally using, carrying or possessing a pistol or another  
54 dangerous weapon; making or possessing burglar's instruments; buying or  
55 receiving stolen property; unlawful entry of a building; aiding an  
56 escape from prison; unlawfully possessing, possessing with intent to

1 distribute, sale or distribution of a controlled dangerous substance  
2 (controlled substance) or a controlled dangerous substance analog  
3 (controlled substance analog); petty larceny, where the evidence shows  
4 the property was stolen from a vessel, pier or other waterfront termi-  
5 nal; and violation of the act. Any such applicant ineligible for inclu-  
6 sion in the longshoremen's register as a checker by reason of any such  
7 conviction may submit satisfactory evidence to the commission that the  
8 person has for a period of not less than five years, measured as  
9 provided in this section, and up to the time of application, so acted  
10 in a manner as to warrant inclusion in the longshoremen's register as a  
11 checker, in which event the commission may, in its discretion, issue an  
12 order removing such ineligibility. The aforesaid period of five years  
13 shall be measured either from the date of payment of any fine imposed  
14 upon such person or the suspension of sentence or from the date of such  
15 person's unrevoked release from custody by parole, commutation or  
16 termination of such person's sentence;

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

21 4. When the application shall have been examined and such further  
22 inquiry and investigation made as the commission shall deem proper and  
23 when the commission shall be satisfied therefrom that the applicant  
24 possesses the qualifications and requirements prescribed by this  
25 section, the commission shall include the applicant in the  
26 longshoremen's register as a checker. The commission may permit tempo-  
27 rary registration as a checker to any applicant under this section pend-  
28 ing final action on an application made for such registration, under  
29 such terms and conditions as the commission may prescribe, which shall  
30 be valid for a period to be fixed by the commission, not in excess of  
31 six months.

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

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

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

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

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

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

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

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

55 (h) Transfer or surrender of possession to any person either temporar-  
56 ily or permanently of any card or other means of identification issued



1 by the commission as evidence of inclusion in the longshoremen's regis-  
2 ter without satisfactory explanation;

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

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

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

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

18 § 534-k. Regularization of longshoremen's employment. 1. The commis-  
19 sion shall, at regular intervals, remove from the longshoremen's regis-  
20 ter any person who shall have been registered for at least nine months  
21 and who shall have failed during the preceding six calendar months  
22 either to have worked as a longshoreman in the port of New York district  
23 or to have applied for employment as a longshoreman at an employment  
24 information center in the port of New York district for such minimum  
25 number of days as shall have been established by the commission pursuant  
26 to subdivision two of this section.

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

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

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

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

40 (c) To eliminate oppressive and evil hiring practices affecting long-  
41 shoremen and waterborne commerce in the port of New York district in  
42 this state; and

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

44 4. A longshoreman who has been removed from the longshoremen's regis-  
45 ter pursuant to this section may seek reinstatement upon fulfilling the  
46 same requirements as for initial inclusion in the longshoremen's regis-  
47 ter, but not before the expiration of one year from the date of removal,  
48 except that immediate reinstatement shall be made upon proper showing  
49 that the registrant's failure to work or apply for work the minimum  
50 number of days above described was caused by the fact that the regis-  
51 trant was engaged in the military service of the United States or was  
52 incapacitated by ill health, physical injury, or other good cause.

53 5. Notwithstanding any other provision of this article, the commission  
54 shall at any time have the power to register longshoremen on a temporary  
55 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 deci-

1 sion or action of administrative agencies of this state, provided,  
2 however, that such proceeding shall be decided directly by the appellate  
3 division as the court of first instance (to which the proceeding shall  
4 be transferred by order of transfer by the supreme court in the state of  
5 New York by notice of appeal from the commission's determination) and  
6 provided further that notwithstanding any other provision of law in this  
7 state no court shall have power to stay the commission's determination  
8 prior to final judicial decision for more than fifteen days. In the  
9 event that the court enters a final order setting aside the determi-  
10 nation by the commission to accept applications for inclusion in the  
11 longshoremen's register, the registration of any longshoremen included  
12 in the longshoremen's register as a result of such determination by the  
13 commission shall be cancelled.

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

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

36 7. Notwithstanding any other provision of this article, the commission  
37 may include in the longshoremen's register under such terms and condi-  
38 tions as the commission may prescribe:

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

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

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

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

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

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

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

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

13    (c) The citizenship of the applicant and, if the person is a natural-  
14 ized citizen of the United States, the court and date of naturalization;  
15 and

16    (d) Such further facts and evidence as may be required by the commis-  
17 sion to ascertain the character, integrity and identity of the appli-  
18 cant.

19    3. No such license shall be granted:

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

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

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

32    (d) If the applicant shall be a member of any labor organization which  
33 represents longshoremen or pier superintendents or hiring agents; but  
34 nothing in this section shall be deemed to prohibit port watchmen from  
35 being represented by a labor organization or organizations which do not  
36 also represent longshoremen or pier superintendents or hiring agents.  
37 The American Federation of Labor and Congress of Industrial Organiza-  
38 tions and any other similar federation, congress or other organization  
39 of national or international occupational or industrial labor organiza-  
40 tions shall not be considered an organization which represents long-  
41 shoremen or pier superintendents or hiring agents within the meaning of  
42 this section although one of the federated or constituent labor organ-  
43 izations thereof may represent longshoremen or pier superintendents or  
44 hiring agents;

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

49    4. When the application shall have been examined and such further  
50 inquiry and investigation made as the commission shall deem proper and  
51 when the commission shall be satisfied therefrom that the applicant  
52 possesses the qualifications and requirements prescribed by this section  
53 and regulations issued pursuant thereto, the commission shall issue and  
54 deliver a license to the applicant. The commission may issue a temporary  
55 permit to any applicant for a license under the provisions of this

1 section pending final action on an application made for such a license.  
2 Any such permit shall be valid for a period not in excess of six months.

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

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

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

13 (b) Complete a refresher course of training; and

14 (c) Submit supplementary personal history information.

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

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

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

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

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

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

41 § 534-n. Hearings, determinations and review. 1. The commission shall  
42 not deny any application for a license or registration without giving  
43 the applicant or prospective licensee reasonable prior notice and an  
44 opportunity to be heard by the commission.

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

49 3. The commission may on its own initiative or on complaint of any  
50 person, including any public official or agency, institute proceedings  
51 to revoke or suspend any license or registration after a hearing at  
52 which the licensee or registrant and any person making such complaint  
53 shall be given an opportunity to be heard, provided that any order of  
54 the commission revoking or suspending any license or registration shall  
55 not become effective until fifteen days subsequent to the serving of  
56 notice thereof upon the licensee or registrant unless in the opinion of



1 the commission the continuance of the license or registration for such  
2 period would be inimical to the public peace or safety. Such hearings  
3 shall be held in such manner and upon such notice as may be prescribed  
4 by the rules of the commission, but such notice shall be of not less  
5 than ten days and shall state the nature of the complaint.

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

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

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

27 (c) A person whose permit, license or registration has been temporar-  
28 ily suspended may, at any time, demand that the commission conduct a  
29 hearing as provided for in this section. Within sixty days of such  
30 demand, the commission shall commence the hearing and, within thirty  
31 days of receipt of the administrative judge's report and recommendation,  
32 the commission shall render a final determination thereon; provided,  
33 however, that these time requirements, shall not apply for any period of  
34 delay caused or requested by the permittee, licensee or registrant. Upon  
35 failure of the commission to commence a hearing or render a determi-  
36 nation within the time limits prescribed herein, the temporary suspen-  
37 sion of the licensee or registrant shall immediately terminate. Notwith-  
38 standing any other provision of this subdivision, if a federal, state,  
39 or local law enforcement agency or prosecutor's office shall request the  
40 suspension or deferment of any hearing on the ground that such a hearing  
41 would obstruct or prejudice an investigation or prosecution, the commis-  
42 sion may in its discretion, postpone or defer such hearing for a time  
43 certain or indefinitely. Any action by the commission to postpone a  
44 hearing shall be subject to immediate judicial review as provided in  
45 subdivision seven of this section.

46 (d) The commission may in addition, within its discretion, bar any  
47 permittee, licensee or registrant whose license or registration has been  
48 suspended pursuant to this section, from any employment by a licensed  
49 stevedore or a carrier of freight by water during the period of such  
50 suspension, if the alleged crime that forms the basis of such suspension  
51 involves the possession with intent to distribute, sale, or distribution  
52 of a controlled dangerous substance (controlled substance), or  
53 controlled dangerous substance analog (controlled substance analog),  
54 racketeering or theft from a pier or waterfront terminal.

55 5. The commission, or such officer, employee or agent of the commis-  
56 sion as may be designated by the commission for such purpose, shall have



1 the power to issue subpoenas to compel the attendance of witnesses and  
2 the giving of testimony or production of other evidence and to adminis-  
3 ter oaths in connection with any such hearing. It shall be the duty of  
4 the commission or of any officer, employee or agent of the commission  
5 designated by the commission for such purpose to issue subpoenas at the  
6 request of and upon behalf of the licensee, registrant or applicant.  
7 The commission or such person conducting the hearing shall not be bound  
8 by common law or statutory rules of evidence or by technical or formal  
9 rules of procedure in the conduct of such hearing.

10 6. Upon the conclusion of the hearing, the commission shall take such  
11 action upon such findings and determination as it deems proper and shall  
12 execute an order carrying such findings into effect. The action in the  
13 case of an application for a license or registration shall be the grant-  
14 ing or denial thereof. The action in the case of a licensee shall be  
15 revocation of the license or suspension thereof for a fixed period or  
16 reprimand or a dismissal of the charges. The action in the case of a  
17 registered longshoreman shall be dismissal of the charges, reprimand or  
18 removal from the longshoremen's register for a fixed period or perma-  
19 nently.

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

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

35 9. After the conclusion of a hearing but prior to the making of an  
36 order by the commission, a hearing may, upon petition and in the  
37 discretion of the hearing officer, be reopened for the presentation of  
38 additional evidence. Such petition to reopen the hearing shall state in  
39 detail the nature of the additional evidence, together with the reasons  
40 for the failure to submit such evidence prior to the conclusion of the  
41 hearing. The commission may upon its own motion and upon reasonable  
42 notice reopen a hearing for the presentation of additional evidence.  
43 Upon petition, after the making of an order of the commission, rehearing  
44 may be granted in the discretion of the commission. Such a petition for  
45 rehearing shall state in detail the grounds upon which the petition is  
46 based and shall separately set forth each error of law and fact alleged  
47 to have been made by the commission in its determination, together with  
48 the facts and arguments in support thereof. Such petition shall be filed  
49 with the commission not later than thirty days after service of such  
50 order, unless the commission for good cause shown shall otherwise  
51 direct. The commission may upon its own motion grant a rehearing after  
52 the making of an order.

53 § 534-o. Employment information centers. 1. The commission shall  
54 establish and maintain one or more employment information centers within  
55 the port of New York district in this state at such locations as it may  
56 determine. No person shall, directly or indirectly, hire any person for

1 work as a longshoreman or port watchman within the port of New York  
2 district in this state, except through such particular employment infor-  
3 mation center or centers as may be prescribed by the commission. No  
4 person shall accept any employment as a longshoreman or port watchman  
5 within the port of New York district in this state, except through such  
6 an employment information center. At each such employment information  
7 center the commission shall keep and exhibit the longshoremen's register  
8 and any other records it shall determine to the end that longshoremen  
9 and port watchmen shall have the maximum information as to available  
10 employment as such at any time within the port of New York district in  
11 this state and to the end that employers shall have an adequate opportu-  
12 nity to fill their requirements of registered longshoremen and port  
13 watchmen at all times.

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

20 § 534-p. Implementation of telecommunications hiring system for long-  
21 shoremen and checkers; registration of telecommunications system  
22 controller. 1. The commission may designate one of the employment infor-  
23 mation centers it is authorized to establish and maintain under section  
24 five hundred thirty-four-o of this article for the implementation of a  
25 telecommunications hiring system through which longshoremen and checkers  
26 may be hired and accept employment without any personal appearance at  
27 said center. Any such telecommunications hiring system shall incorpo-  
28 rate hiring and seniority agreements between the employers of longshore-  
29 men and checkers and the labor organization representing longshoremen  
30 and checkers in the port of New York district in this state, provided  
31 said agreements are not in conflict with the provisions of the article.

32 2. The commission shall permit employees of the association represent-  
33 ing employers of longshoremen and checkers and of the labor organization  
34 representing longshoremen and checkers in the port of New York district  
35 in this state, or of a joint board of such association and labor organ-  
36 ization, to participate in the operation of said telecommunications  
37 hiring system, provided that any such employee is registered by the  
38 commission as a "telecommunications system controller" in accordance  
39 with the provisions, standards and grounds set forth in the act with  
40 respect to the registration of checkers. No person shall act as a  
41 "telecommunications system controller" unless that person is so regis-  
42 tered. Any application for such registration and any registration made  
43 or issued may be denied, revoked, or suspended, as the case may be, only  
44 in the manner prescribed in section five hundred thirty-four-n of this  
45 article. Any and all such participation in the operation of said tele-  
46 communications hiring system shall be monitored by the commission.

47 3. Any and all records, documents, tapes, discs and other data  
48 compiled, collected or maintained by said association of employers,  
49 labor organization and joint board of such association and labor organ-  
50 ization pertaining to the telecommunications hiring system shall be  
51 available for inspection, investigation and duplication by the commis-  
52 sion.

53 § 534-q. Construction of act. 1. This act is not designed and shall  
54 not be construed to limit in any way any rights granted or derived from  
55 any other statute or any rule of law for employees to organize in labor  
56 organizations, to bargain collectively and to act in any other way indi-

1 vidually, collectively, and through labor organizations or other repre-  
2 sentatives of their own choosing. Without limiting the generality of  
3 the foregoing, nothing contained in this act shall be construed to limit  
4 in any way the right of employees to strike.

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

14 § 534-r. Certain solicitations prohibited; prohibition against the  
15 holding of union position by officers, agents or employees who have been  
16 convicted of certain crimes and offenses. 1. No person shall solicit,  
17 collect or receive any dues, assessments, levies, fines or contrib-  
18 utions, or other charges within the state for or on behalf of any labor  
19 organization which represents employees registered or licensed pursuant  
20 to the provisions of this article or which derives its charter from a  
21 labor organization representing one hundred or more of such registered  
22 or licensed employees, if any officer, agent or employee of such labor  
23 organization, or of a welfare fund or trust administered partially or  
24 entirely by such labor organization or by trustees or other persons  
25 designated by such labor organization, has been convicted by a court of  
26 the United States, or any state or territory thereof, of a felony, any  
27 misdemeanor involving moral turpitude or any crime or offense enumerated  
28 in paragraph (b) of subdivision three of section five hundred thirty-  
29 four-j of this article, unless such person has been subsequently  
30 pardoned therefor by the governor or other appropriate authority of the  
31 state or jurisdiction in which such conviction was had or has received a  
32 certificate of good conduct from the board of parole pursuant to the  
33 provisions of the executive law to remove the disability. No person so  
34 convicted shall serve as an officer, agent or employee of such labor  
35 organization, welfare fund or trust unless such person has been so  
36 pardoned or has received a certificate of good conduct. No person,  
37 including such labor organization, welfare fund or trust, shall knowin-  
38 gly permit such convicted person to assume or hold any office, agency, or  
39 employment in violation of this section.

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

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

51 4. If upon application to the commission by an employee who has been  
52 convicted of a crime or offense specified in subdivision one of this  
53 section the commission, in its discretion, determines in an order that  
54 it would not be contrary to the purposes and objectives of this act for  
55 such employee to work in a particular employment for a labor organiza-  
56 tion, welfare fund or trust within the meaning of subdivision two of

1 this section, the provisions of subdivision two of this section shall  
2 not apply to the particular employment of such employee with respect to  
3 such conviction or convictions as are specified in the commission's  
4 order. This section is applicable only to those employees who for wages  
5 or salary perform manual, mechanical, or physical work of a routine or  
6 clerical nature at the premises of the labor organization, welfare fund  
7 or trust by which they are employed.

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

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

31 § 534-s. General violations; prosecutions; penalties. 1. The failure  
32 of any witness, when duly subpoenaed to attend, give testimony or  
33 produce other evidence, whether or not at a hearing, shall be punishable  
34 by the supreme court in New York in the same manner as said failure is  
35 punishable by such court in a case therein pending.

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

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

48 4. The commission may maintain a civil action on behalf of the state  
49 against any person who violates or attempts or conspires to violate this  
50 section or who fails, omits, or neglects to obey, observe, or comply  
51 with any order or direction of the commission, to recover a judgment for  
52 a money penalty not exceeding five hundred dollars for each and every  
53 offense. Every violation of any such provision, order or direction,  
54 shall be a separate and distinct offense, and, in case of a continuing  
55 violation, every day's continuance shall be and be deemed to be a sepa-  
56 rate and distinct offense. Any such action may be compromised or

1 discontinued on application of the commission upon such terms as the  
2 court may approve and a judgment may be rendered for an amount less than  
3 the amount demanded in the complaint as justice may require.

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

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

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

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

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

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

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

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

48 § 534-t. Denial of applications. In addition to the grounds elsewhere  
49 set forth in this article, the commission may deny an application for a  
50 license or registration for any of the following:

51 1. Conviction by a court of the United States or any state or territo-  
52 ry thereof of coercion;

53 2. Conviction by any such court, after having been previously  
54 convicted by any such court of any crime or of the offenses set forth in  
55 this article, of a misdemeanor or any of the following offenses:  
56 assault, malicious injury to property, malicious mischief, unlawful



1 taking of a motor vehicle, corruption of employees or possession of  
2 lottery or number slips;

3 3. Fraud, deceit or misrepresentation in connection with any applica-  
4 tion or petition submitted to, or any interview, hearing or proceeding  
5 conducted by the commission;

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

8 5. Refusal on the part of any applicant, or prospective licensee, or  
9 of any member, officer or stockholder required by subdivision two of  
10 section five hundred thirty-four-g of this article to sign or be identi-  
11 fied in an application for a stevedore license, to answer any material  
12 question or produce any material evidence in connection with his or her  
13 application or any application made on his or her behalf for a license  
14 or registration pursuant to this article;

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

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

28 § 534-u. Revocation of licenses and registrations. In addition to the  
29 grounds elsewhere set forth in this article, any license or registration  
30 issued or made pursuant thereto may be revoked or suspended for such  
31 period as the commission deems in the public interest or the licensee or  
32 registrant may be reprimanded, for:

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

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

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

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

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

55 6. Association with a person who has been identified by a federal,  
56 state, or local law enforcement agency as a member or associate of an



1 organized crime group, a terrorist group, or a career offender cartel,  
2 or who is a career offender, under circumstances where such association  
3 creates a reasonable belief that the participation of the applicant in  
4 any activity required to be licensed under this act would be inimical to  
5 the policies of this article; or

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

12 § 534-v. Refusal to answer question, immunity; prosecution. 1. In any  
13 investigation, interview or other proceeding conducted under oath by the  
14 commission or any duly authorized officer, employee or agent thereof, if  
15 a person refuses to answer a question or produce evidence of any other  
16 kind on the ground that the person may be incriminated thereby, and,  
17 notwithstanding such refusal, an order is made upon twenty-four hours'  
18 prior written notice to the attorney general of the state of New York,  
19 and to the appropriate district attorney or prosecutor having an offi-  
20 cial interest therein, by the commissioner or by the commissioner's  
21 designees appointed pursuant to the provisions of subdivision three of  
22 section five hundred thirty-four-c of this article, that such person  
23 answer the question or produce the evidence, such person shall comply  
24 with the order. If such person complies with the order, and if, but for  
25 this subdivision, would have been privileged to withhold the answer  
26 given or the evidence produced by the person, then immunity shall be  
27 conferred upon the person, as provided for in this section. "Immunity"  
28 as used in this subdivision means that such person shall not be prose-  
29 cuted or subjected to any penalty or forfeiture for or on account of any  
30 transaction, matter or thing concerning which, in accordance with the  
31 order by the commission or the commissioner's designees appointed pursu-  
32 ant to the provisions of subdivision three of section five hundred thir-  
33 ty-four-c of this article, such person gave answer or produced evidence,  
34 and that no such answer given or evidence produced shall be received  
35 against the person upon any criminal proceeding. But the person may  
36 nevertheless be prosecuted or subjected to penalty or forfeiture for any  
37 perjury or contempt committed in answering, or failing to answer, or in  
38 producing or failing to produce evidence, in accordance with the order,  
39 and any such answer given or evidence produced shall be admissible  
40 against the person upon any criminal proceeding concerning such perjury  
41 or contempt. Immunity shall not be conferred upon any person except in  
42 accordance with the provisions of this subdivision. If, after compli-  
43 ance with the provisions of this subdivision, a person is ordered to  
44 answer a question or produce evidence of any other kind and complies  
45 with such order, and it is thereafter determined that the attorney  
46 general or appropriate district attorney or prosecutor having an offi-  
47 cial interest therein not notified, such failure or neglect shall not  
48 deprive such person of any immunity otherwise properly conferred upon  
49 the person.

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

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

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

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

29 4. The assessment pursuant to this section shall be in lieu of any  
30 other charge for the issuance of licenses to stevedores, pier super-  
31 intendents, hiring agents and pier watchmen or for the registration of  
32 longshoremen or the use of an employment information center. The  
33 commission shall establish reasonable procedures for the consideration  
34 of protests by affected employers concerning the estimates and computa-  
35 tion of the rate of assessment.

36 § 534-x. Payment of assessment. 1. Every person subject to the  
37 payment of any assessment under the provisions of section five hundred  
38 thirty-four-w of this article shall file on or before the fifteenth day  
39 of the first month of each calendar quarter-year a separate return,  
40 together with the payment of the assessment due, for the preceding  
41 calendar quarter-year during which any payroll payments were made to  
42 longshoremen, pier superintendents, hiring agents or port watchmen for  
43 work performed as such within the port of New York district in this  
44 state. Returns covering the amount of assessment payable shall be filed  
45 with the commission on forms to be furnished for such purpose and shall  
46 contain such data, information or matter as the commission may require  
47 to be included therein. The commission may grant a reasonable extension  
48 of time for filing returns, or for the payment of assessment, whenever  
49 good cause exists. Every return shall have annexed thereto a certif-  
50 ication to the effect that the statements contained therein are true.

51 2. Every person subject to the payment of assessment hereunder shall  
52 keep an accurate record of that person's employment of longshoremen,  
53 pier superintendents, hiring agents or port watchmen, which shall show  
54 the amount of compensation paid and such other information as the  
55 commission may require. Such records shall be preserved for a period of  
56 three years and be open for inspection at reasonable times. The commis-

1 sion may consent to the destruction of any such records at any time  
2 after said period or may require that they be kept longer, but not in  
3 excess of six years.

4 3. (a) The commission shall audit and determine the amount of assess-  
5 ment due from the return filed and such other information as is avail-  
6 able to it. Whenever a deficiency in payment of the assessment is  
7 determined the commission shall give notice of any such determination to  
8 the person liable therefor. Such determination shall finally and conclu-  
9 sively fix the amount due, unless the person against whom it is assessed  
10 shall, within thirty days after the giving of notice of such determi-  
11 nation, apply in writing to the commission for a hearing, or unless the  
12 commission on its own motion shall reduce the same. After such hearing,  
13 the commission shall give notice of its decision to the person liable  
14 therefor. A determination of the commission under this section shall be  
15 subject to judicial review, if application for such review is made with-  
16 in thirty days after the giving of notice of such decision. Any deter-  
17 mination under this section shall be made within five years from the  
18 time the return was filed and if no return was filed such determination  
19 may be made at any time.

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

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

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

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

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

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

12 7. In addition to any other powers authorized hereunder, the commis-  
13 sion shall have power to promulgate reasonable rules and regulations to  
14 effectuate the purposes of this section.

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

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

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

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

36 § 534-y. Transfer of officers, employees. 1. Any officer or employee  
37 in the state, county or municipal civil service in either state who  
38 shall transfer to service with the commission may be given one or more  
39 leaves of absence without pay and may, before the expiration of  
40 such leave or leaves of absence, and without further examination or  
41 qualification, return to the person's former position or be certified  
42 by the appropriate civil service agency for retransfer to a compa-  
43 rable position in such state, county, or municipal civil service if  
44 such a position is then available.

45 2. The commission may, by agreement with any federal agency from which  
46 any officer or employee may transfer to service with the commission,  
47 make similar provision for the retransfer of such officer or employee to  
48 such federal agency.

49 3. Notwithstanding the provisions of any other law in either state,  
50 any officer or employee in the state, county or municipal service in  
51 either state who shall transfer to service with the commission and who  
52 is a member of any existing state, county or municipal pension or  
53 retirement system in New Jersey or New York, shall continue to have all  
54 rights, privileges, obligations and status with respect to such fund,  
55 system or systems as if the person had continued in the person's state,  
56 county or municipal office or employment, but during the period of the

1 person's service as a commissioner, officer or employee of the commis-  
2 sion, all contributions to any pension or retirement fund or system to  
3 be paid by the employer on account of such commissioner, officer or  
4 employee, shall be paid by the commission. The commission may, by  
5 agreement with the appropriate federal agency, make similar provisions  
6 relating to continuance of retirement system membership for any federal  
7 officer or employee so transferred.

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

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

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

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

26 34. New York Waterfront ~~[and airport]~~ investigators, pursuant to  
27 ~~[subdivision four of section ninety-nine hundred six of the unconsol-~~  
28 ~~idated laws]~~ article nineteen-I of the executive law; provided, however,  
29 that nothing in this subdivision shall be deemed to authorize such offi-  
30 cer to carry, possess, repair or dispose of a firearm unless the appro-  
31 priate license therefor has been issued pursuant to section 400.00 of  
32 the penal law.

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

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

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

44 a. Membership. Every member or officer of the division of state police  
45 in the executive department who enters or re-enters service in the divi-  
46 sion on or after April first, nineteen hundred sixty-nine, and every  
47 investigator or sworn officer employed by the commission created by  
48 section six of chapter eight hundred eighty-two of the laws of nineteen  
49 hundred fifty-three, constituting the waterfront commission act, as  
50 amended, on or after July first, two thousand twenty-three, and every  
51 investigator or sworn officer employed by the New York Waterfront  
52 Commission in the executive department shall be covered by the  
53 provisions of this section, and every member or officer of the division  
54 of state police in the executive department in such service on such date  
55 may elect to be covered by the provisions of this section by filing an  
56 election therefor with the comptroller on or before March thirty-first,



1 nineteen hundred seventy-two. To be effective, such election must be  
2 duly executed and acknowledged on a form prepared by the comptroller for  
3 that purpose.

4 (ii) for service rendered as an investigator or sworn officer of the  
5 waterfront commission of New York harbor, for service rendered as an  
6 investigator or sworn officer of the New York Waterfront Commission,  
7 ~~[and]~~ for service rendered as an investigator-trainee of the waterfront  
8 commission of New York harbor, and for service rendered as an investiga-  
9 tor-trainee of the New York Waterfront Commission, that was creditable  
10 under subdivision w of section three hundred eighty-four-d of this arti-  
11 cle; and

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

15 w. Notwithstanding any other provision of law to the contrary, any  
16 member of the New York state and local police and fire retirement system  
17 who was a member of the New York state and local employees' retirement  
18 system while employed as an investigator-trainee, Waterfront Commission  
19 of New York Harbor or the New York Waterfront Commission, which ~~[is]~~ are  
20 not deemed to be police service, who ~~[is]~~ are employed by the New York  
21 Waterfront Commission ~~[of New York Harbor]~~, which is an employer elect-  
22 ing to participate in the optional twenty year retirement plan pursuant  
23 to this section shall be deemed to have provided police service while so  
24 employed by the Waterfront Commission of New York Harbor or the New York  
25 Waterfront Commission and shall receive creditable service in the New  
26 York state and local police and fire retirement system for prior credit-  
27 able service in the New York state and local employees' retirement  
28 system earned while employed as an investigator-trainee and shall have  
29 the period of such prior service credit counted as police service for  
30 the purpose of determining the amount of their pension and retirement  
31 allowance and period of service needed for retirement.

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

35 (c) "Covered agency" shall mean the state of New York, any county of  
36 the state of New York, any department, board, bureau, commission, divi-  
37 sion, office, council or agency of the state or any such county, a  
38 public authority, a public benefit corporation, the port authority of  
39 New York and New Jersey or the waterfront commission of New York harbor.  
40 When a county is wholly included within a city, then the term "county"  
41 shall be read to include the city. "Covered agency" shall also include  
42 the New York Waterfront Commission.

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

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

55 § 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.

1 PART M

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

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

11 § 2. This act shall take effect immediately.

12 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.

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

5 1. To timely achieve the renewable energy and greenhouse gas reduction  
6 targets established pursuant to the climate leadership and community  
7 protection act ("CLCPA"), while contemporaneously maintaining the reli-  
8 ability of the state's electric transmission system, action is needed to  
9 consolidate and expedite the environmental review and permitting of  
10 major renewable energy facilities and major electric utility trans-  
11 mission facilities.

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

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

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

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

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

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

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

1 pursuant to their collective bargaining units and collective bargaining  
2 agreements.

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

10 (a) the rights of employees pursuant to a collective bargaining agree-  
11 ment; or

12 (b) the representational relationships among employee organizations or  
13 the bargaining relationships between the state and an employee organiza-  
14 tion.

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

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

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

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

44 2-e. The term "major renewable energy facility," when used in this  
45 chapter, means any renewable energy system, as such term is defined in  
46 section sixty-six-p of this chapter, with a nameplate generating capaci-  
47 ty of twenty-five thousand kilowatts or more, and any co-located system  
48 storing energy generated from such a renewable energy system prior to  
49 delivering it to the bulk transmission system, including all associated  
50 appurtenances to electric plants, including electric transmission facil-  
51 ities less than ten miles in length in order to provide access to load  
52 and to integrate such facilities into the state's bulk electric trans-  
53 mission system.

54 3. The term "corporation," when used in this chapter, includes a  
55 corporation, company, association and joint-stock association other than  
56 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:

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

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

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

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

12 2. General powers and responsibilities. (a) There is hereby estab-  
13 lished in the department an office of renewable energy siting and elec-  
14 tric transmission.

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

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

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

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

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

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

#### 46 ARTICLE VIII

#### 47 SITING OF RENEWABLE ENERGY AND ELECTRIC TRANSMISSION SITING

#### 48 Section 136. Purpose.

#### 49 137. Definitions.

#### 50 138. General provisions related to establishing standards 51 related to siting.

#### 52 139. Applicability.

#### 53 140. Application and notice.

1 141. Powers of municipalities and state agencies and authori-  
2 ties; scope.

3 142. Fees; local agency account.

4 143. Judicial review.

5 144. Farmland protection working group.

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

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

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

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

32 3. "Major electric transmission facility" means an electric trans-  
33 mission line of a design capacity of one hundred twenty-five kilovolts  
34 or more extending a distance of one mile or more, or of one hundred  
35 kilovolts or more and less than one hundred twenty-five kilovolts,  
36 extending a distance of ten miles or more, including associated equip-  
37 ment, but shall not include any such transmission line located wholly  
38 underground in a city with a population in excess of one hundred twen-  
39 ty-five thousand or a primary transmission line approved by the federal  
40 energy regulatory commission in connection with a hydro-electric facili-  
41 ty.

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

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

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

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

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

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

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

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

11 10. "ORES" shall mean the office of renewable energy siting and elec-  
12 tric transmission established pursuant to section three-c of this chap-  
13 ter.

14 11. "Executive director" or "director" shall mean the executive direc-  
15 tor of the office of renewable energy siting and electric transmission.

16 12. "Siting permit" shall mean the major renewable energy facility  
17 siting permit or major electric transmission facility permit issued by  
18 the executive director pursuant to this article, and the rules and regu-  
19 lations promulgated by ORES.

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

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

37 (c) In its review of an application for a permit to develop a major-  
38 renewable energy facility, ORES, in consultation with the department of  
39 environmental conservation, shall identify those site-specific adverse  
40 environmental impacts, if any, that may be caused or contributed to by a  
41 specific proposed major renewable energy facility and are unable to be  
42 addressed by the uniform standards and conditions. ORES shall draft in  
43 consultation with the department of environmental conservation site-spe-  
44 cific permit terms and conditions for such impacts, including provisions  
45 for the avoidance or mitigation thereof, taking into account the CLCPA  
46 targets and the environmental benefits of the proposed major renewable  
47 energy facility; provided, however, that ORES shall require that the  
48 application of uniform standards and conditions and site-specific condi-  
49 tions shall achieve a net conservation benefit to any impacted endan-  
50 gered and threatened species.

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

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

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

11 (c) In its review of an application for a permit to develop a major  
12 electric transmission facility, ORES, in consultation with the depart-  
13 ment of environmental conservation, shall identify those adverse site-  
14 specific environmental impacts, if any, that may be caused or contrib-  
15 uted to by a specific proposed major electric transmission facility and  
16 are unable to be addressed by the uniform standards and conditions. ORES  
17 shall draft in consultation with the department of environmental conser-  
18 vation site-specific permit terms and conditions for such impacts,  
19 including provisions for the avoidance or mitigation thereof, taking  
20 into account the CLCPA targets, the environmental benefits of, and  
21 public need for the proposed major electric transmission facility;  
22 provided, however, that ORES shall require that the application of  
23 uniform standards and conditions and site-specific conditions shall  
24 achieve a net conservation benefit to any impacted endangered and  
25 threatened species.

26 (d) Upon the establishment of uniform standards and conditions  
27 required by this section and the promulgation of regulations specifying  
28 the content of an application for a siting permit for a major electric  
29 transmission facility, an application for such siting permit for a major  
30 electric transmission facility shall only be made pursuant to this arti-  
31 cle.

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

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

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



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

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

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

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

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

35 5. This section shall not apply:

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

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

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

51 (d) to a major electric transmission facility for which an application  
52 pursuant to article seven of this chapter and its implementing regu-  
53 lations is submitted on or before the establishment of the uniform stan-  
54 dards and conditions required pursuant to subdivision two of section one  
55 hundred thirty-eight of this article.

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

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

23 (b) No later than sixty days following the date upon which an applica-  
24 tion has been deemed complete, and following consultation with any rele-  
25 vant state agency or authority, ORES shall publish for public comment  
26 draft permit conditions prepared by the office, which comment period  
27 shall be for a minimum of sixty days from public notice thereof, or  
28 notice of intent to deny with reasons thereof. Such public notice shall  
29 include, but shall not be limited to: (i) written notice to the munici-  
30 palities or political subdivisions in which such project is proposed to  
31 be located; (ii) publication in a newspaper or in electronic form,  
32 having general circulation in such municipalities or political subdivi-  
33 sions; and (iii) posting the notice on the office's and the department's  
34 website.

35 (c) For any municipality, political subdivision or an agency thereof  
36 that has received notice of the filing of an application, pursuant to  
37 regulations promulgated in accordance with this article, the munici-  
38 pality or political subdivision or agency thereof shall within the time-  
39 frames established by this subdivision submit a statement to ORES indi-  
40 cating whether the proposed project is designed to be sited, constructed  
41 and operated in compliance with applicable local laws and regulations,  
42 if any, concerning the environment, or public health and safety. In the  
43 event that a municipality, political subdivision or an agency thereof  
44 submits a statement to ORES that the proposed project is not designed to  
45 be sited, constructed or operated in compliance with local laws and  
46 regulations and ORES determines not to hold an adjudicatory hearing on  
47 the application, ORES shall hold a non-adjudicatory public hearing in or  
48 near one or more of the affected municipalities or political subdivi-  
49 sions.

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

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

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

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

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

40 3. For any municipality, political subdivision or an agency thereof  
41 that has received notice of the filing of an application, pursuant to  
42 regulations promulgated in accordance with this section or otherwise in  
43 effect on the effective date of this article, the municipality or poli-  
44 tical subdivision or agency thereof shall within the timeframes estab-  
45 lished by this act submit a statement to ORES indicating whether the  
46 proposed facility is designed to be sited, constructed and operated in  
47 compliance with applicable local laws and regulations, if any, concern-  
48 ing the environment, or public health and safety. In the event that a  
49 municipality, political subdivision or an agency thereof submits a  
50 statement to ORES that the proposed facility is not designed to be  
51 sited, constructed or operated in compliance with local laws and regu-  
52 lations and ORES determines not to hold an adjudicatory hearing on the  
53 application, ORES shall hold a non-adjudicatory public hearing in the  
54 affected municipality or political subdivision.

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

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

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

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

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

5 § 141. Powers of municipalities and state agencies and authorities;  
6 scope. 1. Notwithstanding any other provision of law, including without  
7 limitation article eight of the environmental conservation law and arti-  
8 cle seven of this chapter, no other state agency, department or authori-  
9 ty, or any municipality or political subdivision or any agency thereof  
10 may, except as expressly authorized under this article or the rules and  
11 regulations promulgated under this article, require any approval,  
12 consent, permit, certificate, contract, agreement, or other condition  
13 for the development, design, construction, operation, or decommissioning  
14 of a major renewable energy facility or a major electric transmission  
15 facility with respect to which an application for a siting permit has  
16 been filed, provided in the case of a municipality, political subdivi-  
17 sion or an agency thereof, such entity has received notice of the filing  
18 of the application therefor. Notwithstanding the foregoing, the depart-  
19 ment of environmental conservation shall be the permitting agency for  
20 permits issued pursuant to federally delegated or federally approved  
21 programs.

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

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

30 § 142. Fees; local agency account. 1. Each application for a siting  
31 permit shall be accompanied by a fee in an amount equal to the follow-  
32 ing:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) the executive director of ORES;

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

33 (e) the president of the New York state energy research and develop-  
34 ment authority;

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

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

39 2. The working group shall, no later than one year after the effective  
40 date of this section, recommend strategies to encourage and facilitate  
41 input from municipalities in the siting process and to develop recommen-  
42 dations that include approaches to recognize the value of viable agri-  
43 cultural land and methods to minimize adverse impacts to any such land  
44 resulting from the siting of major renewable energy facilities.

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

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

50 § 174. Major steam electric generating facilities certificates. Any  
51 certificate of environmental compatibility and public need issued to a  
52 major steam electric generating facility under the former article eight  
53 of this chapter shall be treated for purposes of compliance and enforce-  
54 ment as if such certificate was issued under article ten of this chap-  
55 ter.

§ 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-e 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-e 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-e 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

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

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

20 1. The rates, services and practices relating to the electricity  
21 generated by facilities owned or operated by the authority shall not be  
22 subject to the provisions of the public service law or to regulation by,  
23 or the jurisdiction of, the public service commission, except to the  
24 extent (a) article seven of the public service law applies to the siting  
25 and operation of a major utility transmission facility as defined there-  
26 in, (b) article eight of the public service law applies to the siting  
27 and operation of a major electric transmission facility as defined ther-  
28 ein, (c) article ten of such law applies to the siting of a generating  
29 facility as defined therein, [~~(a)~~] (d) section eighteen-a of such law  
30 provides for assessment for certain costs, property or operations, [~~(d)~~]  
31 (e) to the extent that the department of public service reviews and  
32 makes recommendations with respect to the operations and provision of  
33 services of, and rates and budgets established by, the authority pursu-  
34 ant to section three-b of such law, [~~(e)~~] (f) that section seventy-four  
35 of the public service law applies to qualified energy storage systems  
36 within the authority's jurisdiction, and [~~(f)~~] (g) that section seven-  
37 ty-four-b of the public service law applies to Long Island community  
38 choice aggregation programs.

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

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

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

52 c. Article [~~seven~~] eight of the public service law shall apply to the  
53 authority's siting and operation of a major electric transmission facil-  
54 ity as therein defined and article ten of the public service law shall  
55 apply to the authority's siting and operation of a major electric gener-  
56 ating 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-e 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-e 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 1 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:

1. 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-

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

3 a. Statutorily mandated utility system extension allowances shift the  
4 significant costs of new customer hookups to existing customers, creat-  
5 ing strong incentives to expand reliance on natural gas and the infras-  
6 tructure that delivers it while obscuring the costs of such expansion to  
7 all stakeholders.

8 b. Citing their obligation under the public service law, gas corpo-  
9 rations in New York continue investing in the expansion of gas infras-  
10 tructure despite the risk of that infrastructure becoming a stranded  
11 asset. These investments are made at the expense of alternative  
12 solutions available to utility customers today.

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

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

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

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

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

39 c. to end statutorily mandated incentives for the expansion of fossil  
40 fuel infrastructure while maintaining the equitable provision of elec-  
41 tric service for efficient heating, cooling, cooking, hot water, and  
42 other uses;

43 d. to address barriers to the provision of affordable access to elec-  
44 tricity for heating and cooling for low-income and moderate-income  
45 consumers; and

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

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

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

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

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

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

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

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

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

32 § 30. Residential gas, electric and steam service policy. 1. This  
33 article shall apply to the provision of all or any part of the gas,  
34 electric or steam service provided to any residential customer by any  
35 gas, electric or steam and municipalities corporation or municipality.  
36 It is hereby declared to be the policy of this state that the continued  
37 provision of [~~all or any part of such gas,~~] electric and steam service  
38 to all residential customers without unreasonable qualifications or  
39 lengthy delays is necessary for the preservation of the health and  
40 general welfare, is consistent with the achievement of the state's  
41 climate justice and emission reduction mandates in article seventy-five  
42 of the environmental conservation law, and is in the public interest.  
43 It is further the policy of this state that gas service for existing  
44 residential customers must be provided in a manner that is safe and  
45 adequate, not unjustly discriminatory or unduly preferential, and in all  
46 respects just and reasonable, while providing for an orderly gas system  
47 transition to achieve consistency with the climate justice and emission  
48 reduction mandates in article seventy-five of the environmental conser-  
49 vation law, prioritizing low-to-moderate income customers and disadvan-  
50 tagged communities as defined in article seventy-five of the environ-  
51 mental conservation law, and encouraging neighborhood-scale transitions.

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



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

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

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

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

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

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

31 (d) receives clear, timely information from the gas corporation, elec-  
32 tric corporation, or municipality, written in plain language on incen-  
33 tives and opportunities for installing energy-efficient electric heating  
34 and cooling technologies, weatherization, demand-side management, and  
35 distributed energy resource programs.

36 (e) nothing in this subdivision shall be construed to prohibit exist-  
37 ing gas customers, in accordance with section thirty of this article and  
38 subject to any other regulations implemented by the commission, from  
39 reconnecting to the gas corporation's system following a gas inter-  
40 ruption due to emergency repairs or remediation of leaking equipment.

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

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

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

3 4-a. In the case of any application for gas service to a building  
4 which is not supplied with gas, a utility corporation or municipality  
5 shall provide gas service to such a building as authorized by the  
6 commission, provided however, that the commission may require applicants  
7 for gas service to buildings to pay or agree in writing to pay material  
8 and installation costs relating to all or a portion of the pipe or other  
9 facilities to be installed to enable service to the applicant.

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

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

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

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

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

16 § 9. Subdivision 2 of section 66 of the public service law, as amended  
17 by chapter 877 of the laws of 1953, is amended and two new subdivisions  
18 2-b and 12-e are added to read as follows:

19 2. Investigate and ascertain, from time to time, the quality of gas  
20 supplied by persons, corporations and municipalities; examine or inves-  
21 tigate the methods employed by such persons, corporations and munici-  
22 palities in manufacturing, distributing and supplying gas or electricity  
23 for light, heat, cooling, or power and in transmitting the same, and  
24 have power to order such reasonable improvements as will best promote  
25 the public interest, preserve the public health and protect those using  
26 such gas or electricity and those employed in the manufacture and  
27 distribution thereof, and have power to order reasonable improvements  
28 and extensions of the works, wires, poles, lines, conduits, ducts and  
29 other reasonable devices, apparatus and property of gas corporations,  
30 electric corporations and municipalities; and have power after an inves-  
31 tigation and a hearing to order any corporation having authority under  
32 any general or special law or under any charter or franchise, to lay  
33 down, erect or maintain wires, pipes, conduits, ducts or other fixtures  
34 in, over or under the streets, highways and public places of any munici-  
35 pality for the purpose of supplying, selling or distributing natural  
36 gas, to augment its supply of natural gas, whenever the commission deems  
37 necessary and whenever artificial gas can be reasonably obtained, by  
38 acquiring by purchase, manufacture or otherwise a supply thereof to be  
39 mixed with such natural gas, in order to render adequate service to the  
40 customers of such corporation or to maintain a proper and uniform pres-  
41 sure; and have power after an investigation and a hearing to order any  
42 corporation having authority under any general or special law or under  
43 any charter or franchise, to lay down, erect or maintain wires, pipes,  
44 conduits, ducts or other fixtures in, over or under the streets, high-  
45 ways and public places of any municipality for the purpose of supplying,  
46 selling or distributing artificial gas, to augment its supply of artifi-  
47 cial gas, whenever the commission deems necessary and whenever natural  
48 gas can be reasonably obtained, by acquiring by purchase or otherwise a  
49 supply thereof to be mixed with such artificial gas, in order to render  
50 adequate service to the customers of such corporation or to maintain a  
51 proper and uniform pressure; and to fix such rate for the supplying of  
52 mixed gas as shall secure to such corporation a fair return; and may  
53 order the curtailment or discontinuance of the use of natural gas for  
54 manufacturing or industrial purposes, for periods aggregating not to  
55 exceed four months in any calendar year, if it is established to the  
56 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

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

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

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

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

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

40 § 66-w. Expansion of gas plant into new areas. Except as provided in  
41 this section, and notwithstanding any other provision of this chapter,  
42 after December thirty-first, two thousand twenty-five, no gas corpo-  
43 ration shall commence construction of a new gas plant that would expand  
44 the availability of service into geographic areas where gas service was  
45 not available prior to that date as defined by the applicable utility's  
46 certificate of public convenience and necessity approved by the commis-  
47 sion. The commission may authorize exceptions on a case-by-case basis,  
48 provided that the commission finds that such construction serves the  
49 public interest or alternatives to gas service are either not technical-  
50 ly feasible or prohibitively expensive.

51 § 13. Severability clause. The provisions of this act shall be severa-  
52 ble and if the application of any clause, sentence, paragraph, subdivi-  
53 sion, section, or part thereof to any person or circumstance shall be  
54 adjudged by any court of competent jurisdiction to be invalid, such  
55 judgment shall not necessarily affect, impair, or invalidate the appli-  
56 cation of any such clause, sentence, paragraph, subdivision, section,



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

6 § 14. This act shall take effect immediately.

7 PART Q

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

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

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

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

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

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

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

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

38 PART R

39 Section 1. Subdivision 2 of section 195 of the agriculture and markets  
40 law, as amended by section 2 of part D of chapter 82 of the laws of  
41 2002, is amended to read as follows:

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

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

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

18 PART S

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

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

32 § 2. This act shall take effect immediately.

33 PART T

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

40 § 72-0302. State air quality control fees.

41 1. All persons, except those required to pay a fee under section  
42 72-0303 of this ~~[article]~~ title, who are required to obtain a permit,  
43 ~~[certificate]~~ registration or other operating approval pursuant to the  
44 state air quality control program and the rules and regulations adopted  
45 by the department hereunder shall submit to the department ~~[a per emis-~~  
46 ~~sion point]~~ an annual fee in an amount established as follows:

47 a. ~~[\$11,000.00 for a stationary combustion installation having a maxi-~~  
48 ~~mum operating heat input equal to or greater than fifty million British~~  
49 ~~thermal units per hour as stated on the most recent application for a~~  
50 ~~permit to construct or application for a certificate to operate and~~  
51 ~~which emits or has the potential to emit equal to or greater than any~~  
52 ~~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 [dispensing] dispensing~~ 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

1 accrue for the particular combustion installation, incinerator or proc-  
2 ess air contamination source that is subject to the delegation.

3 § 2. Subdivisions 1, 3 and 5 of section 72-0303 of the environmental  
4 conservation law, subdivisions 1 and 3 as amended by section 1 of part D  
5 of chapter 413 of the laws of 1999, the opening paragraph of subdivision  
6 1 as amended by section 1 of part Y of chapter 58 of the laws of 2015  
7 and subdivision 5 as added by chapter 608 of the laws of 1993, are  
8 amended to read as follows:

9 1. Commencing January first, two thousand [~~fifteen~~] twenty-seven and  
10 every year thereafter, all sources of regulated air contaminants identi-  
11 fied pursuant to subdivision one of section 19-0311 of this chapter  
12 shall submit to the department an annual base fee of [~~two~~] ten thousand  
13 [~~five hundred~~] dollars per facility. This base fee shall be in addition  
14 to the fees listed below. Commencing January first, [~~nineteen hundred~~  
15 ~~ninety-four~~] two thousand twenty-seven and every year thereafter, all  
16 sources of regulated air contaminants identified pursuant to subdivision  
17 one of section 19-0311 of this chapter shall submit to the department an  
18 annual fee not to exceed [~~the~~] two hundred forty-five dollars per ton  
19 [~~fees described below. The per ton fee is assessed on each ton of emis-~~  
20 ~~sions up to seven thousand tons annually of each regulated air contam-~~  
21 ~~inant as follows: sixty dollars per ton for facilities with total emis-~~  
22 ~~sions less than one thousand tons annually, seventy dollars per ton for~~  
23 ~~facilities with total emissions of one thousand or more but less than~~  
24 ~~two thousand tons annually, eighty dollars per ton for facilities with~~  
25 ~~total emissions of two thousand or more but less than five thousand tons~~  
26 ~~annually, and ninety dollars per ton for facilities with total~~] of emis-  
27 sions of [~~five thousand or more tons annually~~] regulated air contam-  
28 inants. Such [~~fee~~] fees shall be sufficient to support an appropriation  
29 approved by the legislature for the direct and indirect costs associated  
30 with the operating permit program established in section 19-0311 of this  
31 chapter. Such [~~fee~~] fees shall be established by the department and  
32 shall be calculated by dividing the amount of the current year appropri-  
33 ation from the operating permit program account of the clean air fund by  
34 the total tons of emissions of regulated air contaminants, including  
35 hazardous air pollutants, that are subject to the operating permit  
36 program fees from sources subject to the operating permit program pursu-  
37 ant to section 19-0311 of this chapter [~~up to seven thousand tons annu-~~  
38 ~~ally of each regulated air contaminant from each source~~]; provided that,  
39 in making such calculation, the department shall adjust their calcu-  
40 lation to account for any deficit or surplus in the operating permit  
41 program account of the clean air fund established pursuant to section  
42 ninety-seven-00 of the state finance law[, ~~any loan repayment from the~~  
43 ~~mobile source account of the clean air fund established pursuant to~~  
44 ~~section ninety-seven-00 of the state finance law~~], and the rate of  
45 collection by the department of the bills issued for the [~~fee~~] fees for  
46 the prior year.

47 Notwithstanding the provisions of the state administrative procedure  
48 act, such calculation and [~~fee~~] fees shall be established as a rule by  
49 publication in the Environmental Notice Bulletin no later than thirty  
50 days after the budget bills making appropriations for the support of  
51 government are enacted or July first, whichever is later, of the year  
52 such [~~fee~~] fees will be effective. In no event shall the [~~fee~~] fees  
53 established herein be any greater than the maximum fee identified pursu-  
54 ant to this section.

55 3. Effective January first, [~~nineteen hundred ninety-seven through~~  
56 ~~December thirty-first, nineteen hundred ninety-eight~~] two thousand twen-



1 ty-seven and each year thereafter, and notwithstanding the requirements  
2 of the state administrative procedure act, [~~the cap of twenty-five~~  
3 ~~dollars~~] each per ton fee shall increase by the percentage, if any, by  
4 which the consumer price index exceeds the consumer price index for the  
5 [~~calendar~~] prior calendar year [~~nineteen hundred eighty-nine~~].

6 a. The consumer price index for any prior calendar year is the average  
7 of the consumer price index for all urban consumers published by the  
8 United States department of labor, as of the close of the twelve-month  
9 period ending on August thirty-first of each calendar year.

10 b. The [~~revision of the~~] department shall use the most recent consumer  
11 price index [~~for the calendar year nineteen hundred eighty-nine shall be~~  
12 ~~used in the event~~] published by the department of labor [~~revises its~~  
13 ~~method of determining the consumer price index~~].

14 5. Any regulated air contaminant subject to the fees imposed pursuant  
15 to this section which qualifies as both a volatile organic compound and  
16 a hazardous air pollutant regulated pursuant to section 7412 of the Act  
17 shall not be counted under both categories and shall only be counted as  
18 a hazardous air pollutant for the purpose of assessing fees.

19 § 3. Subdivision 7 of section 72-0303 of the environmental conserva-  
20 tion law is REPEALED.

21 § 4. Subdivisions 8, 9 and 10 of section 72-0303 of the environmental  
22 conservation law are renumbered subdivisions 7, 8 and 9.

23 § 5. Paragraph c of subdivision 2 of section 97-00 of the state  
24 finance law, as added by chapter 608 of the laws of 1993, is REPEALED.

25 § 6. The environmental conservation law is amended by adding a new  
26 section 19-0328 to read as follows:

27 § 19-0328. Fee programs.

28 1. In order to comply with the statutory mandates of the Act, the  
29 department may implement new or revise existing regulatory or permitting  
30 fee programs, including but not limited to the programs established by  
31 title V and section 7511d of the Act.

32 2. Such fee shall be calculated based upon ton of volatile organic  
33 compound, oxides of nitrogen, or other regulated air contaminant emitted  
34 as set forth in the Act, this article or otherwise pursuant to regu-  
35 lation established by the department.

36 3. The department may further establish by rule or rules additional  
37 procedures for assessment of and collection of such fees.

38 § 7. This act shall take effect immediately; provided, however, that  
39 sections one, three, four, five, and six of this act shall take effect  
40 January 1, 2025; and provided further, however, that section two of this  
41 act shall take effect January 1, 2027.

42 PART U

43 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the  
44 public authorities law is amended by adding a new undesignated paragraph  
45 to read as follows:

46 Any state agency, county, city, town, and village, where such entity  
47 is undertaking a project funded in whole, or in part, by the New York  
48 State Environmental Bond Act of 2022; or funded in whole or in part by  
49 the Federal government through the American Rescue Plan Act of 2021, the  
50 Infrastructure Investment and Jobs Act of 2021, and the Inflation  
51 Reduction Act of 2022.

52 § 2. Subdivision 1 of section 1680 of the public authorities law is  
53 amended by adding a new undesignated paragraph to read as follows:

1 Any state agency, county, city, town, and village, where such entity  
2 is undertaking a project funded in whole, or in part, by the New York  
3 State Environmental Bond Act of 2022; or funded in whole or in part by  
4 the Federal government through the American Rescue Plan Act of 2021, the  
5 Infrastructure Investment and Jobs Act of 2021, and the Inflation  
6 Reduction Act of 2022.

7 § 3. Paragraph (b) of subdivision 2 of section 1676 of the public  
8 authorities law is amended by adding a new undesignated paragraph to  
9 read as follows:

10 Any municipal corporation, subdivision, department or agency thereof,  
11 fire district, special district, local agency, industrial development  
12 agency, or local development corporation, receiving loans or grants  
13 awarded pursuant to: (i) the downtown revitalization program adminis-  
14 tered by the department of state and the division of housing and commu-  
15 nity renewal for transformative housing, economic development, transpor-  
16 tation, and community projects, for the planning, design, construction,  
17 reconstruction, improvement, renovation, development, expansion,  
18 furnishing, and equipping of such transformative housing, economic  
19 development, transportation and community projects for which the recipi-  
20 ent received such loans or grants; and (ii) the NY Forward grant program  
21 administered by the department of state related to economic development,  
22 transportation and community projects, for the planning, design,  
23 construction, reconstruction, improvement, renovation, development,  
24 expansion, furnishing, and equipping of such economic development,  
25 transportation and community projects for which the recipient was  
26 awarded such grant.

27 § 4. Subdivision 1 of section 1680 of the public authorities law is  
28 amended by adding a new undesignated paragraph to read as follows:

29 Any municipal corporation, subdivision, department or agency thereof,  
30 fire district, special district, local agency, industrial development  
31 agency, or local development corporation, receiving loans or grants  
32 awarded pursuant to: (i) the downtown revitalization program adminis-  
33 tered by the department of state and the division of housing and commu-  
34 nity renewal for transformative housing, economic development, transpor-  
35 tation, and community projects, for the planning, design, construction,  
36 reconstruction, improvement, renovation, development, expansion,  
37 furnishing, and equipping of such transformative housing, economic  
38 development, transportation and community projects for which the recipi-  
39 ent received such loans or grants; and (ii) the NY Forward grant program  
40 administered by the department of state related to economic development,  
41 transportation and community projects, for the planning, design,  
42 construction, reconstruction, improvement, renovation, development,  
43 expansion, furnishing, and equipping of such economic development,  
44 transportation and community projects for which the recipient was  
45 awarded such grant.

46 § 5. Subdivision 13-a of section 3 of chapter 359 of the laws of 1968,  
47 constituting the health and mental hygiene facilities improvement act,  
48 as added by section 1 of chapter 968 of the laws of 1981, is amended to  
49 read as follows:

50 13-a. "Municipal building" shall mean [~~a~~] any building, structure, or  
51 improvement, including, without limitation, infrastructure improvements,  
52 including grading or improvement of the site, furnishings, equipment and  
53 utility services in conjunction with such [~~a building, to be principally~~  
54 ~~used for the administrative offices of a municipality or for the storage~~  
55 ~~or repair of maintenance equipment~~] project. Nothing herein shall be  
56 construed to prevent the corporation from entering into an agreement for

1 the design and construction of a local correctional facility in combina-  
2 tion with a municipal building.

3 § 6. This act shall take effect immediately.

4 PART V

5 Section 1. Section 2 of chapter 584 of the laws of 2011, amending the  
6 public authorities law relating to the powers and duties of the dormito-  
7 ry authority of the state of New York relative to the establishment of  
8 subsidiaries for certain purposes, as amended by section 1 of part DD of  
9 chapter 58 of the laws of 2022, is amended to read as follows:

10 § 2. This act shall take effect immediately and shall expire and be  
11 deemed repealed on July 1, [~~2024~~ 2027]; provided however, that the expi-  
12 ration of this act shall not impair or otherwise affect any of the  
13 powers, duties, responsibilities, functions, rights or liabilities of  
14 any subsidiary duly created pursuant to subdivision twenty-five of  
15 section 1678 of the public authorities law prior to such expiration.

16 § 2. This act shall take effect immediately.

17 PART W

18 Section 1. Paragraph (f) of subdivision 1 of section 1977-a of the  
19 public authorities law, as amended by section 1 of part EE of chapter 58  
20 of the laws of 2023, is amended to read as follows:

21 (f) Additional authorizations. For the purpose of financing capital  
22 costs in connection with a program of infrastructure construction,  
23 improvements and other capital expenditures for the project area, the  
24 authority may, in addition to the authorizations contained elsewhere in  
25 this title, borrow money by issuing bonds and notes in an aggregate  
26 principal amount not exceeding [~~one billion five hundred million~~  
27 ~~dollars~~] two billion five hundred million dollars, plus a principal  
28 amount of bonds or notes issued (i) to fund any related debt service  
29 reserve fund, (ii) to provide capitalized interest, and (iii) to provide  
30 for fees and other charges and expenses including any underwriters'  
31 discounts, related to the issuance of such bonds or notes, all as deter-  
32 mined by the authority, excluding bonds and notes issued to refund  
33 outstanding bonds and notes issued pursuant to this section.

34 § 2. This act shall take effect immediately.

35 PART X

36 Section 1. Subdivision 6 of section 211 of the economic development  
37 law, as amended by chapter 294 of the laws of 2019, is amended to read  
38 as follows:

39 6. Grants made pursuant to this section shall be subject to the  
40 following limitations:

41 (a) no grant shall be made to any one or any consortium of career  
42 education agencies and not-for-profit corporations in excess of [~~one~~  
43 ~~hundred seventy-five~~] two hundred fifty thousand dollars; and

44 (b) each grant shall be disbursed for payment of the cost of services  
45 and expenses of the program director, the instructors of the participat-  
46 ing career education agency or not-for-profit corporation, the faculty  
47 and support personnel thereof and any other person in the service of  
48 providing instruction and counseling in furtherance of the program.

49 § 2. This act shall take effect immediately.

## 1 PART Y

2 Section 1. The opening paragraph of subdivision (h) of section 121 of  
3 chapter 261 of the laws of 1988, amending the state finance law and  
4 other laws relating to the New York state infrastructure trust fund, as  
5 amended by chapter 96 of the laws of 2019, is amended to read as  
6 follows:

7 The provisions of sections sixty-two through sixty-six of this act  
8 shall expire and be deemed repealed on December thirty-first, two thou-  
9 sand [~~twenty-four~~] twenty-nine, except that:

10 § 2. This act shall take effect immediately.

## 11 PART Z

12 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174  
13 of the laws of 1968 constituting the New York state urban development  
14 corporation act, as amended by section 1 of part JJ of chapter 58 of the  
15 laws of 2023, is amended to read as follows:

16 3. The provisions of this section shall expire, notwithstanding any  
17 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
18 the laws of 1996 or of any other law, on July 1, [~~2024~~] 2027.

19 § 2. This act shall take effect immediately.

## 20 PART AA

21 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the  
22 New York state urban development corporation act, relating to the powers  
23 of the New York state urban development corporation to make loans, as  
24 amended by section 1 of part GG of chapter 58 of the laws of 2023, is  
25 amended to read as follows:

26 § 2. This act shall take effect immediately provided, however, that  
27 section one of this act shall expire on July 1, [~~2024~~] 2027, at which  
28 time the provisions of subdivision 26 of section 5 of the New York state  
29 urban development corporation act shall be deemed repealed; provided,  
30 however, that neither the expiration nor the repeal of such subdivision  
31 as provided for herein shall be deemed to affect or impair in any manner  
32 any loan made pursuant to the authority of such subdivision prior to  
33 such expiration and repeal.

34 § 2. This act shall take effect immediately.

## 35 PART BB

36 Section 1. Section 4 of chapter 495 of the laws of 2004, amending the  
37 insurance law and the public health law relating to the New York state  
38 health insurance continuation assistance demonstration project, as  
39 amended by section 1 of part U of chapter 58 of the laws of 2023, is  
40 amended to read as follows:

41 § 4. This act shall take effect on the sixtieth day after it shall  
42 have become a law; provided, however, that this act shall remain in  
43 effect until July 1, [~~2024~~] 2025 when upon such date the provisions of  
44 this act shall expire and be deemed repealed; provided, further, that a  
45 displaced worker shall be eligible for continuation assistance retroac-  
46 tive to July 1, 2004.

47 § 2. This act shall take effect immediately.

## 48 PART CC

1 Section 1. The banking law is amended by adding a new article 14-B to  
2 read as follows:

3 ARTICLE XIV-B  
4 BUY-NOW-PAY-LATER LENDERS

5 Section 735. Short title.

6 736. Definitions.

7 737. License.

8 738. Conditions precedent to issuing a license; procedure where  
9 application is denied.

10 739. License provisions and posting.

11 740. Application for acquisition of control of buy-now-pay-later  
12 lender by purchase of stock.

13 741. Ground for revocation or suspension of license; procedure.

14 742. Superintendent authorized to examine.

15 743. Licensee's books and records; reports.

16 744. Acts prohibited.

17 745. Limitation on charges on buy-now-pay-later loans.

18 746. Consumer protections.

19 747. Authority of superintendent.

20 748. Penalties.

21 749. Severability.

22 § 735. Short title. This article shall be known and may be cited as  
23 the "Buy Now Pay Later act".

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

26 1. "Consumer" means an individual who is a resident of the state of  
27 New York.

28 2. "Buy-now-pay-later loan" means credit provided to a consumer in  
29 connection with such consumer's particular purchase of goods and/or  
30 services, other than a motor vehicle as defined under section one  
31 hundred twenty-five of the vehicle and traffic law.

32 3. "Buy-now-pay-later lender" means a person who offers buy-now-pay-  
33 later loans in this state. For purposes of the preceding sentence,  
34 "offer" means offering to make a buy-now-pay-later loan by extending  
35 credit directly to a consumer or operating a platform, software or  
36 system with which a consumer interacts and the primary purpose of which  
37 is to allow third parties to offer buy-now-pay-later loans, or both. A  
38 person who sells goods or services to a consumer and extends credit to  
39 such consumer in connection with such consumer's particular purchase of  
40 such goods and/or services shall not be considered a buy-now-pay-later  
41 lender with respect to such transactions. A person shall not be consid-  
42 ered a buy-now-pay-later lender on the basis of isolated, incidental or  
43 occasional transactions which otherwise meet the definitions of this  
44 section.

45 4. "Exempt organization" means any banking organization or foreign  
46 banking corporation licensed by the superintendent or the comptroller of  
47 the currency to transact business in this state, national bank, federal  
48 savings bank, federal savings and loan association, or federal credit  
49 union. Subject to such regulations as may be promulgated by the super-  
50 intendent, "exempt organization" may also include any subsidiary of such  
51 entities.

52 5. "Licensee" means a person who has been issued a license pursuant to  
53 this article.



1 6. "Person" means an individual, partnership, corporation, association  
2 or any other business organization.

3 § 737. License. 1. No person or other entity, except an exempt organ-  
4 ization as defined in this article, shall act as a buy-now-pay-later  
5 lender without first obtaining a license from the superintendent.

6 2. An application for a license shall be in writing, under oath, and  
7 in the form and containing such information as the superintendent may  
8 require.

9 3. At the time of filing an application for a license, the applicant  
10 shall pay to the superintendent a fee as prescribed pursuant to section  
11 eighteen-a of this chapter.

12 4. A license granted pursuant to this article shall be valid unless  
13 revoked or suspended by the superintendent or unless surrendered by the  
14 licensee and accepted by the superintendent.

15 5. In connection with an application for a license, the applicant  
16 shall submit an affidavit of financial solvency noting such capitaliza-  
17 tion requirements and access to such credit as may be prescribed by the  
18 regulations of the superintendent.

19 § 738. Conditions precedent to issuing a license; procedure where  
20 application is denied. 1. After the filing of an application for a  
21 license accompanied by payment of the fee pursuant to subdivision three  
22 of section seven hundred thirty-seven of this article, it shall be  
23 substantively reviewed. After the application is deemed sufficient and  
24 complete, if the superintendent finds that the financial responsibility,  
25 including meeting any capital requirements as established pursuant to  
26 subdivision three of this section, experience, character and general  
27 fitness of the applicant or any person associated with the applicant are  
28 such as to command the confidence of the community and to warrant the  
29 belief that the business will be conducted honestly, fairly and effi-  
30 ciently within the purposes and intent of this article, the superinten-  
31 dent shall issue the license. For the purpose of this subdivision, the  
32 applicant shall be deemed to include all the members of the applicant if  
33 it is a partnership or unincorporated association or organization, and  
34 all the stockholders, officers and directors of the applicant if it is a  
35 corporation.

36 2. If the superintendent refuses to issue a license, the superinten-  
37 dent shall notify the applicant of the denial and retain the fee paid  
38 pursuant to subdivision three of section seven hundred thirty-seven of  
39 this article.

40 3. The superintendent may issue regulations setting capital require-  
41 ments to ensure the solvency and financial integrity of licensees and  
42 their ongoing operations, taking into account the risks, volume of busi-  
43 ness, complexity, and other relevant factors regarding such licensees.  
44 Further, the superintendent may issue rules and regulations prescribing  
45 a methodology to calculate capital requirements with respect to licen-  
46 sees or categories thereof.

47 § 739. License provisions and posting. 1. A license issued under this  
48 article shall state the name and address of the licensee, and if the  
49 licensee be a co-partnership or association, the names of the members  
50 thereof, and if a corporation the date and place of its incorporation.

51 2. Such license shall be kept conspicuously posted on the mobile  
52 application, website, or other consumer interface of the licensee, as  
53 well as listed in the terms and conditions of any buy-now-pay-later loan  
54 offered or entered into by the licensee. The superintendent may provide  
55 by regulation an alternative form of notice of licensure.

1 3. A license issued under this article shall not be transferable or  
2 assignable.

3 § 740. Application for acquisition of control of buy-now-pay-later  
4 lender by purchase of stock. 1. It shall be unlawful except with the  
5 prior approval of the superintendent for any action to be taken which  
6 results in a change of control of the business of a licensee. Prior to  
7 any change of control, the person desirous of acquiring control of the  
8 business of a licensee shall make written application to the superinten-  
9 dent and pay an investigation fee as prescribed pursuant to section  
10 eighteen-a of this chapter to the superintendent. The application shall  
11 contain such information as the superintendent, by regulation, may  
12 prescribe as necessary or appropriate for the purpose of making the  
13 determination required by subdivision two of this section.

14 2. The superintendent shall approve or disapprove the proposed change  
15 of control of a licensee in accordance with the provisions of section  
16 seven hundred thirty-eight of this article.

17 3. For a period of six months from the date of qualification thereof  
18 and for such additional period of time as the superintendent may  
19 prescribe, in writing, the provisions of subdivisions one and two of  
20 this section shall not apply to a transfer of control by operation of  
21 law to the legal representative, as hereinafter defined, of one who has  
22 control of a licensee. Thereafter, such legal representative shall  
23 comply with the provisions of subdivisions one and two of this section.  
24 The provisions of subdivisions one and two of this section shall be  
25 applicable to an application made under such section by a legal repre-  
26 sentative.

27 4. The term "legal representative," for the purposes of this section,  
28 shall mean one duly appointed by a court of competent jurisdiction to  
29 act as executor, administrator, trustee, committee, conservator or  
30 receiver, including one who succeeds a legal representative and one  
31 acting in an ancillary capacity thereto in accordance with the  
32 provisions of such court appointment.

33 5. As used in this section, the term "control" means the possession,  
34 directly or indirectly, of the power to direct or cause the direction of  
35 the management and policies of a licensee, whether through the ownership  
36 of voting stock of such licensee, the ownership of voting stock of any  
37 person which possesses such power or otherwise. Control shall be  
38 presumed to exist if any person, directly or indirectly, owns, controls  
39 or holds with power to vote ten per centum or more of the voting stock  
40 of any licensee or of any person which owns, controls or holds with  
41 power to vote ten per centum or more of the voting stock of any licen-  
42 see, but no person shall be deemed to control a licensee solely by  
43 reason of being an officer or director of such licensee or person. The  
44 superintendent may in the superintendent's discretion, upon the applica-  
45 tion of a licensee or any person who, directly or indirectly, owns,  
46 controls or holds with power to vote or seeks to own, control or hold  
47 with power to vote any voting stock of such licensee, determine whether  
48 or not the ownership, control or holding of such voting stock consti-  
49 tutes or would constitute control of such licensee for purposes of this  
50 section.

51 § 741. Ground for revocation or suspension of license; procedure. 1. A  
52 license granted pursuant to this section shall be revoked or suspended  
53 by the superintendent upon a finding that:

54 (a) The licensee has violated any applicable law or regulation;

1 (b) Any fact or condition exists which, if it had existed at the time  
2 of the original application for such license, clearly would have  
3 warranted the superintendent's refusal to issue such license; or

4 (c) The licensee has failed to pay any sum of money lawfully demanded  
5 by the superintendent or to comply with any demand, ruling or require-  
6 ment of the superintendent.

7 2. Any licensee may surrender any license by delivering to the super-  
8 intendent written notice that the licensee thereby surrenders such  
9 license. Such surrender shall be effective upon its acceptance by the  
10 superintendent, and shall not affect such licensee's civil or criminal  
11 liability for acts committed prior to such surrender.

12 3. Every license issued hereunder shall remain in force and effect  
13 until the same shall have been surrendered, revoked or suspended, in  
14 accordance with the provisions of this article, but the superintendent  
15 shall have authority to reinstate suspended licenses or to issue a new  
16 license to a licensee whose license has been revoked if no fact or  
17 condition then exists which clearly would have warranted the superinten-  
18 dent's refusal to issue such license.

19 4. Whenever the superintendent shall revoke or suspend a license  
20 issued pursuant to this article, the superintendent shall forthwith  
21 execute a written order to that effect, which order may be reviewed in  
22 the manner provided by article seventy-eight of the civil practice law  
23 and rules. Such special proceeding for review as authorized by this  
24 section must be commenced within thirty days from the date of such order  
25 of suspension or revocation.

26 5. The superintendent may, for good cause, without notice and a hear-  
27 ing, suspend any license issued pursuant to this article for a period  
28 not exceeding thirty days, pending investigation. "Good cause," as used  
29 in this subdivision, shall exist only when the licensee has engaged in  
30 or is likely to engage in a practice prohibited by this article or the  
31 regulations promulgated thereunder or engages in dishonest or inequita-  
32 ble practices which may cause substantial harm to the public.

33 § 742. Superintendent authorized to examine. 1. The superintendent  
34 shall have the power to make such investigations as the superintendent  
35 shall deem necessary to determine whether any buy-now-pay-later lender  
36 or any other person has violated any of the provisions of this article  
37 or any other applicable law, or whether any licensee has conducted  
38 itself in such manner as would justify the revocation of its license,  
39 and to the extent necessary therefor, the superintendent may require the  
40 attendance of and examine any person under oath, and shall have the  
41 power to compel the production of all relevant books, records, accounts,  
42 and documents.

43 2. The superintendent shall have the power to make such examinations  
44 of the books, records, accounts and documents used in the business of  
45 any licensee as the superintendent shall deem necessary to determine  
46 whether any such licensee has violated any of the provisions of this  
47 chapter or any other applicable law or to secure information lawfully  
48 required by the superintendent.

49 § 743. Licensee's books and records; reports. 1. A buy-now-pay-later  
50 lender shall keep and use in its business such books, accounts and  
51 records as will enable the superintendent to determine whether such  
52 buy-now-pay-later lender is complying with the provisions of this arti-  
53 cle and with the rules and regulations lawfully made by the superinten-  
54 dent hereunder. Every buy-now-pay-later lender shall preserve such  
55 books, accounts and records for at least six years after making the  
56 final entry in respect to any buy-now-pay-later loan recorded therein;

1 provided, however, the preservation of photographic or digital repro-  
2 ductions thereof or records in photographic or digital form shall consti-  
3 tute compliance with this requirement.

4 2. By a date to be set by the superintendent, each licensee shall  
5 annually file a report with the superintendent giving such information  
6 as the superintendent may require concerning the licensee's business and  
7 operations during the preceding calendar year within the state under the  
8 authority of this article. Such report shall be subscribed and affirmed  
9 as true by the licensee under the penalties of perjury and be in the  
10 form prescribed by the superintendent. In addition to such annual  
11 reports, the superintendent may require of licensees such additional  
12 regular or special reports as the superintendent may deem necessary to  
13 the proper supervision of licensees under this article. Such additional  
14 reports shall be in the form prescribed by the superintendent and shall  
15 be subscribed and affirmed as true under the penalties of perjury.

16 § 744. Acts prohibited. 1. No buy-now-pay-later lender shall take or  
17 cause to be taken any confession of judgment or any power of attorney to  
18 confess judgment or to appear for the consumer in a judicial proceeding.

19 2. No buy-now-pay-later lender shall make or cause to be made an  
20 advertisement for a buy-now-pay-later loan that is false, misleading, or  
21 deceptive.

22 § 745. Limitation on charges on buy-now-pay-later loans. No buy-now-  
23 pay-later lender shall directly or indirectly charge, contract for, or  
24 receive any interest, discount, or consideration upon a buy-now-pay-la-  
25 ter loan greater than the rate permitted by section 5-501 of the general  
26 obligations law.

27 § 746. Consumer protections. 1. Disclosures. A buy-now-pay-later lend-  
28 er shall disclose or cause to be disclosed to consumers the terms of  
29 buy-now-pay-later loans, including the cost, such as interest and fees,  
30 repayment schedule, and other material conditions, in a clear and  
31 conspicuous manner.

32 2. Ability to repay. Subject to regulations to be promulgated by the  
33 superintendent, a buy-now-pay-later lender shall, before providing or  
34 causing to be provided a buy-now-pay-later loan to a consumer, make, or  
35 cause to be made, a reasonable determination that such consumer has the  
36 ability to repay the buy-now-pay-later loan.

37 3. Credit reporting. A buy-now-pay-later lender shall maintain or  
38 cause to be maintained policies and procedures for maintaining accurate  
39 data that may be reported to credit reporting agencies. The superinten-  
40 dent may issue regulations requiring that buy-now-pay-later lenders  
41 report or cause to be reported data on buy-now-pay-later loans to  
42 consumer reporting agencies, requiring that such reporting occur in a  
43 particular manner, or prohibiting such reporting.

44 4. Returns, refunds and credits. A buy-now-pay-later lender shall  
45 handle or cause to be handled returns of and refunds and credits for  
46 goods or services purchased in connection with a buy-now-pay-later loan  
47 in a manner that is fair, transparent, and not unduly burdensome to  
48 consumers. A buy-now-pay-later lender shall maintain or cause to be  
49 maintained policies and procedures regarding such handling of returns,  
50 refunds, and credits. A buy-now-pay-later lender shall disclose or cause  
51 to be disclosed to consumers in a clear and conspicuous manner the proc-  
52 ess by which they can return and obtain refunds or credits for goods or  
53 services they have purchased with a buy-now-pay-later loan.

54 5. Consumer disputes. A buy-now-pay-later lender shall resolve or  
55 cause to be resolved disputes in a manner that is fair and transparent  
56 to consumers. A buy-now-pay-later lender shall create or cause to be

1 created a readily available and prominently disclosed method for consum-  
2 ers to bring a dispute to the buy-now-pay-later lender. A buy-now-pay-  
3 later lender shall maintain policies and procedures for handling consum-  
4 er disputes.

5 6. Penalties and fees. No buy-now-pay-later lender shall charge or  
6 cause to be charged to a consumer an unfair, abusive, or excessive  
7 penalty or fee in connection with a buy-now-pay-later loan. For purposes  
8 of this subsection: (a) unfair shall mean causing substantial injury to  
9 consumers that is not reasonably avoidable by consumers, where such  
10 substantial injury is not outweighed by countervailing benefits to  
11 consumers or to competition; (b) abusive shall mean materially interfer-  
12 ing with the ability of a consumer to understand a term or condition of  
13 a consumer financial product or service; or taking unreasonable advan-  
14 tage of (i) a lack of understanding on the part of the consumer of the  
15 material risks, costs, or conditions of the product or service; (ii) the  
16 inability of the consumer to protect the interests of the consumer in  
17 selecting or using a consumer financial product or service; or (iii) the  
18 reasonable reliance by the consumer on a buy-now-pay-later lender to act  
19 in the interests of the consumer; and (c) excessive shall mean greater  
20 than is reasonably necessary, considering the cost incurred by the buy-  
21 now-pay-later lender in providing any services associated with such  
22 penalty or fee, the competitive position of the buy-now-pay-later lend-  
23 er, and the maintenance of a safe and sound buy-now-pay-later lender  
24 that protects the public interest.

25 7. Use of consumer data. A buy-now-pay-later lender shall clearly and  
26 conspicuously disclose or cause to be disclosed to a consumer to which  
27 it provides a loan how such consumer's data may be used by the buy-now-  
28 pay-later lender and provide the consumer the opportunity to provide or  
29 withdraw consent to such use. The superintendent, in their discretion,  
30 may by regulation prohibit certain uses of consumer data if such use  
31 poses an undue risk to consumers.

32 8. Unauthorized use. The superintendent may issue rules and regu-  
33 lations regarding treatment of unauthorized use, so that consumers are  
34 liable for use of buy-now-pay-later loans in their name only under  
35 circumstances where such liability would be fair and reasonable.

36 9. Void buy-now-pay-later loans. Any buy-now-pay-later loan made by a  
37 person not licensed under this article, other than an exempt organiza-  
38 tion, shall be void, and such person shall have no right to collect or  
39 receive any principal, interest or charge whatsoever.

40 § 747. Authority of superintendent. The superintendent is authorized  
41 to promulgate such general rules and regulations as may be appropriate,  
42 in their sole discretion, to implement the provisions of this article,  
43 protect consumers, and ensure the solvency and financial integrity of  
44 buy-now-pay-later lenders. The superintendent is further authorized to  
45 make such specific rulings, demands, and findings as may be necessary  
46 for the proper conduct of the business authorized and licensed under and  
47 for the enforcement of this article, in addition hereto and not incon-  
48 sistent herewith.

49 § 748. Penalties. 1. Any person, including any member, officer, direc-  
50 tor or employee of a buy-now-pay-later lender, who violates or partic-  
51 ipates in the violation of section seven hundred thirty-seven of this  
52 article, or who knowingly makes any incorrect statement of a material  
53 fact in any application, report or statement filed pursuant to this  
54 article, or who knowingly omits to state any material fact necessary to  
55 give the superintendent any information lawfully required by the super-  
56 intendent or refuses to permit any lawful investigation or examination,



1 shall be guilty of a misdemeanor and, upon conviction, shall be fined  
2 not more than five hundred dollars or imprisoned for not more than six  
3 months or both, in the discretion of the court.

4 2. Without limiting any power granted to the superintendent under any  
5 other provision of this chapter, the superintendent may, in a proceeding  
6 after notice and a hearing require a buy-now-pay-later lender, whether  
7 or not a licensee, to pay to the people of this state a penalty for any  
8 violation of this chapter, any regulation promulgated thereunder, any  
9 final or temporary order issued pursuant to section thirty-nine of this  
10 chapter, any condition imposed in writing by the superintendent in  
11 connection with the grant of any application or request, or any written  
12 agreement entered into with the superintendent, and for knowingly making  
13 any incorrect statement of a material fact in any application, report or  
14 statement filed pursuant to this article, or knowingly omitting to state  
15 any material fact necessary to give the superintendent any information  
16 lawfully required by the superintendent or refusing to permit any lawful  
17 investigation or examination. As to any buy-now-pay-later lender that is  
18 not a licensee or an exempt organization, the superintendent is author-  
19 ized to impose a penalty in the same amount authorized in section  
20 forty-four of this chapter for a violation of this chapter by any person  
21 licensed, certified, registered, authorized, chartered, accredited,  
22 incorporated or otherwise approved by the superintendent pursuant to  
23 this chapter.

24 3. No buy-now-pay-later lender shall make, directly or indirectly,  
25 orally or in writing, or by any method, practice or device, a represen-  
26 tation that such buy-now-pay-later lender is licensed under the banking  
27 law except that a licensee under this chapter may make a representation  
28 that the licensee is licensed as a buy-now-pay-later lender under this  
29 chapter.

30 § 749. Severability. If any provision of this article or the applica-  
31 tion thereof to any person or circumstances is held to be invalid, such  
32 invalidity shall not affect other provisions or applications of this  
33 article which can be given effect without the invalid provision or  
34 application, and to this end the provisions of this article are severa-  
35 ble.

36 § 2. Subdivision 1 of section 36 of the banking law, as amended by  
37 chapter 146 of the laws of 1961, is amended to read as follows:

38 1. The superintendent shall have the power to examine every banking  
39 organization, every bank holding company and any non-banking subsidiary  
40 thereof (as such terms "bank holding company" and "non-banking subsid-  
41 iary" are defined in article three-A of this chapter) and every licensed  
42 lender and licensed buy-now-pay-later lender at any time prior to its  
43 dissolution whenever in his judgment such examination is necessary or  
44 advisable.

45 § 3. Subdivision 10 of section 36 of the banking law, as amended by  
46 section 2 of part L of chapter 58 of the laws of 2019, is amended to  
47 read as follows:

48 10. All reports of examinations and investigations, correspondence and  
49 memoranda concerning or arising out of such examination and investi-  
50 gations, including any duly authenticated copy or copies thereof in the  
51 possession of any banking organization, bank holding company or any  
52 subsidiary thereof (as such terms "bank holding company" and "subsid-  
53 iary" are defined in article three-A of this chapter), any corporation  
54 or any other entity affiliated with a banking organization within the  
55 meaning of subdivision six of this section and any non-banking subsid-  
56 iary of a corporation or any other entity which is an affiliate of a

1 banking organization within the meaning of subdivision six-a of this  
2 section, foreign banking corporation, licensed lender, licensed buy-now-  
3 pay-later lender, licensed casher of checks, licensed mortgage banker,  
4 registered mortgage broker, licensed mortgage loan originator, licensed  
5 sales finance company, registered mortgage loan servicer, licensed  
6 student loan servicer, licensed insurance premium finance agency,  
7 licensed transmitter of money, licensed budget planner, any other person  
8 or entity subject to supervision under this chapter, or the department,  
9 shall be confidential communications, shall not be subject to subpoena  
10 and shall not be made public unless, in the judgment of the superinten-  
11 dent, the ends of justice and the public advantage will be subserved by  
12 the publication thereof, in which event the superintendent may publish  
13 or authorize the publication of a copy of any such report or any part  
14 thereof in such manner as may be deemed proper or unless such laws  
15 specifically authorize such disclosure. For the purposes of this subdi-  
16 vision, "reports of examinations and investigations, and any correspond-  
17 ence and memoranda concerning or arising out of such examinations and  
18 investigations", includes any such materials of a bank, insurance or  
19 securities regulatory agency or any unit of the federal government or  
20 that of this state any other state or that of any foreign government  
21 which are considered confidential by such agency or unit and which are  
22 in the possession of the department or which are otherwise confidential  
23 materials that have been shared by the department with any such agency  
24 or unit and are in the possession of such agency or unit.

25 § 4. Subdivisions 3 and 5 of section 37 of the banking law, as amended  
26 by chapter 360 of the laws of 1984, are amended to read as follows:

27 3. In addition to any reports expressly required by this chapter to be  
28 made, the superintendent may require any banking organization, licensed  
29 lender, licensed buy-now-pay-later lender, licensed casher of checks,  
30 licensed mortgage banker, foreign banking corporation licensed by the  
31 superintendent to do business in this state, bank holding company and  
32 any non-banking subsidiary thereof, corporate affiliate of a corporate  
33 banking organization within the meaning of subdivision six of section  
34 thirty-six of this article and any non-banking subsidiary of a corpo-  
35 ration which is an affiliate of a corporate banking organization within  
36 the meaning of subdivision six-a of section thirty-six of this article  
37 to make special reports to him at such times as he may prescribe.

38 5. The superintendent may extend at his discretion the time within  
39 which a banking organization, foreign banking corporation licensed by  
40 the superintendent to do business in this state, bank holding company or  
41 any non-banking subsidiary thereof, licensed casher of checks, licensed  
42 mortgage banker, private banker, licensed buy-now-pay-later lender or  
43 licensed lender is required to make and file any report to the super-  
44 intendent.

45 § 5. Section 39 of the banking law, as amended by section 3 of part L  
46 of chapter 58 of the laws of 2019, is amended to read as follows:

47 § 39. Orders of superintendent. 1. To appear and explain an apparent  
48 violation. Whenever it shall appear to the superintendent that any bank-  
49 ing organization, bank holding company, registered mortgage broker,  
50 licensed mortgage banker, licensed student loan servicer, registered  
51 mortgage loan servicer, licensed mortgage loan originator, licensed  
52 lender, licensed buy-now-pay-later lender, licensed casher of checks,  
53 licensed sales finance company, licensed insurance premium finance agen-  
54 cy, licensed transmitter of money, licensed budget planner, out-of-state  
55 state bank that maintains a branch or branches or representative or  
56 other offices in this state, or foreign banking corporation licensed by

1 the superintendent to do business or maintain a representative office in  
2 this state has violated any law or regulation, he or she may, in his or  
3 her discretion, issue an order describing such apparent violation and  
4 requiring such banking organization, bank holding company, registered  
5 mortgage broker, licensed mortgage banker, licensed student loan servi-  
6 cer, licensed mortgage loan originator, licensed lender, licensed buy-  
7 now-pay-later lender, licensed casher of checks, licensed sales finance  
8 company, licensed insurance premium finance agency, licensed transmitter  
9 of money, licensed budget planner, out-of-state state bank that main-  
10 tains a branch or branches or representative or other offices in this  
11 state, or foreign banking corporation to appear before him or her, at a  
12 time and place fixed in said order, to present an explanation of such  
13 apparent violation.

14 2. To discontinue unauthorized or unsafe and unsound practices. When-  
15 ever it shall appear to the superintendent that any banking organiza-  
16 tion, bank holding company, registered mortgage broker, licensed mort-  
17 gage banker, licensed student loan servicer, registered mortgage loan  
18 servicer, licensed mortgage loan originator, licensed lender, licensed  
19 buy-now-pay-later lender, licensed casher of checks, licensed sales  
20 finance company, licensed insurance premium finance agency, licensed  
21 transmitter of money, licensed budget planner, out-of-state state bank  
22 that maintains a branch or branches or representative or other offices  
23 in this state, or foreign banking corporation licensed by the super-  
24 intendent to do business in this state is conducting business in an  
25 unauthorized or unsafe and unsound manner, he or she may, in his or her  
26 discretion, issue an order directing the discontinuance of such unau-  
27 thorized or unsafe and unsound practices, and fixing a time and place at  
28 which such banking organization, bank holding company, registered mort-  
29 gage broker, licensed mortgage banker, licensed student loan servicer,  
30 registered mortgage loan servicer, licensed mortgage loan originator,  
31 licensed lender, licensed buy-now-pay-later lender, licensed casher of  
32 checks, licensed sales finance company, licensed insurance premium  
33 finance agency, licensed transmitter of money, licensed budget planner,  
34 out-of-state state bank that maintains a branch or branches or represen-  
35 tative or other offices in this state, or foreign banking corporation  
36 may voluntarily appear before him or her to present any explanation in  
37 defense of the practices directed in said order to be discontinued.

38 3. To make good impairment of capital or to ensure compliance with  
39 financial requirements. Whenever it shall appear to the superintendent  
40 that the capital or capital stock of any banking organization, bank  
41 holding company or any subsidiary thereof which is organized, licensed  
42 or registered pursuant to this chapter, is impaired, or the financial  
43 requirements imposed by subdivision one of section two hundred two-b of  
44 this chapter or any regulation of the superintendent on any branch or  
45 agency of a foreign banking corporation or the financial requirements  
46 imposed by this chapter or any regulation of the superintendent on any  
47 licensed lender, licensed buy-now-pay-later lender, registered mortgage  
48 broker, licensed mortgage banker, licensed student loan servicer,  
49 licensed casher of checks, licensed sales finance company, licensed  
50 insurance premium finance agency, licensed transmitter of money,  
51 licensed budget planner or private banker are not satisfied, the super-  
52 intendent may, in the superintendent's discretion, issue an order  
53 directing that such banking organization, bank holding company, branch  
54 or agency of a foreign banking corporation, registered mortgage broker,  
55 licensed mortgage banker, licensed student loan servicer, licensed lend-  
56 er, licensed buy-now-pay-later lender, licensed casher of checks,

1 licensed sales finance company, licensed insurance premium finance agency,  
2 cy, licensed transmitter of money, licensed budget planner, or private  
3 banker make good such deficiency forthwith or within a time specified in  
4 such order.

5 4. To make good encroachments on reserves. Whenever it shall appear to  
6 the superintendent that either the total reserves or reserves on hand of  
7 any banking organization, branch or agency of a foreign banking corporation  
8 are below the amount required by or pursuant to this chapter or  
9 any other applicable provision of law or regulation to be maintained, or  
10 that such banking organization, branch or agency of a foreign banking  
11 corporation is not keeping its reserves on hand as required by this  
12 chapter or any other applicable provision of law or regulation, he or  
13 she may, in his or her discretion, issue an order directing that such  
14 banking organization, branch or agency of a foreign banking corporation  
15 make good such reserves forthwith or within a time specified in such  
16 order, or that it keep its reserves on hand as required by this chapter.

17 5. To keep books and accounts as prescribed. Whenever it shall appear  
18 to the superintendent that any banking organization, bank holding company,  
19 registered mortgage broker, licensed mortgage banker, licensed  
20 student loan servicer, registered mortgage loan servicer, licensed mortgage  
21 loan originator, licensed lender, licensed buy-now-pay-later lender,  
22 er, licensed casher of checks, licensed sales finance company, licensed  
23 insurance premium finance agency, licensed transmitter of money,  
24 licensed budget planner, agency or branch of a foreign banking corporation  
25 licensed by the superintendent to do business in this state, does  
26 not keep its books and accounts in such manner as to enable him or her  
27 to readily ascertain its true condition, he or she may, in his or her  
28 discretion, issue an order requiring such banking organization, bank  
29 holding company, registered mortgage broker, licensed mortgage banker,  
30 licensed student loan servicer, registered mortgage loan servicer,  
31 licensed mortgage loan originator, licensed lender, licensed buy-now-  
32 pay-later lender, licensed casher of checks, licensed sales finance  
33 company, licensed insurance premium finance agency, licensed transmitter  
34 of money, licensed budget planner, or foreign banking corporation, or  
35 the officers or agents thereof, or any of them, to open and keep such  
36 books or accounts as he or she may, in his or her discretion, determine  
37 and prescribe for the purpose of keeping accurate and convenient records  
38 of its transactions and accounts.

39 6. As used in this section, "bank holding company" shall have the same  
40 meaning as that term is defined in section one hundred forty-one of this  
41 chapter.

42 § 6. Subdivision 1 of section 42 of the banking law, as amended by  
43 chapter 65 of the laws of 1948, is amended to read as follows:

44 1. The name and the location of the principal office of every proposed  
45 corporation, private banker, licensed lender, licensed buy-now-pay-later  
46 lender and licensed casher of checks, the organization certificate,  
47 private banker's certificate or application for license of which has  
48 been filed for examination, and the date of such filing.

49 § 7. Subdivision 2 of section 42 of the banking law, as amended by  
50 chapter 553 of the laws of 1960, is amended to read as follows:

51 2. The name and location of every licensed lender, licensed buy-now-  
52 pay-later lender and licensed casher of checks, and the name, location,  
53 amount of capital stock or permanent capital and amount of surplus of  
54 every corporation and private banker and the minimum assets required of  
55 every branch of a foreign banking corporation authorized to commence  
56 business, and the date of authorization or licensing.

1     § 8. Subdivision 3 of section 42 of the banking law, as amended by  
2 chapter 553 of the laws of 1960, is amended to read as follows:

3     3. The name of every proposed corporation, private banker, branch of a  
4 foreign banking corporation, licensed lender, licensed buy-now-pay-later  
5 lender and licensed casher of checks to which a certificate of authori-  
6 zation or a license has been refused and the date of notice of refusal.

7     § 9. Subdivision 4 of section 42 of the banking law, as amended by  
8 chapter 60 of the laws of 1957, is amended to read as follows:

9     4. The name and location of every private banker, licensed lender,  
10 licensed casher of checks, sales finance company, licensed buy-now-pay-  
11 later lender and foreign corporation the authorization certificate or  
12 license of which has been revoked, and the date of such revocation.

13     § 10. Subdivision 5 of section 42 of the banking law, as amended by  
14 chapter 249 of the laws of 1968, is amended to read as follows:

15     5. The name of every banking organization, licensed lender, licensed  
16 casher of checks, licensed buy-now-pay-later lender and foreign corpo-  
17 ration which has applied for leave to change its place or one of its  
18 places of business and the places from and to which the change is  
19 proposed to be made; the name of every banking organization which has  
20 applied to change the designation of its principal office to a branch  
21 office and to change the designation of one of its branch offices to its  
22 principal office, and the location of the principal office which is  
23 proposed to be redesignated as a branch office and of the branch office  
24 which is proposed to be redesignated as the principal office.

25     § 11. Subdivision 6 of section 42 of the banking law, as amended by  
26 chapter 249 of the laws of 1968, is amended to read as follows:

27     6. The name of every banking organization, licensed lender, licensed  
28 casher of checks, licensed buy-now-pay-later lender and foreign corpo-  
29 ration authorized to change its place or one of its places of business  
30 and the date when and the places from and to which the change is author-  
31 ized to be made; the name of every banking organization authorized to  
32 change the designation of its principal office to a branch office and to  
33 change the designation of a branch office to its principal office, the  
34 location of the redesignated principal office and of the redesignated  
35 branch office, and the date of such change.

36     § 12. Paragraph (a) of subdivision 1 of section 44 of the banking law,  
37 as amended by section 4 of part L of chapter 58 of the laws of 2019, is  
38 amended to read as follows:

39     (a) Without limiting any power granted to the superintendent under any  
40 other provision of this chapter, the superintendent may, in a proceeding  
41 after notice and a hearing, require any safe deposit company, licensed  
42 lender, licensed buy-now-pay-later lender licensed casher of checks,  
43 licensed sales finance company, licensed insurance premium finance agen-  
44 cy, licensed transmitter of money, licensed mortgage banker, licensed  
45 student loan servicer, registered mortgage broker, licensed mortgage  
46 loan originator, registered mortgage loan servicer or licensed budget  
47 planner to pay to the people of this state a penalty for any violation  
48 of this chapter, any regulation promulgated thereunder, any final or  
49 temporary order issued pursuant to section thirty-nine of this article,  
50 any condition imposed in writing by the superintendent in connection  
51 with the grant of any application or request, or any written agreement  
52 entered into with the superintendent.

53     § 13. This act shall take effect one year after it shall have become a  
54 law. Effective immediately, the addition, amendment and/or repeal of  
55 any rule or regulation authorized to be made by the superintendent



1 pursuant to this act is authorized to be made and completed on or before  
2 such effective date.

3 PART DD

4 Section 1. Subsection (g) of section 3420 of the insurance law, as  
5 amended by chapter 735 of the laws of 2022, is amended to read as  
6 follows:

7 (g) (1) Except as otherwise provided in paragraph two of this  
8 subsection, no policy or contract shall be deemed to insure against any  
9 liability of an insured because of death of or injuries to [~~his or her~~]  
10 the insured's spouse or because of injury to, or destruction of property  
11 of [~~his or her~~] the insured's spouse unless express provision relating  
12 specifically thereto is included in the policy. This exclusion shall  
13 apply only where the injured spouse, to be entitled to recover, must  
14 prove the culpable conduct of the insured spouse.

15 (2) (A) [~~Every~~] (i) Upon payment of a reasonable premium established  
16 in accordance with article twenty-three of this chapter, an insurer  
17 issuing or delivering any policy that satisfies the requirements of  
18 article six of the vehicle and traffic law and is subject to section  
19 three thousand four hundred twenty-five of this article shall provide  
20 coverage in such a policy issued to a first named insured who has indi-  
21 cated that such insured has a spouse on the insurance application,  
22 against liability of an insured because of death of or injuries to [~~his~~  
23 ~~or her~~] the insured's spouse up to the liability insurance limits  
24 provided under such policy even where the injured spouse, to be entitled  
25 to recover, must prove the culpable conduct of the insured spouse,  
26 unless [~~the~~] a first named insured elects, in writing and in such form  
27 as the superintendent determines, to decline and refuse such coverage in  
28 [~~his or her~~] the first named insured's policy. Such insurance coverage  
29 shall be known as "supplemental spousal liability insurance".

30 (ii) Upon written request of an insured, and upon payment of a reason-  
31 able premium established in accordance with article twenty-three of this  
32 chapter, an insurer issuing or delivering any policy that satisfies the  
33 requirements of article six of the vehicle and traffic law, other than  
34 as specified in clause (i) of this subparagraph, shall provide coverage  
35 in such a policy against liability of an insured because of death of or  
36 injuries to the insured's spouse up to the liability insurance limits  
37 provided under such policy even where the injured spouse, to be entitled  
38 to recover, must prove the culpable conduct of the insured spouse.

39 (B) Upon issuance[~~, renewal or amendment~~] of a motor vehicle liability  
40 policy that satisfies the requirements of article six of the vehicle and  
41 traffic law and is subject to section three thousand four hundred twen-  
42 ty-five of this article, the insurer shall notify [~~the~~] a first named  
43 insured who has indicated that such insured has a spouse on the insur-  
44 ance application, in writing, that such policy shall include supple-  
45 mental spousal liability insurance unless [~~the~~] a first named insured  
46 declines and refuses such insurance, in writing and in such form as  
47 shall be determined by the superintendent. Such notification shall be  
48 contained on the front of the premium notice in boldface type and  
49 include a concise statement that [~~supplementary~~] supplemental spousal  
50 coverage is provided unless declined by [~~the~~] a first named insured, an  
51 explanation of such coverage, and the insurer's premium for such cover-  
52 age.

53 (C) A notification of the availability of supplemental spousal liabil-  
54 ity 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

1 subject to a deductible, copayment, coinsurance or any other cost shar-  
2 ing requirement.  
3 § 4. This act shall take effect January 1, 2025 and shall apply to  
4 any policy or contract issued, renewed, modified, altered, or amended on  
5 or after such date.

## PART FF

7 Section 1. The insurance law is amended by adding a new section 3423  
8 to read as follows:

9 § 3423. Affordable housing underwriting and rating. (a) Except as  
10 provided in subsection (b) of this section, an insurer that issues or  
11 delivers in this state insurance covering loss of or damage to real  
12 property containing units used for residential purposes shall not  
13 inquire about on an application, nor shall an insurer cancel, refuse to  
14 issue, refuse to renew, or increase the premium of a policy based on,  
15 the following:

16 (1) the level or source of income of an individual or group of indi-  
17 viduals residing or intending to reside upon the property to be insured,  
18 if the individual or group of individuals is not the owner of the real  
19 property;

20 (2) the real property containing any residential dwelling units that  
21 must be affordable to residents at a specific income level pursuant to  
22 statute, regulations, restrictive declaration, or pursuant to a regula-  
23 tory agreement with a state or local government entity; or

24 (3) the real property owner or the residents therein receiving govern-  
25 ment housing subsidies, including the receipt of federal vouchers issued  
26 under section eight of the United States Housing Act of 1937 (42 U.S.C.  
27 § 1437f).

28 (b) Nothing in this section shall prohibit an insurer from refusing to  
29 accept an application for, canceling, refusing to issue, refusing to  
30 renew, or increasing the premium of, an insurance policy as a result of  
31 underwriting or rating factors, except as specified in subsection (a) of  
32 this section or as otherwise prohibited by this chapter or any other  
33 law.

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

## PART GG

37 Section 1. The general business law is amended by adding a new article  
38 28-G to read as follows:

ARTICLE 28-GBATTERIES FOR MICROMOBILITY DEVICESSection 495. Definitions.

40 496. Sale of lithium-ion batteries and second-use lithium-ion  
41 batteries.

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

44 1. "Lithium-ion battery" means a storage battery in which an elec-  
45 trical current is generated by lithium ions embedded in a carbon  
46 graphite or nickel metal-oxide substrate placed in a high-viscosity  
47 carbonate mixture or gelled polymer electrolyte.

48 2. "Second-use lithium-ion battery" means a lithium-ion battery that  
49 has been assembled, refurbished, repaired, repurposed or reconditioned  
50 using cells removed from used batteries.  
51  
52

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

1 agent, licensed insurance broker, licensed adjuster, or any other person  
2 or entity licensed, certified, registered, or authorized pursuant to  
3 this chapter, has willfully violated the provisions of this chapter or  
4 any regulation promulgated thereunder or with respect to accident and  
5 health insurance, any provision of titles one or two of division BB of  
6 the Consolidated Appropriations Act of 2021 (Pub. L. No. 116-260), as  
7 may be amended from time-to-time, and any regulations promulgated there-  
8 under, then the superintendent may order the person or entity to pay to  
9 the people of this state a penalty in a sum not exceeding one thousand  
10 dollars for each offense.

11 (B) If the superintendent finds after notice and hearing that any  
12 authorized insurer or representative thereof has willfully violated any  
13 mental health or substance use disorder provision of this chapter or any  
14 regulation promulgated thereunder, or the federal Paul Wellstone and  
15 Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (29  
16 U.S.C. § 1185a) or any regulation promulgated thereunder, then the  
17 superintendent may order the authorized insurer or representative there-  
18 of to pay to the people of this state a penalty in a sum not exceeding  
19 two thousand dollars for each offense.

20 § 2. This act shall take effect immediately.

21 PART II

22 Section 1. The general business law is amended by adding a new section  
23 352-m to read as follows:

24 § 352-m. Protecting eligible adults from exploitation. 1. Definitions.  
25 As used in this section the following terms shall have the following  
26 meanings:

27 (a) "Adult protective services" means the division of the New York  
28 city human resources administration and each county agency responsible  
29 for providing adult protective services pursuant to section four hundred  
30 seventy-three of the social services law.

31 (b) "Financial exploitation" means: (i) the improper use of an eligi-  
32 ble adult's funds, property, income or assets; or (ii) any act or omis-  
33 sion by a person, including through the use of a power of attorney,  
34 guardianship or any other authority regarding an eligible adult to: (A)  
35 obtain control, through deception, intimidation, threats or undue influ-  
36 ence over the eligible adult's money, assets, income or property; or

37 (B) convert the eligible adult's money, assets, income or property.

38 (c) "Law enforcement agency" means any agency, which is empowered by  
39 law to make an arrest for a felony, and any agency which is authorized  
40 by law to prosecute a felony and including any police officer as defined  
41 by subdivision thirty-four of section 1.20 of the criminal procedure law  
42 and any prosecutor.

43 (d) "Transaction hold" means a delay in the completion of one or more  
44 financial transactions pending an investigation by a broker-dealer,  
45 investment adviser, or qualified individual, adult protective services,  
46 or a law enforcement agency.

47 (e) "Eligible adult" means an individual who is: sixty-five years of  
48 age or older; or at least the age of eighteen and who, because of mental  
49 or physical impairment, is unable to manage their own resources or  
50 protect themselves from financial exploitation without assistance from  
51 others.

52 2. Notification. If a broker-dealer, investment adviser, or qualified  
53 individual reasonably believes financial exploitation of an eligible  
54 adult has occurred, has been attempted, or is being attempted, such



1 broker-dealer, investment adviser, or qualified individual may promptly  
2 notify the adult protective services and law enforcement.

3 3. Application of transaction hold. (a) If an employee of a broker-  
4 dealer, investment adviser, or qualified individual reasonably believes  
5 that financial exploitation of an eligible adult may have occurred, may  
6 have been attempted, or is being attempted, then such broker-dealer,  
7 investment adviser, or qualified individual may place a transaction hold  
8 on such transaction.

9 (b) A broker-dealer, investment adviser, or qualified individual shall  
10 apply a transaction hold to a transaction if adult protective services  
11 or a law enforcement agency notifies such broker-dealer, investment  
12 adviser, or qualified individual that it reasonably believes that the  
13 transaction is the subject of or related to financial exploitation of an  
14 eligible adult.

15 (c) A broker-dealer, investment adviser, or qualified individual that  
16 applies a transaction hold shall: (i) provide notice of such hold, in  
17 writing, to all parties authorized to transact business on the account  
18 that is the subject of a transaction hold, as well as any designated  
19 third party, no later than one business day after the application of the  
20 transaction hold; (ii) if the transaction hold has been applied pursuant  
21 to paragraph (a) of this subdivision, no later than one business day  
22 after application of the transaction hold, report the transaction hold,  
23 including the basis for the broker-dealer, investment adviser, or quali-  
24 fied individual's belief that the transaction is the subject of or  
25 related to financial exploitation of an eligible adult to adult protec-  
26 tive services in its district and to a law enforcement agency; and (iii)  
27 at the request of adult protective services or a law enforcement agency,  
28 provide any information and documents relating to the transaction hold  
29 within three business days after the request for such information or  
30 documents.

31 4. Duration of transaction hold. A transaction hold shall expire  
32 fifteen business days after its application except that (i) a trans-  
33 action hold shall be extended for no more than twenty-five additional  
34 business days upon request from adult protective services or a law  
35 enforcement agency; (ii) at any time, a broker-dealer, investment advis-  
36 er, or qualified individual shall release a transaction hold not more  
37 than one business day after such broker-dealer, investment adviser, or  
38 qualified individual receives notice from adult protective services or  
39 the law enforcement agency that requested the transaction hold or to  
40 which the broker-dealer, investment adviser, or qualified individual  
41 reported the transaction hold, that such agency does not have or no  
42 longer has a reasonable basis to believe that the held transaction is  
43 the subject of or related to financial exploitation; (iii) if a broker-  
44 dealer, investment adviser, or qualified individual no longer reasonably  
45 believes that a transaction is the subject of or related to financial  
46 exploitation, it may release a transaction hold applied to that trans-  
47 action, provided that adult protective services or the law enforcement  
48 agency, the broker-dealer, investment adviser, or qualified individual  
49 has notified of such hold pursuant to subparagraph (i) of paragraph (c)  
50 of subdivision three of this section does not object; (iv) a transaction  
51 hold may be extended in accordance with an order issued by a court of  
52 competent jurisdiction; and (v) a transaction hold may be terminated at  
53 any time pursuant to an order issued by a court of competent jurisdic-  
54 tion.

55 5. Records. A broker-dealer or investment adviser shall provide access  
56 to or copies of records that are relevant to the suspected or attempted

1 financial exploitation of an eligible adult to law enforcement, either  
2 as part of a notification or if it is necessary or appropriate in the  
3 public interest and for the protection of the eligible adult. The  
4 records may include historical records as well as records relating to  
5 the most recent transactions that may comprise financial exploitation of  
6 an eligible adult. All records made available to law enforcement shall  
7 be considered confidential records and shall not be available for exam-  
8 ination by the public.

9 6. Immunity. A broker-dealer, investment adviser, or a qualified indi-  
10 vidual shall be immune from criminal, civil, and administrative liabil-  
11 ity for good faith actions in relation to the application of this  
12 section, including any good faith determination to apply or not apply a  
13 transaction hold to a transaction. Notwithstanding the foregoing, such  
14 immunity shall not apply to a determination not to impose a transaction  
15 hold when the broker-dealer, investment adviser, or qualified individual  
16 engages in intentional misconduct in making the determination, or if the  
17 determination results from a conflict of interest.

18 § 2. The banking law is amended by adding a new section 4-d to read as  
19 follows:

20 § 4-d. Protecting eligible adults from financial exploitation. 1.  
21 Definitions. As used in this section the following terms shall have the  
22 following meanings:

23 (a) "Adult protective services" means the division of the New York  
24 city human resources administration and each county agency responsible  
25 for providing adult protective services pursuant to section four hundred  
26 seventy-three of the social services law.

27 (b) "Banking institution" means any bank, trust company, savings bank,  
28 savings and loan association, credit union or branch of a foreign bank-  
29 ing corporation that is chartered, organized or licensed under the laws  
30 of this state or any other state or the United States, and, in the ordi-  
31 nary course of business takes deposit accounts in this state.

32 (c) "Financial exploitation" means: (i) the improper use of an eligi-  
33 ble adult's funds, property, income or assets; or (ii) any act or omis-  
34 sion by a person, including through the use of a power of attorney,  
35 guardianship or any other authority regarding an eligible adult to: (A)  
36 obtain control, through deception, intimidation, threats or undue influ-  
37 ence over the eligible adult's money, assets, income or property; or

38 (B) convert the eligible adult's money, assets, income or property.

39 (d) "Law enforcement agency" means any agency, which is empowered by  
40 law to make an arrest for a felony, and any agency which is authorized  
41 by law to prosecute a felony and including any police officer as defined  
42 by subdivision thirty-four of section 1.20 of the criminal procedure law  
43 and any prosecutor.

44 (e) "Transaction hold" means a delay in the completion of one or more  
45 financial transactions pending an investigation by a banking institu-  
46 tion, adult protective services, or a law enforcement agency.

47 (f) "Eligible adult" means an individual who is: sixty-five years of  
48 age or older; or at least the age of eighteen and who, because of mental  
49 or physical impairment, is unable to manage their own resources or  
50 protect themselves from financial exploitation without assistance from  
51 others.

52 2. Application of transaction hold. (a) If an employee of a banking  
53 institution reasonably believes that a financial exploitation of an  
54 eligible adult may have occurred, may have been attempted, or is being  
55 attempted, then the banking institution may place a transaction hold on  
56 such transaction.

1 (b) A banking institution shall apply a transaction hold to a trans-  
2 action if adult protective services or a law enforcement agency notifies  
3 the banking institution that it reasonably believes that the transaction  
4 is the subject of or related to financial exploitation of an eligible  
5 adult.

6 (c) A banking institution that applies a transaction hold shall: (i)  
7 provide notice of such hold, in writing, to all parties authorized to  
8 transact business on the account that is the subject of a transaction  
9 hold, as well as any designated third party, no later than one business day  
10 after the application of the transaction hold; (ii) if the transaction  
11 hold has been applied pursuant to paragraph (a) of this subdivision, no  
12 later than one business day after application of the transaction hold,  
13 report the transaction hold, including the basis for the banking insti-  
14 tution's belief that the transaction is the subject of or related to  
15 financial exploitation of an eligible adult to adult protective services  
16 in its district and to a law enforcement agency; and (iii) at the  
17 request of adult protective services or a law enforcement agency,  
18 provide any information and documents relating to the transaction hold  
19 within three business days after the request for such information or  
20 documents.

21 3. Notification. If a banking institution reasonably believes finan-  
22 cial exploitation of an eligible adult has occurred, has been attempted,  
23 or is being attempted, the banking institution may promptly notify the  
24 adult protective services and law enforcement.

25 4. Duration of transaction hold. A transaction hold shall expire  
26 fifteen business days after its application except that (i) a trans-  
27 action hold shall be extended for no more than twenty-five additional  
28 business days upon request from adult protective services or a law  
29 enforcement agency; (ii) at any time, a banking institution shall  
30 release a transaction hold not more than one business day after such  
31 banking institution receives notice from adult protective services or  
32 the law enforcement agency that requested the transaction hold or to  
33 which the banking institution reported the transaction hold, that such  
34 agency does not have or no longer has a reasonable basis to believe that  
35 the held transaction is the subject of or related to financial exploita-  
36 tion; (iii) if a banking institution no longer reasonably believes that  
37 a transaction is the subject of or related to financial exploitation, it  
38 may release a transaction hold applied to that transaction, provided  
39 that adult protective services or the law enforcement agency the banking  
40 institution has notified of such hold pursuant to subparagraph (i) of  
41 paragraph (c) of subdivision two of this section does not object; (iv) a  
42 transaction hold may be extended in accordance with an order issued by a  
43 court of competent jurisdiction; and (v) a transaction hold may be  
44 terminated at any time pursuant to an order issued by a court of compe-  
45 tent jurisdiction.

46 5. Regulations. The superintendent may promulgate regulations to  
47 effectuate the purposes of this section, including setting forth factors  
48 that a banking institution may consider in determining whether to apply  
49 a transaction hold to a transaction pursuant to paragraph (a) of subdi-  
50 vision two of this section, the form and manner of any notification  
51 mandated by subdivision two of this section, and the implementation of  
52 training programs for banking institution staff relating to recognizing  
53 financial exploitation.

54 6. Immunity. A banking institution or an employee of a banking insti-  
55 tution shall be immune from criminal, civil, and administrative liabil-  
56 ity for good faith actions in relation to the application of this

1 section, including any good faith determination to apply or not apply a  
2 transaction hold to a transaction. Notwithstanding the foregoing, such  
3 immunity shall not apply to a determination not to impose a transaction  
4 hold when the banking institution or employee engages in intentional  
5 misconduct in making the determination, or if the determination results  
6 from a conflict of interest.

7 § 3. Section 473 of the social services law is amended by adding a new  
8 subdivision 5-a to read as follows:

9 5-a. Whenever a social services official, or his or her designee  
10 authorized or required to determine the need for, or to provide or  
11 arrange for the provision of protective services to adults in accordance  
12 with the provisions of this title has a reason to believe that financial  
13 exploitation of an eligible adult has occurred, has been attempted, or  
14 is being attempted, the social services official or his or her designee  
15 must report this information to the appropriate law enforcement agency  
16 and notify any financial or banking institutions involved in the rele-  
17 vant financial transactions of the need to apply a transaction hold.

18 § 4. Paragraph (g) of subdivision 6 of section 473 of the social  
19 services law, as amended by chapter 395 of the laws of 1995, is amended  
20 to read as follows:

21 (g) "Financial exploitation" means:

22 (i) the improper use of an adult's funds, property, income or  
23 [resources by another individual, including but not limited to, fraud,  
24 false pretenses, embezzlement, conspiracy, forgery, falsifying records,  
25 coerced property transfers or denial of access to assets] assets; or

26 (ii) any act or omission by a person, including through the use of a  
27 power of attorney, guardianship or any other authority regarding an  
28 adult to: (A) obtain control, through deception, intimidation, threats  
29 or undue influence over the adult's money, assets, income or property;  
30 or (B) convert the adult's money, assets, income or property.

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

33 PART JJ

34 Section 1. This act shall be known and may be cited as the "Consumer  
35 Protection Act (CPA)".

36 § 2. Section 349 of the general business law, as added by chapter 43  
37 of the laws of 1970, subdivision (h) as amended by chapter 157 of the  
38 laws of 1984, and subdivision (j) as added by section 6 of part HH of  
39 chapter 55 of the laws of 2014, is amended to read as follows:

40 § 349. [~~Deceptive acts~~] Unfair, deceptive and abusive acts and prac-  
41 tices unlawful. (a) [~~Deceptive~~] Unfair, deceptive or abusive acts or  
42 practices in the conduct of any business, trade or commerce or in the  
43 furnishing of any service in this state are hereby declared unlawful.

44 (1) For the purposes of this section, an act or practice is unfair  
45 when it causes or is likely to cause substantial injury, the injury is  
46 not reasonably avoidable, and the injury is not outweighed by counter-  
47 vailing benefits to consumers or competition.

48 (2) For the purposes of this section, an act or practice is abusive  
49 when:

50 (i) it materially interferes with the ability of a person to under-  
51 stand a term or condition of a product or service; or

52 (ii) takes unreasonable advantage of:

53 (A) a person's lack of understanding of the material risks, costs, or  
54 conditions of the product or service; or

1 (B) a person's inability to protect their interests in selecting or  
2 using a product or service.

3 (b) Whenever the attorney general shall believe from evidence satis-  
4 factory to ~~[him]~~ them that any person, firm, corporation or association  
5 or agent or employee thereof has engaged in or is about to engage in any  
6 of the acts or practices stated to be ~~[unlawful-he]~~ unfair, deceptive or  
7 abusive, they may bring an action in the name and on behalf of the  
8 people of the state of New York to enjoin such unlawful acts or prac-  
9 tices and to obtain restitution of any moneys or property obtained  
10 directly or indirectly by any such unlawful acts or practices. In such  
11 action preliminary relief may be granted under article sixty-three of  
12 the civil practice law and rules. Such actions may be brought regardless  
13 of whether or not the underlying violation is directed at individuals  
14 or businesses or involves the offering of goods, services, or property  
15 for personal, family or household purposes.

16 (c) Before any violation of this section is sought to be enjoined, the  
17 attorney general shall be required to give the person against whom such  
18 proceeding is contemplated notice by certified mail and an opportunity  
19 to show in writing within five business days after receipt of notice why  
20 proceedings should not be instituted against ~~[him]~~ them, unless the  
21 attorney general shall find, in any case in which ~~[he-seeks]~~ they seek  
22 preliminary relief, that to give such notice and opportunity is not in  
23 the public interest.

24 (d) In any such action it shall be a complete defense that the act or  
25 practice is, or if in interstate commerce would be, subject to and  
26 complies with the rules and regulations of, and the statutes adminis-  
27 tered by, the federal trade commission or any official department, divi-  
28 sion, commission or agency of the United States as such rules, regu-  
29 lations or statutes are interpreted by the federal trade commission or  
30 such department, division, commission or agency or the federal courts.

31 (e) Nothing in this section shall apply to any television or radio  
32 broadcasting station or to any publisher or printer of a newspaper,  
33 magazine or other form of printed advertising, who broadcasts,  
34 publishes, or prints the advertisement.

35 (f) In connection with any proposed proceeding under this section, the  
36 attorney general is authorized to take proof and make a determination of  
37 the relevant facts, and to issue subpoenas in accordance with the civil  
38 practice law and rules.

39 (g) This section shall apply to all unfair, deceptive or abusive acts  
40 or practices declared to be unlawful, whether or not subject to any  
41 other law of this state, and shall not supersede, amend or repeal any  
42 other law of this state under which the attorney general is authorized  
43 to take any action or conduct any inquiry.

44 (h) In addition to the right of action granted to the attorney general  
45 pursuant to this section, any person who has been injured by reason of  
46 any violation of this section may bring an action in ~~[his]~~ their own  
47 name to enjoin such ~~[unlawful]~~ unfair, deceptive, or abusive act or  
48 practice, an action to recover ~~[his]~~ their actual damages or ~~[fifty]~~ one  
49 thousand dollars, whichever is greater, or both such actions. Such  
50 actions may be brought regardless of whether or not the underlying  
51 violation involves the offering of goods, services or property for  
52 personal, family or household purposes. The court may, in its  
53 discretion, increase the award of damages to an amount not to exceed  
54 three times the actual damages up to one thousand dollars, if the court  
55 finds the defendant willfully or knowingly violated this section. The



1 court ~~may~~ shall award reasonable attorney's fees and costs to a  
2 prevailing plaintiff.

3 (i) (1) At least thirty days prior to the commencement of an action  
4 for monetary damages exceeding five hundred dollars pursuant to subdivi-  
5 sion (h) of this section or within thirty days of amending a complaint  
6 to seek monetary damages exceeding five hundred dollars pursuant to  
7 subdivision (h) of this section, the consumer shall do the following:

8 (A) Notify the person alleged to have committed unfair, deceptive or  
9 abusive acts or practices in violation of this section of the particular  
10 alleged violations of this section, including a reasonably specific  
11 description regarding the time, place and nature of the allegations; and

12 (B) Demand that such person correct, repair, replace, or otherwise  
13 rectify the alleged violation or violations of this section with suffi-  
14 cient specificity to permit a reasonable person to respond to such  
15 demand.

16 (2) The demand made pursuant to this subdivision shall be in writing  
17 and shall be sent by certified or registered mail, return receipt  
18 requested, to the place where the transaction occurred or to the  
19 person's principal place of business, if known. Evidence demonstrating  
20 that notice, however made, was actually received by the person is suffi-  
21 cient to demonstrate compliance with this paragraph.

22 (3) No action for monetary damages greater than five hundred dollars  
23 may be maintained under this section if an appropriate correction,  
24 repair, replacement, or other remedy has been provided by the person  
25 alleged to have committed unfair, deceptive or abusive acts or practices  
26 in violation of this section to the consumer within thirty days of  
27 receipt by such person of the notice.

28 (4) No action for monetary damages may be maintained under article  
29 nine of the civil practice law and rules against a person alleged to  
30 have committed unfair, deceptive or abusive acts or practices in  
31 violation of this section upon a showing by such person that they have:

32 (A) Identified all consumers similarly situated or have made reason-  
33 able efforts to identify such other consumers;

34 (B) Notified all such similarly situated consumers so identified that  
35 upon their request, such person shall make the appropriate correction,  
36 repair, replacement, or other remedy of the goods or services;

37 (C) Corrected, repaired, replaced, or provided any other remedy  
38 requested by the consumers within a reasonable time frame; and

39 (D) Ceased from engaging in, or if immediate cessation is impossible  
40 or unreasonably expensive under the circumstances, the person will,  
41 within a reasonable time, cease to engage in, the unfair, deceptive or  
42 abusive acts or practices.

43 (5) Actions seeking injunctive relief only may be commenced without  
44 compliance with this subdivision.

45 (6) Attempts or efforts to comply with this section by a person  
46 receiving a demand shall be construed as an offer to compromise under  
47 section forty-five hundred forty-seven of the civil practice law and  
48 rules and shall be inadmissible as evidence. Furthermore, attempts or  
49 efforts to comply with a demand shall not be considered an admission of  
50 engaging in an act or practice declared unlawful by this section.  
51 Evidence of compliance or attempts or efforts to comply with this  
52 section may be introduced by a defendant or person alleged to have  
53 committed unfair, deceptive or abusive acts or practices in violation of  
54 this section for the purpose of establishing good faith or to show  
55 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:

~~(+)~~ (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.

1    [~~(i+i)~~] **(B)** Class two. All claims under policies including such claims  
2 of the federal or any state or local government for losses incurred,  
3 third party claims, claims for unearned premiums, and all claims of a  
4 security fund, guaranty association or the equivalent except claims  
5 arising under reinsurance contracts.

6    [~~(i+i)~~] **(C)** Class three. Claims of the federal government except those  
7 under class two above.

8    [~~(i+v)~~] **(D)** Class four. Claims for wages owing to employees of an  
9 insurer against whom a proceeding under this article is commenced for  
10 services rendered within one year before commencement of the proceeding,  
11 not exceeding one thousand two hundred dollars to each employee, and  
12 claims for unemployment insurance contributions required by article  
13 eighteen of the labor law. Such priority shall be in lieu of any other  
14 similar priority which may be authorized by law.

15    [~~(v-v)~~] **(E)** Class five. Claims of state and local governments except  
16 those under class two above.

17    [~~(v+i)~~] **(F)** Class six. Claims of general creditors including, but not  
18 limited to, claims arising under reinsurance contracts.

19    [~~(v+i)~~] **(G)** Class seven. Claims filed late or any other claims other  
20 than claims under class eight or class nine below.

21    [~~(v+i+i)~~] **(H)** Class eight. Claims for advanced or borrowed funds made  
22 pursuant to section one thousand three hundred seven of this chapter.

23    [~~(i+x)~~] **(I)** Class nine. Claims of shareholders or other owners in their  
24 capacity as shareholders.

25    § 3. Paragraphs 1 and 4 of subsection (a) of section 7435 of the  
26 insurance law, as added by chapter 802 of the laws of 1985, are amended  
27 to read as follows:

28    (1) Class one. Claims with respect to the actual and necessary costs  
29 and expenses of administration, incurred by the liquidator, rehabilita-  
30 tor, conservator or ancillary rehabilitator under this article, or by  
31 The Life Insurance Guaranty Corporation or The Life **and Health** Insurance  
32 Company Guaranty Corporation of New York, and claims described in  
33 subsection (d) of section seven thousand seven hundred thirteen of this  
34 chapter.

35    (4) Class four. All claims under insurance policies, annuity contracts  
36 and funding agreements, and all claims of The Life **and Health** Insurance  
37 Company Guaranty Corporation of New York or any other guaranty corpo-  
38 ration or association of this state or another jurisdiction, other than  
39 [~~(i)~~] claims provided for in paragraph one of this subsection[~~7~~] and  
40 [~~(i+i)~~] claims for interest.

41    § 4. Paragraph 2 of subsection (c) of section 7709 of the insurance  
42 law, as amended by section 10 of subpart D of part Y of chapter 57 of  
43 the laws of 2023, is amended to read as follows:

44    (2) The amount of any class B or class C assessment, except for  
45 assessments related to long-term care insurance, shall be allocated for  
46 assessment purposes among the accounts in the proportion that the premi-  
47 ums received by the impaired or insolvent insurer on the policies or  
48 contracts covered by each account for the last calendar year preceding  
49 the assessment in which the impaired or insolvent insurer received  
50 premiums bears to the premiums received by such insurer for such calen-  
51 dar year on all covered policies. The amount of any class B or class C  
52 assessment for long-term care insurance written by the impaired or  
53 insolvent insurer shall be allocated according to a methodology included  
54 in the plan of operation and approved by the superintendent. The meth-  
55 odology shall provide for fifty percent of the assessment to be allo-  
56 cated to health insurance company member insurers and fifty percent to

1 be allocated to life insurance company member insurers; provided, howev-  
2 er, that a property/casualty insurer that writes health insurance shall  
3 be considered a health insurance company member for this purpose. Class  
4 B and class C assessments against member insurers for each account shall  
5 be in the proportion that the premiums received on business in this  
6 state by each assessed member insurer on policies covered by each  
7 account for the three calendar years preceding the assessment bears to  
8 such premiums received on business in this state for such calendar years  
9 by all assessed member insurers. Class B and Class C assessments  
10 against member insurers for the health insurance account shall be  
11 further reduced for not-for-profit member insurers pursuant to a method-  
12 ology included in the plan of operation and approved by the superinten-  
13 dent.

14 § 5. Section 7712 of the insurance law, as added by chapter 802 of the  
15 laws of 1985, subsection (a) as amended by section 11 of subpart D of  
16 part Y of chapter 57 of the laws of 2023, is amended to read as follows:

17 § 7712. Credits for assessments paid. (a) The superintendent shall  
18 annually~~[within six months following the close of each calendar year,~~  
19 ~~furnish to the commissioner of taxation and finance and the director of~~  
20 ~~the division of the budget a statement of operations for the life insur-~~  
21 ~~ance guaranty corporation and the life and health insurance company~~  
22 ~~guaranty corporation of New York. Such statement shall show the assess-~~  
23 ~~ments, less any refunds or reimbursements thereof, paid by each insur-~~  
24 ~~ance company pursuant to the provisions of article seventy-five or]~~  
25 issue a certificate of tax credit for net class A assessments paid, and  
26 a separate certificate of tax credit for total net class B and class C  
27 assessments paid, as such assessments are described in section seven  
28 thousand seven hundred nine of this article, ~~[for the purposes of meet-~~  
29 ~~ing the requirements of this chapter. Each statement, starting with the~~  
30 ~~statement furnished in the year nineteen hundred eighty-six and ending~~  
31 ~~with the statement furnished in the year two thousand, shall show the~~  
32 ~~annual activity for every year commencing from nineteen hundred eighty-~~  
33 ~~five through the most recently completed year. Each statement furnished~~  
34 ~~in each year after the year two thousand shall reflect such assessments~~  
35 ~~paid during the preceding fifteen calendar years. The superintendent~~  
36 ~~shall also furnish a copy of such statement to each such]~~ to an insur-  
37 ance company that is required to file a tax return pursuant to article  
38 thirty-three of the tax law. For the purposes of this section, an  
39 insurance company's "net class A assessments paid" shall mean its gross  
40 class A assessments paid pursuant to the provisions of article seventy-  
41 five or section seven thousand seven hundred nine of this article, less  
42 any refunds, recoveries, or reimbursements, and an insurance company's  
43 "total net class B and class C assessments paid" shall mean its gross  
44 class B and class C assessments paid pursuant to the provisions of arti-  
45 cle seventy-five or section seven thousand seven hundred nine of this  
46 article, less any refunds, recoveries, or reimbursements.

47 (b) The ~~[maximum authorized]~~ certificates of tax credit ~~[for each~~  
48 ~~company in respect of the assessments paid during the most recent calen-~~  
49 ~~dar year covered by such statement]~~ shall ~~[be]~~ set forth the amount of  
50 tax credit an insurance company may claim as follows:

51 (1) ~~[if the sum of the net assessments paid by all companies in the~~  
52 ~~period reported on in the statement of operations required to be~~  
53 ~~furnished by the superintendent pursuant to the provisions of subsection~~  
54 ~~(a) of this section is less than one hundred million dollars, no such~~  
55 ~~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



1 class A assessments, and a certificate of tax credit for total net class  
2 B and class C assessments. Each certificate shall contain such informa-  
3 tion as required by the commissioner of taxation and finance, including  
4 a certificate date.

5 (2) The superintendent shall solely determine the tax credit eligibil-  
6 ity of any insurance company and shall revoke any certificate of tax  
7 credit issued to an insurance company that no longer qualifies for a tax  
8 credit. The superintendent shall modify the amount of the credit shown  
9 on any such certificate if the superintendent determines that the amount  
10 certified under subsection (b) of this section was not computed properly  
11 pursuant to this section.

12 (3) To be issued a certificate of tax credit by the superintendent,  
13 each insurance company shall:

14 (A) agree to allow the department of taxation and finance to share the  
15 insurance company's tax information relevant to the administration of  
16 this section with the superintendent. However, any information shared  
17 with the superintendent as a result of this section shall not be avail-  
18 able for public disclosure or inspection under article six of the public  
19 officers law;

20 (B) allow the superintendent and the corporation access to any and all  
21 books and records the superintendent or corporation may require to moni-  
22 tor compliance with this section; and

23 (C) agree to provide any additional information required by the super-  
24 intendent relevant to this section.

25 § 6. Subdivision (f) of section 1511 of the tax law, as amended by  
26 chapter 803 of the laws of 1985, paragraph 1 as amended by chapter 217  
27 of the laws 2012, subparagraph (B) of paragraph 3 as further amended by  
28 section 104 of part A of chapter 62 of the laws of 2011 and paragraph 5  
29 as amended by section 9 of part H3 of chapter 62 of the laws of 2003, is  
30 amended to read as follows:

31 (f) Credit relating to life and health insurance guaranty corporation  
32 assessments. ~~[A] (1) Allowance of credit. For taxable years beginning~~  
33 ~~on or after January first, two thousand twenty-four, a credit shall be~~  
34 ~~allowed against the tax imposed pursuant to this article (other than~~  
35 ~~section fifteen hundred five-a of this article)[, for a portion of the~~  
36 ~~assessments paid by a taxpayer pursuant to article seventy-five or~~  
37 ~~section seven thousand seven hundred nine of the insurance law. The~~  
38 ~~credit shall be determined in accordance with the following provisions]~~  
39 as hereinafter provided.

40 ~~[(1)]~~ (2) Amount of credit. The ~~[maximum authorized]~~ amount of the  
41 credit for each taxpayer shall [be determined as provided in] equal the  
42 amount shown on the certificate of tax credit, or the amounts shown on  
43 such certificates, issued to such taxpayer pursuant to section seven  
44 thousand seven hundred twelve of the insurance law. With respect to  
45 each such certificate, the amount of the credit must be claimed in the  
46 taxable year that begins in the calendar year that such certificate is  
47 issued.

48 ~~[(2) Thirty-three and one-third per centum of the maximum authorized~~  
49 ~~credit for the second calendar year preceding the taxable year, plus any~~  
50 ~~amount carried forward under subparagraph (C) of paragraph three of this~~  
51 ~~subdivision or paragraph four of this subdivision, shall be allowed as a~~  
52 ~~credit under this subdivision for such taxable year, and thirty-three~~  
53 ~~and one-third per centum of such maximum authorized credit for such~~  
54 ~~second preceding calendar year, plus any amount carried forward under~~  
55 ~~subparagraph (C) of this subdivision or paragraph four of this subdivi-~~

1 ~~sion, shall be allowed in each of the two taxable years following such~~  
2 ~~taxable year.]~~

3 ~~(3) [(A) For each calendar year for which a credit has been authorized~~  
4 ~~pursuant to section seven thousand seven hundred twelve of the insurance~~  
5 ~~law, the commissioner of taxation and finance shall determine the total~~  
6 ~~tax liability of all life insurance corporations under this article,~~  
7 ~~other than under section fifteen hundred five-a of this article, before~~  
8 ~~the application of any credits allowed pursuant to this section, for~~  
9 ~~taxable years beginning in such calendar year. Such total tax liability~~  
10 ~~shall be published in the state register on or before the thirtieth day~~  
11 ~~of September of the next succeeding calendar year.~~

12 ~~(B) The credit allowed under paragraph two of this subdivision for~~  
13 ~~each taxpayer shall not exceed the product of (x) and (y) where (x) is a~~  
14 ~~fraction, the numerator of which is the sum of the gross assessments~~  
15 ~~paid by the particular taxpayer during the calendar year for which the~~  
16 ~~credit has been authorized and the denominator of which is the sum of~~  
17 ~~the gross assessments paid by all companies during such year, both as~~  
18 ~~shown in the most recent statement of operations furnished by the super-~~  
19 ~~intendent of financial services under subsection (a) of section seven~~  
20 ~~thousand seven hundred twelve of the insurance law and both the numera-~~  
21 ~~tor and denominator being reduced, as appropriate, by any refunds or~~  
22 ~~reimbursements and (y) is the greater of (i) forty per centum of the~~  
23 ~~total tax liability published by the commissioner pursuant to subpara-~~  
24 ~~graph (A) of this paragraph and (ii) forty million dollars.~~

25 ~~(C) The amount by which the allowable credit computed without refer-~~  
26 ~~ence to the limitation contained in subparagraph (B) of this paragraph~~  
27 ~~exceeds the allowable credit for such taxable year shall be carried~~  
28 ~~forward as a credit under paragraph two of this subdivision.~~

29 ~~(D) With respect to estimated taxes payable under section fifteen~~  
30 ~~hundred fourteen of this article any increase in estimated taxes due to~~  
31 ~~the limitation imposed by this paragraph shall be deemed timely paid if~~  
32 ~~paid on or before the fifteenth day of December next following the date~~  
33 ~~specified in subparagraph (A) of this paragraph.] Carryover. The credit~~  
34 ~~allowed under this subdivision for any taxable year shall not reduce the~~  
35 ~~tax due for such year to less than the minimum fixed by paragraph four~~  
36 ~~of subdivision (a) of section fifteen hundred two of this article or~~  
37 ~~section fifteen hundred two-a of this article, whichever is applicable.~~  
38 ~~However, if the amount of credit allowable under this subdivision for~~  
39 ~~any taxable year reduces the tax to such amount, any amount of credit~~  
40 ~~not deductible in such taxable year may be carried over to the following~~  
41 ~~year or years and may be deducted from the taxpayer's tax for such year~~  
42 ~~or years.~~

43 ~~(4) [If for any taxable year the credits allowable under paragraph two~~  
44 ~~of this subdivision determined without regard to this paragraph exceed~~  
45 ~~the taxpayer's liability for taxes under this article for the taxable~~  
46 ~~year after the allowance of all other credits under this section, then~~  
47 ~~the sum of two hundred fifty dollars and the amount by which such cred-~~  
48 ~~its under this subdivision exceed such tax liability shall be carried~~  
49 ~~forward as a credit under paragraph two of this subdivision for the~~  
50 ~~taxable year next following.] Eligibility. To be eligible for the cred-~~  
51 ~~it, the taxpayer shall have been issued a certificate, or certificates,~~  
52 ~~of tax credit by the department of financial services pursuant to~~  
53 ~~section seven thousand seven hundred twelve of the insurance law, each~~  
54 ~~of which certificates shall set forth the amount of the credit that may~~  
55 ~~be claimed and the certificate date. A taxpayer that is a partner in a~~  
56 ~~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

1 than section 1505-a of such article, in the taxable year beginning on or  
2 after such date; and

3 (ii) any amount of credit allowed pursuant to the previous paragraph  
4 shall be subject to the carryover provision of paragraph 3 of subdivi-  
5 sion (f) of section 1511 of the tax law, as such subdivision has been  
6 amended by section six of this act.

7 § 9. This act shall take effect immediately and shall apply to taxable  
8 years beginning on or after January 1, 2024.

9 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
10 sion, section or part of this act shall be adjudged by any court of  
11 competent jurisdiction to be invalid, such judgment shall not affect,  
12 impair, or invalidate the remainder thereof, but shall be confined in  
13 its operation to the clause, sentence, paragraph, subdivision, section  
14 or part thereof directly involved in the controversy in which such judg-  
15 ment shall have been rendered. It is hereby declared to be the intent of  
16 the legislature that this act would have been enacted even if such  
17 invalid provisions had not been included herein.

18 § 3. This act shall take effect immediately provided, however, that  
19 the applicable effective date of Parts A through LL of this act shall be  
20 as specifically set forth in the last section of such Parts.