

STATE OF NEW YORK

3026--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

Introduced by M. of A. KELLES, LEE, EPSTEIN, LEVENBERG, SHIMSKY, SIMON, LUPARDO, ALVAREZ, SCHIAVONI, GRIFFIN, CLARK -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the state finance law, in relation to the disposition of certain fees and penalties

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

1 Section 1. Subdivisions 1 and 2 of section 71-0211 of the environ-
2 mental conservation law, subdivision 1 as amended by chapter 60 of the
3 laws of 1993, subdivision 2 as amended by chapter 460 of the laws of
4 1991, are amended to read as follows:

5 1. Notwithstanding any other provisions of law to the contrary, all
6 fines and penalties collected pursuant to title nineteen of this arti-
7 cle, except amounts required to be paid into the conservation fund
8 pursuant to subdivision two of section 71-1929 of such title; title
9 twenty-one of this article; title twenty-seven of this article, except
10 amounts required to be paid into the hazardous waste remedial fund
11 pursuant to subdivision two of section 71-2725 of such title; and title
12 forty-one of this article shall be paid into the [~~general fund to the~~
13 ~~credit of the state purposes account~~] conservation fund to the credit of
14 the conservation enforcement account established pursuant to subdivision
15 (k) of section eighty-three of the state finance law.

16 2. Unless otherwise provided in this chapter, not later than the tenth
17 day of each month, all fines, penalties and forfeitures collected for
18 violations of this chapter or rules, regulations, local laws or ordi-
19 nances adopted thereunder under judgment of any town or village court,
20 shall be paid over by such court to the comptroller of the state, with a
21 statement accompanying the same, setting forth the action or proceeding
22 in which such moneys were collected, the name and residence of the

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

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1 defendant, the nature of the offense, and the fines and penalty imposed.
2 The comptroller shall pay these funds into the [~~general fund of the~~
3 ~~state~~] conservation fund to the credit of the conservation enforcement
4 account established pursuant to subdivision (k) of section eighty-three
5 of the state finance law.

6 § 2. Section 83 of the state finance law is amended by adding a new
7 subdivision (k) to read as follows:

8 (k) All moneys, revenue, and interest thereon received and collected
9 pursuant to titles nineteen, twenty-one and twenty-seven of article
10 seventy-one of the environmental conservation law, and pursuant to
11 section 71-0211 of the environmental conservation law, other than those
12 amounts prescribed by law to be directed into other funds, shall be
13 deposited in a special account within the conservation fund to be known
14 as the conservation enforcement account. All of such moneys, revenues
15 and interest shall be available to the department of environmental
16 conservation, pursuant to appropriation, exclusively for funding the
17 enforcement of the environmental conservation law, including funding for
18 scientists, environmental law enforcement officers, attorneys, adminis-
19 trative support, and such other expenses the commissioner deems neces-
20 sary for such enforcement. Such money shall be used to supplement and
21 not supplant funding for the enforcement of the environmental conserva-
22 tion law as of the effective date of this subdivision. The department
23 shall annually submit to the temporary president of the senate, the
24 speaker of the assembly, the minority leader of the senate, and the
25 minority leader of the assembly, following one year after the effective
26 date of this subdivision, an annual expenditure report of the conserva-
27 tion fund.

28 § 3. Subdivision 1 of section 71-0213 of the environmental conserva-
29 tion law, as added by section 1 of part DDD of chapter 59 of the laws of
30 2009, is amended to read as follows:

31 1. Whenever proceedings result in a conviction for an offense under
32 this chapter there shall be levied, in addition to any sentence required
33 or permitted by law, the following mandatory surcharges: (a) in the
34 amount of twenty-five dollars for violations of sportfishing regulations
35 set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] one
36 hundred twelve dollars and fifty cents for all other offenses under this
37 chapter provided, however, that convictions for offenses under articles
38 seventeen, nineteen or twenty-seven of this chapter shall be subject to
39 a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] one
40 hundred twelve dollars and fifty cents or [~~six~~] nine percent of any
41 penalty or fine imposed. The mandatory surcharge shall be paid to the
42 clerk of the court who shall remit such mandatory surcharge to the state
43 comptroller provided, however, that in cases where the conviction was
44 rendered by a town or a village justice court, the clerk of such court
45 shall pay twenty-five dollars of such surcharge to the chief fiscal
46 officer of the town or village in the case of surcharges resulting from
47 paragraph (b) of this subdivision and ten dollars in the case of
48 surcharges resulting from paragraph (a) of this subdivision and shall
49 pay the remaining amounts of such mandatory surcharges to the state
50 comptroller in the same manner as provided in section 71-0211 of this
51 article. The comptroller shall pay such monies into the state treasury
52 to the [~~credit of the general fund~~] conservation fund to the credit of
53 the conservation enforcement account established pursuant to subdivision
54 (k) of section eighty-three of the state finance law.

55 § 4. Section 71-0301 of the environmental conservation law, as amended
56 by chapter 400 of the laws of 1973, is amended to read as follows:

1 § 71-0301. Summary abatement.

2 Notwithstanding any inconsistent provisions of law, whenever the
3 commissioner finds, after investigation, that any person is causing,
4 engaging in or maintaining a condition or activity which, in [~~his~~] the
5 judgment of the commissioner, presents an imminent danger to the health
6 or welfare of the people of the state or results in or is likely to
7 result in irreversible or irreparable damage to natural resources, and
8 relates to the prevention and abatement powers of the commissioner and
9 it therefore appears to be prejudicial to the interests of the people of
10 the state to delay action until an opportunity for a hearing can be
11 provided, the commissioner may, without prior hearing, order such person
12 by notice, in writing wherever practicable or in such other form as in
13 the commissioner's judgment will reasonably notify such person whose
14 practices are intended to be proscribed, to discontinue, abate or alle-
15 viate such condition or activity, and thereupon such person shall imme-
16 diately discontinue, abate or alleviate such condition or activity. As
17 promptly as possible thereafter, not to exceed fifteen days, the commis-
18 sioner shall provide the person an opportunity to be heard and to pres-
19 ent proof that such condition or activity does not violate the
20 provisions of this section. The commissioner shall adopt any other
21 appropriate rules and regulations prescribing the procedure to be
22 followed in the issuance of such orders. Any person who violates any of
23 the provisions of, or who fails to perform any duty imposed by this
24 section, or any rule, regulation or order promulgated by the commis-
25 sioner hereunder, shall be liable to a civil penalty of not more than [~~twen-~~
26 ~~ty-five hundred~~] three thousand seven hundred fifty dollars for each
27 such violation and an additional penalty of not more than [~~five~~] seven
28 hundred fifty dollars for each day during which such violation contin-
29 ues, and, in addition thereto, such person may be enjoined from continu-
30 ing such violation. Penalties and injunctive relief provided herein
31 shall be recoverable in an action brought by the attorney general at the
32 request and in the name of the commissioner.

33 § 5. Subdivisions 3 and 4 of section 71-0507 of the environmental
34 conservation law, subdivision 3 as amended by chapter 400 of the laws of
35 1973, are amended to read as follows:

36 3. Moneys received by a town justice or a village justice in any
37 action for a penalty brought under the provisions of this chapter listed
38 in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon
39 the settlement or compromise thereof, or a fine for a violation of the
40 provisions of this chapter listed in section 71-0501 and titles 5
41 through 15 inclusive and title 33 of this article shall be paid to the
42 State Comptroller as provided in section 27 of the Town Law and section
43 4-410 of the village law. From the moneys so received, the State Comp-
44 troller shall pay all lawful fees for services rendered in such actions
45 when instituted by order of the department or upon information of a
46 conservation officer, regional and assistant regional conservation offi-
47 cer, special game protector, district ranger, forest ranger, or member
48 of the state police. The balance of such moneys arising from penalties
49 under [~~articles~~] article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter
50 or upon the settlement or compromise thereof or from fines for
51 violations of any of the provisions of [~~articles~~] article 11 or 13 [~~or~~
52 ~~title 9~~] of this [~~article~~] chapter after the payment of lawful fees
53 shall be credited by the Comptroller to the conservation fund. The Comp-
54 troller shall adjust and settle [~~his~~] their account with the conserva-
55 tion fund in the manner provided by section 99-a of the State Finance
56 Law. The balance of all other such moneys after payment of lawful fees

1 shall be credited by the Comptroller to the [~~general fund~~] conservation
2 fund to the credit of the conservation enforcement account established
3 pursuant to subdivision (k) of section eighty-three of the state finance
4 law.

5 4. All moneys received by any other person or court in an action for a
6 penalty brought under the provisions of this chapter listed in section
7 71-0501 and titles 5 through 15 inclusive and title 33 of this article
8 or upon the settlement or compromise thereof, or a fine for a violation
9 of the provisions of this chapter listed in section 71-0501 and titles 5
10 through 15 inclusive and title 33 of this article, shall be paid by such
11 person or court to the department within thirty days after receipt ther-
12 eof. The department shall pay the expenses of collection and the lawful
13 fees of magistrates and constables for services performed in criminal
14 actions brought upon information of a conservation officer, regional and
15 assistant regional conservation officer, special game protector,
16 district ranger, forest ranger, or member of the state police. Such
17 moneys derived from fines or penalties for violations of [~~articles~~]
18 article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter or from the
19 settlement or compromise thereof shall be paid by the department to the
20 Commissioner of Taxation and Finance and credited to the conservation
21 fund. All other moneys so received by the department shall be paid to
22 the Commissioner of Taxation and Finance and credited to the [~~general~~
23 ~~fund~~] conservation fund to the credit of the conservation enforcement
24 account established pursuant to subdivision (k) of section eighty-three
25 of the state finance law.

26 § 6. Subdivisions 1, 2, 6, 9 and 10 of section 71-0703 of the environ-
27 mental conservation law, subdivisions 1, 2 and 6 as amended by chapter
28 602 of the laws of 2003, subdivision 9 as added by chapter 267 of the
29 laws of 2012 and subdivision 10 as added by chapter 330 of the laws of
30 2014, are amended to read as follows:

31 1. Except as otherwise provided in subdivision 4, 5, 6 or 7 of this
32 section, any person who violates any provision of article 9 or the
33 rules, regulations or orders promulgated pursuant thereto or the terms
34 of any permit issued thereunder, or who fails to perform any duty
35 imposed by any provision thereof shall be guilty of a violation, and,
36 upon conviction, shall be punished by a fine of not more than [~~two~~
37 ~~hundred fifty~~] three hundred seventy-five dollars, or by imprisonment
38 for not more than fifteen days, or by both such fine and imprisonment,
39 and in addition thereto shall be liable to a civil penalty of not less
40 than ten nor more than one hundred fifty dollars.

41 2. The violation of any of the provisions of the following sections
42 shall subject the person guilty thereof to the following civil penalties
43 in addition to the liability prescribed in subdivision 1 of this
44 section:

45 a. Section 9-1113 of this chapter, [~~two~~] three dollars per tree;

46 b. Subdivision 3 of section 9-1105 of this chapter, [~~twenty-five~~]
47 thirty-seven dollars and fifty cents per day;

48 c. Subdivision 4 of section 9-1105 of this chapter, and subdivision 1
49 of section 9-1117 of this chapter, [~~ten~~] fifteen dollars per mile per
50 day;

51 d. Section 9-1115 of this chapter, [~~ten~~] fifteen dollars per mile;

52 e. Subdivision 2 of section 9-1117 of this chapter, one hundred fifty
53 dollars per each offense; and

54 f. Section 9-1119 of this chapter, one hundred fifty dollars per day
55 per locomotive.

1 With respect to the penalty for violation of subdivision 4 of section
2 9-1105 of this chapter, the owner and every person engaged in such
3 cutting shall be liable therefor; however, the liability for penalty
4 shall not arise until the expiration of twenty days after service,
5 personally or by mail upon the alleged violator at [~~his~~] their last
6 known place of residence of a written notice of failure to comply with
7 the requirements of subdivision 4 of section 9-1105 of this chapter.

8 6. (a) In addition to any other penalty provided by law, any person
9 who violates subdivision 1 of section 9-0303 of this chapter shall be
10 liable to a civil penalty of [~~two hundred fifty~~] three hundred seventy-
11 five dollars per tree or treble damages, based on the stumpage value of
12 such tree or both. Where the order or decision finds that the defendant
13 established by clear and convincing evidence, that when such defendant
14 committed the violation, [~~he or she~~] they had cause to believe that the
15 land was [~~his or her~~] their own, or that [~~he or she~~] such defendant had
16 an easement or right of way across such land which permitted such
17 action, damages shall be awarded on the basis of the stumpage value of
18 such tree or trees in the market as if they were privately owned.
19 Notwithstanding the foregoing, this section shall not be construed to
20 authorize the cutting of timber or removal of trees where such action
21 would otherwise be violative of any provision of the state constitution
22 or law.

23 (b) In addition to any other penalty provided by law, a person who
24 violates section 9-1501 of this chapter shall be liable for a civil
25 penalty of [~~two hundred fifty~~] three hundred seventy-five dollars per
26 tree or treble damages or both, based on the stumpage value of such tree
27 or trees. Where the order or decision finds that the defendant estab-
28 lished by clear and convincing evidence, that when such defendant
29 committed the violation, [~~he or she~~] they had cause to believe that the
30 land was [~~his or her~~] their own or that [~~he or she~~] such defendant had
31 an easement or right of way across such land which permitted such
32 action, damages shall be awarded on the basis of the stumpage value of
33 such tree or trees. Notwithstanding the foregoing, this section shall
34 not be construed to authorize the cutting of timber or removal of trees
35 where such action would otherwise be violative of any provision of the
36 state constitution or law.

37 (c) For purposes of this subdivision, "stumpage value" shall mean the
38 current fair market value of a tree as it stands prior to the time of
39 sale, cutting, or removal. Stumpage value shall be determined by one or
40 more of the following methods: the sale price of the tree in an arm's-
41 length sale, a review of solicited bids, the stumpage price report
42 prepared by the department of environmental conservation, comparison
43 with like sales on trees on state or private lands, or other appropriate
44 means to assure that a fair market value is established within an
45 acceptable range based on the appropriate geographic area.

46 9. a. Any person who transports, sells, imports or introduces invasive
47 species, in violation of the regulations promulgated pursuant to section
48 9-1709 of this chapter shall be subject to the following:

49 For any first violation in lieu of a penalty there may be issued a
50 written warning by the department and there may also be issued education
51 materials at the discretion of the department regarding requirements
52 related to invasive species. Such person shall, however, for any subse-
53 quent violation thereafter be subject to a fine of no less than [~~two~~
54 ~~hundred fifty~~] three hundred seventy-five dollars.

55 b. Any nursery grower licensed pursuant to article fourteen of the
56 agriculture and markets law, any person who owns or operates a public

1 vessel as such term is defined in paragraph (a) of subdivision six of
2 section two of the navigation law, or any person who owns or operates a
3 commercial fishing vessel who transports, sells, imports or introduces
4 invasive species in violation of the regulations promulgated pursuant to
5 section 9-1709 of this chapter, shall be subject to a fine of not less
6 than [~~six~~] nine hundred dollars upon the first penalty. Upon the second
7 penalty such person shall be subject to a fine of not less than [~~two~~]
8 three thousand dollars. Upon a subsequent penalty and after a hearing or
9 opportunity to be heard upon due notice the following penalties may
10 apply: (i) such nursery grower may be subject to the revocation proce-
11 dures of section one hundred sixty-three-c of the agriculture and
12 markets law (ii) such person's vessel registration may be suspended or
13 (iii) such person's fishing permit may be revoked by the department.

14 10. Any person who violates section 9-1710 of this chapter shall be
15 guilty of a violation and shall be punishable and liable to a civil
16 penalty as provided in subdivision one of this section, provided, howev-
17 er, that for any first violation in lieu of a penalty there shall be
18 issued a written warning by the department and there shall also be
19 issued education materials at the discretion of the department regarding
20 requirements related to invasive species. Such person shall be subject
21 to a fine of up to [~~one hundred fifty~~] two hundred seventy-five dollars
22 for a second offense, up to [~~two hundred fifty~~] three hundred seventy-
23 five dollars for a third offense, and no less than [~~two hundred fifty~~]
24 three hundred seventy-five dollars nor more than [~~one thousand~~] five
25 hundred dollars for a fourth or subsequent offense.

26 § 7. Section 71-0707 of the environmental conservation law is amended
27 to read as follows:

28 § 71-0707. Resisting or obstructing departmental agent or employee.

29 Any person who resists or obstructs an authorized agent or employee of
30 the department while [~~he~~] such agent or employee is engaged in carrying
31 out any provision of section 9-0305 shall be guilty of a violation which
32 shall be punishable by a fine not exceeding one hundred fifty dollars
33 and by an additional fine [~~of~~] not exceeding [~~twenty-five~~] thirty-seven
34 dollars and fifty cents for each additional day of such resistance or
35 obstruction.

36 § 8. Section 71-0709 of the environmental conservation law, as amended
37 by chapter 640 of the laws of 1977, is amended to read as follows:

38 § 71-0709. Injury to state lands.

39 Any person who intentionally or negligently causes a fire which burns
40 on or over state lands shall be liable to the state for treble damages
41 and, in addition, to a civil penalty of [~~ten~~] fifteen dollars for every
42 tree killed or destroyed by such fire. Damages to state lands and timber
43 shall be ascertained and determined at the same rate of value as if such
44 property were privately owned.

45 § 9. Section 71-0711 of the environmental conservation law, as amended
46 by chapter 640 of the laws of 1977, is amended to read as follows:

47 § 71-0711. Injury to municipal or private lands.

48 Any person who causes a fire which burns on or over lands belonging to
49 another person or to a municipality shall be liable to the party injured
50 (a) for actual damages in case of fire negligently caused or (b) for the
51 higher of actual damages or damages at the rate of [~~five~~] seven dollars
52 and fifty cents for each tree killed or destroyed in case of fire
53 wilfully caused.

54 § 10. Section 71-1105 of the environmental conservation law, as
55 amended by chapter 99 of the laws of 2010, is amended to read as
56 follows:

1 § 71-1105. Enforcement of subdivision 4 of section 15-0313.

2 Any violation of subdivision 4 of section 15-0313 shall be a
3 violation, punishable by a fine of not more than [~~one thousand eight~~]
4 two thousand seven hundred dollars, and in addition thereto, by a civil
5 penalty of not more than [~~one thousand eight~~] two thousand seven hundred
6 dollars.

7 § 11. Section 71-1107 of the environmental conservation law, as
8 amended by chapter 640 of the laws of 1977, is amended to read as
9 follows:

10 § 71-1107. Punishment for violations of title 5 of article 15.

11 1. A violation of section 15-0501, 15-0503 or 15-0505, shall consti-
12 tute a misdemeanor, punishable by a fine of not to exceed [~~ten~~] fifteen
13 thousand dollars, or by imprisonment not to exceed one year or by both
14 such fine and imprisonment and, in addition thereto, by a civil penalty
15 of not more than [~~five thousand~~] seven thousand five hundred dollars.

16 2. A subcontractor, employee or agent of such person or public corpo-
17 ration, or of a state department who knowingly and intentionally acts,
18 or a prime contractor of such person, public corporation or state
19 department who acts with or without an intention to violate the
20 provisions of title 5 of article 15, in disregard of specifications
21 provided in a construction contract protecting against stream damage,
22 shall be guilty of a violation punishable by a fine of not less than
23 [~~twenty-five~~] thirty-seven dollars and fifty cents, nor more than [~~two~~
24 ~~hundred fifty~~] three hundred seventy-five dollars, or by imprisonment
25 for not more than fifteen days, or by both such fine and imprisonment,
26 and, in addition, thereto, by a civil penalty of not more than [~~five~~
27 ~~thousand~~] seven thousand five hundred dollars.

28 § 12. Section 71-1109 of the environmental conservation law, as
29 amended by chapter 364 of the laws of 1999, is amended to read as
30 follows:

31 § 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

32 1. Any owner violating subdivision 1 of section 15-0507 or any regu-
33 lations promulgated pursuant thereto may be liable for a penalty not to
34 exceed [~~five~~] seven hundred fifty dollars for each and every offense;
35 every violation of such subdivision shall be a separate and distinct
36 offense; and in case of a continuing violation, every day's continuance
37 thereof shall be deemed a separate and distinct offense.

38 2. Any owner violating subdivision 4 of section 15-0507 may be liable
39 for a penalty not to exceed [~~five thousand~~] seven thousand five hundred
40 dollars for each and every offense; every violation of an order referred
41 to in such subdivision shall be a separate and distinct offense; and in
42 case of a continuing violation, every day's continuance thereof shall be
43 deemed a separate and distinct offense.

44 § 13. Section 71-1111 of the environmental conservation law, as
45 amended by chapter 364 of the laws of 1999, is amended to read as
46 follows:

47 § 71-1111. Enforcement of subdivision 3 of section 15-0511.

48 Any person or local public corporation violating subdivision 3 of
49 section 15-0511 may be liable for a penalty not to exceed [~~five thou-~~
50 ~~sand~~] seven thousand five hundred dollars for each and every offense;
51 every violation of an order referred to in such subdivision shall be a
52 separate and distinct offense; and in case of a continuing violation,
53 every day's continuance thereof shall be deemed a separate and distinct
54 offense.

1 § 14. Subdivision 2 of section 71-1113 of the environmental conserva-
2 tion law, as added by chapter 356 of the laws of 1985, is amended to
3 read as follows:

4 2. Any person who violates the provisions of section 15-1506 of this
5 chapter or the rules, regulations, orders or determinations of the
6 commissioner promulgated thereto or the terms of any permit issued ther-
7 eunder, shall be liable for a civil penalty not less than [~~twenty-five~~]
8 three thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen
9 thousand dollars per day of such violation.

10 § 15. Section 71-1115 of the environmental conservation law, as
11 amended by chapter 640 of the laws of 1977, is amended to read as
12 follows:

13 § 71-1115. Enforcement of section 15-1525.

14 Any person violating the provisions of section 15-1525 shall be guilty
15 of a violation punishable by a fine of not more than one thousand five
16 hundred dollars, and in addition thereto, shall be liable for a civil
17 penalty of not more than [~~fifteen hundred~~] two thousand two hundred
18 fifty dollars.

19 § 16. Subdivisions 1 and 2 of section 71-1117 of the environmental
20 conservation law, as amended by chapter 640 of the laws of 1977, are
21 amended to read as follows:

22 1. Any person or public corporation violating subdivision 1 of section
23 15-1745, shall be guilty of a violation punishable by a fine of not more
24 than [~~five thousand~~] seven thousand five hundred dollars.

25 2. In addition, the department may, in an action instituted by it in
26 any court of competent jurisdiction, recover from any such person or
27 public corporation the sum of [~~one hundred fifty~~] two hundred twenty-
28 five dollars per day for each day that such person or public corporation
29 continues to take, draw, divert or make use of any part or portion of
30 such waters.

31 § 17. Section 71-1121 of the environmental conservation law, as
32 amended by chapter 640 of the laws of 1977, is amended to read as
33 follows:

34 § 71-1121. Enforcement of subdivision 2 of section 15-1947.

35 Violation of subdivision 2 of section 15-1947 shall constitute a
36 violation, punishable by a fine of not more than one thousand five
37 hundred dollars, and in addition thereto, a civil penalty of not more
38 than [~~fifteen hundred~~] two thousand two hundred fifty dollars.

39 § 18. Section 71-1123 of the environmental conservation law, as
40 amended by chapter 640 of the laws of 1977, is amended to read as
41 follows:

42 § 71-1123. Enforcement of section 15-2133.

43 1. Any neglect of the provisions of section 15-2133 by any officer or
44 person in charge of any reservoir shall be a violation punishable by a
45 fine of not more than one thousand five hundred dollars, and in addition
46 thereto, by a civil penalty of not more than [~~fifteen hundred~~] two thou-
47 sand two hundred fifty dollars.

48 2. Any person violating the provisions of subdivision 3 of section
49 15-2133 shall be guilty of a violation punishable by a fine of not more
50 than one thousand five hundred dollars, and in addition thereto, shall
51 be liable for a civil penalty of not more than [~~fifteen hundred~~] two
52 thousand two hundred fifty dollars.

53 § 19. Section 71-1125 of the environmental conservation law, as
54 amended by chapter 640 of the laws of 1977, is amended to read as
55 follows:

56 § 71-1125. Enforcement of section 15-2315.

1 Any person who violates the provisions of the first sentence of
2 section 15-2315 shall be guilty of a violation punishable by a fine of
3 not more than one thousand five hundred dollars, and in addition there-
4 to, shall be liable for a civil penalty of not more than [~~fifteen~~
5 hundred] two thousand two hundred fifty dollars.

6 § 20. Subdivision 1 of section 71-1127 of the environmental conserva-
7 tion law, as amended by chapter 401 of the laws of 2011, is amended to
8 read as follows:

9 1. Any person who violates any of the provisions of, or who fails to
10 perform any duty imposed by article 15 except section 15-1713, or who
11 violates or who fails to comply with any rule, regulation, determination
12 or order of the department heretofore or hereafter promulgated pursuant
13 to article 15 except section 15-1713, or any condition of a permit
14 issued pursuant to article 15 of this chapter, or any determination or
15 order of the former water resources commission or the department hereto-
16 fore promulgated pursuant to former article 5 of the Conservation Law,
17 shall be liable for a civil penalty of not more than [~~two thousand five~~
18 three thousand seven hundred fifty dollars for such violation and an
19 additional civil penalty of not more than [~~five~~] seven hundred fifty
20 dollars for each day during which such violation continues, and, in
21 addition thereto, such person may be enjoined from continuing such
22 violation as otherwise provided in article 15 except section 15-1713.

23 § 21. Section 71-1131 of the environmental conservation law, as added
24 by chapter 640 of the laws of 1977, is amended to read as follows:

25 § 71-1131. Violations; criminal liability.

26 Except as otherwise specifically provided, any person who violates any
27 of the provisions of article 15 of this chapter, or any rule, regulation
28 or order promulgated pursuant thereto, or the terms of any permit issued
29 thereunder shall be guilty of a violation punishable by a fine of not
30 more than [~~five~~] seven hundred fifty dollars.

31 § 22. Section 71-1203 of the environmental conservation law, as added
32 by chapter 384 of the laws of 1983, is amended to read as follows:

33 § 71-1203. Penalties.

34 Any person who violates the provisions of article twenty-two of this
35 chapter shall be subject to a civil penalty not to exceed [~~ten~~] fifteen
36 thousand dollars for each day during which such violation occurred;
37 provided, however, that the total penalty to be imposed shall not exceed
38 one million five hundred thousand dollars.

39 § 23. Subdivisions 1 and 3 of section 71-1307 of the environmental
40 conservation law, as amended by chapter 99 of the laws of 2010, are
41 amended to read as follows:

42 1. Administrative sanctions. Any person who violates any provision of
43 article 23 of this chapter or commits any offense described in section
44 71-1305 of this title shall be liable to the people of the state for a
45 civil penalty not to exceed [~~eight~~] twelve thousand dollars and an addi-
46 tional penalty of [~~two~~] three thousand dollars for each day during which
47 such violation continues, to be assessed by the commissioner after a
48 hearing or opportunity to be heard. The commissioner, acting by the
49 attorney general, may bring suit for collection of such assessed civil
50 penalty in any court of competent jurisdiction. Such civil penalty may
51 be released or compromised by the commissioner before the matter has
52 been referred to the attorney general; and where such matter has been
53 referred to the attorney general, any such penalty may be released or
54 compromised and any action commenced to recover the same may be settled
55 and discontinued by the attorney general with the consent of the commis-
56 sioner. In addition, the commissioner shall have the power, following a

1 hearing conducted pursuant to rules and regulations adopted by the
2 department, to direct the violator to cease the violation and reclaim
3 and repair the affected site to a condition acceptable to the commis-
4 sioner, to the extent possible within a reasonable time and under the
5 direction and supervision of the commissioner. Any such order of the
6 commissioner shall be enforceable in any action brought by the commis-
7 sioner in any court of competent jurisdiction. Any civil penalty or
8 order issued by the commissioner under this subdivision shall be review-
9 able in a proceeding under article seventy-eight of the civil practice
10 law and rules.

11 3. Criminal sanctions. Any person who, having any of the culpable
12 mental states defined in sections 15.05 and 20.20 of the penal law,
13 violates any provision of article 23 of this chapter or commits any
14 offense described in section 71-1305 of this title shall be guilty of a
15 misdemeanor and, upon conviction thereof, shall be punished by a fine
16 not to exceed one thousand five hundred dollars for each day during
17 which such violation continues or by imprisonment for a term of not more
18 than one year, or by both such fine and imprisonment. If the conviction
19 is for a subsequent offense committed after a first conviction of such
20 person under this subdivision, punishment shall be by a fine not to
21 exceed [~~eight~~] twelve thousand dollars for each day during which such
22 violation continues or by imprisonment for a term of not more than one
23 year, or by both such fine and imprisonment.

24 § 24. Subdivision 1 of section 71-1707 of the environmental conserva-
25 tion law is amended to read as follows:

26 1. Any person who violates, disobeys or disregards any term or
27 provision of this chapter listed in section 71-1701, or of titles 17
28 through 21 inclusive of this article or of any lawful notice, order or
29 regulation pursuant thereto for which a civil penalty is not otherwise
30 expressly prescribed by law, shall be liable to the people of the state
31 for a civil penalty of not to exceed one thousand five hundred dollars
32 for every such violation.

33 § 25. Section 71-1711 of the environmental conservation law is amended
34 to read as follows:

35 § 71-1711. Willful violation of health laws.

36 1. A person who willfully violates or refuses or omits to comply with
37 any lawful order or regulation prescribed by any local board of health
38 or local health officer, is guilty of a misdemeanor; except, however,
39 that where such order or regulation applies to a tenant with respect to
40 [~~his~~] such tenant's own dwelling unit or to an owner occupied one or two
41 family dwelling, such person is guilty of an offense for the first
42 violation punishable by a fine not to exceed [~~fifty~~] seventy-five
43 dollars and for a second or subsequent violation is guilty of a misde-
44 meanor punishable by a fine not to exceed [~~five~~] seven hundred fifty
45 dollars or by imprisonment not to exceed six months or by both such fine
46 and imprisonment.

47 2. A person who willfully violates any provision of this chapter list-
48 ed in section 71-1701, or of titles 17 through 21 inclusive of this
49 article, or any regulation lawfully made or established by any public
50 officer or board under authority of such provisions, the punishment for
51 violating which is not otherwise prescribed by such provisions or any
52 other law, is punishable by imprisonment not exceeding one year, or by a
53 fine not exceeding [~~two~~] three thousand dollars or by both.

54 § 26. Section 71-1725 of the environmental conservation law, as
55 amended by chapter 400 of the laws of 1973, is amended to read as
56 follows:

1 § 71-1725. Assessment of Penalties.

2 The commissioner may assess any penalty prescribed for a violation of
3 or a failure to comply with any provision contained in this title or
4 listed in section 71-1701, or any lawful notice, order or regulation
5 prescribed by the commissioner under any such provision, one thousand
6 five hundred dollars for every such violation or failure, which penalty
7 may be assessed after a hearing or an opportunity to be heard.

8 § 27. Section 71-1905 of the environmental conservation law is amended
9 to read as follows:

10 § 71-1905. Enforcement of section 17-1705.

11 Any person violating any provision of section 17-1705 shall forfeit to
12 the county where the violation occurred the sum of [~~fifty~~] seventy-five
13 dollars for every such violation.

14 § 28. Subdivision 1 of section 71-1907 of the environmental conserva-
15 tion law is amended to read as follows:

16 1. Every person violating any provision of section 17-1707 shall
17 forfeit to the municipality having a local board of health where the
18 violation occurs the sum of [~~twenty-five~~] thirty-seven dollars and fifty
19 cents for the first day when the violation takes place, and the sum of
20 [~~ten~~] fifteen dollars for every subsequent day that such violation is
21 repeated or continued.

22 § 29. Subdivision 2 of section 71-1909 of the environmental conserva-
23 tion law, as amended by section 35 of part C of chapter 62 of the laws
24 of 2003, is amended to read as follows:

25 2. Any person violating any provision of section 17-1709 shall be
26 guilty of a misdemeanor, and punishable by a fine of not more than
27 [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars or by
28 imprisonment for not more than one year or by both such fine and impri-
29 sonment.

30 § 30. Section 71-1911 of the environmental conservation law, as
31 amended by section 36 of part C of chapter 62 of the laws of 2003, is
32 amended to read as follows:

33 § 71-1911. Enforcement of section 17-1711.

34 Any person violating any provision of section 17-1711 shall be guilty
35 of an offense, and punishable by a fine of not more than [~~seventy-five~~]
36 one hundred twelve dollars and fifty cents.

37 § 31. Subdivision 2 of section 71-1913 of the environmental conserva-
38 tion law is amended to read as follows:

39 2. Any person violating any provision of section 17-1713 shall be
40 guilty of a misdemeanor, and punishable by a fine of not more than
41 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
42 one year or by both such fine and imprisonment.

43 § 32. Subdivision 1 of section 71-1915 of the environmental conserva-
44 tion law is amended to read as follows:

45 1. Any person violating any provision of section 17-1715 shall be
46 guilty of a misdemeanor, and punishable by a fine of not more than
47 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
48 one year or by both such fine and imprisonment.

49 § 33. Subdivision 1 of section 71-1921 of the environmental conserva-
50 tion law is amended to read as follows:

51 1. Any person putting in or constructing or maintaining a conduit,
52 discharge pipe or other means of discharging or casting any refuse or
53 waste matter in violation of section 17-1729 shall forfeit to the people
54 of the state [~~five~~] seven dollars and fifty cents a day for each day the
55 same is used or maintained for such purpose, to be collected in an
56 action brought by the commissioner.

1 § 34. Subdivision 1 of section 71-1929 of the environmental conserva-
2 tion law, as amended by section 37 of part C of chapter 62 of the laws
3 of 2003, is amended to read as follows:

4 1. A person who violates any of the provisions of, or who fails to
5 perform any duty imposed by titles 1 through 11 inclusive and title 19
6 of article 17, or the rules, regulations, orders or determinations of
7 the commissioner promulgated thereto or the terms of any permit issued
8 thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven~~
9 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per
10 day for each violation, and, in addition thereto, such person may be
11 enjoined from continuing such violation as hereinafter provided.
12 Violation of a permit condition shall constitute grounds for revocation
13 of such permit, which revocation may be accomplished either as provided
14 in paragraph f of subdivision 4 of section 17-0303 or by order of judg-
15 ment of the supreme court as an alternate or additional civil penalty in
16 an action brought pursuant to subdivision 3 of this section.

17 § 35. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b
18 of subdivision 8 of section 71-1933 of the environmental conservation
19 law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii
20 and iv of paragraph b of subdivision 8 as amended by section 39 of part
21 C of chapter 62 of the laws of 2003, are amended to read as follows:

22 1. Any person who, having any of the culpable mental states defined in
23 section 15.05 of the penal law, shall violate any of the provisions of
24 titles 1 through 5, 9 through 11 and 19 of article 17 or the rules,
25 regulations, orders or determinations of the commissioner promulgated
26 thereto, or the terms of any permit issued thereunder, shall be guilty
27 of a misdemeanor and, upon conviction thereof, shall be punished by a
28 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
29 six hundred twenty-five dollars nor more than [~~thirty-seven thousand~~
30 ~~five hundred~~] fifty-six thousand two hundred fifty dollars per day of
31 violation or by imprisonment for a term of not more than one year, or by
32 both such fine and imprisonment. If the conviction is for an offense
33 committed after a first conviction of such person under this subdivi-
34 sion, punishment shall be by a fine of not more than [~~seventy-five thou-~~
35 ~~sand~~] one hundred twelve thousand five hundred dollars per day of
36 violation, or by imprisonment for not more than two years, or by both.

37 i. [~~\$750,000~~] \$1,125,000 for a class C felony committed by an organ-
38 ization as defined in section 71-1932 of this title;

39 ii. [~~\$375,000~~] \$562,500 for a class C felony;

40 iii. [~~\$75,000~~] \$112,500 per day of continuing violation for a class E
41 felony defined under subdivision four of this section but in no event
42 less than [~~\$7,500~~] \$11,250; and [~~\$15,000~~] \$22,500 for a class E felony
43 defined under subdivision seven of this section;

44 iv. [~~\$37,500~~] \$56,250 per day of continuing violation for a class A
45 misdemeanor but in no event less than [~~\$3,750~~] \$5,625.

46 § 36. Paragraph b of subdivision 3 of section 71-1939 of the environ-
47 mental conservation law, as added by chapter 543 of the laws of 2010, is
48 amended to read as follows:

49 b. All fines and penalties collected pursuant to this subdivision
50 shall be paid to the district or county, provided, however, that one-
51 quarter of such fines and penalties received shall be paid to the
52 [~~general fund to the credit of the state purposes account~~] conservation
53 fund to the credit of the conservation enforcement account established
54 pursuant to subdivision (k) of section eighty-three of the state finance
55 law.

1 § 37. Subdivision 1 of section 71-1941 of the environmental conserva-
2 tion law, as amended by section 40 of part C of chapter 62 of the laws
3 of 2003, is amended to read as follows:

4 1. Except where the owner of or a person in actual or constructive
5 possession or control of more than one thousand one hundred gallons, in
6 bulk, of any liquid including petroleum which, if released, would or
7 would be likely to pollute the lands or waters of the state including
8 the groundwaters thereof can prove that the entry or presence of any
9 part of such liquid onto such lands or into or in such waters causing or
10 contributing to a condition therein in contravention of the standards
11 adopted or deemed adopted by the water pollution control board or any of
12 its legal successors was caused solely by (A) an act of God, (B) an act
13 of war, (C) negligence on the part of the United States or New York
14 State Government or (D) an act or omission of a third party without
15 regard to whether any such act or omission was or was not negligent, or
16 any combination of the foregoing clauses, such owner or person shall be
17 liable for a penalty of not more than [~~three thousand seven hundred~~
18 ~~fifty~~] five thousand six hundred twenty-five dollars for an initial
19 incident resulting in or contributing to such a contravention and for an
20 additional penalty not to exceed [~~seven hundred fifty~~] one thousand one
21 hundred twenty-five dollars for each day during which such contravention
22 or contribution thereto continues, and in addition shall be liable to
23 the people of the state of New York for the actual costs incurred by or
24 on behalf of the people of the state for the removal or neutralization
25 of such liquid and for any and all reasonable measures taken or
26 attempted to reduce, limit or diminish the extent or effect of such
27 contravention.

28 § 38. Section 71-1943 of the environmental conservation law, as
29 amended by section 41 of part C of chapter 62 of the laws of 2003, is
30 amended to read as follows:

31 § 71-1943. Enforcement of section 17-1743.

32 Any person who fails to so notify the department of such release,
33 discharge or spill into the waters of the state as described in section
34 17-1743 of this chapter shall, upon conviction, be fined not more than
35 [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-
36 five dollars or imprisoned for not more than one year, or both.

37 § 39. Section 71-1945 of the environmental conservation law, as added
38 by chapter 205 of the laws of 2010, is amended to read as follows:

39 § 71-1945. Enforcement of title 21 of article 17.

40 1. Except as otherwise provided in this section, any person who
41 violates any provision of title 21 of article 17 of this chapter or any
42 rule, regulation or order issued thereunder shall be liable to the
43 people of the state for a civil penalty not to exceed [~~five~~] seven
44 hundred fifty dollars for a first violation, and not to exceed one thou-
45 sand five hundred dollars for each subsequent violation, to be assessed
46 by the commissioner after a hearing or opportunity to be heard.

47 2. Any owner or owner's agent, or occupant of a household who violates
48 any provision of title 21 of article 17 of this chapter or any rule,
49 regulation or order issued thereunder shall, for a first violation be
50 issued a written warning and be provided educational materials. Upon a
51 second violation, the owner or owner's agent, or occupant of a household
52 shall be liable to the people of the state for a civil penalty not to
53 exceed one hundred fifty dollars, and for any subsequent violations
54 shall be liable to the people of the state for a civil penalty not to
55 exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner
56 or owner's agent of a household shall be held liable for any violation

1 by an occupant. Such penalties may be assessed by the commissioner after
2 a hearing or opportunity to be heard.

3 § 40. Subdivision 1 of section 71-2103 of the environmental conserva-
4 tion law, as amended by chapter 99 of the laws of 2010, is amended to
5 read as follows:

6 1. Except as provided in section 71-2113, any person who violates any
7 provision of article nineteen or any code, rule or regulation which was
8 promulgated pursuant thereto; or any order except an order directing
9 such person to pay a penalty by a specified date issued by the commis-
10 sioner pursuant thereto, shall be liable, in the case of a first
11 violation, for a penalty not less than [~~five~~] seven hundred fifty
12 dollars nor more than [~~eighteen~~] twenty-seven thousand dollars for said
13 violation and an additional penalty of not to exceed [~~fifteen thousand~~]
14 twenty thousand five hundred dollars for each day during which such
15 violation continues. In the case of a second or any further violation,
16 the liability shall be for a penalty not to exceed [~~twenty-six~~] thirty-
17 nine thousand dollars for said violation and an additional penalty not
18 to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven
19 hundred fifty dollars for each day during which such violation contin-
20 ues. In addition thereto, such person may be enjoined from continuing
21 such violation as hereinafter provided.

22 § 41. Subdivision 1 of section 71-2105 of the environmental conserva-
23 tion law, as amended by chapter 99 of the laws of 2010, is amended to
24 read as follows:

25 1. Except as provided in section 71-2113, any person who shall wilful-
26 ly violate any of the provisions of article 19 or any code, rule or
27 regulation promulgated pursuant thereto or any final determination or
28 order of the commissioner made pursuant to article 19 shall be guilty of
29 a misdemeanor, and, upon conviction thereof, shall be punished by a
30 fine, in the case of a first conviction, of not less than [~~five~~] seven
31 hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand
32 dollars or by imprisonment for a term of not more than one year, or by
33 both such fine and imprisonment, for each separate violation. If the
34 conviction is for an offense committed after the first conviction of
35 such person under this subdivision, such person shall be punished by a
36 fine not to exceed [~~twenty-six~~] thirty-nine thousand dollars, or by
37 imprisonment, or by both such fine and imprisonment. Each day on which
38 such violation occurs shall constitute a separate violation.

39 § 42. Section 71-2111 of the environmental conservation law, as added
40 by chapter 400 of the laws of 1973, is amended to read as follows:

41 § 71-2111. Enforcement of air pollution emergency rules and regulations.

42 Any person who violates any of the provisions of any regulation
43 promulgated by the commissioner under authority of paragraph y of subdi-
44 vision one of section 3-0301 shall be liable for a civil penalty of not
45 more than [~~twenty-five~~] three thousand seven hundred fifty dollars for
46 each such violation and an additional penalty of not more than [~~five~~]
47 seven hundred fifty dollars for each day during which such violation
48 continues, and, in addition thereto, such persons may be enjoined from
49 continuing such violation. Penalties and injunctive relief provided
50 herein shall be recoverable in an action brought by the attorney general
51 at the request and in the name of the commissioner.

52 § 43. Section 71-2113 of the environmental conservation law, as added
53 by chapter 942 of the laws of 1984, subdivision 1 as amended by section
54 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of
55 the laws of 2003, is amended to read as follows:

56 § 71-2113. Violations of section 19-0304 of article 19 of this chapter.

1 1. Civil and administrative sanctions. Any person who violates any of
2 the provisions of, or who fails to perform any duty imposed by section
3 19-0304 of this chapter, or any rule or regulation promulgated pursuant
4 thereto, or any term or condition of any certificate or permit issued
5 pursuant thereto, or any final determination or order of the commission-
6 er made pursuant to article 19 of this chapter concerning a violation of
7 section 19-0304 of this chapter shall be liable in the case of a first
8 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
9 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional
10 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
11 thousand two hundred fifty dollars for each day during which such
12 violation continues, to be assessed by the commissioner after an oppor-
13 tunity to be heard pursuant to the provisions of section 71-1709 of this
14 article, or by the court in any action or proceeding pursuant to section
15 71-2107 of this title, and, in addition thereto, such person may by
16 similar process be enjoined from continuing such violation and any
17 permit or certificate issued to such person may be revoked or suspended
18 or a pending renewal application denied. In the case of a second and any
19 further violation, the liability shall be for a civil penalty not to
20 exceed [~~seventy-five~~] one hundred twelve thousand five hundred
21 dollars for each such violation and an additional penalty not to exceed seven-
22 ty-five thousand dollars for each day during which such violation
23 continues.

24 2. Criminal sanctions. Any person who, having any of the culpable
25 mental states defined in section 15.05 of the penal law, shall violate
26 any of the provisions of or who fails to perform any duty imposed by
27 section 19-0304 of this chapter, or any rules and regulations promulgat-
28 ed pursuant thereto, or any term or condition of any certificate or
29 permit issued pursuant thereto, or any final determination or order of
30 the commissioner made pursuant to article 19 of this chapter concerning
31 a violation of section 19-0304 of this chapter shall be guilty of a
32 misdemeanor and, upon conviction thereof, shall for a first conviction
33 be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~]
34 fifty-six thousand two hundred fifty dollars per day of violation or by
35 imprisonment for a term of not more than one year, or both such fine and
36 imprisonment. If the conviction is for an offense committed after a
37 first conviction of such person under this subdivision, punishment shall
38 be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand
39 five hundred dollars per day of violation, or by imprisonment for not
40 more than two years or by both such fine and imprisonment.

41 § 44. Section 71-2201 of the environmental conservation law, as added
42 by chapter 740 of the laws of 1978, the opening paragraph and subdivi-
43 sion 1 as amended and subdivision 3 as added by chapter 901 of the laws
44 of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is
45 amended to read as follows:

46 § 71-2201. Enforcement of title 23 of article 23 of this chapter.

47 Administrative and civil sanctions. 1. Any person who violates any of
48 the provisions of, or who fails to perform any duty imposed by title 23
49 of article 23 except the duty to accept used oil pursuant to section
50 23-2307 or any person subject to section 23-2308 or any rule or regu-
51 lation promulgated pursuant thereto, or any term or condition of any
52 certificate or permit issued pursuant thereto, or any final determi-
53 nation or order of the commissioner made pursuant to this section shall
54 be liable for a civil penalty not to exceed one thousand five hundred
55 dollars for each such violation and an additional penalty of not more
56 than [~~five~~] seven hundred fifty dollars for each day during which such

1 violation continues, to be assessed by the commissioner after a hearing
2 or opportunity to be heard pursuant to the provisions of section 71-1709
3 of this chapter, and, in addition thereto, such person may by similar
4 process be enjoined from continuing such violation and any permit or
5 certificate issued to such person may be revoked or suspended or a pend-
6 ing renewal application denied.

7 2. Any person who refuses to accept used oil as required pursuant to
8 subdivision two of section 23-2307 shall be liable for a civil penalty
9 not to exceed one hundred fifty dollars.

10 3. Any person who violates any provision of section 23-2308 of this
11 chapter shall be subject to a civil penalty not to exceed [~~two hundred~~
12 ~~fifty~~] three hundred seventy-five dollars for each violation.

13 4. Notwithstanding any other provision of law, any person who shall
14 violate the provisions of paragraph [~~(e)~~] c of subdivision one of
15 section 23-2307 or paragraph [~~(d)~~] d of subdivision two of section
16 23-2307 of this chapter shall be liable for a civil penalty of not more
17 than [~~five~~] seven hundred fifty dollars, and an additional civil penalty
18 of not more than [~~five~~] seven hundred fifty dollars for each day during
19 which such violation continues, not to exceed [~~ten~~] fifteen thousand
20 dollars.

21 § 45. Section 71-2303 of the environmental conservation law, as
22 amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as
23 amended by section 15 of part QQ of chapter 58 of the laws of 2022, is
24 amended to read as follows:

25 § 71-2303. Violation; penalties.

26 1. Civil sanctions. a. Any person who violates, disobeys or disregards
27 any provision of article twenty-four, including title five and section
28 24-0507 thereof or any rule or regulation, local law or ordinance,
29 permit or order issued pursuant thereto, shall be liable to the people
30 of the state for a civil penalty of not to exceed [~~eleven~~] sixteen thou-
31 sand five hundred dollars for every such violation, to be assessed,
32 after a hearing or opportunity to be heard upon due notice and with the
33 rights to specification of the charges and representation by counsel at
34 such hearing, by the commissioner or local government or in an action
35 initiated by the attorney general pursuant to section 71-2305 of this
36 title or on the attorney general's own initiative. Each violation shall
37 be a separate and distinct violation and, in the case of a continuing
38 violation, each day's continuance thereof shall be deemed a separate and
39 distinct violation. Such penalty assessed by the commissioner or local
40 government may be recovered in an action brought by the attorney general
41 at the request and in the name of the commissioner or local government
42 in any court of competent jurisdiction. Such civil penalty may be
43 released or compromised by the commissioner or local government before
44 the matter has been referred to the attorney general; and where such
45 matter has been referred to the attorney general, any such penalty may
46 be released or compromised and any action commenced to recover the same
47 may be settled and discontinued by the attorney general with the consent
48 of the commissioner or local government. In addition, the commissioner
49 or local government shall have power, following a hearing held in
50 conformance with the procedures set forth in section 71-1709 of this
51 article, to direct the violator to cease violating the act and to
52 restore the affected freshwater wetland to its condition prior to the
53 violation, insofar as that is possible within a reasonable time and
54 under the supervision of the commissioner or local government. Any such
55 order of the commissioner or local government shall be enforceable in an
56 action brought by the attorney general at the request and in the name of

1 the commissioner or local government in any court of competent jurisdic-
2 tion. Any civil penalty or order issued by the commissioner or local
3 government pursuant to this subdivision shall be reviewable in a
4 proceeding pursuant to article seventy-eight of the civil practice law
5 and rules.

6 b. Upon determining that significant damage to the functions and bene-
7 fits of a freshwater wetland is occurring or is imminent as a result of
8 any violation of article twenty-four of this chapter, including but not
9 limited to (i) activity taking place requiring a permit under article
10 twenty-four of this chapter but for which no permit has been granted or
11 (ii) failure on the part of a permittee to adhere to permit conditions,
12 the commissioner or local government shall have power to direct the
13 violator to cease and desist from violating the act. In such cases the
14 violator shall be provided an opportunity to be heard within ten days of
15 receipt of the notice to cease and desist.

16 2. Criminal sanctions. Any person who violates any provision of arti-
17 cle twenty-four of this chapter, including any rule or regulation, local
18 law or ordinance, permit or order issued pursuant thereto, shall, in
19 addition, for the first offense, be guilty of a violation punishable by
20 a fine of not less than [~~two~~] three thousand nor more than [~~five~~] seven
21 thousand five hundred dollars; for a second and each subsequent offense
22 [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine
23 of not less than [~~four~~] six thousand nor more than [~~ten~~] fifteen thou-
24 sand dollars or a term of imprisonment of not less than fifteen days nor
25 more than six months or both. In addition to these punishments, any
26 offender may be punishable by being ordered by the court to restore the
27 affected freshwater wetland or adjacent area to its condition prior to
28 the offense, insofar as that is possible. The court shall specify a
29 reasonable time for the completion of such restoration, which shall be
30 effected under the supervision of the commissioner or local government.
31 Each offense shall be a separate and distinct offense and, in the case
32 of a continuing offense, each day's continuance thereof shall be deemed
33 a separate and distinct offense.

34 3. All fines collected pursuant to this section shall be paid into the
35 environmental protection fund established pursuant to section ninety-
36 two-s of the state finance law.

37 § 46. Paragraph a of subdivision 1 and subdivision 2 of section
38 71-2503 of the environmental conservation law, as amended by chapter 666
39 of the laws of 1989, are amended to read as follows:

40 a. Any person who violates, disobeys or disregards any provision of
41 article twenty-five shall be liable to the people of the state for a
42 civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every
43 such violation, to be assessed, after a hearing or opportunity to be
44 heard, by the commissioner. Each violation shall be a separate and
45 distinct violation and, in the case of a continuing violation, each
46 day's continuance thereof shall be deemed a separate and distinct
47 violation. The penalty may be recovered in an action brought by the
48 commissioner in any court of competent jurisdiction. Such civil penalty
49 may be released or compromised by the commissioner before the matter has
50 been referred to the attorney general; and where such matter has been
51 referred to the attorney general, any such penalty may be released or
52 compromised and any action commenced to recover the same may be settled
53 and discontinued by the attorney general with the consent of the commis-
54 sioner.

55 2. Criminal sanctions. Any person who violates any provision of arti-
56 cle twenty-five shall, in addition, for the first offense, be guilty of

1 a violation punishable by a fine of not less than [~~five~~] seven hundred
2 fifty nor more than [~~five~~] seven thousand five hundred dollars; for a
3 second and each subsequent offense such person shall be guilty of a
4 misdemeanor punishable by a fine of not less than one thousand five
5 hundred nor more than [~~ten~~] fifteen thousand dollars or a term of impri-
6 sonment of not less than fifteen days nor more than six months or both.
7 In addition to or instead of these punishments, any offender shall be
8 punishable by being ordered by the court to restore the affected tidal
9 wetland or area immediately adjacent thereto to its condition prior to
10 the offense, insofar as that is possible. The court shall specify a
11 reasonable time for the completion of the restoration, which shall be
12 effected under the supervision of the commissioner. Each offense shall
13 be a separate and distinct offense and, in the case of a continuing
14 offense, each day's continuance thereof shall be deemed a separate and
15 distinct offense.

16 § 47. Section 71-2505 of the environmental conservation law, as
17 amended by chapter 249 of the laws of 1997, is amended to read as
18 follows:

19 § 71-2505. Enforcement.

20 The attorney general, on [~~his~~] their own initiative or at the request
21 of the commissioner, shall prosecute persons who violate article twen-
22 ty-five. In addition the attorney general, on [~~his~~] their own initi-
23 ative or at the request of the commissioner, shall have the right to
24 recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for
25 every violation of any provision of such article, and to seek equitable
26 relief to restrain any violation or threatened violation of such article
27 and to require the restoration of any affected tidal wetland or area
28 immediately adjacent thereto to its condition prior to the violation,
29 insofar as that is possible, within a reasonable time and under the
30 supervision of the commissioner. In the case of a continuing violation,
31 each day's continuance thereof shall be deemed a separate and distinct
32 violation.

33 § 48. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental
34 conservation law, subdivisions 1 and 2 as amended by chapter 508 of the
35 laws of 1995, paragraph a of subdivision 1 as amended by section 25,
36 subparagraphs i and ii of paragraph b of subdivision 1 as amended by
37 section 26, paragraph a and subparagraphs i and ii of paragraph b of
38 subdivision 2 as amended by section 27, subparagraphs i and ii of para-
39 graph c of subdivision 2 as amended by section 28 and subdivision 3 as
40 amended by section 29 of part C of chapter 62 of the laws of 2003, are
41 amended to read as follows:

42 1. Civil and administrative sanctions. a. Any person who violates any
43 of the provisions of, or who fails to perform any duty imposed by title
44 3 or 7 of article 27 of this chapter or any rule or regulation promul-
45 gated pursuant thereto, or any term or condition of any certificate or
46 permit issued pursuant thereto, or any final determination or order of
47 the commissioner made pursuant to this title shall be liable for a civil
48 penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two
49 hundred fifty dollars for each such violation and an additional penalty
50 of not more than [~~one thousand five hundred~~] two thousand two hundred
51 fifty dollars for each day during which such violation continues, to be
52 assessed by the commissioner after an opportunity to be heard pursuant
53 to the provisions of section 71-1709 of this article, or by the court in
54 any action or proceeding pursuant to section 71-2727 of this title, and,
55 in addition thereto, such person may by similar process be enjoined from
56 continuing such violation and any permit or certificate issued to such

1 person may be revoked or suspended or a pending renewal application
2 denied.

3 b. i. Any person who violates any of the provisions of, or who fails
4 to perform any duty imposed by, title 3 or 7 of article 27 of this chap-
5 ter, or any rule or regulation promulgated pursuant thereto, or any term
6 or condition of any certificate or permit issued pursuant thereto and
7 thereby causes the release of solid waste into the environment, shall be
8 liable for a civil penalty not to exceed [~~eleven thousand two hundred~~
9 ~~fifty~~] sixteen thousand eight hundred seventy-five dollars for each such
10 violation and an additional penalty of not more than [~~eleven thousand~~
11 ~~two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars
12 for each day during which such violation continues, to be assessed by
13 the commissioner after an opportunity to be heard pursuant to the
14 provisions of section 71-1709 of this article, or by the court in any
15 action or proceeding pursuant to section 71-2727 of this title, and, in
16 addition thereto, such person may by similar process be enjoined from
17 continuing such violation and any permit or certificate issued to such
18 person may be revoked or suspended or a pending renewal application
19 denied.

20 ii. Any person who violates any of the provisions of, or who fails to
21 perform any duty imposed by, title 3 or 7 of article 27 of this chapter,
22 or any rule or regulation promulgated pursuant thereto, or any term or
23 condition of any certificate or permit issued pursuant thereto and
24 thereby causes the release of more than ten cubic yards of solid waste
25 into the environment, shall be liable for a civil penalty not to exceed
26 [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred
27 fifty dollars for each such violation and an additional penalty of not
28 more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven
29 hundred fifty dollars for each day during which such violation contin-
30 ues, to be assessed by the commissioner after an opportunity to be heard
31 pursuant to the provisions of section 71-1709 of this article, or by the
32 court in any action or proceeding pursuant to section 71-2727 of this
33 title, and, in addition thereto, such person may by similar process be
34 enjoined from continuing such violation and any permit or certificate
35 issued to such person may be revoked or suspended or a pending renewal
36 application denied.

37 c. The court in any action or proceeding pursuant to section 71-2727
38 of this chapter may exercise all powers exercisable by the commissioner.

39 2. Criminal sanctions. a. Any person who, having any of the culpable
40 mental states defined in section 15.05 of the penal law, shall violate
41 any of the provisions of or who fails to perform any duty imposed by
42 title 3 or 7 of article 27 of this chapter, or any rules and regulations
43 promulgated pursuant thereto, or any final determination or order of the
44 commissioner made pursuant to this title shall be guilty of a violation
45 and, upon conviction thereof, shall be punished by a fine of not less
46 than [~~one thousand five hundred~~] two thousand two hundred fifty dollars
47 nor more than [~~fifteen~~] twenty-two thousand five hundred dollars per day
48 of violation or by imprisonment for not more than fifteen days or by
49 both such fine and imprisonment.

50 b. i. Any person who shall violate paragraph a of this subdivision and
51 thereby causes or attempts to cause the release of more than ten cubic
52 yards of solid waste into the environment shall be guilty of a class B
53 misdemeanor and, upon conviction thereof, shall be punished by a fine of
54 not less than [~~three thousand seven hundred fifty~~] five thousand six
55 hundred twenty-five dollars per day nor more than [~~twenty-two thousand~~
56 ~~five hundred~~] thirty-three thousand seven hundred fifty dollars per day

1 of violation, or by imprisonment for a term in accordance with the penal
2 law, or by both such fine and imprisonment.

3 ii. Any person who shall violate paragraph a of this subdivision and
4 thereby causes or attempts to cause the release of more than ten cubic
5 yards of solid waste into the environment, after having been convicted
6 of a violation of this subdivision within the preceding five years,
7 shall be guilty of a class A misdemeanor and, upon conviction thereof,
8 shall be punished by a fine of not less than [~~three thousand seven~~
9 ~~hundred fifty~~] five thousand six hundred twenty-five dollars per day nor
10 more than [~~thirty-seven thousand five hundred~~] fifty-six thousand two
11 hundred fifty dollars per day of violation, or by imprisonment for a
12 term in accordance with the penal law, or by both such fine and impri-
13 sonment.

14 c. i. Any person who shall violate paragraph a of this subdivision and
15 thereby causes or attempts to cause the release of more than seventy
16 cubic yards of solid waste into the environment shall be guilty of a
17 class A misdemeanor and, upon conviction thereof, shall be punished by a
18 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
19 six hundred twenty-five dollars per day nor more than [~~thirty-seven~~
20 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per
21 day of violation, or by imprisonment for a term in accordance with the
22 penal law, or by both such fine and imprisonment.

23 ii. Any person who shall violate paragraph a of this subdivision and
24 thereby causes or attempts to cause the release of more than seventy
25 cubic yards of solid waste into the environment, after having been
26 convicted of a violation of this subdivision within the preceding five
27 years, shall be guilty of a class E felony and, upon conviction thereof,
28 shall be punished by a fine of not less than [~~seven thousand five~~
29 ~~hundred~~] eleven thousand two hundred fifty dollars per day nor more than
30 [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day
31 of violation, or by imprisonment for a term in accordance with the penal
32 law, or by both such fine and imprisonment.

33 3. Additional sanctions. Any person who violates any of the provisions
34 of, or who fails to perform any duty imposed by title 7 of article 27,
35 with regard to the construction and operation of facilities for the
36 disposal of construction and demolition debris or any rule or regulation
37 promulgated pursuant thereto, or any term or condition of any certif-
38 icate or permit issued pursuant thereto or any final determination or
39 order of the commissioner made pursuant to this title shall be liable
40 for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five
41 hundred dollars and each day of such deposition shall constitute a sepa-
42 rate violation and said civil penalty is in addition to any other fines
43 or penalties which may be applied pursuant to this title.

44 § 49. Subdivision 2 of section 71-2721 of the environmental conserva-
45 tion law, as amended by section 32 of part C of chapter 62 of the laws
46 of 2003, is amended to read as follows:

47 2. Fines. A sentence to pay a fine shall be a sentence to pay an
48 amount fixed by the court, not exceeding the higher of:

- 49 (a) [~~Three~~] Four hundred fifty thousand dollars for a class C felony;
50 (b) [~~Two hundred twenty-five thousand~~] Three hundred thirty-seven
51 thousand five hundred dollars for a class D felony;
52 (c) [~~One hundred fifty thousand~~] Two hundred twenty-two thousand five
53 hundred dollars for a class E felony;
54 (d) [~~Thirty-seven thousand five hundred~~] Fifty-six thousand two
55 hundred fifty dollars for a class A misdemeanor;

1 (e) [~~Fifteen~~] Two hundred twenty-five thousand dollars for a class B
2 misdemeanor; or

3 (f) Double the amount of the defendant's gain from the commission of
4 the crime.

5 § 50. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental
6 conservation law, subdivision 1 as amended by section 33 and subdivision
7 2 as amended by section 34 of part C of chapter 62 of the laws of 2003,
8 and subdivision 5 as added by chapter 152 of the laws of 1990, are
9 amended to read as follows:

10 1. Any person who knowingly or intentionally violates any of the
11 provisions or fails to perform any duty imposed by section 27-1701 of
12 this chapter, except the duty to accept a lead-acid battery pursuant to
13 subdivision four of such section, shall be liable for a civil penalty
14 not to exceed [~~seventy-five~~] one hundred twelve dollars and fifty cents
15 for each violation, provided that such civil penalty shall be in addi-
16 tion to any other penalties authorized under other state or local laws
17 governing the illegal disposal of lead-acid batteries.

18 2. Any retailer or distributor who refuses to accept a lead-acid
19 battery as required pursuant to subdivision four of section 27-1701 of
20 this chapter shall be liable for a civil penalty not to exceed [~~seven~~
21 ~~hundred-fifty~~] one thousand one hundred twenty-five dollars.

22 5. All civil penalties and fines collected for any violation of such
23 title seventeen shall be paid over to the commissioner for deposit in
24 the [~~general-fund~~] conservation fund to the credit of the conservation
25 enforcement account established pursuant to subdivision (k) of section
26 eighty-three of the state finance law; provided however, that all civil
27 penalties collected for any violation of such title seventeen which have
28 been imposed by the environmental control board of the city of New York,
29 or a local adjudicatory body pursuant to subdivision four of this
30 section, shall be paid into an environmental fund of such city or local-
31 ity.

32 § 51. Subdivisions 1 and 2 of section 71-2724 of the environmental
33 conservation law, as amended by chapter 30 of the laws of 2020, are
34 amended to read as follows:

35 1. Any person who knowingly or intentionally violates any provision of
36 or fails to perform any duty pursuant to title twenty-one of article
37 twenty-seven of this chapter, except subdivision one of section 27-2105
38 of this chapter, shall upon the first finding of such a violation be
39 liable for a civil penalty not to exceed one hundred fifty dollars. Any
40 person convicted of a second or subsequent violation shall be liable for
41 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for
42 each violation.

43 2. Any person who knowingly or intentionally violates or fails to
44 perform any duty imposed by subdivision one of section 27-2105 of this
45 chapter shall upon the first finding of such a violation be provided
46 with educational materials describing the requirements for mercury
47 disposal and the effects of improper mercury disposal, and be warned
48 that future violations shall result in the imposition of a fine. Any
49 person convicted of a second violation shall be liable for a civil
50 penalty not to exceed [~~fifty~~] seventy-five dollars. Any person convicted
51 of a third violation shall be liable for a civil penalty not to exceed
52 [~~seventy-five~~] one hundred twelve dollars and fifty cents. Any person
53 convicted of a fourth or subsequent violation shall be liable for a
54 civil penalty not to exceed one hundred fifty dollars for each
55 violation.

1 § 52. Subdivision 1 of section 71-2728 of the environmental conserva-
2 tion law, as added by chapter 641 of the laws of 2008, is amended to
3 read as follows:

4 1. Any person who knowingly or intentionally violates any provision of
5 or fails to perform any duty imposed pursuant to title 27 of article 27
6 of this chapter shall upon the first finding of such a violation be
7 provided with a warning that future violations shall result in the impo-
8 sition of a fine. Any person convicted of a second violation shall be
9 liable for a civil penalty not to exceed one hundred fifty dollars. Any
10 person convicted of a third or subsequent violation shall be liable for
11 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars.

12 § 53. Section 71-2729 of the environmental conservation law, as added
13 by chapter 99 of the laws of 2010, is amended to read as follows:
14 § 71-2729. Enforcement of title 26 of article 27 of this chapter.

15 1. a. Any consumer, as defined in title twenty-six of article twenty-
16 seven of this chapter, who violates any provision of, or fails to
17 perform any duty imposed by, section 27-2611 of this chapter, shall be
18 liable for a civil penalty not to exceed one hundred fifty dollars for
19 each violation.

20 b. Any person, except a consumer, manufacturer, or an owner or opera-
21 tor of an electronic waste collection site, electronic waste consol-
22 idation facility, or electronic waste recycling facility as these terms
23 are defined in title twenty-six of article twenty-seven of this chapter,
24 who violates any provision, or fails to perform any duty imposed by
25 section 27-2611 of this chapter, shall be liable for a civil penalty not
26 to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for
27 each violation.

28 c. Any manufacturer, or any person operating an electronic waste
29 collection site, an electronic waste consolidation facility, or an elec-
30 tronic waste recycling facility as those terms are defined in title
31 twenty-six of article twenty-seven of this chapter, who:

32 i. fails to submit any report, registration, fee, or surcharge to the
33 department as required by title twenty-six of article twenty-seven of
34 this chapter shall be liable for a civil penalty not to exceed one thou-
35 sand five hundred dollars for each day such report, registration, fee,
36 or surcharge is not submitted; and

37 ii. violates any other provision of title twenty-six of article twen-
38 ty-seven of this chapter or fails to perform any duty imposed by such
39 title, except for subdivision four of section 27-2603 of this chapter,
40 shall be liable for a civil penalty for each violation not to exceed one
41 thousand five hundred dollars for the first violation, [~~two thousand~~
42 ~~five hundred~~] three thousand seven hundred fifty dollars for the second
43 violation and [~~five~~] seven thousand five hundred dollars for the third
44 and subsequent violations of this title within a twelve-month period.

45 d. Any retailer, as defined by section 27-2601 of this chapter, who
46 violates any provision of title twenty-six of article twenty-seven of
47 this chapter or fails to perform any duty imposed by such title, shall
48 be liable for a civil penalty for each violation not to exceed [~~two~~
49 ~~hundred—fifty~~] three hundred seventy-five dollars for the first
50 violation, [~~five~~] seven hundred fifty dollars for the second violation
51 and one thousand five hundred dollars for the third and subsequent
52 violations of this title in a twelve-month period.

53 e. Civil penalties under this section shall be assessed by the commis-
54 sioner after a hearing or opportunity to be heard pursuant to the
55 provisions of section 71-1709 of this article, or by the court in any
56 action or proceeding pursuant to this section, and, in addition thereto,

1 such person may by similar process be enjoined from continuing such
2 violation.

3 2. All penalties collected pursuant to this section shall be paid over
4 to the commissioner for deposit to the environmental protection fund
5 established pursuant to section ninety-two-s of the state finance law.

6 § 54. Subdivisions 1 and 3 of section 71-2907 of the environmental
7 conservation law, as amended by chapter 285 of the laws of 2000, are
8 amended to read as follows:

9 1. Administrative sanctions. Except as otherwise provided in this
10 subdivision, any person who violates any provision of article 33 of this
11 chapter or any rule, regulation or order issued thereunder or commits
12 any offense described in section 33-1301 of this chapter shall be liable
13 to the people of the state for a civil penalty not to exceed [~~five~~]
14 seven thousand five hundred dollars for a first violation, and not to
15 exceed [~~ten~~] fifteen thousand dollars for a subsequent offense, to be
16 assessed by the commissioner after a hearing or opportunity to be heard.
17 Notwithstanding any provision of law to the contrary, an owner or
18 owner's agent of a multiple dwelling or owner, owner's agent or a person
19 in a position of authority for all other types of premises, as such
20 terms are defined in paragraph d of subdivision five of section 33-0905
21 of this chapter, who violates any provision of a local law adopted
22 pursuant to subdivision one of section 33-1004 of this chapter relating
23 to paragraph b of such subdivision, and a person, who violates any
24 provision of a local law adopted pursuant to subdivision one of section
25 33-1004 of this chapter relating to paragraph c of such subdivision, and
26 a person who violates the provisions of subdivision three of section
27 three hundred ninety-c of the social services law shall, for a first
28 such violation, in lieu of a penalty, be issued a written warning and
29 shall also be issued educational materials pursuant to subdivision two
30 of section 33-1005 of this chapter. Such person shall, however, for a
31 second violation, be liable to the people of the state for a civil
32 penalty not to exceed one hundred fifty dollars, and not to exceed [~~two~~
33 ~~hundred—fifty~~] three hundred seventy-five dollars for any subsequent
34 violation, such penalties to be assessed by the commissioner after a
35 hearing or opportunity to be heard.

36 Notwithstanding any provision of law to the contrary, any person who
37 violates the provisions of a local law adopted pursuant to subdivision
38 one of section 33-1004 of this chapter relating to paragraph a of such
39 subdivision, shall be issued a warning for the first violation and shall
40 be provided seven days to correct such violation; and shall be liable to
41 the people of the state for a civil penalty not to exceed one hundred
42 fifty dollars for a second violation, and not to exceed [~~two hundred~~
43 ~~fifty~~] three hundred seventy-five dollars for a subsequent violation, to
44 be assessed by the commissioner after a hearing or opportunity to be
45 heard. The commissioner, acting by the attorney general, may bring suit
46 for collection of such assessed civil penalty in any court of competent
47 jurisdiction. Such civil penalty may be released or compromised by the
48 commissioner before the matter has been referred to the attorney gener-
49 al; and where such matter has been referred to the attorney general, any
50 such penalty may be released or compromised and any action commenced to
51 recover the same may be settled and discontinued by the attorney general
52 with the consent of the commissioner. Any civil penalty assessed by the
53 commissioner under this subdivision shall be reviewable in a proceeding
54 under article 78 of the civil practice law and rules.

55 3. Criminal sanctions. Any person who, having the culpable mental
56 states defined in subdivision one or two of section 15.05 or in section

1 20.20 of the penal law, violates any provision of article 33 of this
2 chapter or any rule, regulation thereunder or commits any offense
3 described in section 33-1301 of this chapter, except an offense relating
4 to the application of a general use pesticide shall be guilty of a
5 misdemeanor and, upon conviction thereof, shall be punished by a fine
6 not to exceed [~~five~~] seven thousand five hundred dollars for each day
7 during which such violation continues or by imprisonment for a term of
8 not more than one year, or by both such fine and imprisonment. If the
9 conviction is for a subsequent offense committed after a first
10 conviction of such person under this subdivision, punishment shall be by
11 a fine not to exceed [~~ten~~] fifteen thousand dollars for each day during
12 which such violation continues or by imprisonment for a term of not more
13 than one year, or by both such fine and imprisonment. When a violation
14 consists of the manufacture or production of any prohibited article,
15 each day during which or any part of which such manufacture or
16 production is carried on or continued, shall be deemed a separate
17 violation. Any person who violates any provision of article 33 of this
18 chapter or any rule or regulation thereunder or commits any offense
19 described in section 33-1301 of this chapter relating to the use of a
20 general use pesticide shall be guilty of a violation and, upon
21 conviction thereof, shall be punished by a fine not to exceed [~~twenty-~~
22 ~~five-hundred~~] three thousand seven hundred fifty dollars. If the
23 conviction is for a subsequent offense committed after the first such
24 conviction of such person under this subdivision, punishment shall be by
25 a fine not to exceed [~~five~~] seven thousand five hundred dollars. Prose-
26 cution hereunder may be conducted by either the attorney general or the
27 district attorney consistent with section 71-0403 of this article. With
28 respect to violations of section 33-1004 of this chapter, penalties
29 imposed pursuant to this subdivision may be assessed only against a
30 person providing a commercial lawn application.

31 § 55. Section 71-3103 of the environmental conservation law is amended
32 to read as follows:

33 § 71-3103. Enforcement of article 35.

34 Any person who violates any of the provisions of, or who fails to
35 perform any duties imposed by article 35 or any regulation promulgated
36 by the commissioner thereunder, shall be liable to a civil penalty of
37 not more than [~~twenty-five-hundred~~] three thousand seven hundred fifty
38 dollars for each such violation and an additional penalty of not more
39 than [~~five~~] seven hundred fifty dollars for each day during which such
40 violation continues, and, in addition thereto, such person may be
41 enjoined from continuing such violation. Penalties and injunctive relief
42 provided herein shall be recoverable in an action brought by the Attor-
43 ney General at the request and in the name of the commissioner.

44 § 56. Subdivision 1 of section 71-3303 of the environmental conserva-
45 tion law, as added by chapter 617 of the laws of 1987, is amended to
46 read as follows:

47 1. Any person who violates any provision of, or fails to perform any
48 duty imposed by article forty-three of this chapter or any rule or regu-
49 lation promulgated pursuant thereto, or any term or condition of any
50 certificate or permit issued pursuant thereto, or any final determi-
51 nation or order of the Lake George park commission made pursuant to
52 article forty-three of this chapter shall be liable for a civil penalty
53 not to exceed [~~five~~] seven hundred fifty dollars for each such violation
54 and an additional penalty of [~~five~~] seven hundred fifty dollars for each
55 day during which such violation continues, to be assessed by the Lake
56 George park commission after an opportunity to be heard, or by the court

1 in any action or proceeding initiated by the attorney general in the
2 name of the Lake George park commission. In addition thereto, such
3 person may, by similar process, be enjoined from continuing such
4 violation, and any permit or certificate issued to such person may be
5 revoked or suspended, or a pending renewal application denied based upon
6 such violation.

7 § 57. Section 71-3307 of the environmental conservation law, as added
8 by chapter 617 of the laws of 1987, is amended to read as follows:

9 § 71-3307. Criminal sanctions.

10 Any person who, having any of the culpable mental states defined in
11 section 15.05 of the penal law, shall violate any of the provisions of
12 or who fails to perform any duty imposed by article forty-three of this
13 chapter or any rules or regulations promulgated thereto, or any final
14 determination or order of the Lake George park commission shall be guilty
15 of a violation, and, upon conviction thereof, shall be punished by a
16 fine not to exceed [~~five~~] seven hundred fifty dollars for each violation
17 and [~~five~~] seven hundred fifty dollars for each day such violation shall
18 continue.

19 § 58. Section 71-3501 of the environmental conservation law is amended
20 to read as follows:

21 § 71-3501. Putting noisome or unwholesome substances or maintaining
22 noisome business on or near highway.

23 A person, who deposits, leaves or keeps, on or near a highway or route
24 of public travel, either on the land or on the water, any noisome or
25 unwholesome substance, or establishes, maintains or carries on, upon or
26 near a public highway or route of public travel, either on the land or
27 on the water, any business, trade or manufacture which is noisome or
28 detrimental to public health, is guilty of a misdemeanor, punishable by
29 a fine of not less than one hundred fifty dollars, or by imprisonment
30 not less than three nor more than six months, or both.

31 § 59. Section 71-3803 of the environmental conservation law, as added
32 by chapter 713 of the laws of 1975, is amended to read as follows:

33 § 71-3803. Enforcement of article thirty-eight.

34 Any person who violates any of the provisions of, or who fails to
35 perform any duty imposed by article thirty-eight or any regulation
36 promulgated by the commissioner thereunder, shall be liable to a civil
37 penalty of not more than [~~twenty-five hundred~~] three thousand seven
38 hundred fifty dollars for each such violation and an additional penalty
39 of not more than [~~five~~] seven hundred fifty dollars for each day during
40 which such violation continues, and, in addition thereto, such person
41 may be enjoined from continuing such violation. Penalties and injunctive
42 relief provided herein shall be recoverable in an action brought by the
43 attorney general acting alone or at the request of the commissioner.

44 § 60. Section 71-3903 of the environmental conservation law, as added
45 by chapter 732 of the laws of 1980, is amended to read as follows:

46 § 71-3903. Violations; penalties.

47 1. Administrative sanctions. Any person who violates, disobeys or
48 disregards any provision of article thirty-nine shall be liable to the
49 people of the state for a civil penalty of not to exceed [~~three~~] four
50 thousand five hundred dollars for every such violation, to be assessed
51 by the commissioner after a hearing or opportunity to be heard. The
52 penalty may be recovered in an action brought by the commissioner in any
53 court of competent jurisdiction. Such civil penalty may be released or
54 [~~comprised~~] compromised by the commissioner before the matter has been
55 referred to the attorney general; and where such matter has been
56 referred to the attorney general, any such penalty may be released or

1 [~~comprised~~] compromised and any action commenced to recover the same may
2 be settled and discontinued by the attorney general with the consent of
3 the commissioner. In addition, the commissioner shall have power,
4 following a hearing, to direct the violator to cease [~~his~~] their
5 violation of article thirty-nine and, where appropriate, to recall any
6 sewage system cleaners or additives sold or distributed in violation of
7 said article. Any such order of the commissioner shall be enforceable in
8 an action brought by the commissioner in any court of competent juris-
9 diction. Any civil penalty or order issued by the commissioner under
10 this subdivision shall be reviewable in a proceeding under article
11 seventy-eight of the civil practice law and rules commenced within thir-
12 ty days of such penalty or order.

13 2. Criminal sanctions. Any person who knowingly violates any provision
14 of section 39-0105 of this chapter shall, in addition to the sanctions
15 provided in subdivision one of this section, for the first offense, be
16 guilty of a violation punishable by a fine of not less than [~~five~~] seven
17 hundred fifty nor more than one thousand five hundred dollars; for a
18 second and each subsequent offense [~~he~~] such person shall be guilty of a
19 misdemeanor punishable by a fine of not less than one thousand five
20 hundred nor more than [~~three~~] four thousand five hundred dollars or a
21 term of imprisonment of not more than six months or both. In addition to
22 or instead of these sanctions, any offender shall be punishable by being
23 ordered by the court to recall any sewage system cleaners or additives
24 sold or distributed in violation of article thirty-nine. The court shall
25 specify a reasonable time for the completion of the recall. Each offense
26 shall be a separate and distinct offense and, in the case of a continu-
27 ing offense, each day's continuance thereof shall be deemed a separate
28 and distinct offense.

29 § 61. Section 71-3905 of the environmental conservation law, as added
30 by chapter 732 of the laws of 1980, is amended to read as follows:
31 § 71-3905. Enforcement.

32 The attorney general or a district attorney, at the request of the
33 attorney general or the commissioner, may prosecute persons who violate
34 article thirty-nine. In addition the attorney general, on [~~his~~] their
35 own initiative or at the request of the commissioner, shall have the
36 right to recover a civil penalty of not to exceed [~~three~~] four thousand
37 five hundred dollars for every violation of any provision of said arti-
38 cle, and to seek equitable relief to restrain any violation or threat-
39 ened violation of such article and to require the recall of any sewage
40 system cleaners or additives sold or distributed in violation of said
41 article.

42 § 62. Section 71-4001 of the environmental conservation law, as
43 amended by chapter 99 of the laws of 2010, is amended to read as
44 follows:

45 § 71-4001. General criminal penalty.

46 Except as otherwise specifically provided elsewhere in this chapter or
47 in the penal law, (a) a person who violates any provision of this chap-
48 ter, or any rule, regulation or order promulgated pursuant thereto, or
49 the terms or conditions of any permit issued thereunder, shall be guilty
50 of a violation; (b) each day on which such violation occurs shall
51 constitute a separate violation; and (c) for each such violation the
52 person shall be subject upon conviction to imprisonment for not more
53 than fifteen days or to a fine of not more than [~~nine~~] one thousand
54 three hundred fifty dollars, or to both such imprisonment and such fine.

1 § 63. Section 71-4003 of the environmental conservation law, as
2 amended by chapter 99 of the laws of 2010, is amended to read as
3 follows:

4 § 71-4003. General civil penalty.

5 Except as otherwise specifically provided elsewhere in this chapter, a
6 person who violates any provision of this chapter, or any rule, regu-
7 lation or order promulgated pursuant thereto, or the terms or conditions
8 of any permit issued thereunder, shall be liable to a civil penalty of
9 not more than one thousand five hundred dollars, and an additional civil
10 penalty of not more than one thousand five hundred dollars for each day
11 during which each such violation continues. Any civil penalty provided
12 for by this chapter may be assessed following a hearing or opportunity
13 to be heard.

14 § 64. Section 71-4103 of the environmental conservation law, as
15 amended by chapter 608 of the laws of 1993, is amended to read as
16 follows:

17 § 71-4103. Enforcement of article seventy-two.

18 Any person who violates any of the provisions of article seventy-two
19 of this chapter or the regulations promulgated thereunder shall be
20 liable for a civil penalty of up to one thousand five hundred dollars in
21 addition to any amount assessed as a penalty pursuant to subdivision
22 five of section 72-0201 of this chapter, except that any person who
23 fails to pay fees required pursuant to section 72-0303 of this chapter
24 shall be subject to penalty provisions pursuant to subdivision twelve of
25 section 72-0201 of this chapter.

26 § 65. Section 71-4303 of the environmental conservation law, as added
27 by chapter 672 of the laws of 1986, is amended to read as follows:

28 § 71-4303. Violations of article forty of this chapter.

29 1. Civil and administrative sanctions. Any person who violates any of
30 the provisions of, or who fails to perform any duty imposed by, article
31 forty of this chapter or any rule or regulation promulgated thereunder,
32 or any terms or conditions of any certificate or permit issued pursuant
33 thereto, or any final determination or order of the commissioner made
34 pursuant to this title, shall be liable in the case of a civil penalty
35 not to exceed twenty-five thousand five hundred dollars and an addi-
36 tional penalty of not more than [~~twenty-five thousand~~] thirty-seven
37 thousand five hundred dollars for each day during which such violation
38 continues, to be assessed by the commissioner after an opportunity to be
39 heard pursuant to the provisions of section 71-1709 of this article or
40 by a court in any action or proceeding pursuant to this title, and, in
41 addition thereto such person may by similar process be enjoined from
42 continuing such violation. In addition, upon the provision of notice
43 stating the grounds for its action and giving an opportunity for hear-
44 ing, the commissioner may revoke, suspend or deny a certificate or a
45 renewal of a certificate issued pursuant to article forty of this chap-
46 ter. In the case of a second violation, the liability shall be for a
47 civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for
48 such violation and an additional penalty not to exceed [~~fifty~~] seventy-
49 five thousand dollars for each day during which such violation contin-
50 ues.

51 2. Criminal sanctions. Any person who, having any of the culpable
52 mental states defined in section 15.05 of the penal law, shall violate
53 any of the provisions of or who fails to perform any duty imposed by
54 article forty of this chapter or any rules or regulations promulgated
55 pursuant thereto, or any term or condition of any certificate or permit
56 issued pursuant thereto, or any final determination or order of the

1 commissioner made pursuant to this title shall be guilty of a misdemea-
2 nor and, upon conviction thereof, shall for a first conviction be
3 punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand
4 five hundred dollars per day of violation or by imprisonment for a term
5 of not more than one year, or by both such fine and imprisonment. If the
6 conviction is for an offense committed after a first conviction of such
7 person under this subdivision, punishment shall be by a fine not to
8 exceed [~~fifty~~] seventy-five thousand dollars per day of violation, or by
9 imprisonment for not more than two years or by both such fine and impri-
10 sonment.

11 § 66. Section 71-4402 of the environmental conservation law, as added
12 by chapter 180 of the laws of 1989, is amended to read as follows:

13 § 71-4402. Violations of title 15 of article 27 of this chapter.

14 1. Civil and administrative sanctions.

15 Any person who violates any of the provisions of, or who fails to
16 perform any duty imposed by title 15 of article 27 of this chapter, or
17 any rule or regulation promulgated pursuant thereto, or any term or
18 condition of any certificate or permit issued pursuant thereto, or any
19 final determination or order of the commissioner made pursuant to this
20 title shall be liable in the case of a first violation, for a civil
21 penalty not to exceed [~~twenty-five~~] thirty-seven thousand five hundred
22 dollars and an additional penalty of not more than [~~twenty-five~~] thir-
23 ty-seven thousand five hundred dollars for each day during which such
24 violation continues, to be assessed by the commissioner after an oppor-
25 tunity to be heard pursuant to the provisions of section 71-1709 of this
26 chapter, or by the court in any action or proceeding pursuant to section
27 71-2727 of this chapter, and, in addition thereto, such persons may by
28 similar process be enjoined from continuing such violation and any
29 permit or certificate issued to such person may be revoked or suspended
30 or a pending renewal application denied. In the case of a second and any
31 further violation, the liability shall be for a civil penalty not to
32 exceed [~~fifty~~] seventy-five thousand dollars for each such violation and
33 an additional penalty not to exceed [~~fifty~~] seventy-five thousand
34 dollars for each day during which such violation continues.

35 2. Criminal sanctions.

36 a. Any person who violates any of the provisions of or who fails to
37 perform any duty imposed by title 15 of article 27 of this chapter or
38 any rules and regulations promulgated pursuant thereto, or any term or
39 condition of any certificate or permit issued pursuant thereto, or any
40 final determination or order of the commissioner made pursuant to this
41 title shall be guilty of a violation and, upon conviction thereof, shall
42 be punished by a fine not to exceed [~~five~~] seven thousand five hundred
43 dollars per day of violation, or by imprisonment for a term of not more
44 than fifteen days, or by both such fine and imprisonment.

45 b. Any person who, intentionally, knowingly, or recklessly shall
46 violate any of the provisions of or who fails to perform any duty
47 imposed by title 15 of article 27 of this chapter or any rules and regu-
48 lations promulgated pursuant thereto, or any term or condition of any
49 certificate or permit issued pursuant thereto, or any final determi-
50 nation or order of the commissioner made pursuant to this title shall be
51 guilty of a class B misdemeanor and, upon conviction thereof, shall for
52 a first conviction be punished by a fine not to exceed [~~fifteen~~] twen-
53 ty-two thousand five hundred dollars per day of violation or by impri-
54 sonment for a term of not more than ninety days, or both such fine and
55 imprisonment. If the conviction is for an offense committed after a
56 first conviction of such person under this paragraph, within the preced-

1 ing five years, such person shall be guilty of a class A misdemeanor and
2 upon conviction, punishment shall be by a fine not to exceed [~~fifty~~]
3 seventy-five thousand five hundred dollars per day of violation, or by
4 imprisonment for not more than one year or by both such fine and impri-
5 sonment.

6 § 67. Subdivision 2 of section 71-4411 of the environmental conserva-
7 tion law, as added by chapter 180 of the laws of 1989, is amended to
8 read as follows:

9 2. Fines. A sentence to pay a fine shall be a sentence to pay any
10 amount fixed by the court, not exceeding the higher of:

11 (a) [~~one hundred fifty~~] two hundred twenty-five thousand dollars for a
12 class D felony;

13 (b) one hundred fifty thousand dollars for a class E felony;

14 (c) [~~fifty~~] seventy-five thousand dollars for a class A misdemeanor;

15 (d) [~~fifteen~~] twenty-two thousand five hundred dollars for a class B
16 misdemeanor; or

17 (e) double the amount of the defendant's gain from the commission of
18 the crime.

19 § 68. The opening paragraph of subdivision 5 and subdivision 12 of
20 section 72-0201 of the environmental conservation law, the opening para-
21 graph of subdivision 5 as added by chapter 15 of the laws of 1983, and
22 subdivision 12 as added by chapter 608 of the laws of 1993, are amended
23 to read as follows:

24 If the amount of the fee is not paid within forty-five days of the
25 last date prescribed under subdivision four of this section, a penalty
26 shall be imposed on such deficiency. The amount of such penalty shall
27 not exceed [~~five~~] seven and one half percent of such deficiency per
28 month and the total penalty shall not exceed twenty-five percent of the
29 deficiency.

30 12. Notwithstanding any other provision of this section, any person
31 who fails to pay fees required pursuant to section 72-0303 of this arti-
32 cle shall pay a penalty of [~~fifty~~] seventy-five per centum of the unpaid
33 fee amount, plus interest on the unpaid fee amount computed in accord-
34 ance with section 6621(a)(2) of the United States internal revenue code
35 of 1986 (Public Law 99-514, 26 U.S.C. section 1 et seq.) from the date
36 the fee was required to be paid.

37 § 69. Subdivisions 2 and 3 of section 57-0136 of the environmental
38 conservation law, as amended by chapter 289 of the laws of 2006, are
39 amended to read as follows:

40 2. Civil penalties. (a) For a violation that takes place in the "core
41 preservation area" as defined in subdivision eleven of section 57-0107
42 of this title, any person who violates any provision of this title, the
43 land use plan adopted by the commission, any regulation promulgated by
44 the commission, or the terms or conditions of any order, permit, or
45 determination issued by the commission pursuant to this title shall be
46 liable for a civil penalty of not more than [~~twenty-five thousand~~] thir-
47 ty-seven thousand five hundred dollars for each violation and an addi-
48 tional civil penalty of not more than one thousand five hundred dollars
49 for each day that such violation continues.

50 (b) For a violation that takes place in the "compatible growth area"
51 as defined in subdivision twelve of section 57-0107 of this title, any
52 person who violates any provision of this title, the land use plan
53 adopted by the commission, any regulation promulgated by the commission,
54 or the terms or conditions of any order, permit, or determination issued
55 by the commission pursuant to this title shall be liable for a civil
56 penalty of not more than [~~ten~~] fifteen thousand dollars for each

1 violation and an additional civil penalty of not more than one thousand
2 five hundred dollars for each day that such violation continues.

3 3. Criminal penalties. (a) For a violation that takes place in the
4 "core preservation area" as defined in subdivision eleven of section
5 57-0107 of this title, any person who willfully or intentionally
6 violates any provision of this title, the land use plan adopted by the
7 commission, any regulation promulgated by the commission, or the terms
8 or conditions of any order, permit, or determination issued by the
9 commission pursuant to this title shall be guilty of a misdemeanor
10 punishable by a fine of not more than [~~twenty-five thousand~~] thirty-sev-
11 en thousand five hundred dollars for each violation and an additional
12 fine of not more than one thousand five hundred dollars for each day
13 that such violation continues.

14 (b) For a violation that takes place in the "compatible growth area"
15 as defined in subdivision twelve of section 57-0107 of this title, any
16 person who willfully or intentionally violates any provision of this
17 title, the land use plan adopted by the commission, any regulation
18 promulgated by the commission, or the terms or conditions of any order,
19 permit, or determination issued by the commission pursuant to this title
20 shall be guilty of a misdemeanor punishable by a fine of not more than
21 [~~ten~~] fifteen thousand dollars for each violation and an additional fine
22 of not more than one thousand five hundred dollars for each day that
23 such violation continues.

24 § 70. Subdivision 1 of section 37-0211 of the environmental conserva-
25 tion law, as added by chapter 286 of the laws of 1990, such section as
26 renumbered by chapter 307 of the laws of 2020, is amended to read as
27 follows:

28 1. A violation of any of the provisions of this title or any rule or
29 regulation promulgated pursuant thereto shall be punishable in the case
30 of a first violation, by a civil penalty not to exceed [~~ten~~] fifteen
31 thousand dollars. In the case of a second and any further violation, the
32 liability shall be for a civil penalty not to exceed [~~twenty-five thou-~~
33 ~~sand~~] thirty-seven thousand five hundred dollars for each violation.

34 § 71. Section 33-0925 of the environmental conservation law, as
35 amended by chapter 43 of the laws of 2007, is amended to read as
36 follows:

37 § 33-0925. Sanctions.

38 Notwithstanding any other provision of law or regulation pursuant to
39 this title and/or any provision of this article as it relates to the
40 application of aquatic antifouling paints, any person who violates any
41 provision of this title or any rule, regulation or order issued there-
42 under shall be liable to the people of this state for a civil penalty of
43 up to one thousand five hundred dollars for a first violation to be
44 assessed by the commissioner after a hearing or opportunity to be heard.
45 In determining the amount of the penalty, the commissioner shall take
46 into account whether the violation posed an immediate threat to the
47 environment or the health and safety of the public. Any subsequent
48 violation of this title and/or any provision of this article as it
49 relates to the application of aquatic antifouling paints would be
50 subject to the appropriate sanctions pursuant to sections 71-2907 and
51 71-2911 of this chapter.

52 § 72. Subdivisions 1, 2 and 3 of section 27-1809 of the environmental
53 conservation law, as added by chapter 562 of the laws of 2010, are
54 amended to read as follows:

55 1. Any person who violates the provisions of section 27-1805 of this
56 title shall be liable for a civil penalty in the amount of [~~fifty~~]

1 ~~seventy-five~~ dollars for the first violation, one hundred ~~fifty~~ dollars
2 for a second violation committed within twelve months of a prior
3 violation and [~~two~~] ~~three~~ hundred dollars for a third or subsequent
4 violation committed within twelve months of any prior violation.

5 2. Any retailer as that term is defined in section 27-1803 of this
6 title, who violates the provisions of section 27-1807 of this title
7 shall be liable for a civil penalty in the amount of [~~two~~] ~~three~~ hundred
8 dollars for the first violation, [~~four~~] ~~six~~ hundred dollars for a second
9 violation committed within twelve months of a prior violation, and [~~five~~
10 ~~hundred~~] ~~seven hundred fifty~~ dollars for a third or subsequent violation
11 committed within twelve months of any prior violation.

12 3. Any battery manufacturer, as that term is defined in section
13 27-1803 of this title, who violates the provisions of section 27-1807 of
14 this title shall be liable for a civil penalty in the amount of [~~two~~]
15 ~~three~~ thousand dollars for the first violation, [~~four~~] ~~six~~ thousand
16 dollars for a second violation committed within twelve months of a prior
17 violation, and [~~five-thousand~~] ~~seven thousand five hundred~~ dollars for a
18 third or subsequent violation committed within twelve months of any
19 prior violation.

20 § 73. Paragraph a of subdivision 9 of section 27-1012 of the environ-
21 mental conservation law, as added by section 8 of part SS of chapter 59
22 of the laws of 2009, is amended to read as follows:

23 a. Any person required to be registered under this section who, with-
24 out being so registered, sells or offers for sale beverage containers in
25 this state, in addition to any other penalty imposed by this title,
26 shall be subject to a penalty to be assessed by the commissioner of
27 taxation and finance in an amount not to exceed [~~five-hundred~~] ~~seven~~
28 ~~hundred fifty~~ dollars for the first day on which such sales or offers
29 for sale are made, plus an amount not to exceed [~~five-hundred~~] ~~seven~~
30 ~~hundred fifty~~ dollars for each subsequent day on which such sales or
31 offers for sale are made, not to exceed [~~twenty-five-thousand~~] ~~thirty-~~
32 ~~seven thousand five hundred~~ dollars in the aggregate.

33 § 74. Subdivisions 1, 2, 3 and 4 of section 27-1015 of the environ-
34 mental conservation law, as amended by section 8 of part F of chapter 58
35 of the laws of 2013, are amended to read as follows:

36 1. Except as otherwise provided in this section and section 27-1012 of
37 this title, any person who shall violate any provision of this title
38 shall be liable to the state of New York for a civil penalty of not more
39 than [~~five-hundred~~] ~~seven hundred fifty~~ dollars, and an additional civil
40 penalty of not more than [~~five-hundred~~] ~~seven hundred fifty~~ dollars for
41 each day during which each such violation continues. Any civil penalty
42 may be assessed following a hearing or opportunity to be heard.

43 2. Any distributor, deposit initiator, redemption center or dealer who
44 violates any provision of this title, except as provided in section
45 27-1012 of this title, shall be liable to the state of New York for a
46 civil penalty of not more than one thousand ~~five hundred~~ dollars, and an
47 additional civil penalty of not more than one thousand ~~five hundred~~
48 dollars for each day during which each such violation continues. Any
49 civil penalty may be assessed following a hearing or opportunity to be
50 heard.

51 3. It shall be unlawful for a distributor or deposit initiator, acting
52 alone or aided by another, to return any empty beverage container to a
53 dealer or redemption center for its refund value if the distributor or
54 deposit initiator had previously accepted such beverage container from
55 any dealer or operator of a redemption center or if such container was
56 previously accepted by a reverse vending machine. A violation of this

1 subdivision shall be a misdemeanor punishable by a fine of not less than
2 [~~five hundred~~] seven hundred fifty dollars nor more than one thousand
3 five hundred dollars and an amount equal to two times the amount of
4 money received as a result of such violation.

5 4. Any person who willfully tenders to a dealer, distributor, redemp-
6 tion center or deposit initiator more than forty-eight empty beverage
7 containers for which such person knows or should reasonably know that no
8 deposit was paid in New York state may be assessed by the department a
9 civil penalty of up to one hundred fifty dollars for each container or
10 up to [~~twenty-five thousand~~] thirty-seven thousand five hundred dollars
11 for each such tender of containers. At each location where a person
12 tenders containers for redemption, dealers and redemption centers must
13 conspicuously display a sign in letters that are at least one inch in
14 height with the following information: "WARNING: Persons tendering for
15 redemption containers on which a deposit was never paid in this state
16 may be subject to a civil penalty of up to one hundred fifty dollars per
17 container or up to [~~twenty-five thousand~~] thirty-seven thousand five
18 hundred dollars for each such tender of containers." Any civil penalty
19 may be assessed following a hearing or opportunity to be heard.

20 § 75. Subdivision 1 of section 27-2807 of the environmental conserva-
21 tion law, as added by section 2 of part H of chapter 58 of the laws of
22 2019, is amended to read as follows:

23 1. Any person required to collect tax who violates any provision of
24 section 27-2803 of this title shall receive a warning notice for the
25 first such violation. A person required to collect tax shall be liable
26 to the state of New York for a civil penalty of [~~two hundred fifty~~]
27 three hundred seventy-five dollars for the first violation after receiv-
28 ing a warning and [~~five hundred~~] seven hundred fifty dollars for any
29 subsequent violation in the same calendar year. For purposes of this
30 section, each commercial transaction shall constitute no more than one
31 violation. A hearing or opportunity to be heard shall be provided prior
32 to the assessment of any civil penalty.

33 § 76. Subdivision 4 of section 23-1715 of the environmental conserva-
34 tion law, as amended by chapter 233 of the laws of 1979, is amended to
35 read as follows:

36 4. In the event of the failure of the holder of an environmental safe-
37 ty permit issued under section 23-1707 of this title, of route certifi-
38 cation under section 23-1713 of this title, or of a non-conforming
39 facility under section 23-1719 of this title to comply with the terms
40 thereof or the provisions of the rules and regulations adopted under
41 article 70 of this chapter, the department may revoke said permit or
42 certificate pursuant to the provisions of article 70 of this chapter and
43 impose upon the holder of such permit or certificate a civil penalty of
44 up to one thousand five hundred dollars for each day the holder thereof
45 has failed to comply with this title or a permit or certificate issued
46 hereunder, together with the allocated costs of the revocation and
47 enforcement proceeding itself.

48 § 77. Subdivisions 4 and 5 of section 19-0320 of the environmental
49 conservation law, as added by chapter 621 of the laws of 1998, the open-
50 ing paragraph of subdivision 4 as amended by section 1 and the opening
51 paragraph of subdivision 5 as amended by section 2 of part W1 of chapter
52 62 of the laws of 2003, are amended to read as follows:

53 4. Notwithstanding the provisions of title twenty-one of article
54 seventy-one of this chapter, operation of a heavy duty vehicle which,
55 when tested, exceeds emission levels set forth in regulations promulgat-
56 ed pursuant to this section shall be a violation, and the following

1 penalties shall apply to any violation found as a result of roadside
2 emissions inspections:

- 3 a. First violation: [~~\$ 700.00~~] \$1050.00
4 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

5 b. The penalties set forth in paragraph a of this subdivision shall be
6 reduced to [~~one hundred fifty~~] two hundred twenty-five dollars for the
7 first violation and [~~five hundred~~] seven hundred fifty dollars for the
8 second and subsequent violations by the court or administrative tribunal
9 before which the summons or appearance ticket is returnable if the
10 violation set forth in the summons or appearance ticket is corrected not
11 later than thirty days after the issuance of the summons or appearance
12 ticket and proof of such correction, as defined in paragraph c of this
13 subdivision, is submitted to the court or administrative tribunal. The
14 penalties described in this section shall not apply to vehicles defined
15 by section one hundred forty-two of the vehicle and traffic law or owned
16 by a county, town, city, or village for a first violation provided the
17 vehicle is repaired within thirty days of ticket issuance.

18 c. Acceptable proof of repair or adjustment shall be submitted to the
19 court or administrative tribunal on or before the return date of the
20 summons or appearance ticket in a form and manner prescribed by regu-
21 lations adopted pursuant to this section.

22 5. Notwithstanding the provisions of title twenty-one of article
23 seventy-one of this chapter, operation of any heavy duty vehicle regis-
24 tered or required to be registered in this state without a certificate
25 of inspection resulting from an annual inspection as required by regu-
26 lations adopted pursuant to this section shall be a violation, and the
27 following violation structure shall apply to such violations:

- 28 a. First violation: [~~\$ 700.00~~] \$1050.00
29 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

30 b. The penalties defined in paragraph a of this subdivision shall be
31 reduced to [~~three hundred fifty~~] five hundred twenty-five dollars for
32 the first violation and [~~seven hundred fifty~~] one thousand one hundred
33 twenty-five dollars for second and subsequent violations, provided that
34 the vehicle in question bears a certificate which was valid within the
35 last thirty days. The penalties described in this section shall not
36 apply to vehicles defined by section one hundred forty-two or owned by a
37 county, town, city, or village of the vehicle and traffic law for a
38 first violation provided the vehicle is repaired within thirty days of
39 ticket issuance.

40 § 78. Subdivision 6 of section 17-1745 of the environmental conserva-
41 tion law, as added by chapter 199 of the laws of 1999, is amended to
42 read as follows:

43 6. Penalties. Failure to comply with the provisions of this section
44 shall result in fines of [~~two hundred fifty~~] three hundred seventy-five
45 dollars per day for each violation.

46 § 79. Section 15-2723 of the environmental conservation law, as
47 amended by chapter 613 of the laws of 1975, is amended to read as
48 follows:

49 § 15-2723. Penalties and enforcement.

50 Any person who violates any provision of this title or any regulation
51 or order issued pursuant to this act by the commissioner or the agency
52 may be compelled to comply with or obey the same by injunction, mandamus
53 or other appropriate remedy. In addition, any such person shall pay a
54 civil penalty of not less than one hundred fifty dollars or more than
55 one thousand five hundred dollars for each day of such violation. The
56 commissioner or the agency as the case may be, is authorized to commence

1 a civil action to recover such civil penalties or other appropriate
2 relief.

3 § 80. Subdivision 3 of section 11-0538 of the environmental conserva-
4 tion law, as added by chapter 307 of the laws of 2014, is amended to
5 read as follows:

6 3. Any person who violates the provisions of this section shall be
7 subject to a penalty of not more than [~~five hundred~~] seven hundred fifty
8 hundred dollars for the first offense and not more than one thousand five
9 hundred dollars for a second and subsequent offenses. Each instance of
10 allowing direct contact of a big cat with the public in violation of
11 this section shall constitute a separate offense.

12 § 81. Subdivision 9 of section 11-0512 of the environmental conserva-
13 tion law, as amended by chapter 326 of the laws of 2012, is amended to
14 read as follows:

15 9. Notwithstanding any other provision of law, any person who knowingly
16 breeds a wild animal or knowingly possesses, owns, harbors, sells,
17 barter, transfers, exchanges, or imports a wild animal for use as a pet
18 or intentionally releases or sets at-large any wild animal, authorized
19 by this section for use as a pet, from the location where the animal is
20 permitted to be possessed or harbored in violation of the provisions of
21 this section shall be subject to a penalty of not more than [~~five~~
22 ~~hundred~~] seven hundred fifty dollars for the first offense and not more
23 than one thousand five hundred dollars for a second and subsequent
24 offenses. Each instance of breeding, owning, harboring, sale, barter,
25 release, transfer, exchange, or import of a wild animal in violation of
26 this section shall constitute a separate offense.

27 § 82. Subdivision 3 of section 9-1503 of the environmental conserva-
28 tion law, as amended by chapter 222 of the laws of 1976, is amended to
29 read as follows:

30 3. No person shall, in any area designated by such list or lists,
31 knowingly pick, pluck, sever, remove, damage by the application of
32 herbicides or defoliant or carry away, without the consent of the owner
33 thereof, any protected plant. An offense under this section shall be a
34 violation, punishable by a fine of not to exceed [~~twenty-five dollars~~]
35 thirty-seven dollars and fifty cents.

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